

River Heights City

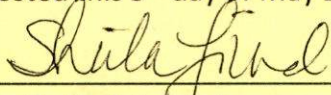
River Heights City PLANNING COMMISSION AGENDA

Tuesday, May 10, 2022

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:35 p.m. Adoption of Previous Minutes and Agenda
- 6:40 p.m. Public Comment on Land Use
- 6:50 p.m. Public Hearing to Discuss a Kennel Conditional Use Permit Application from Hollee Petersen (Jeff Smith and Grace Edwards)
- 7:05 p.m. Final Review of the Tree City USA Ordinance
- 8:00 p.m. Adjourn

Posted this 5th day of May 2022



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/82335204405?pwd=UTIGU3NLSG5pVmFQeHY2Y1BmcWRydz09>

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

River Heights City Planning Commission Minutes of the Meeting May 10, 2022

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6 Present: Commission members: Noel Cooley, Chairman
7 Lance Pitcher
8 Cindy Schaub
9 Troy Wakefield
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11 Recorder Sheila Lind
12 Tech Staff Councilmember Chris Milbank
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14 Excused: Councilmember Blake Wright
15 Commissioner Heather Lehnig
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17 Others Present: Hollee Peterson, Jeff Smith
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Motions Made During the Meeting

Motion #1

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22 Commissioner Schaub moved to “approve the minutes of the April 26, 2022, Commission
23 Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the
24 motion, which carried with Cooley, Pitcher, Schaub, and Wakefield in favor. Lehnig was absent. No
25 one opposed.
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Motion #2

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29 Commissioner Pitcher moved to “approve the Kennel Conditional Use Permit for Hollee
30 Peterson, Jeff Smith and Grace Edwards, of 685 E 600 S, with the conditions that if they vacate the
31 property the permit will no longer be valid and no more than 3 dogs allowed.” Commissioner
32 Wakefield seconded the motion, which carried with Cooley, Pitcher, Schaub, and Wakefield in favor.
33 No one opposed.
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Proceedings of the Meeting

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37 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council
38 Chambers on May 10, 2022.

Pledge of Allegiance

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40 Adoption of Prior Minutes and Agenda: Minutes for the April 26, 2022, Planning Commission
41 Meeting were reviewed.

42 Commissioner Schaub moved to “approve the minutes of the April 26, 2022, Commission
Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the

44 motion, which carried with Cooley, Pitcher, Schaub, and Wakefield in favor. Lehnig was absent. No
45 one opposed.

46 Public Comment on Land Use: There was none.

47 Public Hearing to Discuss a Kennel Conditional Use Permit Application from Hollee Petersen,
48 Jeff Smith, and Grace Edwards: Hollee Petersen explained that she and her husband (Jeff) have two
49 dogs. Her niece (Grace) and her dog have come to live with them while she attends school. She is
50 from Fish Haven, so she sometimes travels back. Grace's dog is a small Golden Doodle. Their dogs
51 are a Border Collie Poodle and a King Charles Cavalier. They have no intention of getting a fourth
52 dog.

53 Commissioner Cooley read written comments from Melanie Stock and Janet Bowles, both
54 who were supportive.

55 Commissioner Pitcher said he is a neighbor of Ms. Petersen and Mr. Smith, and he was
56 unaware they had dogs. Ms. Petersen said she works from home and keeps an eye on the dogs all
57 day. They get let out to run in their field sometimes.

58 Commissioner Schaub suggested the condition that if they move from their home the permit
59 would be void.

60 Commissioner Wakefield asked how long their niece would be with them. Ms. Petersen said
61 they don't know but she guessed at least a year.

62 Commissioner Cooley discussed parts of the city code, such as, if there are issues where
63 animal control is called, the city will follow their recommendations, and the permit will be revoked if
64 they don't renew it each year.

65 **Commissioner Pitcher moved to "approve the Kennel Conditional Use Permit for Hollee
66 Peterson, Jeff Smith and Grace Edwards, of 685 E 600 S, with the conditions that if they vacate the
67 property the permit will no longer be valid and no more than 3 dogs allowed." Commissioner
68 Wakefield seconded the motion, which carried with Cooley, Pitcher, Schaub, and Wakefield in
69 favor. No one opposed.**

70 Final Review of the Tree City USA Ordinance: Commissioner Schaub presented a cleaned-up
71 draft of the ordinance they had reviewed at the last meeting.

72 Commissioner Cooley asked if Councilmember Wright felt good about having a council
73 member on the tree board. It was affirmed that he agreed and even suggested it.

74 Commissioner Schaub reviewed the changes they discussed at their last meeting. She also
75 addressed the Tree Planting Guide. They agreed to keep the scientific names of the trees, rather than
76 the common ones.

77 Recorder Lind informed there was no tree brochure in the office, as referenced in 10-16-5:E.
78 They suggested maybe the Tree Board could come up with the brochure. Commissioner Pitcher read
79 from 10-15-7:A.2&3, which addressed the types of trees recommended and referred to a Selection
80 and Planting Guide available in the city office, which is also included in the appendix of the code.
81 They decided to refer to the code.

82 Commissioner Cooley announced that the Tree City Ordinance was now ready for a public
83 hearing the next time they schedule one for other code changes. The purpose of the ordinance was
84 to satisfy the recommendation of the Tree City USA, which he didn't feel needed to be hurried
85 through to adoption.

86 Commissioner Cooley said if they receive a site analysis from Jabaa before the next meeting,
87 they will schedule a 6:00 pm site visit prior to the meeting.

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Commissioner Cooley reported that he met with County and Logan City engineers and found out there is a sewer stub from 100 East to the gravel section of 500 South. The County wouldn't have a problem with what happens on the road, however, there is a question on who owns portions of the road. It will be up to Mr. Bentley to work through and figure it out.

The meeting adjourned at 7:10 p.m.



Noel Cooley, Commission Chair



Sheila Lind, Recorder

Public hearing date: 5/10/22

River Heights City Kennel Conditional Use Permit Application

The Keeping of Three or More Dogs

Name of Dog Owner: Grace Edwards/ Jeff Smith/ Hollee Petersen Date: 3/3/22

Phone #: _____ Email: _____

Address: 685 E 600 S, River Heights, UT 84321 fax ID: 02-022-0025

Number of dogs requested: 3 Property for animal support (sq ft): .75 acres

Description of shelter provided, care of animals, etc: We have two dogs already registered, a 10 yr old

15 lb King Charles Cavalier/Papillion mix (Penny) and a 5 yr old 60 lb. Border Collie/Poodle (Norm). My niece is staying with us right now while she goes to USU as her parents live in Fish Haven, ID. She spends a

lot of time in Bear Lake but she has a 1 year old 40 lb Golden Retriever/Poodle (Cliff) that stays when she is here.

All our dogs are inside dogs and just go out when needed. They do go out to play in our field when the weather is good but typically only when we are outside with them. Our field and yard are fenced. They are friendly, playful dogs. ~~The older two are fixed and the Golden Retriever has an appointment to get neutered on 4/3/22.~~ We have no desire to breed, nor have more dogs. We work from home so they are almost never left alone.

Application fee is \$100 and is nonrefundable.

Date paid 100.00 Check number VISA By 4/18/22

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.



Sheila Lind <office@riverheights.org>

Dogs two doors down

1 message

Melanie S <melanie.n.stock@gmail.com>
To: Sheila Lind <office@riverheights.org>

Mon, May 9, 2022 at 10:30 AM

Hi Sheila,

I received a letter from River Heights regarding my neighbors two doors to the east and their desire to keep three dogs. I won't be able to attend the meeting, so I hope you could pass along my input.

I wholeheartedly support them and see no issue with having the three dogs on the property. They are quiet neighbors and responsible dog owners.

Thank you and best wishes,

Melanie

—
Dr. Melanie N. Stock

Certified Associate Professional Soil Scientist, Soil Science Society of America

Assistant Professor & Small Farms and Urban Agriculture Extension Specialist

Utah State University | Department of Plants, Soil, & Climate | 4820 Old Main Hill, Logan, UT 84322-4820



520 South 500 East
River Heights, Utah 84321
Phone & Fax (435) 752-2646

April 28, 2022

Dear Resident,

Jeff Smith and Hollee Petersen, of 685 E 600 S, have applied for a Kennel Conditional Use Permit to keep 3 dogs on their property. They currently have two dogs, a King Charles Cavalier/Papillion, and a Border Collie/Poodle.

Their niece will be moving in with them to attend school and has a Golden Retriever/Poodle. All the dogs stay inside most of the time. When the dogs go out to play, they are usually accompanied by someone in the family. Their field and yard are fenced. The dogs are playful and friendly. They have no desire to breed or have more dogs. They work from home, so the dogs are almost never left alone.

Because you own property within 300 feet of their property, you are invited to a public hearing scheduled for Tuesday, May 10, 2022, at 6:30 p.m.; where the Planning Commission will hear comments and decide whether the permit will be granted. The meeting will be held at the River Heights City Building, 520 South 500 East. Attendance can be in person or through Zoom. (The link will be posted at www.riverheights.org 3 days prior to the meeting.) Written comments can be addressed to Commission Chair Noel Cooley and will be accepted up until noon on the date of the hearing.

Sincerely,

River Heights City

Mr. Cooley -

I have no problem with these residents having 3 dogs. I appreciate them following the City code. I only wish other River Height residents would do the same.

Janet Bowles

TITLE 10

Chapter 16

TREE CITY USA

SECTION:

- 10-16-1: Purpose
- 10-16-2: Definitions
- 10-16-3: Tree Advisory Board
- 10-16-4: Authority
- 10-16-5: Tree Planting and Care Standards
- 10-16-6: Prohibition Against Harming Public Trees
- 10-16-7: Adjacent Owner Responsibility
- 10-16-8: Certain Trees Declared a Nuisance
- 10-16-9: Appeals

10-16-1: PURPOSE

Establish practices governing the proper planting and care of trees on public property. To enhance the quality of life and future health, safety, and welfare of all citizens; to enhance property values. Make provision for the emergency removal of trees on private property under certain conditions. Accept the authority and responsibility given to the Tree Advisory Board as created by the City Council.

10-16-2: DEFINITIONS

As used in this Article, the following words and phrases shall have the meanings indicated:

DAMAGE: Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

NUISANCE: Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

PARK STRIP: The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

PUBLIC PROPERTY: All grounds and rights-of-way (ROWS) owned or maintained by the City.

PUBLIC TREE: Any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

TOP or TOPPING: The non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

10-16-3: TREE ADVISORY BOARD

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

A. Duties: The Board shall act in an advisory capacity:

1. Coordinate and promote Arbor Day activities;
2. Review and update a five-year plan to plant and maintain trees on city property;
3. Support public awareness and education programs relating to trees;
4. Review city department concerns relating to tree care;
5. Submit an annual report of its activities to the city council;
6. Assist with the annual application to renew the Tree City USA designation;
7. Develop of a list of recommended trees for planting on city property, and a list of prohibited species; and
8. Other duties that may be assigned by City Council.

B. Membership: The Board shall consist of **THREE (3)** members approved by City Council. Members of the Board will serve without compensation.

One member of the Board shall be a City Council member, one member of the Board shall be a Public Works Director, and one member a person with verifiable experience in the area of care and maintenance of trees.

C. Term of office: Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.

D. Officers: The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

E. Meetings: The Board shall meet annually. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

10-16-4: AUTHORITY

A. **The Tree Advisory Board**, hereinafter referred to as the "**Board**", shall have the responsibility to **advise on planting, pruning, maintaining and removing trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal or pruning of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.**

B. **Coordination among city departments: All city departments will coordinate as necessary with the Board and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Director.**

C. Interference: No person shall hinder, prevent, delay, or interfere with the **City** while engaged in carrying out the execution or enforcement of this Ordinance.

10-16-5: TREE PLANTING AND CARE STANDARDS

A. Standards: All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. Requirements of franchise utility companies: The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

C. Preferred species list: The **Board** shall maintain and update as needed, a list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in heights at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission, other species may be planted with written approval from the **Board**.

D. Planting distances: The **Board** shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection (see code section 10-13-15) of or within **FIFTEEN (15) feet** of a fire hydrant.

E. Planting trees under electric utility lines Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.

NOTE: The River Heights Tree Selection and Planting Guide brochure contains a list of trees within each class that are (1) acceptable and appropriate for our climate, and (2) a list of trees that are prohibited for planting along streets or within park strips.

This brochure is available at the City office.

** can be found in the PTC appendix,*
10-16-6: PROHIBITION AGAINST HARMING PUBLIC TREES

A. It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the **Board**.

B. It shall be unlawful for any person, firm or corporation to attach any cable, wire, signs, hammock, slackline, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the **Board**.

D. Any person, firm, corporation; or city department performing construction near any public tree(s) shall consult with the **Board** and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

E. Each violation of this section as determined and notified by the **Board** shall constitute a separate violation, punishable by fines and penalties under Section 9, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

10-16-7: ADJACENT OWNER RESPONSIBILITY

A. All streets either public or private shall provide a planted landscaped strip to city specifications and be perpetually maintained by the adjacent property owner. (see code section 10-15-6)

B. No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent park strip to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the City shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

10-16-8: CERTAIN TREES DECLARED A NUISANCE

A. Any tree, or limb thereof, on private property determined by Board to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.

B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the City within 90 calendar days of notification (see code section 10-15-7 (F)). Potential hazardous situations may be addressed as needed.

C. The City may elect to assist property owners mitigate the unforeseen immediate cost of tree removal by implementing a repayment plan. Such mitigation would be a reimbursement to the City for expenses expended on behalf of the property owner. (see code section 10-15-7 – Remediation of Trees)

10-16-9: APPEALS

Appeals to decisions by the Board shall be heard by City Council.

10-15-7: STREET TREES

F. Parking Strip Tree Remediation or Removal for Public Safety or Interference of Storm Water Drainage:

1. ~~Remediation efforts that preserve street trees will always be considered before removal. As an addendum to the Application to Remediate or Remove a Parking Strip Tree, the City or the property owner may submit, at their expense, a design or plan of action for remediation to be considered by the City Engineer. Remediation efforts may include but are not limited by the following:~~

1. Damages to pavement, curb, and gutter, or sidewalk, or interference with storm water drains or sanitary sewer mains by park strip trees will result in remediation or, if remediation is insufficient, removal of said tree. The city and/or property owner will first submit a remediation design proposal to the city arborist and city engineer. Remediation may include but is not limited to the following:

- a. ~~The cutting away~~ **removal** of damaging tree roots and the placement of a root barrier adjacent to the replaced or repaired sidewalk, curb, or road structure.
- b. The raising of the adjacent sidewalk grade over the damaging tree roots.
- c. ~~The reinforcement~~ **Reinforcing** of the sidewalk new concrete with rebar, so roots must lift several concrete slabs at once to cause damage to the adjacent to the damaging tree.
roots.
- **d. Shave or grind the concrete to correlate with a contiguous slab.**
- e. The pruning or removal of hazardous tree branches.

2. Remediation efforts must always ~~take into account~~ **consider** tree health and maturity. Remediation efforts that will potentially weaken a tree such

that the health of the tree will be compromised, or the tree becomes a risk for falling will not be considered.

~~3. To obtain assistance from the City, property owners must submit an Application to Remediate or Remove a Parking Strip Tree at the City Office. On a case-by-case basis, the City will consider the following factors in reviewing and prioritizing applications:~~

- ~~a. Effects on public safety~~
- ~~b. Effects on storm water drainage~~
- ~~c. Order of request~~
- ~~d. City budget ability~~

3. If remediation efforts have been exhausted or failed, The City reserves the right to remediate or remove trees from city parking strips at any time to preserve public safety or proper storm water drainage. (302008, 9-23-08)???? (Do we keep this part in)

7-1-4 Snow Removal

- A. Failure to Remove Unlawful: It shall be unlawful for the owner, occupant, lesser, or agent of any property, abutting on a paved sidewalk, to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet hereon within a reasonable time 24 hours after such snow, hail, or sleet has fallen.

7-2-3 Sidewalks at Existing construction

- A. Damage: When any citizen, contractor or person damages the sidewalks, curbs or gutters of the City, that individual or person shall repair and/or replace the same within a reasonable time thirty days at their own cost pursuant to specification set forth by the city. Any expenses incurred by the City in providing specifications or inspecting the same shall also be paid by said citizen, contractor or person. If the City damages any sidewalks, curbs or gutters, the same shall be

repaired and/or replaced by the City within a reasonable amount of time at no cost to the property owners.

10-15-6 Landscaping Rights-of-Way

- A. Street trees shall be planted by adjacent home owner or business owner within the parkstrip along both sides of all streets every thirty (30) feet on center. If no parkstrip exists, trees shall be planted adjacent to the roadway edge, where a parkstrip would exist, if possible. Tree size and species shall be approved by the city. (1-2015, 6-23-15)