

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, May 8, 2014

6:00 p.m. - Regular Meeting

Present: Planning Commission: Darryl Glissmeyer
David Richards
Clayton Vance
Kieth Rawlings
Michael Thurber
Stacie Ferguson

Absent: Harry Zane
Mark Webb

Staff Present: Planning Director Anthony Kohler
Planning Secretary Karen Tozier
City Engineer Bart Mumford

Others Present: Pam Patrick, Genna Vee Wolsey, M.N. Rosoff, Marcy McIntosh, Tom McIntosh, Debora Threedy, Tenie Theobald, Ilse and Bob Crooks, Steve Burdine, Jeanie Garrison, Thomas "Tuck" Lowe, Charlie Jenkins, Wendy Burdine, Bob Piscitelli, Mary Piscitelli, Stephen Smith, Vicky Smith, Robert Rodriguez, Abigail Rodriguez, Dax Massengill, and Stan Dupres.

Pledge of Allegiance: Commissioner Richards
Minutes: April 24, 2014 Regular Meeting

Commissioner Glissmeyer moved to approve the April 24, 2014 Regular Meeting Minutes. Commissioner Thurber seconded the motion. Voting Aye: Commissioners Vance, Glissmeyer, Rawlings, Thurber, and Richards. Voting Nay: none. The motion carried.

Item 1 **Public Hearing to consider request by Mountain West Enterprises for Preliminary Approval of proposed Valley Heights Subdivision, a 28 lot subdivision located at 1050 North Mill Road.**

REQUEST

Anthony Kohler presented information on the request. The petitioner is requesting Preliminary Approval of the proposed Valley Heights Subdivision, a Single Family Home development consisting of 28 lots in the R-1 Residential Zone at approximately 1050 North Mill Road. The Planning Commission approved the concept plan on April 24, 2014 and the development is subject to an annexation agreement.

The property is zoned R-1 Residential, requiring a minimum 100 feet of frontage and 10,000 square feet per lot. The City Council will need to adopt and record an ordinance abandoning the property as a lot within the Valley Hills Subdivision. This can occur concurrently with final approval.

The development will eventually be changed to a different water pressure zone and will need to install the appropriate waterlines so that transition can take place in the future. The Stone Creek Development will install the necessary lines to make it possible for the future water pressure zone to be put in place.

The proposed subdivision provides open space along Valley Hills Boulevard, with one lot fronting that street, which is designated as a Minor Collector Street. The proposed subdivision has fewer lots than originally proposed at annexation because the lot layout now better reflects the natural drainage channel traversing through the property. Lot 20, while oddly shaped, is 100 feet wide at the front setback and meets the requirements of the code, and has a sufficient area for a home to be built consistent with the requirements of the code. Lot 6, 7, and 8 are less than 100 feet wide, but as per Section 18.68.175, subdivisions providing open space along a collector street may reduce the lot widths by up to 25%, and these lots exceed the minimum 75 feet width.

At Concept approval, issues were brought up by the public and Planning Commission. Neighbors in Wasatch View Estates to the east were concerned that ground water levels would fall around the City's well in Wasatch View Estates as a result of the subdivision requiring more water from the well. The State Engineer is responsible for allocating water rights, and the city, like other water users, will need to continue monitoring its well usage to be in compliance with these allocations. While a study has not been completed on the exact cause for the ground water going down, it appears that the canal concrete lining that occurred above Wasatch View Estates a few years ago may have contributed to lowering the ground water, as that appears to be when the problem appeared. Neighbors were also concerned about the deer habitat and migration patterns that the property provides. A map showing the property is not a critical habitat or migration area was attached with the staff report.

Commissioner Ferguson arrived to the meeting at 6:17 p.m. Chairman Rawlings opened the public hearing.

PUBLIC HEARING COMMENTS:

Stephen Smith, Genna Vee Wolsey, Bob Rodriguez, Larry Rasband, and Mary Piscitelli voiced questions and concerns regarding the water aquifer, water levels and water pressure. Also of concern was traffic, controlling traffic, and safety issues related to traffic. Charlie Jenkins, Genna Vee Wolsey, Mary Piscitelli, and Vicky Smith all commented on traffic concerns.

City Engineer, Bart Mumford, addressed comments and answered questions on water. He explained the City is making system changes. There will be a meeting on this at 6:15 p.m. next Thursday. Initially this subdivision will be on the same water system as Valley Hills and ultimately will be coming from another source. Regarding streets he indicated more discussion will be needed for final design for curb, gutter, and sidewalk.

The proposed intersection located at 1050 North Mill Road where the Valley Heights Subdivision is proposed to intersect with the existing roads was discussed by the public. Charlie Jenkins, who resides at the southeast corner of the future intersection at 1050 North Mill Road was concerned with how will traffic be controlled on this corner. He asked questions regarding where the sidewalk will be and was told that sidewalk is proposed for the west side of road. He wanted to know whether his driveway would be reduced and indicated he had no objection as long as the sidewalk did not take away any of his property. He was also concerned on how infrastructure will be installed relating to the corner he lives on. Bob Rodriguez and Pam Patrick also asked questions and expressed safety concerns on this corner/intersection. Pam Patrick indicated that she thought there should be three stop signs at the main intersection, not four, and there should not be a stop sign on 1050 North in the lane with westbound traffic coming from the east. Larry Rasband asked where sidewalk is planned for on

Valley Hills Boulevard. There was discussion between Paul Berg, Bart Mumford, and the public. There were differences in opinion as to what to do at the 1050 North Mill Road intersection. The next step of approval needs to work out the 1050 North Mill Road intersection, necessary right-of-way and curb, gutter, and sidewalk.

Debra Threedy indicated she would like part of the land to be dedicated to a park or playground and would like to see more open space. Tuck Lowe also asked for a playground for this property. Janet Rasband expressed concern over whether the settling pond will be sufficient to hold the drainage water. The location of her home is near the settling pond and she did not want to have a flood in her basement. She also asked whether the homes in the proposed subdivision will be held to the same standard as Valley Hills. Genna Vee Wolsey and Pam Patrick both indicated they would like to see density matching the existing lots in Wasatch County, which are larger. Patrick indicated she would like to see this particularly in the lots which bordered the County lots. Anthony Kohler addressed density and explained the zoning; the lots are consistent with this. Patrick also expressed concern on wildlife habitat and migration.

Stan Dupres expressed concern on the way the roads are laid out in the proposed Valley Heights Subdivision. He indicated that the curve in the road (curving around Lot 10) will place lights from cars shining directly into his home. If the road is kept as planned he indicated he will need a barricade. He spoke about the natural terrain in this area and discussed slope combined with icy roads. His ultimate proposal was to realign the road through Lot 10 for reasons of safety.

Tuck Lowe also commented on open space. Mr. Lowe thought that the proposed open space areas should be absorbed by the adjacent lots. He also spoke about preservation of view sheds and indicated he would like to see his view preserved. Mr. Lowe also spoke about setbacks, the Heber City General Plan, having more schools and churches, air quality, controlling dust, noise due to construction and road closures due to construction. He noted the phasing was because of insufficient water and referenced the geotechnical study which still needs to be done and asked for a building pad to be identified on the plat for Lot 10.

Dave Nelson, one of the Petitioners, addressed some of the topics brought up by the public. He answered questions on the land which was partially a lot in the Valley Hills Subdivision and partially annexed through the Anderson Annexation. He also addressed view shed issues indicating that this crosses over the line of personal property rights and is a give and take situation.

Paul Berg of Berg Engineering, the Engineer for the project, addressed concerns voiced during the public hearing. He indicated the annexation concept did not give consideration to slope or drainage. He explained water rights and water pressure. He noted that a playground already exists in Valley Hills and that there are no requirements for a park from the City. Berg presented information and explained the intersection at 1050 Mill Road and commented on sidewalk, road-widening, traffic and collector streets. He noted that traffic loads to the collectors will not tip them past capacity. Berg also addressed drainage concerns and explained that the pond is designed for a 100 year storm event with the option for overflow to dump into the canal. In response to other comments from the public he discussed the topics of water from wells, costs not born by the City but by the developer, impact fees, open space and ownership, the Home Owners Association that will be established and CCRs which will address building materials, and wildlife habitat issues. CCRs should be submitted with the request for subdivision final. He commented that Stan Dupres' request for re-alignment of the road within the subdivision will be looked at to see if it can be incorporated.

After discussion from the public and there were no further comments from the public, Chairman Rawlings closed the public hearing.

DISCUSSION

The Planning Commission discussed the following points:

- Paul Berg answered questions on where the sidewalk was proposed. City Staff was proposing sidewalk on both sides of Mill Road.
- Placement of stop signs were addressed by Bart Mumford. He discussed the locations coming out of subdivision; this would have to be looked at closer.
- Open space and parks;
- Landscaping and/or berms for the curve in road in the interior of the proposed subdivision. 10% road grade is as high as they can go;
- Berg will look at the existing Valley Hills CCRs to see what is required and determine what updates need to be made. A decision is to be made as to what the developer wants.
- The timeline for the subdivision; everything will be done as far as infrastructure is concerned up front but won't be platted. Sales of Phase 1 lots are anticipated for the middle of 2015. Bonding was also discussed.
- Water tank easements. Concern was expressed that the easement needs to be large enough for city trucks to access the water tank. Paul Berg read off the plat for Lot 24. Berg indicated that at DRC they were asked to look at this closer and bring back possible changes with the final application. Alan Anderson is involved with easement as well.
- Ensuring the existing phantom Valley Hills CCRs be taken care of and address traffic; some concessions have been made.
- There was debate on the potential three-way stop at the corner of 1050 North Mill Road. The resolution was to let the engineers decide how this should be handled; the engineers will work with the property owners for an equitable resolution.
- Correction was needed to the Horrocks' report which incorrectly listed Lots 21-28 for Phase 2; this should be lots 20 – 28.
- The proximity of Lot 23 to the WCWEP canal easement was also discussed. The question was asked as to whether there should be fencing placed here.
- A proper traffic study addressing proper safety standards need to be performed.

MOTION

Commissioner Richards moved, I'd like to recommend that the proposed preliminary application is consistent with Section 18.52 R-1 Residential Zone, Chapter 17.20.020 Preliminary Plans, Chapter 17.40 Improvements, Chapter 17.24 Street Design Standards, Chapter 17.28 Block Design Standards, Section 18.68.175 Open Space, and the Anderson Annexation Agreement, contingent upon the following:

1. Developer establish a Home Owner's Association to collect dues to maintain the storm drain basin, drainage channel and open space and submit documents establishing such at final approval.
2. Developer install landscaping, topsoil, and irrigation in the proposed open space and storm drain basin.
3. Developer establish CCRS requiring consistent fencing color and material in the subdivision along the open space.
4. Developer overlay the existing asphalt in the annexation's frontage along Mill Road and 1050 North with a 2 inch asphalt overlay.
5. Developer may be responsible to reimburse other developers for off-site utilities that serve this subdivision.

6. Developer install the necessary water lines for connection to the future water pressure zone and connect the subdivision to the 12 inch water line at approximately 900 North Mill Road.
7. Developer provide a 20-foot wide easement for access to the water tank.
8. Canal be lined with concrete, if not already completed.
9. Developer consider utilizing 8 foot wide planter strips in the subdivision instead of 6 feet wide planter strips.
10. Prior to final approval, developer submit a completed Geotechnical Study.
11. Building CCRs coordinating with the Valley Hills CCRs equal to or better than;
12. I'd also like to address (the) Horrocks' Engineering letter with a few changes. In the General Item Bullet dot-the third bullet dot, to change it from Lots 21-28 to actually 20-28 in the second phase for can not be released; I believe that is only a typo error there. I would also like to add when it goes to bullet point 3 under streets, what goes to a traffic study will be made and then approved by Heber City; I am primarily talking about the stop signs that have been discussed as well as adjacent property owners in the corner that leads to Wasatch View Acres. This is the intersection of Mill Road and 1050 North.

Commissioner Richards discussed his motion briefly. He stated, I left it the same other than just adding varying the traffic study so it addresses the stop signs as well as the Jenkins property so we can make that corner so it is safer. Commissioner Glissmeyer seconded the motion.

There was brief discussion on condition #7 which was the easement for the City to access the water tank. It was indicated that Bart Mumford would be responsible to make sure the easement will work for the City. Commissioner Richards asked Mumford if he saw any other concerns other than what they had already discussed. Bart Mumford answered they had covered what they were aware of right now.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clayton Vance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Item 2 **Decision on amendment to Heber City Municipal Code Sections 18.68.601 through 606 regarding Residential Facilities for Handicapped Persons (tabled from Public Hearing held on 4/24/2014)**

REQUEST

Anthony Kohler reviewed information on the proposed amendments. On April 24, 2014, the Planning Commission held a public hearing to consider the proposed disabled persons ordinance, which amends the current ordinance. The Planning Commission tabled the decision and asked staff to review the following issues with the City Attorney and proponent of the proposed changes prior to the next meeting.

1. **Business Licensing.** Subsection C.1. was altered to require a business license but not require a fee.
2. **Mapping.** Attached are 4 maps showing 1,320, 1,000, 800, and 600 foot spacing of facilities. Staff, the City Attorney, and the proponent were most comfortable with the 600 foot spacing being the most defensible for the proposed ordinance. As a result, Subsection 18.68.601 F. "Reasonable Accommodations" was stricken from the ordinance.
3. **Dangerous Facilities.** Subsection D. 6 & 7 were stricken from the ordinance, as it was felt these were unreasonable, vague, and unconstitutional portions of the proposed ordinance. These portions prohibited dangerous persons and certain conditions for facilities near schools. The State regulates these issues with parolees, sex offenders, and licensing of drug and alcohol recovery facilities.
4. **Bona fide disability and Party Houses.** Subsections B., E. 6., E.7., and F. were added to ensure that facilities are serving disabled individuals and not run as a facade for a party house.

DISCUSSION

The Planning Commission discussed the following points:

- spacing between facilities;
- regarding enforcement; will the City be able to enforce this? Does the Police Department know about this?
- Will there be a problem in not charging a business licensing fee? A fee makes it more serious. There was a suggestion to strike out the verbiage that there will be no fee for a business license. Discussion on what the fee should be. The City Council is in the process of analyzing the business licensing fee structure. This will be brought up with Zion's Bank which is doing the study to see where they think this will fit. Discussion on what category this should fit into. It was indicated that this needs to be consistent in licensing fees in the same manner as the existing facilities.

MOTION

Commissioner Glissmeyer moved, I propose that we amend the residential facilities for disabled persons deleting Sections 18.68.601 – 18.68.606 with a new Code 18.68.601 Items A-G will be changed in D1 striking the last phrase with there shall be no fee charged for business license. Commissioner Richards seconded the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clayton Vance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

ADMINISTRATIVE ITEMS:

Introduction to proposed amendment to Title 2, 10, 12, 17 and 18 of the Heber City Municipal Code regarding the Board of Adjustment, Planning Commission, and public notice requirements for various land use decisions.

Anthony Kohler indicated the proposed amendments were not completed yet.

Commissioner Glissmeyer moved to adjourn the meeting. Commissioner Thurber seconded the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clayton Vance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried and the meeting adjourned at 8:44 p.m.

Approved 5/22/2014