

# River Heights City

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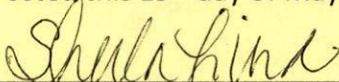
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, May 24, 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. Discuss Adjustments to the City Code Land Use Chart Regarding the Use of Public Space
- 7:05 p.m. Discuss Sidewalk Ordinance Revisions
- 7:30 p.m. Adjourn

Posted this 19<sup>th</sup> day of May 2022

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

To join the Zoom meeting:

<https://us02web.zoom.us/j/89063784699?pwd=RTRxZlBsOHlHL3NrMkRZU08vemd6dz09>

Attachments for this meeting and previous meeting minutes 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

## River Heights City Planning Commission

### Minutes of the Meeting

May 24, 2022

Present: Commission members: Noel Cooley, Chairman  
Heather Lehnig  
Lance Pitcher  
Cindy Schaub  
Troy Wakefield

Councilmember Blake Wright  
Recorder Sheila Lind  
Tech Staff Councilmember Chris Milbank

Others Present None

### Motions Made During the Meeting

#### Motion #1

Commissioner Lehnig moved to “approve the minutes of the May 10, 2022, Commission Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

### Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on May 24, 2022.

#### Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the May 10, 2022, Planning Commission Meeting were reviewed.

**Commissioner Lehnig moved to “approve the minutes of the May 10, 2022, Commission Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.**

#### Public Comment on Land Use: There was none.

#### Discuss Adjustments to the City Code Land Use Chart Regarding the Use of Public Space:

Commissioner Cooley informed that the city is in the process of signing a long-term lease with the Boys and Girls Club to use the Old School. The current code doesn’t allow this specific use. The city attorney had suggested it could fall under a “cultural center.” However, Councilmember Wright had suggested using a different identifier. Mr. Cooley suggested adding a line item that addressed city facility use. He pointed out that the city rents out other facilities, but for short term and felt there

45 should be an option for long term. He reviewed some verbiage he came up with to include in the  
46 Conditional Use section.

47 Commissioner Cooley understood that the mayor was setting up a lease where if things didn't  
48 go well for some reason, the city could terminate the lease. He felt the Boy and Girl Scouts currently  
49 renting the city building should go through the conditional use permit (CUP) process, as well.

50 Commissioner Lehnig suggested they explore the worst possible scenario, and then take steps  
51 to make sure it could never happen. Commissioner Cooley said the city administrator or mayor can  
52 revoke a CUP. Ms. Lehnig pointed out that we assume people are good and hope the rental will go  
53 smoothly, but what if it doesn't . . . Commissioner Schaub believed the city attorney would oversee a  
54 lease longer than 30 days. Mr. Cooley brought up and read section 10-20-2:H, which spelled out the  
55 procedure for revocation. He felt this gave the city protection.

56 Commissioner Pitcher asked if there had been other groups using city facilities longer than 30  
57 days. Recorder Lind answered, the boy and girl scouts who use the city building on a weekly basis.  
58 Wright suggested adding, "more than 30 days within a six-month period."

59 Councilmember Wright agreed the boys and girls scout groups should apply for and obtain a  
60 CUP to protect the neighborhood and the facilities, even though they were not being charged to use  
61 the building. Commissioner Cooley agreed it would be good to have in writing what the conditions of  
62 the use were.

63 Commissioner Wakefield agreed that all recurring groups should have a CUP.

64 Milbank informed of the city's allowance for the irrigation company to meet in the city  
65 building for free.

66 Commissioner Pitcher hoped they wouldn't incorporate a clause that would preclude the  
67 scouts from using the building.

68 Councilmember Wright read a few suggested changes, and others made additional  
69 clarifications. He will run the verbiage past Attorney Jenkins and try to have it back to the next  
70 meeting on the 31<sup>st</sup>.

71 Councilmember Wright said it would be helpful to add a category to the land use chart which  
72 would cover the Boys and Girls Club use. Commissioner Cooley suggested, "River Heights City  
73 Facilities Use."

74 They couldn't think of any other facilities the city owns that could be rented out.

75 "River Heights City Facilities Use" would be added as #42 under "Institutional and Special  
76 Service Uses" in 10-12-1:A. Recorder Lind will also fix the headings on the chart to reflect the  
77 designated zone abbreviations.

78 Discuss Sidewalk Ordinance Revisions: Commissioner Lehnig explained the changes she had  
79 made. Others gave their suggestions and further changes were made.

80 Councilmember Wright suggested revising 10-15-6:B.&C. His point was that park strips can  
81 look very nice without any plant material. Commissioner Cooley said he wasn't ready to determine a  
82 new percentage at this time. He asked if there was someone who could come up with a suggestion  
83 before the next meeting.

84 Commissioner Cooley noted the current code states there must be a landscaped park strip.  
85 With the water situation this year, would they want to encourage park strips in new developments.  
86 They discussed good reasons to have a park strip.

87 Commissioner Cooley brought up accessory buildings. He was told previously by  
88 Councilmember Wright that state legislature had made a change that the city needed to comply with.

90 Mr. Cooley said he had searched state code and couldn't find anything regarding accessory buildings,  
91 only interior accessory apartments. He said Providence City allows both interior and exterior  
92 detached. Councilmember Wright said he would do some research into state code 10-9a-530 in an  
93 effort to get the city's code in line with the state. Commissioner Cooley felt Providence's Code was  
close to following state code.

94 Commissioner Cooley informed there will be a meeting next week to hold a CUP public  
95 hearing for a swimming pool. On June 14<sup>th</sup> they planned on public hearings for a CUP for the Boys  
96 and Girls Club, a rezone for park areas in the city and code changes.

97 The meeting adjourned at 7:55 p.m.

98  
99  
100  
101 \_\_\_\_\_  
Sheila Lind, Recorder

102 \_\_\_\_\_  
103 Noel Cooley, Commission Chair

# River Heights City Conditional Use Application

For office use	
Date Received:	<u>5/16/22</u>
Hearing Date:	<u>May 31 2022</u>
Amount Paid:	<u>100.00</u>
Approved _____	Denied _____

### APPLICANT

Name: MORGAN MCKEOWN  
Mailing Address: 435 S 970 E, River Heights UT 84321  
Phone: \_\_\_\_\_ email: \_\_\_\_\_  
Please check one of the following:  owner  buyer  renter  agent  other

### PROJECT INFORMATION

Name: Morgan McKeown  
Address/Location: 435 S 970 E  
Property Tax ID: \_\_\_\_\_ Existing Zone: \_\_\_\_\_

What is the current use of the property? Residence  
How many employees will be working at this location including applicant, immediate family, and non-family members? 4-5  
How many vehicles will be coming and going daily, weekly, or monthly? 1-3

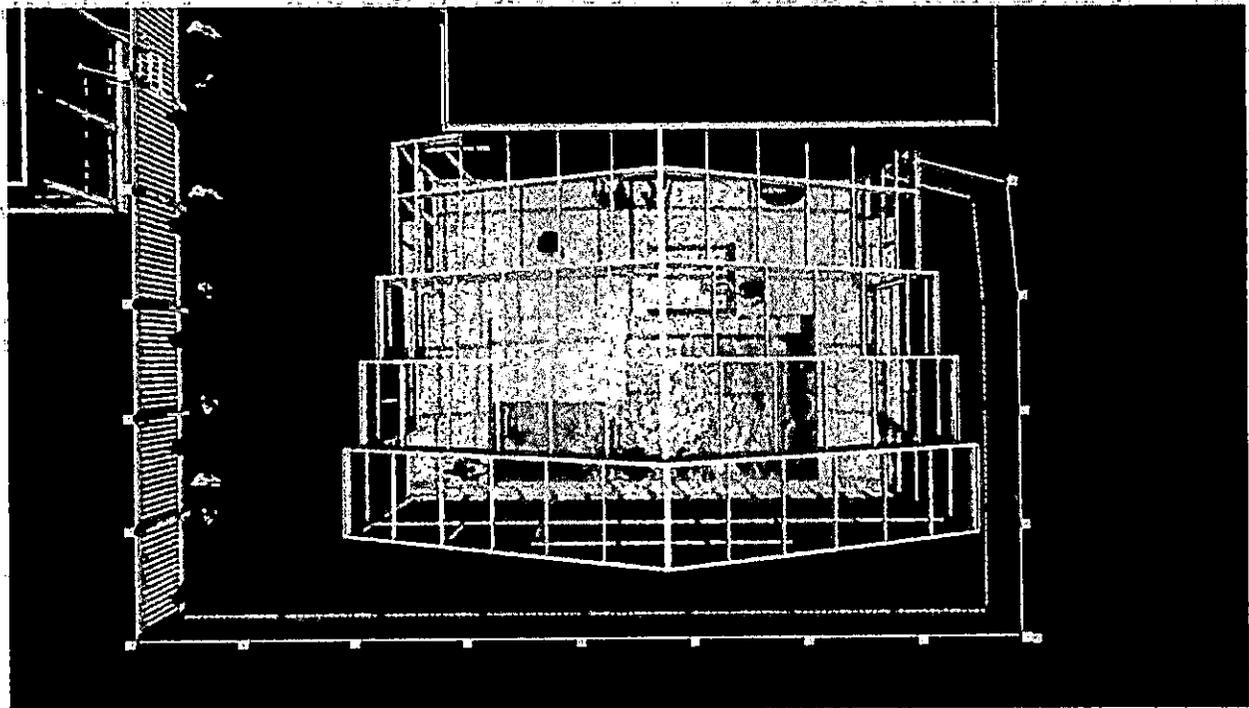
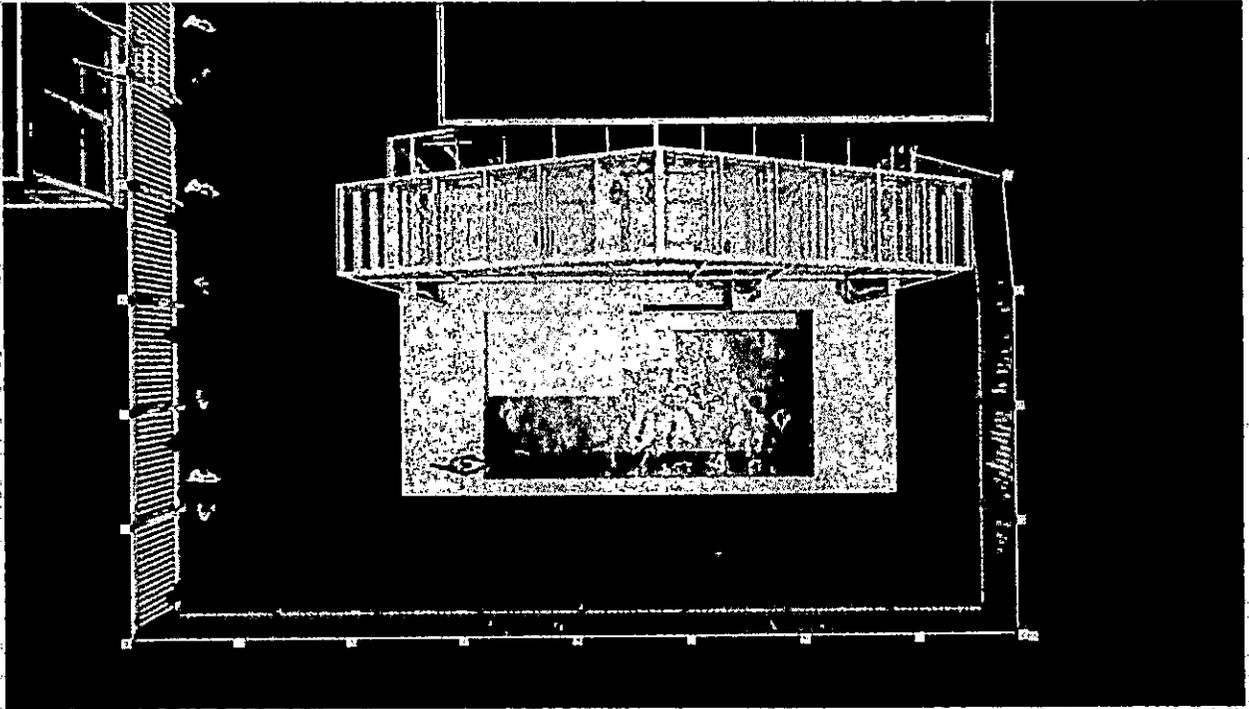
I agree to abide by the River Heights City Parking Ordinance (10-14). Initial MM  
I agree to abide by the River Heights City Sign Ordinance (10-16). Initial MM

Description of Request: Install pool and enclosure. Pool will be 28' x 15', and will be enclosed by a locking fence. Enclosure over pool is 45' x 28.5' and is retractable (allowing open in summer, closed in other seasons), and looks like a green house attached to side of house. Pool will also be covered by standard pool cover when not in use for added safety.

### SUBMITTAL REQUIREMENTS

- Completed and signed application form
- \$100 application fee
- 8 1/2 x 11 copy of plans
- Provide a Fire Protection evaluation from the fire department.

North



**Conditional Use Permit Agreement**

THIS CONDITIONAL USE PERMIT AGREEMENT is made by and between Jake and Erica Zollinger of 190 S 1000 E, River Heights Utah (Permittees) and River Heights City (City), a Utah municipal corporation.

WHEREAS, Permittees desire to install a swimming pool in their backyard; and

WHEREAS, River Heights City Code 10-12-1:A.22 lists this use as requiring a Conditional Use Permit; and

WHEREAS, a public hearing was held by the Planning Commission on September 8, 2020;

THEREFORE, the Planning Commission voted to grant Permittees a Conditional Use Permit for an inground swimming pool with the following conditions:

- 1) Install a 6' tall, unclimbable fence with a self-locking gate.
- 2) Finish installation within 18 months from the date of issuance of the Conditional Use Permit.
- 3) Permittees will build in accordance with the Cache County codes and obtain the required permits from that entity.

Dated this 22<sup>nd</sup> day of September, 2020.

**RIVER HEIGHTS CITY:**

\_\_\_\_\_  
Blake Wright, Council Member

\_\_\_\_\_  
Cindy Schaub, Commission Chair

**PERMITTEE (Signature must be notarized):**

**PERMITTEE (Signature must be notarized):**

\_\_\_\_\_  
Jake Zollinger

\_\_\_\_\_  
Erica Zollinger

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

State of Utah )  
County of Cache)

State of Utah )  
County of Cache)

Sworn and subscribed to before me this \_\_\_\_ day  
of \_\_\_\_\_ 2020 by \_\_\_\_\_.

Sworn and subscribed to before me this \_\_\_\_ day  
of \_\_\_\_\_ 2020 by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

# Noel's Suggestion...

10-20-1-G. River Heights City Facilities Use: When a person, or organization rents, leases, or uses a facility that is a public facility of River Heights City for a period of 30 days or more, a conditional use permit is required. The planning commission is required to assure that the permit <sup>ed use</sup> does not ~~affect the use of the facility~~, does not adversely affect the use by the general public and <sup>damage</sup> is harmonious with the surrounding area. <sup>continuously</sup> <sup>interfer</sup>

42. RHC Facilities Use

$\frac{PR}{C}$  (all others blank)

## 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:

- *tree board*
  - 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** *in order to* **damage to the** adjacent ~~to the damaging~~ tree. *not cause* 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.

*came in*

~~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~~

*4* ~~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 *(48)* *forty-eight* 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 *(30)* *or as negotiated with the city* 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 <sup>the</sup> <sup>property owner</sup> ~~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)