

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
November 14, 2023

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Gunn called the Planning Commission Meeting to order at 6:07 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Vice-Chairman Dave Richards
Commissioner Phil Jordan
Commissioner Sid Ostergaard
Commissioner Oscar Covarrbias
Commissioner Robert Wilson

Planning Commission Absent:

Commissioner Josh Knight
Commissioner Darek Slagowski

Staff Present:

Planning Director Tony Kohler
Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
Consultant GCGarcia

Staff Participating Remotely

Consultant John Janson and
Commissioner Oscar Covarrubius

Also Present: Participants from the Highlands project, no sign ins

Also Attending Remotely:

III. Pledge of Allegiance: By Invitation

Dave Richards led the recitation of the Pledge of Allegiance.

IV. Recuse for Conflict of Interest

Sid Ostergaard

2. Consent Agenda:

I. 10.10.2023 Minutes Draft for Approval

Motion: Commissioner Jordan moved to approve the items on the Consent Agenda. Commissioner Ostergaard made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Jordan, Commissioner Ostergaard, Commissioner Wilson. **Voting No:** None. The Motion Passed 5-0.

3. Action Items:

I. Design Guideline Amendment to Highlands MDA (Woodbury)

Planner Woodbury briefly explained the Agenda Item and introduced the applicant, who she said would be providing updates to the MDA which had been established since their last meeting.

Commissioner Richards asked a question about the conditions and clarified there were ten items to be changed. Planner Woodbury confirmed that was correct and Commissioner Richards noted their packet indicated 13 items. Planner Woodbury clarified three items had been found to be in accordance with the Code, so there were only ten items which needed to be changed.

Adam Loser introduced himself as the applicant and proposed an amendment to the original MDA, which he said was based on the recommendations they had received from the Planning Commission as well as a work session they had held with the City Council. He expressed the City Council was on board with the current plan. Mr. Loser identified some of the major changes they had made to the wording of the MDA to ensure better clarity. Namely, Mr. Loser said Staff had requested for there to be 360-degree architecture to make sure there would be no blank walls. Commissioner Jordan clarified the language that Mr. Loser would be using in the presentation was the language that would be used in the MDA and Mr. Loser confirmed he would be using the updated language that evening.

Another applicant, identified as Greg, explained Article 3 which pertained to building standards. He noted the Code required there be no repetition of architecture along a 400-foot block face, and asked for this to be changed to 120 feet for lot sizes that were less than a quarter acre in size. He agreed they were concerned about repetition, but noted their lot sizes were much smaller than normal. Planner Kohler interjected to explain that this change made sense given the size and spacing of the lots. Planner Kohler explained that the 400-foot requirement was geared more towards larger lots.

Mr. Loser next discussed building height variations and asked for the requirements to be amended to consider elevation changes. He shared images which showed how the buildings were built on a slope, so although the individual buildings were different heights, they would all reach the same elevation overall. He further asked for an exception to be made for Section 3.6 which required no more than three of every five buildings to front a courtyard, and explained that would not be feasible due to limited

space and the fact that their plan was not a linear layout. He requested for more than three buildings to be allowed to front a courtyard.

Mr. Loser then addressed that the Code had a 50 square foot minimum for a covered porch, and asked for an exception since he felt their architecture was better suited to a smaller porch area. He shared images of blueprints which showed plans for a 35 square foot covered porch on individual units, although they also had a 200 square foot communal enclosed courtyard. He noted that there would be variance in porch sizes between different units. Mr. Loser also proposed that the primary pedestrian area be the courtyard rather than the street. He acknowledged there were guidelines in the Code which specified that townhomes which faced shared green space were supposed to have three-sided architecture with wrapped porches, but proposed corner units be allowed to have window architecture rather than porches.

Mr. Loser moved into street facade requirements. He first requested that an exception be made to the 360 degree architecture. He noted the intent of this requirement was to avoid blank walls, and said the development did not have any blank walls. Mr. Loser noted that the North Village Overlay Zone, where the development was located, was intended to have a more rural aesthetic. Planner Kohler elaborated further and said that the requirement of property line coverage to the street was an urban design principle, intended to ensure that there was something interesting for pedestrians to look at when walking and inspire a more urban feel. He said making this exception would then be conducive to a more rural feel and reduce the amount of retaining walls. Mr. Loser said the Code was very urban and wanted the buildings to be right along the street, and asked for an additional ten feet of frontage, which also would help the rural feel and be more accommodating to ADA ramps.

Mr. Loser also asked for relief on some of the architectural guidelines imposed by the Code since they were on a hill, and discussed the challenges of meeting the Code requirements on an incline. Planner Kohler spoke to this point and provided insight on the functionality of snout garages. He noted this layout created challenges for plowing, safety, and street parking, and so the best solution was to do rear-yard garages for narrow lots rather than snout garages. However, Planner Kohler said the topography made it difficult to do a rear-yard garage for this development, and it also made it harder to delineate between a single-family home and a townhome. Planner Kohler said single-family homes wanted to have a private backyard, which would not be possible with a rear-yard garage. Planner Kohler extrapolated on some of the ways to minimize a snout garage with architecture, and said maintenance of streets for narrow lots would also alleviate some of the issues caused by snout garages. Planner Kohler further opined that the HOA should be responsible for street maintenance rather than the City, and emphasized if the streets were not private then he no longer supported the plan.

Mr. Kohler shared some images of snout garages and explained why they were not architecturally desirable. He explained the current Code requirements as well, and said DR Horton had noted the Code layouts were not the most efficient use of space. Mr. Kohler discussed that he had toured other DR Horton developments in other parts of

Utah and had been impressed by what he had seen. He shared images of some DR Horton designs that minimize the dominance of the garage, and expressed that he thought they were aesthetically pleasing, although not in line with Code requirements. He shared more renderings of what the housing designs could look like, and also noted that all the homes on a given street would be distinct from one another.

Mr. Loser then addressed the maximum block perimeter, which was intended to facilitate pedestrian traffic. He said this would apply to their stacked flats and asked to have this accommodated to be more than 20% due to the topography of the site. He indicated how this would be accommodated on the site plan, and explained that pedestrian access points, rather than streets, would break up the buildings. He reported that City Staff had been supportive of this request.

Mr. Loser lastly noted that they would flip the houses so that the driveways would alternate sides, and they would also offset the houses by several feet so that the homes were not set in a row. Planner Kohler noted that the Code required this kind of variation.

Commissioner Jordan referenced the earlier slides which addressed the wrap around porches. He discussed that as he drove around town he noted that many faces of city blocks had stucco on top of the buildings, and he thought this did not portray any character. He asked how things would look on the street side, and asked if the buildings would be solid surfaces. Mr. Loser said there would be wrap around architecture with pop-out features on the ends. He elaborated that although the porches would not pop out, there would be other features so that the wall of the building was not flat on the end. Commissioner Jordan thought this would add more interest and variation, and clarified there would be a visible living space. Commissioner Jordan also pointed out that people typically owned multiple cars and anticipated that the driveways would be packed with cars. He wondered if it would be better to make the driveways shorter so people could not get multiple cars on the driveway, or better to make them longer in order to accommodate multiple vehicles. Mr. Loser noted that in this development, all the houses had double, not single garages, which allowed for tandem parking as well as specific parking stalls for guest parking. Mr. Loser also noted that the driveways all opened to private streets, so parking would be something for the HOA to deal with. He added they even restricted storage space in the driveway and mandated that at least one car be parked within the garage to avoid the issue that Commissioner Jordan was describing.

Commissioner Wilson asked what the rationale for not having wrap around porches was. Mr. Loser discussed it posed challenges to pipes that were on the outside of the building and were also more costly. Commissioner Wilson pointed out the corner units could also be sold for more since they were more desirable units. Mr. Loser commented that in his experience the wrap-around porches were not worth it. Chairman Gunn said while in theory they were a great idea, they often were impractical and could be an eyesore when not properly maintained.

Commissioner Wilson also made clarifying comments about amending the 400 foot repetition requirement to 120 feet, and Mr. Loser explained they had imposed additional requirements on themselves to include at least six different architectural styles within a 120-foot area, and he explained how these would be staggered. He also noted they had over 12 layouts, with about 20 different color schemes, so there would be plenty of variation on a given street.

Commissioner Wilson commented many people in Heber tended to use their garages for storage rather than their cars and cautioned this was likely to be an issue in this development. Mr. Loser commented their architect was working off of Planner Kohler's recommendations about how to mitigate the negative effects of snout nose garages.

Mr. Loser also noted they were considering side loading garages, although they were concerned about people hitting the side fence as they pulled out of the driveway. Mr. Loser stated the developer would install all the landscaping, and said the HOA would not allow for things like ADUs, sheds, and grills, to be left on the front lawn and fences. In response to a question, Mr. Loser added they would not allow private fences in the front yard, and since there were no backyards people would not have fences behind the homes either. Commissioner Ostergaard discussed how many people did not properly maintain their backyards and there was nothing the HOAs could do about it.

Planner Kohler stated that not all of his requests were included in the amended MDA and he asked the Planning Commission to include all nine of his recommendations and requests into the new MDA. Mr. Loser said this was agreeable to him, and reported that the development legal team had already reviewed Planner Kohler's recommendations and were willing to have all those items added to the MDA.

Commissioner Richards circled back to the comments about the need to have the roads be private. He asked if it was a possibility that the roads would not be private, and he concurred with Planner Kohler in that it was paramount that the roads and alleys all be private. He discussed the challenges that would come with the roads being public. Commissioner Richards thought they were heading in a good direction and thought the application looked good in terms of architecture and density, and expressed that he liked DR Horton's development plans. Commissioner Richards reiterated it was important to stipulate in the MDA that all roads be private and that the HOA was responsible for maintaining them, rather than the City. Planner Kohler said this was important to him as well and said he had included stipulations about private roads in his list of recommendations.

Commissioner Covarrubias clarified that the open space was all private as well, to which Mr. Loser replied the greenways shown on the exhibit as well as the space in between the homes would all be private, although in the overall development there were some City parks and some trails with public access. Planner Kohler elaborated on this and indicated where on the map the public spaces would be situated. He noted there were also some pocket parks that were private, including a pickleball court and a clubhouse. Planner Kohler stated the HOA would control and maintain the private green spaces and parks. Commissioner Covarrubias thought there might be some confusion about what was public and private, and thought some residents might go to the private parks by accident, and then the City would not be able to manage that.

Planner Kohler used the map to show where the private versus public roads were located throughout the development. Commissioner Covarrubias also asked about parking and Planner Kohler replied they had a 72 hour parking limit, as well as parking ordinances which required people to move their cars off the street during snowfall so the plows could get through.

Commissioner Ostergaard asked why the City controlled a park that was located in the center of the development and Planner Kohler explained it had to do with the City's desire for a storm water system. He said they had amended the MDA through a process that did not involve the City Council, and he said the concept was for the town center to have a public gathering area with park amenities. Planner Kohler elaborated there would be a trail and some water features, and said while the area was not yet fully designed, the concept was to allow for things like farmers markets or food trucks.

Planner Kohler said it was harder to offer amenities like that to the public if the land was private, and he explained it would be funded with impact fees.

Motion: Commissioner Jordan motioned to approve the amendment to the Highland MDA, with the addition of the requests and recommendations as stated by Planner Kohler and City Staff. He further strongly suggested that all roads, with the exception of the indicated public roads, be made private, and that Staff suggestions in regard to the snout garages be incorporated to the MDA.

Commissioner Richards asked a question about the legal process to which Planner Kohler explained the developer's engineers would need to reflect the changes to the MDA in their updated blueprints.

Commissioner Covarrubias seconded the motion.

Voting Yes: Commissioner Covarrubias, Commissioner Richards, Commissioner Jordan, Commissioner Ostergaard, and Commissioner Wilson.

Voting No: None. The Motion Passed 5-0.

Commissioner Gunn thanked the applicant for their willingness to adjust their plans and work with the Planning Commission and the City Council, and he opined this collaboration would yield a better project in the long run.

II. Wasatch County Event Center grounds MDA, continued from October 24 (Kohler)

There were technical difficulties and the beginning portion of this conversation was unable to be recorded.

The Planning Commission discussed the public hearing they had held on October 24th in regards to this issue. Commissioner Jordan recalled that many residents had expressed concerns about noise as well as a lack of safe crossing areas for pedestrians. Commissioner Jordan also noted the County was going to provide more generators for the RVs for the coming year. Chairman Gunn spoke about dust control, and opined the County should be responsible for dust control as it was an air quality issue. Commissioner Ostergaard summarized they essentially had an interlocal agreement between Heber and the County and said they needed to make sure the residents who lived in the vicinity of the event center were not uncomfortable.

Planning Director Tony Kohler shared that the Council had also discussed this item in a

work session. He reported although they had not had an in depth discussion, they were aware of the issue and the timeline.

Commissioner Jordan moved forward a recommendation for the Wasatch County Event Center Grounds MDA as reviewed in public meeting, with the condition that the County and the City staff work together to resolve the discussed issues as well as the six conditions identified by City Staff.

Voting Yes: Commissioner Richards, Commissioner Jordan, Commissioner Ostergaard, Commissioner Wilson. The motion was carried unanimously.

III. Ordinance 2023-41 approving an amendment to the General Plan to include the Central Heber Vision, continued from October 24 (Janson, Kohler)

Planner Janson explained this Agenda Item. He said the General Plan needed to reflect the Central Heber Vision plans which had been approved the year prior. He explained there were some inconsistencies between the two documents, so this would fix those discrepancies and ensure there were no contradictions.

Commissioner Ostergaard clarified this did not include discussion of the C-3 zone and Planner Janson said this amendment was just intended to ensure that the General Plan and the Central Heber Vision Plan were cohesive, and he stated they were not making any changes or updates other than that. Planner Janson said the Central Heber Vision Plan had already been approved by the Council and Planning Commission.

Commissioner Jordan asked about definitions and future land uses as written in the updates, and asked if there were any new definitions. Planner Janson clarified there was nothing new, although they were updating the future land use map in the General Plan to match the language used in the Central Heber Vision document. Planner Janson discussed that Central Heber Vision did suggest some updates to the General Plan, which would be a separate item to discuss. He said this amendment was only intended to make sure both documents used the same language and were consistent.

Chairman Gunn thanked Planner Janson and called for a motion and vote.

Commissioner Jordan moved to recommend the adoption of the amendment to the General Plan to include the Central Heber Vision. Commissioner Ostergaard seconded the motion. All voted aye and the motion carried unanimously.

IV. Ordinance 2023-39 adopting update to the C-3 Zone/Parking regulations in the C-3 Zone, continued from October 24 (Janson, Kohler)

Planner Janson explained this item as well and refreshed the Planning Commission on their discussion from the October 24th meeting. He said the question was primarily if they wanted to not require parking stalls for businesses in the C-3 zone, and limit residential parking to one stall per unit.

Planner Janson briefly overviewed some ways to fund the construction of parking

garages, including tax increments or sales tax bonds. He pointed out if they wanted to do tax increments they would need to get new developments to come into Heber, and if they wanted to fund it with sales tax they would need to charge a fee to use the garage. Planner Janson said another option could be to set up a special parking district, though he noted he would have to do more research to see if that would be viable in Heber. Planner Janson clarified that the Commission would have to solve for the funding question in a separate discussion.

Planner Janson also reported he had changed some of the language about materials to be more flexible. He explained the definition of “visible facade” meant if the facade was visible from the right of way, and listed the materials which were permitted for visible facades. He noted there were more options for materials on the upper floors of buildings, where it would not be visible from the street. Commissioner Richards made some comments about ways to construct an edifice that appeared to be historic and maintained a certain look while still using cheaper materials. Commissioner Richards thought they should give the Staff more jurisdiction to approve building materials. Commissioner Richards pointed out they should give people more lateral movement when designing homes since architectural styles changed over time. Planner Kohler brought up a conversation the City Council had recently held in regard to stucco, and said based on that discussion he and Planner Janson proposed that stucco only be allowed on upper stories. Commissioner Richards reiterated he just wanted to give developers more leeway.

Planner Janson said they wanted to address architecture in the C-3 zone to have a historic character, so there would not be modern buildings in that zone. He explained the general concept was to have retail spaces on the ground floor with residential on upper floors along the main street, and so they gave more leeway for materials on the upper residential floors, although they had more strict guidelines for materials on the ground floor in order to encourage the historic feel. Commissioner Richards clarified he did not want to re-imagine the overall vision and expressed he was in favor of the historic aesthetic, and explained he just wanted to make sure developers had a little bit of flexibility with materials, subject to Staff approval. Commissioner Covarrubias expressed he agreed with Commissioner Richard’s view.

Commissioner Covarrubias asked about “authentic materials” and confirmed this meant real stone. Planner Janson replied it meant all natural products, and fake stones or manmade materials were not allowed. Planner Janson said they mainly wanted to see brick, stone, and rock on the ground floors. Commissioner Covarrubias expressed he was in favor of that, although he echoed Commissioner Richard’s comments that they should be more flexible for the upper floors. Commissioner Covarrubias thought stucco was a great product. Commissioner Covarrubias also clarified he wanted to keep the historic character of the buildings.

Planner Janson then spoke about the idea of chain stores, and said they were considering not allowing chain stores and encouraging mom and pop shops. He discussed he had visited Midway in Park City, and said they were now allowing chain

stores and even international firms on their Main Street. Planner Janson thought this issue was something they should circle back to once they had some development going, and said they would need to come up with a definition of chain store. Planner Janson pointed out they needed to consider if they wanted to allow local chains, national chains, or none at all. He recommended that they skip this for now and return to it once they had some stores moved in. Commissioner Ostergaard spoke about Bozeman Montana, and said he had seen an Ace Hardware move into their historic downtown recently. Commissioner Ostergaard said if they allowed national chains to move in they would have to maintain the architectural standards of the downtown area to keep the historic character. Chairman Gunn noted there were some brands who refused to compromise their architecture standards, although there were many companies who were willing to conform to the standards of the zone.

Commissioner Jordan thought they should make a decision on this item now. He said the right brands would come in who were willing to maintain the historic character of the street, and pointed out they needed economic development and should not limit stores from coming into the area. Chairman Gunn agreed and reiterated there were many companies who would conform to the standards. Planner Janson confirmed that any business moving to the area would have to comply with the architectural guidelines.

Commissioner Ostergaard requested that Planner Janson remind the Council of what commercial services were not permitted in the C-3 zone when he presented this to the Council and Planner Janson said that he would do so.

Commissioner Covarrubias said alleyways would be in the C-3 zone and Planner Janson said that was correct, and noted the C-3 zone was not very big. Commissioner Covarrubias cautioned that the zone might be a bit stark if there was no landscaping. Planner Janson agreed, although reminded the Commission that alleyways and landscaping were different conversations than the zoning. Commissioner Covarrubias acknowledged this point, though noted it was important to think of the future and consider how the overall project would look. Planner Janson said alleyways and passageways would be discretionary to the City Council.

Planner Janson expressed hope that they could get this item to the City Council for their December 7th meeting, and discussed he wanted to get this approved before the new Council members joined the Council, since the introduction of new members tended to slow processes like this down.

Commissioner Ostergaard motioned to approve Ordinance 20-23-39 for C-3 regulations and alternate two on the parking. He also motioned to delete the section about chain store regulations.

All voted aye and the motion carried unanimously.

4. Work Meeting:

- I. Discussion amongst Planning Commissioners to consider placing an Agenda Action Item for big picture items such as Parking on Main Street, Parking

Structures, etc, and to discuss a joint meeting with the City Council.

Commissioner Jordan reported he had learned that CRA zoning was not supported by the school district and the County. Chairman Gunn said he had heard the same thing about the County. Commissioner Ostergaard commented that he thought the school district wanted to wait until the election before making a decision, and said this was a big concern to the County.

Planner Kohler provided some context, and said the direction he had received from the City Manager was for the Planning Commission to give their feedback and comments to the Councilmembers before the City Council went on their annual retreat in late January. He asked what kind of feedback the Planning Commission wanted to give the City Council at their work meeting. Commissioner Jordan asked if the Council was not in favor of parking structures, and Planner Kohler said it was his understanding that the Council did not feel the downtown area necessitated a parking garage yet.

Commissioner Jordan discussed the trip that he and some other Commissioners had gone on to explore parking solutions in other cities earlier that year, and expressed he did not want their findings from that trip to go by the wayside. The Commissioners had a short conversation about street parking options in the downtown area, and discussed the pros and cons of angled parking as well as possible sites for a surface parking lot in the downtown area.

Commissioner Jordan said item number one was the recommendation for no parking in the C-3 zone, and said he did not want to consider this a done deal just because the Planning Commission had just voted on it. Planner Kohler said he hoped to get this passed in the upcoming Council meeting, and if not at the next one he hoped it could get passed at the December 19th meeting. Planner Kohler stated it was on the next meeting's agenda as a work item with the possibility of it being an action item.

Commissioner Wilson asked if putting parking as the number one priority was a bit "cart before the horse" since they did not have businesses in the downtown area yet.

Planner Kohler explained they were going to generate demand for businesses downtown by holding special events in the area, and to do that they needed to have sufficient parking. Commissioner Covarrubias also pointed out having ample parking was attractive to developers to come downtown. Commissioner Wilson thought the developers should share in the cost of parking and Commissioner Ostergaard agreed they could, although the City still needed to plan for parking. Commissioner Ostergaard also elaborated that ideally, he would like to have a walkable downtown that would not require cars, although he knew this would be far in the future.

Commissioner Jordan said they should discuss Envision Heber and decide what items were actionable in 2024. Commissioner Richards said he did not want to discuss anything where they were just going to "spin their wheels," he wanted to ensure they focused on items that would actually get some traction. Commissioner Richards thought they should start with the lowest hanging fruit, which he thought was parking.

Chairman Gunn agreed this was important to consider, and noted the west side of town was going to be torn up and have the roads repaved in the near future and

thought that could be an opportunity to address some of their parking issues. The Commissioners acknowledged that a parking structure was quite a way down the road, but there were other parking concerns they needed to address now. Commissioner Richards said they needed to identify areas where they wanted to add street parking on the west side of town and put curb and gutter in when the streets were redone.

Chairman Gunn said they needed to find some grants to do those things.

Commissioner Covarrubias commented he used to live in Colorado and his town had a large parking garage with trails that lead directly to offices, so people could park their cars and then have a clear path to walk to work. He said another option would be an eclectic train downtown, though noted that was a long-term solution.

Planner Kohler summarized the list of items the Commissioners wanted to discuss with the Council. He agreed that addressing parking was important, especially since they wanted to hold special events downtown and incentivize people to go downtown. Planner Kohler discussed they were competing with malls and large shopping centers, so they really needed to do something unique downtown in order to attract people to the area. Commissioner Jordan commented how he and his family went to other city's downtown areas since there was currently nothing in Heber. The Commissioners also had a short conversation about the dearth of public transit leading to the downtown area.

Planner Kohler made some comments about the bypass. Commissioner Ostergaard opined it was important to put the necessary money into the bypass now so that they did it in a way that would have longevity, and Chairman Gunn echoed those comments.

Planner Kohler commented the high school would also likely draw development over towards the bypass. Commissioner Jordan commented there were two roundabouts right by the high school, and one of the roundabouts was the entry for the bypass. The Commissioners discussed this. Commissioner Jordan also noted that UDOT would require Heber City to contribute some funds for the bypass. Planner Kohler commented the Council were in favor of roundabouts. Chairman Gunn said they had been talking about this bypass for many years, and were anticipated to begin construction in about seven years. The Commissioners expressed concerns about the construction and referenced some bypasses in other parts of Utah which were poorly designed. Commissioner Richards expressed he was not in favor of a roundabout and thought it should be an overpass instead.

Commissioner Jordan asked for Night Sky ordinances to be added to the list.

5. Administrative Items: N/A

6. Adjournment:

Adjournment: Commissioner Covarrubias motioned to adjourn. The motion was carried unanimously.

Meshelle Kijanen

Meshelle Kijanen, Administrative Assistant