

# River Heights City

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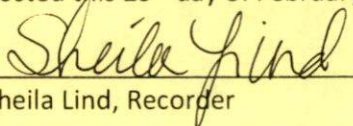
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, February 28, 2023**

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
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Review and Discuss Code Changes from Previous Meetings
- 7:00 p.m. Revisit Fence Ordinance Discussion
- 7:30 p.m. Adjourn

Posted this 25<sup>th</sup> day of February 2023

  
Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/87334249433?pwd=dGNPekhtRzQ4dkltWUo2VWJmalF5Zz09>

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

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River Heights City Planning Commission  
Minutes of the Meeting  
February 28, 2023

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

Councilmember Blake Wright  
Recorder Sheila Lind

Excused Tech Staff Councilmember Chris Milbank

Others Present: None

## Motions Made During the Meeting

### Motion #1

Commissioner Lehnig moved to “approve the minutes of the January 24, 2023, Commission Meeting, as well as the evenings 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 February 28, 2023.

### Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the January 24, 2023, Planning Commission Meeting were reviewed. Councilmember Cooley recommended they each keep a printed copy of the minutes for reference when they need to review future Conditional Use Permits.

**Commissioner Lehnig moved to “approve the minutes of the January 24, 2023, Commission Meeting, as well as the evenings 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 no comment.

Review and Discuss Code Changes from Previous Meetings: Commissioner Cooley reviewed the previously discussed code changes to make sure they all agreed with them. Clarifications were made.

43 Commissioner Cooley wanted to amend the current 10-12-3 diagram, showing corner lot  
44 fencing requirements to include the verbiage from proposed 10-13-15:B. He and Councilmember  
45 Wright will work with the city engineer to have it revised.

46 Commissioner Cooley had talked with David Thunell, of Total Tree Care, who recommended  
47 the city be consistent with the County's regulation for tree overhang, which was 14 feet. Garbage  
48 trucks prefer the 14' regulation too. The commissioners agreed to change it from 12.5' to 14.'

49 Councilmember Wright reviewed the boundary line adjustment section and all the city's  
50 requirements. He said the reality of how it works, is that people go directly to the county for a  
51 boundary adjustment without the city even knowing about it. They pondered striking the section of  
52 code but wanted to do some homework on it, by checking the state code and with the city attorney.  
53 They decided to save this discussion for the next code changes.

54 All other proposed changes on the list were ready for a public hearing.

55 Revisit Fence Ordinance Discussion: Commissioner Cooley suggested inserting the proposed  
56 fence setback calculations and verbiage into 10-12-3:4. He explained the formulas he came up with.  
57 Councilmember Wright brought up the case of having a fence right next to the sidewalk, which he  
58 didn't think they would want. They discussed other options. Councilmember Wright read the  
59 definitions of front, rear and side yard setbacks and drew a diagram to further clarify. They desired to  
60 require that all fences need to be a minimum of 4 feet behind the sidewalk. They reworked the  
61 verbiage.

62 The proposed fence changes were ready for the upcoming public hearing.

63 The meeting adjourned at 8:05 p.m.

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68 Sheila Lind, Recorder

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Noel Cooley, Commission Chair

Code Change Discussion  
February 28, 2023

**5-2-1: DEFINITIONS**

**KENNEL:** Land or buildings used in the keeping of three (3) but no more than four (4) dogs over four (4) months old. Yard or space for the confinement and control of animals to be completely fenced in.

**5-2-12: VIOLATION (Animal Control)**

Any person violating the provisions of this Chapter shall be guilty of a Class "C" Misdemeanor, an infraction, unless the specific violation has another classification. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.

**10-2-1: DEFINITIONS**

**AFFECTED ENTITY:** Cache County, Logan City, Providence City, Cache County School District, Cache County Sheriff, ProLog Irrigation, public utility companies (gas, electricity, water and sewer), property owners, property owners associations, and any other special district defined in state code.

**10-2-1: DEFINITIONS**

**KENNEL:** Land or buildings used in the keeping of three (3) ~~or~~ but no more than four (4) dogs over four (4) months old. Yard or space for the confinement and control of animals to be completely fenced in.

**COMMERCIAL VEHICLE:** A motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of person, but which has been fitted or adopted for the conveyance of goods, merchandise or materials referred to, and is in fact used for that purpose. Has a gross vehicle weight (GVWR) rating or gross combination weight rating of 10,000 lbs. or more, whichever is greater. Must be registered by the Department of Transportation.

*primarily*  
*It must*  
*(GVWR)*  
*A vehicle that has*

**10-12-3 FENCE AND WALL REGULATIONS WITHIN SETBACKS**

**D.** Fire hydrants shall not have access blocked. Front access shall be totally open and unrestricted.

*by fences or walls. their*

**E.** On a drainage or irrigation easement, an owner may fence ~~the owner's~~ *their* property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and equipment required to maintain the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements to get approval of the fence, gate, etc.

~~Noel will add 25' site triangle along driveways.~~

Move current D & E down to F & G.

**10-13-15: CLEAR VIEW OF INTERSECTING STREETS AND DRIVEWAYS**

**A. Intersecting Streets**

1. Obstruction of vision on corner lots within forty feet (40') of edge of pavement of intersection shall not be permitted from three feet (3') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted. (Ord., 1-22-2002) (6-2016, 9-27-16)
2. If trees become more than twelve inches (12") inches in diameter and are located within the forty feet (40') triangle, they must be spaced more than eight feet (8') apart. 4 River Heights City

**B. Intersecting Street and Driveway**

1. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot obstruction of vision within twenty feet (20') of edge of pavement of intersection of the rear yard fence with the street shall not be permitted from three feet (3') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.
2. If trees become more than twelve inches (12") inches in diameter and are located within the twenty feet (20') triangle, they must be spaced more than eight feet (8') apart.

**C. Shrubbery**

Ornamental grasses, flowers, and shrubs are permitted if they are spaced six feet (6') apart and are not higher than three feet (3') above street or sidewalk grade. Above ground transformers are allowed if they are less than forty inches (40") above street or sidewalk grade. All plantings and obstructions shall maintain an overall clear visibility of 70% or greater. (3-2020, 5-19-20) 10-13-16:

**10-15-7 LANDSCAPING**

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'-12.5'~~ <sup>14'</sup> above street to keep a clear view and not interfere with service vehicles. (2-2019, 5-28-19) <sup>fourteen feet</sup>

**10-16-1 SIGNS REGULATED**

C. Screening Requirements: All signs shall display ~~thereon~~ only information pertaining to products to services sold on the premises. Community events or public information may be displayed on a temporary basis. ~~No more than thirty percent (30%) of the sign area or message shall be used for this purpose.~~ (What does this mean?)

**10-20-2: CONDITIONAL USE PERMITS**

D. Issuance of Approved Conditional Use Permit: Upon approval of the application for a conditional use permit, the zoning administrator shall prepare the permit, a written decision with findings supporting the issuance of the permit, and the conditions of the permit, if any. The permit shall be signed by the applicant and notarized and ~~must be recorded against the property and tax identification number with the county recorder.~~

**10-21-4: BOUNDARY LINE ADJUSTMENTS REVIEW**

The petition to change the boundaries shall include signatures from the representatives of each lot or parcel affected by the boundary line adjustment, and any necessary signatures from holders of liens, mortgages or easements affected by the boundary line adjustment. After reviewing said application, the zoning administrator shall circulate a map of the proposed adjustment to all affected city departments, planning commission, and to the affected parties. If the zoning administrator determines that the application does not include signatures from at least one record owner representing each parcel or lot, said administrator shall follow the procedures prescribed in Utah Code Annotated, as amended and this title as amended. (4-2010, 7-13-10)

Proposed Fence Setback Changes

4. Side Yard and Rear Yard on a Street

a. If a fence is installed on the property line, a four (4) foot solid fence is permitted. If a greater than four (4) foot fence is desired, the entire fence must be 70% transparent and may not be taller than six (6) feet.

b. ~~In areas where all the conditions listed below are present, the fence setback distance from the paved asphalt road surface is fourteen and a half (14.5) feet or greater, an up to six (6) foot solid fence is allowed.~~ <sup>in paragraph</sup> ~~if it is~~

~~A six-foot (6') fence must be eight feet (8') from the edge of the paved asphalt or four feet (4') from edge of existing sidewalk, whichever is greater.~~

~~Fence Setback Calculation~~

c. If any of the existing situation exist use the following formulas to determine the fence set back from the edge of the road. Use a value of zero (0.0) if a characteristic does exist. ~~Minimum distance required is eight (8) feet.~~

Required Fence Setback (RSB)
Sidewalk (S)
Curb ©
Curb/Gutter (CG)
Park Strip (P)
Present Required Set Back (SB)

Standard RH Widths	Feet
Sidewalk	4.0
Curb	2.0
Curb/Gutter	2.5
Park Strip	4.0
Present Required Set Back	14.5
Property line from sidewalk	1.0

$RSB = SB - S - CG - P$

if curb only

$RSB = SB - S - C - P$

~~Note: if RSB is less than eight feet, eight (8) feet is required~~

examples:

1. If only sidewalk is present::  $14.5 - 0.0 - 2.5 - 4.0 = 8.0$  from edge of road  
(using standard widths)

2. If only curb/gutter and sidewalk:  $14.5 - 0.0 - 0.0 - 4.0 = 10.5$  ft. from edge of road.  
(using standard widths)