

# River Heights City

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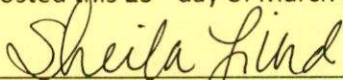
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, March 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. Public Hearing to Discuss and Decide on a Conditional Use Permit from Juan Valdavinosa and Melinda Rodriguez
- 7:15 p.m. Discuss Updating the Flood Damage Prevention Ordinance
- 7:20 p.m. Discuss Sideyard Setbacks (10-12-2:A. Note 2)
- 7:30 p.m. Adjourn

Posted this 23<sup>rd</sup> day of March 2023

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

To join the Zoom meeting:

<https://us02web.zoom.us/j/84571279954>

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  
March 28, 2023

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

Councilmember Blake Wright  
Recorder Sheila Lind  
Tech Staff Councilmember Chris Milbank

Excused Commissioner Lance Pitcher

Others Present: Juan Valdavinos, Melinda Rodriguez, Mary Barrus, Chris Daines, Mayor Jason Thompson, Mitchell Kamstra, Alex O'Connor, Jacob Cameron, Brian Anderson, Debbie Hancey, Janet Matthews, Attorney Jon Jenkins, Marcia Baker

## Motions Made During the Meeting

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### Motion #1

Commissioner Lehnig moved to "approve the minutes of the January 14, 2023, Commission Meeting with corrections, as well as the evenings agenda." Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed. Pitcher was absent.

### Motion #2

Commissioner Lehnig moved to let "Juan and Melinda have a home business with the following parameters: 1) The home business is an administrative use as stated on their application amendment. 2) One administrative employee will come to the home on Monday, Wednesday, and Fridays. 3) Five personal vehicles allowed, two of which can be used for business. 4) This CUP is for a snow removal business only. 5) Three times a week an employee can come to the property to exchange snow removal equipment. 6) No signage on the property. 7) All snowmelt and salts need to be stored off-site and not at their property. 8) At the end of the snow removal season all non-residential trucks, plows, and equipment will be stored off site. (Doesn't include family vehicles.) 9) Snow removal trucks used by employees will be kept at the employee's residence. 10) Upon moving from the property, the CUP expires. 11) No maintenance of snow removal equipment on the property." Commissioner Wakefield seconded the motion, which carried with Lehnig, Schaub and

44 Wakefield. Pitcher was absent and Cooley voted “nay” because he didn’t agree with some of the  
45 allowed items.

46 Proceedings of the Meeting

47  
48 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council  
49 Chambers on March 28, 2023.

50 Pledge of Allegiance

51 Adoption of Prior Minutes and Agenda: Minutes for the March 14, 2023, Planning  
52 Commission Meeting were reviewed.

53 **Commissioner Lehnig moved to “approve the minutes of the January 14, 2023, Commission  
54 Meeting with corrections, as well as the evenings agenda.” Commissioner Wakefield seconded the  
55 motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed.  
56 Pitcher was absent.**

57 Public Comment on Land Use: There was none.

58 Public Hearing to Discuss and Decide on a Conditional Use Permit from Juan Valdavinis and  
59 Melinda Rodriguez: Commissioner Cooley explained the reason for the public hearing and discussed  
60 the parameters of the Conditional Use Permit, interpreted by the city, from the amended application  
61 of Juan Valdavinis and Melinda Rodriguez. He noted it would have been easier to have seen a new  
62 application, rather than the same one, which addressed the lawn care business.

63 Commissioner Cooley invited the applicant to address the commission. Attorney Chris Daines,  
64 of 135 N Main, Ste 200, represented the applicants. He verified that each commission member had  
65 received the memo he added to the original application, which was meant to be a comprehensive  
66 summary of their request. Mr. Cooley verified that they each received it. Mr. Daines said the city  
67 basically interpreted the summary correctly. He reviewed that the applicants have a lot of vehicles  
68 for their own personal use. His memo pointed out there are two business functions at the applicant’s  
69 home: one is administrative and the other is snow removal. They also have a lawn care business,  
70 which they were not applying for this at this time. He discussed point 4)f., which stated: “At the end  
71 of the snow removal season, all trucks, plows, and other equipment will be stored off-site.” That  
72 wasn’t completely true because the trucks they use as their family vehicles, will stay.

73 Jacob Cameron, of 336 E 700 S, asked what the commission was going to do about JV parking  
74 their vehicles on their right of way. Commissioner Cooley stated they would answer questions later  
75 in the meeting.

76 Brian Anderson, of 331 E 700 S, stated that Juan and Melinda’s business has never  
77 disrespected anyone’s property rights. He felt the parameters of this request were micromanaged.  
78 He wasn’t sure why a business couldn’t have a small and modest sign, or a customer interaction on  
79 the property. He said the list seemed to fit the overall attitude of River Heights, that businesses are  
80 not welcome in River Heights. He was once again disappointed in the city.

81 Mitchell Kamstra, of 362 E 600 S, was in full support of Juan and Melinda’s business and felt  
82 the issues from the first CUP have been resolved.

83 Commissioner Cooley closed the public hearing. He reviewed code section 3-1-4:A., which  
84 listed the neighborhood impacts the commission needed to consider: number of employees, use of  
85 accessory buildings, traffic, odor, visual, noise, complaints, safety, use of public facilities, and business  
86 location.

87 Commissioner Lehnig brought up the request of six vehicles, and wondered if the home  
vehicles were included in the six. Commissioner Cooley felt it would be the number coming and  
going. They felt the application amendment was in the gray. Mr. Cooley's understanding of reading  
90 of the city code was that residential homes with home businesses should look like a residence at all  
91 times. He felt fine about them having an office in their home and having an employee come to the  
92 house. He didn't find issue with the family having five vehicles. He wondered if the sons always had  
93 plows on their trucks during the plow season, and suggested they differentiate between the family  
94 trucks versus business trucks.

95 Commissioner Wakefield was fine about the amendments. However, he was concerned that  
96 some of the neighbors were not happy with their business being run out of their home.

97 Commissioner Schaub was confused by the application since it discussed the lawn care  
98 business, but they seemed to only be discussing snow removal tonight. She would be fine with no  
99 more than two business vehicles being in front. Any more than that should be screened behind a  
100 fence.

101 Commissioner Cooley asked Ms. Rodriguez if the plows would stay on her son's trucks all  
102 season. She responded that when the season was over all the trucks would stay on their property,  
103 but the plows would be stored off-site. She said they planned to have two working trucks stored at  
104 their property, since they were somehow allowed this. After the snow season they would remove  
105 the plows and hook up trailers to the trucks. Attorney Daines clarified that the CUP application was  
106 only for the snow removal business and administrative. It had nothing to do with the lawn care  
107 business. Mr. Cooley asked again if the sons will regularly have plows on their trucks. Daines said  
108 they may because Mr. Valdavinos and his son sometimes fill in and help. There would be two trucks  
maximum with plows belonging to the family.

110 Commissioner Lehnig clarified that no business trucks would be parked in the backyard off  
111 season. Commissioner Cooley asked if vehicles from the backyard could be seen from the front. Ms.  
112 Rodriguez said they could install a fence and gate. She also noted that other residents park their  
113 recreational vehicles in the front yard. Mr. Cooley said theirs was a different situation because they  
114 had a business.

115 Commissioner Cooley asked for confirmation that there was no snow melt on the property.  
116 Ms. Rodriguez said there was currently, but by next season they would store it off site. It is currently  
117 stored in a dump trailer on their property.

118 Commissioner Cooley asked if repairs on the equipment would be done at their house. She  
119 said it would be done off-site unless an employee needed to pick up some oil. Mr. Cooley asked if  
120 they do vehicle maintenance on their property. Ms. Rodriguez said, "No."

121 Commissioner Cooley asked the applicants to always keep in mind is that the city code only  
122 allows home occupations which happens within the home. They need to make sure that the business  
123 equipment is stored off site. Ms. Rodriguez assured that next year the guys will all have their plow  
124 trucks at their residence and will go off-site to get snow melt.

125 Commissioner Cooley asked for a motion to approve or not approve the CUP.

126 Commissioner Schaub moved to approve the Conditional Use Permit dated January 17, 2023  
127 including the amendment submitted by their attorney with: 1) A maximum of two business vehicles  
128 with their snow plows, 2) The use will go away if they move, and 3) The use of any chemicals shall not  
129 be stored on the property. Not allowing equipment maintenance on the property was discussed.

130 Councilmember Wright suggested using the parameters list as a guide to conditions.  
131 Commissioner Cooley agreed, with a few clarifications. Councilmember Wright asked for Ms.  
132 Rodriguez to clarify 4a on their amendments. He asked what their idea of "occasionally" was. Mr.  
133 Daines responded that there may be occasions that snow blowers may need to be dropped off. He  
134 said they will live with whatever the commission decides. The applicants have considered placing a  
135 fence and gate, but perhaps the city would consider it as a trade for being allowed to park more  
136 vehicles in their backyard than the conversation was suggesting.

137 Commissioner Cooley considered "occasionally" to be twice/week. Ms. Rodriguez asked if  
138 they would consider twice/day to allow for switching out equipment. Commissioner Wakefield  
139 reminded that they were going to store their equipment off their property. Attorney Daines said  
140 their largest equipment will be stored off site. The snowblowers would be on the back of the trucks.  
141 An employee might drop one off and another pick one up.

142 Attorney Jenkins reminded the Commission that they should be constructing a CUP that is  
143 enforceable but not challenged. He encouraged that Commission to look at the definition of home  
144 occupancy when coming up with a decision and to consider how transfers/exchanges fit into the  
145 context of home occupancy. It may need to be reevaluated.

146 Ms. Rodriguez asked the difference between a daycare with drop offs and pickups all day  
147 versus stops at their place to exchange equipment. Attorney Jenkins informed that a daycare is listed  
148 as an approved home business in the code. Snow removal is not.

149 Commissioner Schaub reminded of her motion, with the 3 conditions. Commissioner Cooley  
150 asked for a second. There was none. The motion died.

151 **Commissioner Lehnig moved to let "Juan and Melinda have a home business with the**  
152 **following parameters: 1) The home business is an administrative use as stated on their application**  
153 **amendment. 2) One administrative employee will come to the home on Monday, Wednesday, and**  
154 **Fridays. 3) Five personal vehicles allowed, two of which can be used for business. 4) This CUP is for**  
155 **a snow removal business only. 5) Three times a week an employee can come to the property to**  
156 **exchange snow removal equipment. 6) No signage on the property. 7) All snowmelt and salts need**  
157 **to be stored off-site and not at their property. 8) At the end of the snow removal season all non-**  
158 **residential trucks, plows, and equipment will be stored off site. (Doesn't include family vehicles.) 9)**  
159 **Snow removal trucks used by employees will be kept at the employee's residence. 10) Upon**  
160 **moving from the property, the CUP expires. 11) No maintenance of snow removal equipment on**  
161 **the property." Commissioner Wakefield seconded the motion, which carried with Lehnig, Schaub**  
162 **and Wakefield. Pitcher was absent and Cooley voted "nay" because he didn't agree with some of**  
163 **the allowed items.**

164 Discuss Updating the Flood Damage Prevention Ordinance: Councilmember Wright informed  
165 the city had adopted this section of the code in 2008. At the time River Heights was regulated by a  
166 60.3 (b) ordinance because of the minimal flooding potential in River Heights. Recently FEMA has  
167 determined there is more of a flooding potential than before along Spring Creek. Because of this,  
168 River Heights needed to change to a 60.3(d) ordinance. They have a template, which he had tweaked  
169 to fit River Heights. It's not much different than the verbiage in the 'b' ordinance. Councilmember  
170 Gallup has asked Engineer Rasmussen to update the sensitive area maps, which is needed with the  
171 code update. He said the city needed to decide who the floodplain administrator would be. He  
172 suggested appointing the city engineer if this would be appropriate. Commissioner Cooley agreed  
173 they could make this recommendation. Mr. Wright said he read over the FEMA document, but it

174 needed to be gone over again more closely. The city attorney should also go over it. They agreed to  
175 have an update at the next meeting and hold a public hearing on April 25.

176 Discuss Sideyard Setbacks (10-12-2.Note 2): Commissioner Cooley said he struggled with how  
177 to remove 1940. He felt there should be certain conditions. Councilmember Wright suggested  
178 stating if the home was legally existing at the time it was built, it would be possible to extend the  
179 same setback, but it couldn't be less than 5 feet. Discussion was had on different ways to change it.  
180 They agreed on, "Properties with residential homes built prior to 1940, or legal at the time of Zoning  
181 Clearance Permit approval in the R-1-8 Zone are exempt from the 10 foot side yard, interior lot  
182 setback with the following conditions . . ." This will be considered for the next code changes along  
183 with the flood plain changes.

184 Councilmember Wright said the mayor wanted to further clarify "junk as a nuisance."  
185 Commissioner Cooley will get together with him for more information.

186 The meeting adjourned at 8:13 p.m.

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

\_\_\_\_\_  
Noel Cooley, Commission Chair

See 2nd page / memorandum

River Heights City  
Conditional Use Application

For office use	
Date Received:	1/17/23
Hearing Date:	2/14/23
Amount Paid:	100-
Approved _____	Denied _____

APPLICANT

Name: Juan G. Valdovinos Melinda Rodriguez  
 Mailing Address: 658 Summerwild Ave River Heights UT 84321  
 Phone: \_\_\_\_\_ email: \_\_\_\_\_  
 Please check one of the following:  owner \_\_\_\_\_ buyer \_\_\_\_\_ renter \_\_\_\_\_ agent \_\_\_\_\_ other \_\_\_\_\_

PROJECT INFORMATION

Name: JV Lawn Care  
 Address/Location: 658 Summerwild Ave River Heights, UT 84321  
 Property Tax ID: 26-1476801 Existing Zone: R-1-8  
 What is the current use of the property? residential

How many employees will be working at this location including applicant, immediate family, and non-family members? (5) Family members / coming and going (5) weekly maintenance (3)

How many vehicles will be coming and going daily, weekly, or monthly? 7 months daily 8 cars

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

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

Description of Request: We do lawn mowing weeding beds, Trim bushes install weed barrier, Haul landscape products. NO weed control fertilization or sprinkler install. We don't work with heavy equipment. Snow removal for the season the employee will take the truck to their location. Will have 2 plow trucks on our property one for work when it snows and 1 extra one will be parked.

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.

## MEMORANDUM

To: River Heights City Planning Commission  
From: Chris Daines for Juan Valdovinos and Melinda Rodriguez  
Date: March 3, 2023  
Re: Amendment to Conditional Use Permit Application filed January 17, 2023

I represent Juan Valdovinos (“Juan”) and Melinda Rodriguez (“Melinda”) who made a conditional use application to you on January 17, 2023 (“the January Application”), a copy of which accompanies this memorandum, for use of their home at 658 Summerwild Ave. (“the Property”). This memorandum amends the January Application as described below.

### BACKGROUND

The primary use of the Property is as a residence for Juan, Melinda, and their three sons (now ages 13, 17, and 21).

The business activities historically conducted on “the Property” (658 Summerwild Ave.) have been under the name of J.V. Lawn Care, LLC (“JV”). These activities involve three aspects.

First, the Property is where most of the Administrative functions of JV take place.

Second, the Property has been used for a portion of JV’s seasonal Snow-Removal business, aside from the Administrative aspect of JV’s business.

Third, the Property has been used for a portion of JV’s seasonal Lawn Care business, aside from the Administrative aspect of JV’s business.

### BASICS OF THE AMENDED APPLICATION:

Juan and Melinda seek a permit for the use of the Property for the Administrative (First) and Snow-Removal (Second) aspects of JV’s business. Juan and Melinda are not with this Amended Application seeking a permit for use of the Property for the Lawn-Care (Third) aspect of JV’s business. They are not hereby committing to never file an application regarding the Lawn-Care (Third) aspect of JV’s business, but if they do so it would be later and not overlapping consideration of this Amended Application.

### DETAILS REGARDING THE ADMINISTRATIVE ASPECT OF JV’S BUSINESS:

Following are the amendments to the January Application regarding the Administrative aspect of JV’s business. Except as amended below, the answers and information provided in the January Application remain unamended as they relate to the Administrative aspect of JV’s business.



Name: J.V. Lawn Care, LLC.

Property Tax ID: 03-071-0006.

How many employees will be working at this location, including applicant, immediate family, and non-family members? Please see the description of request below.

How many vehicles will be coming and going daily, weekly, or monthly? Please see the detailed description of request below.

Description of request:

**1. Residential Use and Activity:**

1.1.To understand the Administrative aspect of this amended application, it is important to know the specifics of the residential use of the Property so that residential use is not conflated with the applied-for permit for business use.

1.2.There are five residential occupants living on the Property: Juan; Melinda; their 21-year old son, Justin; their 17-year old son, Jordan; and their 13-year old son.

1.3.Juan's personal vehicle is a Chevy S-10 pickup ("Juan's Truck"). It is parked at the Property when Juan is at home, and in addition to personal uses, is used by Juan to commute to Juan's full-time employment at 1700 South in Logan.

1.4.Melinda's personal vehicle is another Chevy S-10 pickup ("Melinda's Truck"). It is parked at the Property when Melinda is at home.

1.5.The family's Toyota 4-Runner ("the SUV") is parked at the Property (usually in the garage) when it is not being driven for personal use.

1.6.Justin's personal vehicle is a 2008 GMC pickup ("Justin's Truck"). It is parked at the Property when Justin is at home, and in addition to personal uses, is used by Justin to commute to Justin's full-time employment at 1700 South in Logan. (Justin has another truck, a GMC, but it is kept at Justin's grandparents' home in Logan.)

1.7. Jordan's personal vehicle is a 2005 Chevy Silverado. It is parked at the property when Jordan is at home, and in addition to personal uses, is used by Jordan to commute to Justin's part-time employment at 400 North in Logan (Monday, Wednesday, and Friday from 5:00 to 8:00 pm).

**2. Administrative Uses:** Administrative uses on the Property include record-keeping, payroll, customer interactions (not in person), ordering supplies, billings, and similar office activities including regular mail, email, phone, text and virtual communications. Administrative uses occur only inside the home. There is no business (or other) signage at the Property. JV's

business does not include interactions with JV's customers at the Property; JV's service to and interactions with customers occur at the customers' locations or over the phone or internet or through the mail. JV's interactions with other third parties associated with JV's business such as suppliers, also do not occur at the Property.

The Administrative aspect of JV's business is essentially a home occupation as defined in Section 3-1-3 of the City Code.

**3. Administrative Employees:** Melinda is the primary Administrative employee. Juan also helps out with Administrative activities. Melinda is training Justin to help with Administrative activities. The only non-resident Administrative employee is an administrative assistant to Melinda. She works at the Property (inside the home) on Mondays, Wednesdays, and Fridays. She commutes by vehicle, arriving at the Property at 11:00 am, parking her vehicle at the Property, and leaving at 4:00 pm.

**4. Administrative Vehicle Traffic:** There is no vehicle traffic at the Property associated with the Administrative aspect of JV's business other than the six times weekly Melinda's administrative assistant comes and goes as described above.

#### **DETAILS REGARDING THE SNOW-REMOVAL ASPECT:**

Following are the amendments to the January Application regarding the Snow-Removal aspect of JV's business. Except as amended below, the answers and information provided in the January Application remain unamended as they relate to the Snow-Removal aspect of JV's business.

Name: J.V. Lawn Care, LLC.

Property Tax ID: 03-071-0006.

How many employees will be working at this location, including applicant, immediate family, and non-family members? Please see the description of request below.

How many vehicles will be coming and going daily, weekly, or monthly? Please see the detailed description of request below.

Description of request:

**5. Residential Use and Activity:** See 1, including 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, and 1.7 above.

**6. The Snow-Removal Aspect:** Snow-Removal uses on the Property include occasions when Snow-Removal employees other than residents may drop off or pick up a truck with snow

plow attached. There is no business (or other) signage at the Property. JV's business does not include interactions with JV's customers at the Property; JV's service to and interactions with customers occur at the customers' locations or over the phone or internet or through the mail. JV's interactions with other third parties associated with JV's business such as suppliers, also do not occur at the Property.

During the Snow-Removal season occasionally JV will buy some icemelt which is picked up by a Snow-Removal employee and brought to the Property where it is distributed to other Snow-Removal employees. This happened perhaps once during the 2021-22 season, and a few more times this season because of heavy snow conditions. Next season JV will be buying snowmelt in bulk from a Salt Lake supplier on contract and having it delivered to a different location than the Property, and it will be stored there offsite and accessed offsite by Snow-Removal employees.

Over the winter, each Snow-Removal employee drives and uses for snow removal for customers an assigned truck with snowplow attached and snowblower(s), snow shovels, salters (snow-melt spreaders), ramps, and snow-melt supplies in the back of the assigned truck. The assigned truck when not in use serving customers is kept at the residence of the Snow-Removal employee.

At the end of the snow-removal season, the plows are detached from the trucks and the plows are covered and stored at a lot on 1000 West in Logan which JV rents for the purpose of storage. The other Snow-Removal equipment and supplies (except ramps) are also stored between Snow-Removal seasons in a rented storage unit in Hyrum.

**7. Snow-Removal Employees:** The only Snow-Removal employees who are present on the Property, though they do not work in Snow-Removal while at the Property, are Juan and Justin, and to a lesser extent Jordan. These family-members work at Snow-Removal when they are not working at their full-time employment (Juan and Justin) or not in school or working at part-time regular employment (Jordan). They work at snow-removal when they are available and when the other Snow-Removal employees need extra help, such as during storms, and usually on the weekends or evenings.

**8. Snow-Removal Vehicle Traffic:** There is very little Snow-Removal traffic at the Property because the Snow-Removal employees keep their assigned trucks (there are five) at their residences or on the job away from the Property. Juan will sometimes park a Snow-Removal truck at the Property for the times he helps out, but this use and the coming and going associated with it is really a residential use – Juan parking a work vehicle at the home, no different in character than a Snow-Removal employee parking their assigned truck at their home. Justin and Jordan (to a lesser extent) follow the same pattern, but use their own trucks as a last resort to help out with Snow Removal when needed, which is different than Juan because Juan's Truck is not used for Snow Removal.

END OF MEMORANDUM

**Parameters of Juan Valdavinos and Melinda Rodriguez's Conditional Use Permit Request  
Submitted as an Amendment by Attorney Chris Daines**

- 1) Administrative use: Includes office work occurring only inside the home, which would not include interactions with customers or suppliers at the property.
- 2) Administrative employee: One non-residential administrative employee will come to the home on Mondays, Wednesdays, and Fridays between 11:00am and 4:00pm. She will park her vehicle on the property. No other administrative vehicles will be at the property.
- 3) Residential Use and Activity: There will be 5 personal vehicles, belonging to the family, living at the property. *Two of the five may be ~~X~~ business vehicles.*
- 4) Snow Removal Business Activity:
  - a. Occasionally, <sup>(no more than three times a week)</sup> an employee may drop off or pick up a truck with a snowplow attached. <sup>come to the property to exchange snow removal equipment</sup>
  - b. No signage at the property.
  - ~~x~~ e. ~~No customer or supplier interactions at the property.~~
  - d. ~~During snow removal season IV Lawn Care will purchase Snowmelt, which will be stored at an off-site location, where it will be accessed by employees.~~
  - ~~///~~ e. Snow removal trucks used by employees will be kept at the employee's residence.
  - f. At the end of the snow removal season, all <sup>non-residential</sup> trucks, plows, and other equipment will be stored off-site. <sup>Site</sup>
  - ~~x~~ g. ~~Two to three family members may help with snow removal, to assist employees during busy times, usually on weekends or evenings.~~
  - ~~x~~ h. ~~Two to three family members may have plows on their own trucks and park them at the residence, while they are assisting employees during busy times.~~  
~~if moved, CUP expires.~~ <sup>they</sup> Upon moving the property, the CUP expires.  
• No maintenance of snow-removal equipment on the property

TITLE 7

CHAPTER 8

**FLOOD DAMAGE PREVENTION**

**60.3(d)**

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Utah has in Utah Code **Unannotated (Ann.)?** 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of River Heights, Utah, adopts regulations designed to minimize flood losses and does ordain as follows:

**SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of the City of River Heights are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

**SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and



**VARIANCE** - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **ARTICLE III**

#### **GENERAL PROVISIONS**

##### **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of River Heights, Utah.

##### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of River Heights," dated **May 9, 2023**, (**date maps will become effective**) with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

##### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

##### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

##### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

##### **SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

#### **SECTION H. SEVERABILITY**

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

### **ARTICLE IV**

#### **ADMINISTRATION**

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The (professional title and/or name) is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.



