

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, October 9, 2014

6:00 p.m. - Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

Public notice is hereby given that the monthly meeting of the Heber City Planning Commission will be in the Heber City Office Building, 75 North Main, South door, in the Council Chambers upstairs.

- I. Call to Order
 - II. Role Call
 - III. Pledge of Allegiance: By Invitation
 - IV. Minutes: September 25, 2014 Regular Meeting
-
1. The Boyer Company requests Subdivision Plat Amendment to the Valley Station Amended Plat which amended Lots 10, 11, and 12 of Valley Station, located at 1300 South Highway 189.
 2. JDII LLC requests Subdivision Final Approval of the Heber Meadows Subdivision Phase 2 located at approximately 2740 South 1040 East
 3. JDII LLC requests Small Subdivision Approval of the Heber Meadows Subdivision Phase 3 located at approximately 2880 South 1040 East
 4. Discussion of Open Space and Slopes within residential development
 5. Discuss Nightly Rentals
 6. Discuss proposed updates to Title 17 and 18
 7. Administrative Items:
 8. Adjournment

In compliance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Karen Tozier at the Heber City Offices at (435) 654-4830 at least eight hours prior to the meeting.

Posted on October 2, 2014, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on October 2, 2014.

Heber City Planning Commission\
Meeting date: October 9, 2014
Report by: Anthony L. Kohler

Re: Valley Station Plat Amendment

Boyer, the petitioner, is requesting to combine Lot 10 and 11 into one building lot, and shift the eastern lot line of Lot 12 to the west, reducing the size of Lot 12. This is being proposed to be consistent with the recent approval of Sportsman's Warehouse on Lot 10 and 11. There is not a minimum lot size for commercial lots located within the MURCZ Zone.

RECOMMENDATION

Recommendation for approval of the proposed plat amendment as consistent with Heber City Code, Chapter 17 Subdivisions, and Chapter 18 Zoning Ordinance, conditional upon the final plat naming the combined lot as Lot 11 and providing a utility easement for the water lateral in a format acceptable to the City Engineer.

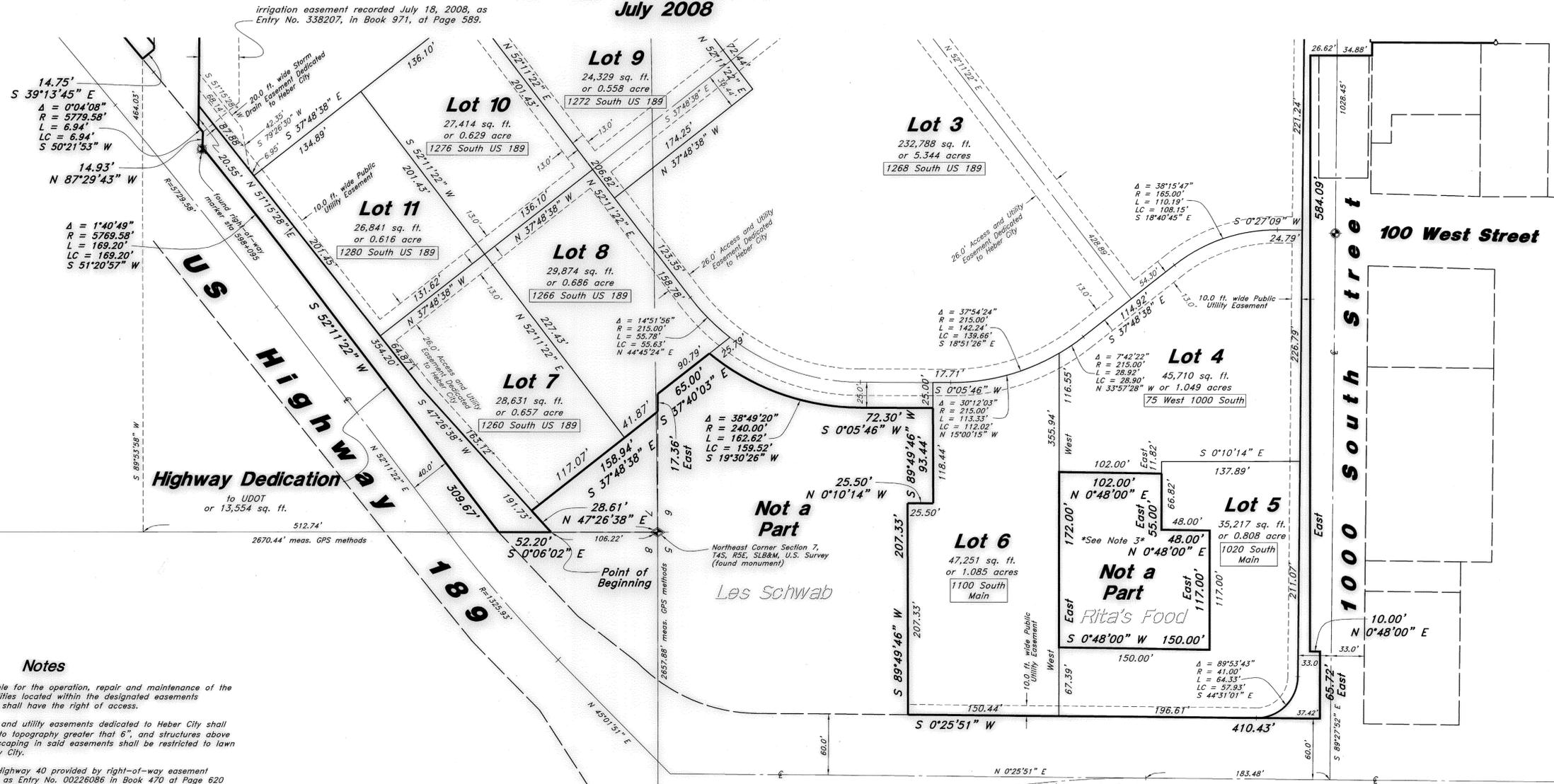
Valley Station

Subdivision

Being a part of the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, and the Northeast Quarter of Section 7, Township 4 South, Range 5 East, Salt Lake Base and Meridian, U.S. Survey Heber City, Wasatch County, Utah July 2008



Scale : 1" = 60'



Notes

- 1 - Heber City shall be responsible for the operation, repair and maintenance of the water and sewer public facilities located within the designated easements dedicated to Heber City and shall have the right of access.
- 2 - Drainage easements, access and utility easements dedicated to Heber City shall prohibit cuts, fills, changes to topography greater than 6", and structures above or below ground. Any landscaping in said easements shall be restricted to lawn where approved in writing by City.
- 3 - Access to this parcel from Highway 40 provided by right-of-way easement recorded as August 3, 2000 as Entry No. 00228086 in Book 470 at Page 620 Official Records of Wasatch County.
- 4 - Lots not abutting a public right-of-way will not be sold or transferred until a cross access agreement has been recorded granting public access to the lot.

GREAT BASIN ENGINEERING - SOUTH
CONSULTING ENGINEERS and LAND SURVEYORS
2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
Salt Lake City (801)521-8529 Ogden (801)394-7288 Fax (801)521-8551

North Quarter Corner Section 8,
T4S, R5E, SLB&M, U.S. Survey
(found monument)

Legend

- Centerline Monument set
- Section Corner
- Property Line
- Easement Line
- Centerline
- Section Line
- Set Rebar with GBES Plastic Cap
- Set Nail with GBES Brass Tag

ENTRY # 339271 DATE 8-20-08 TIME 8:48
FEE 137.00 BK 972 PG 4 FOR 8458
BY GILES WASATCH COUNTY RECORDER ELIZABETH M PALMIER
PG 2269-2308



Notes

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- 3 - Access to this parcel from Highway 40 provided by right-of-way easement recorded as August 3, 2000 as Entry No. 00226086 in Book 470 at Page 620 Official Records of Wasatch County.
- 4 - Lots not abutting a public right-of-way will not be sold or transferred until a cross access agreement has been recorded granting public access to the lot.

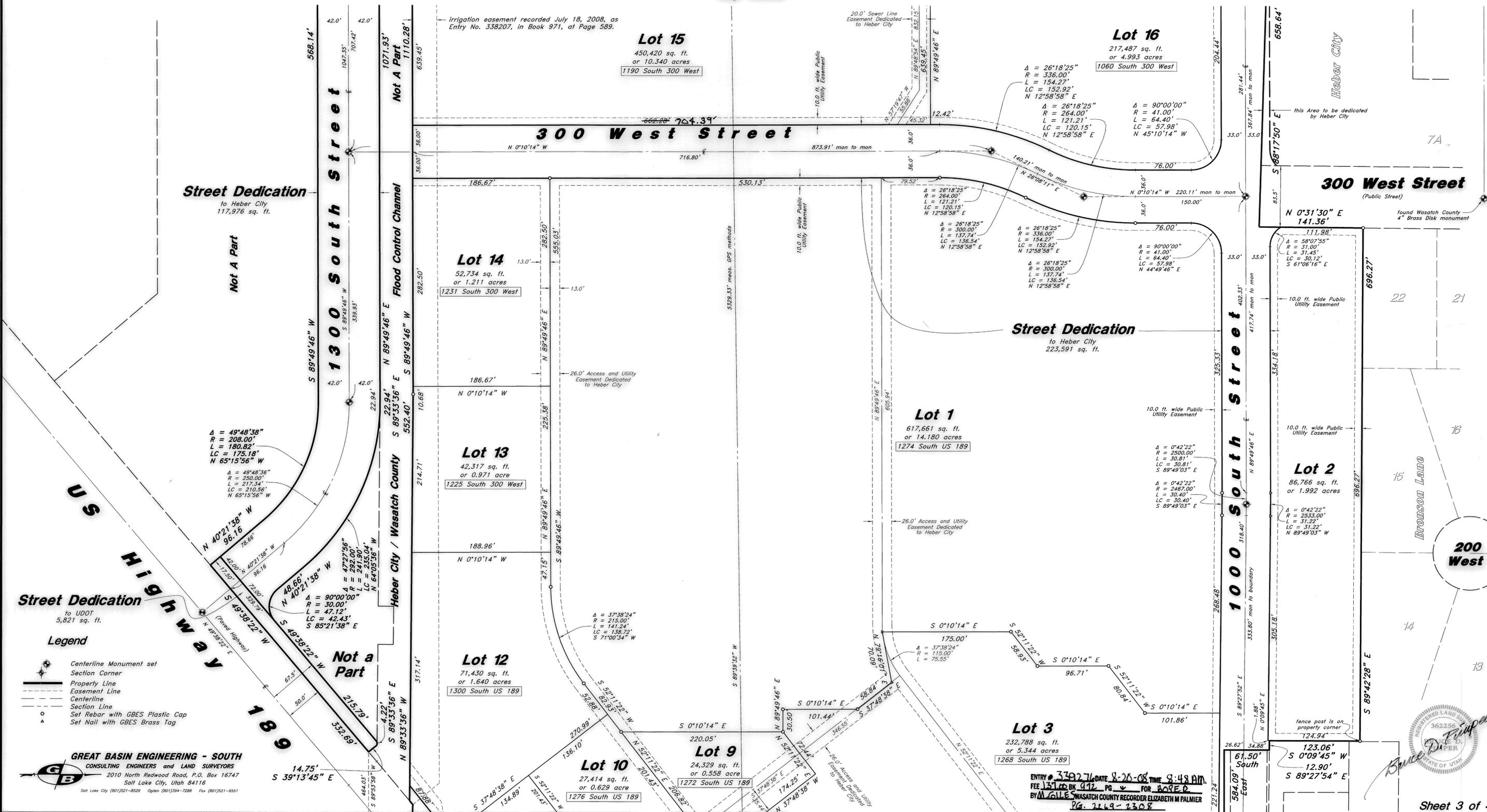
Valley Station

Subdivision

Being a part of the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, and the Northeast Quarter of Section 7, Township 4 South, Range 5 East, Salt Lake Base and Meridian, U.S. Survey
Heber City, Wasatch County, Utah
July 2008



Scale: 1" = 60'



Street Dedication
to Heber City
117,976 sq. ft.

Not A Part

Street Dedication
to Heber City
223,591 sq. ft.

Street Dedication
to UDOT
5,821 sq. ft.

Legend

- Centerline Monument set
- Section Corner
- Property Line
- Easement Line
- Centerline
- Section Line
- Set Rebar with GBES Plastic Cap
- Set Nail with GBES Brass Tag

GREAT BASIN ENGINEERING - SOUTH
CONSULTING ENGINEERS and LAND SURVEYORS
2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
Salt Lake City (801)521-8529 Ogden (801)344-7288 Fax (801)521-9551

ENTRY # 339276 DATE 8-20-08 TIME 9:48 AM
FEE \$31.00 BK 912 PG 9 FOR BORE
BY M. GALE WASATCH COUNTY RECORDER ELIZABETH M PALMER
PG. 2149-2308



Valley Station

Subdivision

Being a part of the Southwest Quarter of Section 5, the Southeast Quarter of Section 6, and the Northeast Quarter of Section 7,
Township 4 South, Range 5 East, Salt Lake Base and Meridian, U.S. Survey
Heber City, Wasatch County, Utah

July 2008



Scale: 1" = 60'



Notes

- 1 - Heber City shall be responsible for the operation, repair and maintenance of the water and sewer public facilities located within the designated easements dedicated to Heber City and shall have the right of access.
- 2 - Drainage easements, access and utility easements dedicated to Heber City shall prohibit cuts, fills, changes to topography greater than 6", and structures above or below ground. Any landscaping in said easements shall be restricted to lawn where approved in writing by City.
- 3 - Access to this parcel from Highway 40 provided by right-of-way easement recorded as August 3, 2000 as Entry No. 00226086 in Book 470 at Page 620 Official Records of Wasatch County.
- 4 - Lots not abutting a public right-of-way will not be sold or transferred until a cross access agreement has been recorded granting public access to the lot.

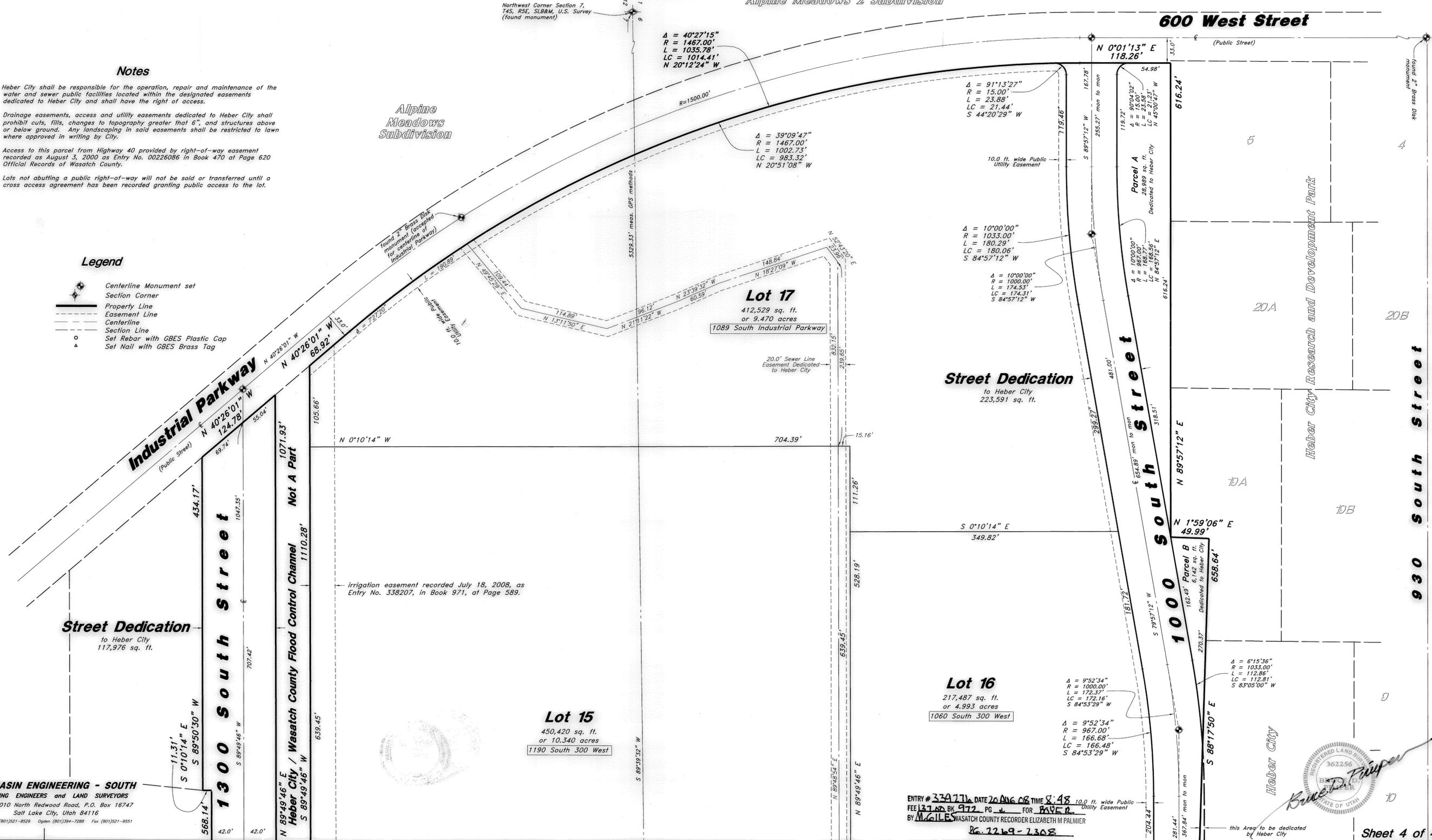
Legend

- Centerline Monument set Section Corner
- Property Line Easement Line Centerline Section Line
- Set Rebar with GBES Plastic Cap Set Nail with GBES Brass Tag

Northwest Corner Section 7, T4S, R5E, SL&M, U.S. Survey (found monument)

Alpine Meadows 2 Subdivision

600 West Street (Public Street)



GREAT BASIN ENGINEERING - SOUTH
CONSULTING ENGINEERS and LAND SURVEYORS
2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
Salt Lake City (801)521-8529 Ogden (801)384-7288 Fax (801)521-8551

ENTRY # 330211, DATE 26 AUG 08, TIME 8:48, 10.0 ft. wide Public
FEE \$17.00, BY 972 PG 4 FOR RAVE P
BY MILES WASATCH COUNTY RECORDER ELIZABETH M PALMIER
26-2269-2308



Heber City Planning Commission
Meeting date: October 9, 2014
Report by: Anthony L. Kohler

Re: Heber Meadows Phase 2

The petitioner is requesting final approval of 23 lots in Phase 2 of Heber Meadows Subdivision. The subdivision has partial improvements installed including water, sewer, and irrigation mains and laterals and meters. The city's water meter and sewer lateral, and water lateral connections into the main specifications have changed since these improvements were installed, and the City Engineer is requesting the water meter and sewer laterals be altered to meet current standards. Since altering the connections into the main will result in 23 plugged holes in the main that increases the potential for leaks, it may make sense to accept the lateral connections as constructed to minimize.

The plat proposes a 40-foot wide easement to the property to the north for storm drain, water, sewer, and irrigation mains servicing the subdivision, as these services come from the north. The adjoining property to the north is located within the Corporate Medical Park Zone. The city should debate whether a road stub should instead be provided along these utilities to the property to the north.

In 2007, the developer for the entire Heber Meadows Subdivision committed to provide a monetary fee in lieu contribution for affordable housing to the Wasatch County Housing Authority, in exchange for a bonus lot, Lot 39. The minimum size for the bonus lot is 5,500 square feet and 49 feet wide. The amount calculated was \$151,200, which is derived from requiring 10 percent of the lots to be affordable (5.4 units) times \$28,000.

The property is located within the R-1 Residential Zone, and each of the lots meet the required 10,000 square foot area and 100 foot width requirements of the R-1 Zone.

RECOMMENDATION

The proposed Phase 2 Heber Meadows Subdivision is consistent with Chapter 18.52 R-1 Residential Zone and Title 17 Subdivisions, conditional upon the following:

1. The water meters and sewer laterals being upgraded to the satisfaction of the City Engineer;
2. A road stub be provided along the utility corridor to the property to the north;
3. Prior to the plat recording, the developer will provide receipt to the city of payment of the fee in lieu for affordable housing to the Wasatch County Housing Authority, calculated as 10% of the 54 units times \$28,000, for a total of \$151,200. Lot 39 is granted as a bonus lot for this contribution.
4. Prior to recording the plat, Developer shall provide:
 - a. Tax clearance from county assessor; and
 - b. Addresses for each of the lots

October 1, 2014

Heber City Corporation
Attn: Bart Mumford P.E.
75 North Main
Heber City, Utah 84032

Subject: Heber Meadows Phase 2 – Final Plat and Plan Review

Dear Bart:

Horrocks Engineers has recently reviewed the final plat for the above referenced project located near 1040 East and 2810 South. The following items need to be addressed.

General

- The plans need to be updated with the current City standards. Further comments may be made once the plans are corrected and the review is completed. All of the final red line comments to the plans will need to be addressed.
- The development agreement needs to be reviewed and revised as necessary.
- A smaller lot was added for the moderate affordable housing allowance in 2006-2007. Was the moderate affordable house fee ever paid? Do the same conditions still apply for this lot, or should the number of lots on the plat be revised?

Plat

- The plat needs to be revised to include all of the red line comments.
- The easement for the sewer, storm drain, and water lines between lots 32 and 33 should be changed to a dedication to the City rather than an easement. The width of the dedication needs to be determined, but it was decided at DRC that the dedication should be increased to 50 feet wide.

Streets

- Should a stub road be installed between lots 32 and 33 to the north rather than the asphalt bulb which is currently shown? A stub road would provide for connectivity to the north in case it is needed or desired in the future.

Utilities

- The water services for Phase 2 have already been installed. They were installed per the City standard in 2007. All of the water and PI services were installed as single services rather than the dual services. The City is checking to determine if it is practicable to require reinstallation of the water and PI laterals as dual services, where a dual service would typically go. The single water services, at a minimum, will need to be updated to meet the current Standard Drawing Water-6B and Irrigation- 1B, which is the current standard for a single water service.

- The sewer laterals for Phase 2 have also already been installed. These will need to be updated to have cleanouts in the park strip per the current Standard Drawing Sewer-1.

Please call our office with any questions or concerns regarding this project.

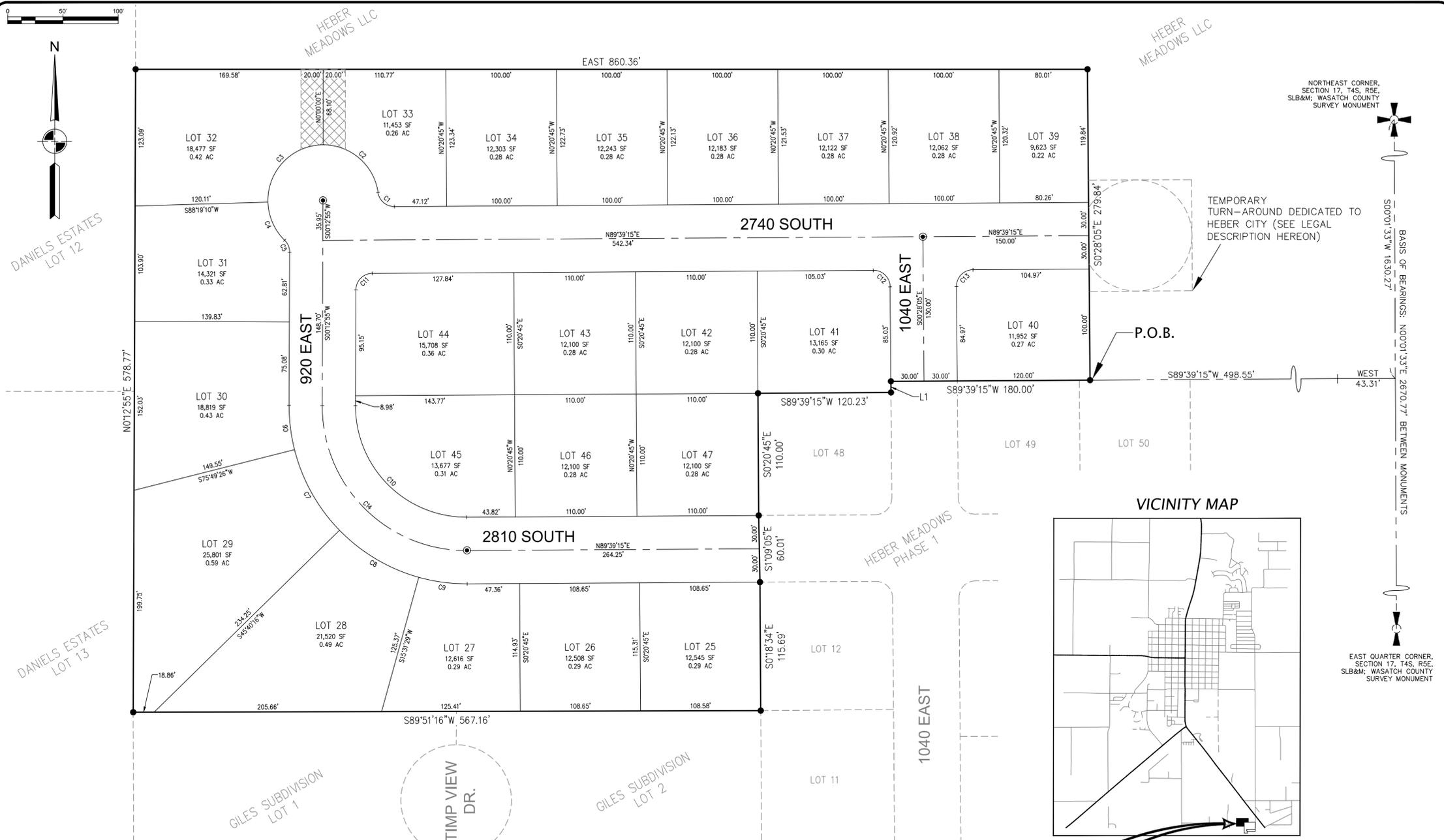
Sincerely,

HORROCKS ENGINEERS



Willa Motley, P.E.

cc: file
Summit Engineering
Heber Planning Department



CURVE TABLE: PARCELS

CURVE NO.	LENGTH	RADIUS	DELTA	CHORD	DIRECTION
C1	21.46'	15.00'	81°57'38"	19.67'	N49°21'56"W
C2	71.22'	50.00'	81°36'53"	65.35'	N49°11'33"W
C3	80.01'	50.00'	91°40'50"	71.74'	S44°09'35"W
C4	38.45'	50.00'	44°03'41"	37.51'	S23°42'40"E
C5	12.03'	15.00'	45°57'25"	11.71'	S22°45'48"E
C6	40.20'	160.04'	142°23'29"	40.09'	S06°58'50"E
C7	84.22'	160.04'	30°09'10"	83.25'	S29°15'09"E
C8	84.21'	160.04'	30°08'48"	83.24'	S59°24'08"E
C9	44.33'	160.04'	15°52'14"	44.19'	S82°24'38"E
C10	158.12'	100.04'	90°33'40"	142.17'	N45°03'55"W
C11	23.42'	15.00'	89°26'20"	21.11'	N44°56'05"E
C12	23.53'	15.00'	89°52'40"	21.19'	S45°24'25"E
C13	23.59'	15.00'	90°07'20"	21.24'	N44°35'35"E

LINE TABLE: PARCELS

LINE NO.	LENGTH	DIRECTION
L1	10.00'	S00°28'05"E

ABBREVIATIONS

P.O.B. - POINT OF BEGINNING
 NR - NON-RADIAL
 N - NORTH
 S - SOUTH
 E - EAST
 W - WEST
 T - TOWNSHIP
 R - RANGE
 SLB&M - SALT LAKE BASE AND MERIDIAN
 ROW - RIGHT OF WAY
 ESMT - EASEMENT

LEGEND

● LOCATION OF SUBDIVISION SURVEY MONUMENT (3" BRASS CAP SET IN MONUMENT BOX)

▨ EXISTING 40 FT UTILITY EASEMENT DEDICATED TO HEBER CITY ON THE HEBER MEADOWS SUBDIVISION PHASE 1 SECOND AMENDMENT PLAT

PROPERTY CORNER NOTES

1. SET 5/8" REBAR AND PLASTIC CAP STAMPED "SUMMIT ENG 435-654-9229" AT SUBDIVISION CORNERS AND REAR LOT CORNERS.

2. SET 1.17" COPPER PLUG STAMPED WP-RP 145796 AT POINTS WHERE EXTENSION OF SIDE LOT LINES INTERSECT CENTER OF CONCRETE STREET CURB.

PUBLIC UTILITY EASEMENTS:

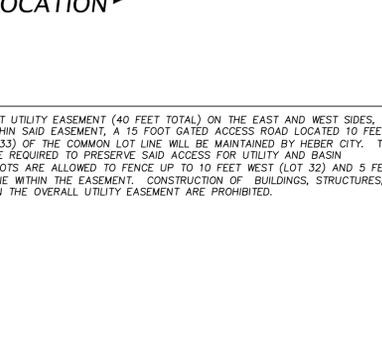
ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:
 FRONT: 10 FEET
 REAR: 10 FEET
 SIDE: 10 FEET

ZONING INFORMATION

THIS SUBDIVISION IS LOCATED IN THE R1 RESIDENTIAL ZONE. MINIMUM LOT SIZE IS 10,000 SQUARE FEET. MINIMUM STREET FRONTAGE IS 100 FEET. PER THE APPROVALS OF THIS PLAT, THE MINIMUM BUILDING SETBACKS ARE AS FOLLOWS:

ON CORNER LOTS:
 FRONT 25 FEET
 REAR 25 FEET
 STREET SIDE 25 FEET
 OTHER SIDE 10 FEET

ON ALL OTHER LOTS:
 FRONT 25 FEET
 REAR 25 FEET
 SIDE 10 FEET



PLAT NOTES

1. LOTS 32 AND 33 EACH HAVE A 20 FOOT UTILITY EASEMENT (40 FEET TOTAL) ON THE EAST AND WEST SIDES, RESPECTIVELY, AS SHOWN HEREON. WITHIN SAID EASEMENT, A 15 FOOT GATED ACCESS ROAD LOCATED TO THE WEST (LOT 32) AND 5 FEET EAST (LOT 33) OF THE COMMON LOT LINE WILL BE MAINTAINED BY HEBER CITY. THE OWNERS OF THESE LOTS ARE THEREFORE REQUIRED TO PRESERVE SAID ACCESS FOR UTILITY AND BASIN MAINTENANCE. THE OWNERS OF THESE LOTS ARE ALLOWED TO FENCE UP TO 10 FEET WEST (LOT 32) AND 5 FEET EAST (LOT 33) OF THE COMMON LOT LINE WITHIN THE EASEMENT. CONSTRUCTION OF BUILDINGS, STRUCTURES, GARDENS, OR CHANGES IN GRADE WITHIN THE OVERALL UTILITY EASEMENT ARE PROHIBITED.

SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS.

BING CHRISTENSEN
 DATE

BOUNDARY DESCRIPTION

COMMENCING AT A FOUND WASATCH COUNTY BRASS CAP MONUMENT REPRESENTING THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN THENCE SOUTH 00°01'33" WEST 1630.27 FEET; THENCE WEST 43.31 FEET TO THE NORTHEAST CORNER OF THE HEBER MEADOWS SUBDIVISION PHASE 1 SECOND AMENDMENT; THENCE SOUTH 89°39'15" WEST 498.55 FEET TO THE TRUE POINT OF BEGINNING (BASIS OF BEARINGS BEING SOUTH 00°01'33" WEST BETWEEN FOUND WASATCH COUNTY BRASS CAP MONUMENTS REPRESENTING THE NORTHEAST AND EAST QUARTER CORNERS OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN);

THENCE ALONG THE BOUNDARY OF HEBER MEADOWS SUBDIVISION PHASE 1 SECOND AMENDMENT THE FOLLOWING 6 COURSES: 1. SOUTH 89°39'15" WEST A DISTANCE OF 180.00 FEET; 2. SOUTH 00°28'05" EAST A DISTANCE OF 10.00 FEET; 3. SOUTH 89°39'15" WEST A DISTANCE OF 120.23 FEET; 4. SOUTH 00°20'45" EAST A DISTANCE OF 110.00 FEET; 5. SOUTH 01°09'05" EAST A DISTANCE OF 60.01 FEET; 6. SOUTH 00°18'34" EAST A DISTANCE OF 115.69 FEET TO THE NORTHEAST CORNER OF THE GILES SUBDIVISION; THENCE SOUTH 89°51'16" WEST A DISTANCE OF 567.16 FEET ALONG THE NORTH BOUNDARY OF THE GILES SUBDIVISION TO THE EAST BOUNDARY OF THE DANIELS ESTATES SUBDIVISION; THENCE NORTH 00°12'55" EAST A DISTANCE OF 578.77 FEET ALONG THE EAST BOUNDARY OF THE DANIELS ESTATES SUBDIVISION; THENCE EAST A DISTANCE OF 860.36 FEET; THENCE SOUTH 00°28'05" EAST A DISTANCE OF 279.84 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 9.44 ACRES

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 00°01'33" EAST BETWEEN FOUND WASATCH COUNTY SECTION CORNER SURVEY MONUMENTS FOR THE EAST QUARTER CORNER AND NORTHEAST CORNER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, STREETS, PARKS, OPEN SPACES, EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-107 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO HEBER CITY, UTAH, ALL STREETS, WATER, SEWER, AND OTHER UTILITY IMPROVEMENTS, PUBLIC OPEN SPACES, PARKS, EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

NAME _____ DATE _____
 NAME _____ DATE _____

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH
 COUNTY OF WASATCH

ON THE _____ DAY OF _____, A.D. 2014, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE (THEY) SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HEBER CITY, WASATCH COUNTY, UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 2014.

MAYOR _____
 CLERK-RECORDER _____

HEBER CITY ENGINEER APPROVAL

CITY ENGINEER _____ DATE _____

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2014, BY THE PLANNING COMMISSION OF HEBER CITY.

CHAIRMAN, PLANNING COMMISSION _____

WASATCH COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ OF _____, 2014.

ROS # _____
 COUNTY SURVEYOR _____

WASATCH COUNTY RECORDER

PROJECT: C14-029
 SHEET: 1 OF 1
 PRINT DATE: 09/12/14

PREPARED FOR: JD II LLC
 PROJECT: HEBER MEADOWS SUBDIVISION, PHASE 2

Summit Engineering Group Inc.
 Structural • Civil • Surveying
 55 WEST CENTER • P.O. BOX 178
 HEBER CITY, UTAH 84032
 P: 435-654-9229 • F: 435-654-9231

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 SUMMIT ENGINEERING GROUP, INC.

WARNING/ALERTATION

IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF THE PROFESSIONAL LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY MANNER. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO ATTEST THEIR SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.

HEBER MEADOWS SUBDIVISION PHASE 2 FINAL SUBDIVISION PLAT

LOCATED IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SLB&M, HEBER CITY, WASATCH COUNTY, UTAH

Heber City Planning Commission
Meeting date: October 9, 2014
Report by: Anthony L. Kohler

Re: Heber Meadows Phase 3

The petitioner is requesting approval of 6 lots in Phase 2 of Heber Meadows Subdivision. The subdivision has complete improvements installed. The city's water meter and sewer lateral, specifications have changed since these improvements were installed, and the City Engineer is requesting the water meter and sewer laterals be altered to meet current standards.

In 2007, the developer for the entire Heber Meadows Subdivision committed to provide a monetary fee in lieu contribution for affordable housing to the Wasatch County Housing Authority, in exchange for a bonus lot within Phase 2, Lot 39. The minimum size for the bonus lot is 5,500 square feet and 49 feet wide. The amount calculated was \$151,200, which is derived from requiring 10 percent of the lots to be affordable (5.4 units) times \$28,000.

The property is located within the R-1 Residential Zone, and each of the lots meet the required 10,000 square foot area and 100 foot width requirements of the R-1 Zone.

RECOMMENDATION

The proposed Phase 3 Heber Meadows Subdivision is consistent with Chapter 18.52 R-1 Residential Zone and Title 17 Subdivisions, conditional upon the following:

1. The water meters and sewer laterals be upgraded to the satisfaction of the City Engineer;
2. Prior to the plat recording, the developer will provide receipt to the city of payment of the fee in lieu for affordable housing to the Wasatch County Housing Authority, calculated as 10% of the 54 units times \$28,000, for a total of \$151,200. Lot 39 is granted as a bonus lot for this contribution.
3. Prior to recording the plat, Developer shall provide:
 - a. Tax clearance from county assessor; and
 - b. Addresses for each of the lots

October 1, 2014

Heber City Corporation
Attn: Bart Mumford P.E.
75 North Main
Heber City, Utah 84032

Subject: Heber Meadows Phase 3 – Final Plat of Small Subdivision

Dear Bart:

Horrocks Engineers has recently reviewed the final plat for the above referenced small subdivision located near 1040 East and 2880 South. The curb & gutter, asphalt pavement, and sidewalk have already been completed at this subdivision. The following items need to be addressed.

Utilities

- The water services for Phase 3 have already been installed. They were installed per the City standard in 2007. The water services need to be updated to meet the current Standard Drawing Water-6B, which is the current standard for a single water service.
- The sewer laterals for Phase 2 have also already been installed. These will need to be updated to have cleanouts in the park strip per the current Standard Drawing Sewer-1. As an alternate, can the cleanouts be installed behind the sidewalk to minimize damage and undermining of the curb & gutter?

Please call our office with any questions or concerns regarding this project.

Sincerely,

HORROCKS ENGINEERS



Willa Motley, P.E.

cc: file
Summit Engineering
Heber Planning Department



SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS.

BING CHRISTENSEN

DATE

BOUNDARY DESCRIPTION

COMMENCING AT A FOUND WASATCH COUNTY BRASS CAP MONUMENT REPRESENTING THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN THENCE SOUTH 00°01'33" WEST 2170.28 FEET; THENCE WEST 39.81 FEET; TO THE TRUE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING LOCATED ON THE SOUTHERLY BOUNDARY OF HEBER MEADOWS SUBDIVISION PHASE 1, IN THE WASATCH COUNTY RECORDS (BASIS OF BEARINGS BEING SOUTH 00°01'33" WEST BETWEEN FOUND WASATCH COUNTY BRASS CAP MONUMENTS REPRESENTING THE NORTHEAST AND EAST QUARTER CORNERS OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN);

THENCE SOUTH 00°20'45" EAST A DISTANCE OF 134.10 FEET; THENCE NORTH 89°22'13" WEST A DISTANCE OF 555.27 FEET; THENCE NORTH 71°08'00" WEST A DISTANCE OF 55.71 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS SOUTH 80°32'19" WEST; THENCE NORTH-WESTERLY ALONG SAID CURVE A DISTANCE OF 20.26 FEET THROUGH A CENTRAL ANGLE OF 23°12'47" (CHORD BEARING AND DISTANCE FOR SAID CURVE BEING NORTH 21°04'05" WEST 20.12); TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 57°19'32" EAST; THENCE NORTHERLY ALONG SAID CURVE A DISTANCE OF 8.43 FEET THROUGH A CENTRAL ANGLE OF 32°12'23" (CHORD BEARING AND DISTANCE FOR SAID CURVE BEING NORTH 16°34'17" WEST 8.32); THENCE NORTH 00°28'05" WEST A DISTANCE OF 84.44 FEET TO THE BEGINNING OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 23.59 FEET THROUGH A CENTRAL ANGLE OF 90°07'20" (CHORD BEARING AND DISTANCE FOR SAID CURVE BEING NORTH 44°35'35" EAST 21.24); THENCE NORTH 89°39'15" EAST A DISTANCE OF 437.15 FEET; THENCE SOUTH 83°13'15" EAST A DISTANCE OF 40.31 FEET; THENCE NORTH 89°39'15" EAST A DISTANCE OF 110.27 FEET TO THE BEGINNING OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 23.56 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD BEARING AND DISTANCE FOR SAID CURVE BEING SOUTH 45°20'45" EAST 21.21) TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.07 ACRES.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 00°01'33" EAST BETWEEN FOUND WASATCH COUNTY SECTION CORNER SURVEY MONUMENTS FOR THE EAST QUARTER CORNER AND NORTHEAST CORNER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, STREETS, PARKS, OPEN SPACES, EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO HEBER CITY, UTAH, ALL STREETS, WATER, SEWER, AND OTHER UTILITY IMPROVEMENTS, PUBLIC OPEN SPACES, PARKS, EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

NAME _____ DATE _____

NAME _____ DATE _____

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASATCH

ON THE _____ DAY OF _____, A.D. 2014, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE (THEY) SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HEBER CITY, WASATCH COUNTY, UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 2014.

MAYOR _____

CLERK-RECORDER _____

HEBER CITY ENGINEER APPROVAL

CITY ENGINEER _____ DATE _____

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2014, BY THE PLANNING COMMISSION OF HEBER CITY.

CHAIRMAN, PLANNING COMMISSION _____

WASATCH COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ OF _____, 2014.

ROS # _____

COUNTY SURVEYOR _____

WASATCH COUNTY RECORDER

CURVE TABLE: PARCELS

CURVE NO.	LENGTH	RADIUS	DELTA	CHORD	DIRECTION
C1	23.56'	15.00'	90°00'00"	21.21'	S45°20'45"E
C2	20.26'	50.00'	23°12'47"	20.12'	N21°04'05"W
C3	8.43'	15.00'	32°12'23"	8.32'	N16°34'17"W
C4	23.59'	15.00'	90°07'20"	21.24'	N44°35'35"E

ZONING INFORMATION

THIS SUBDIVISION IS LOCATED IN THE R1 RESIDENTIAL ZONE. MINIMUM LOT SIZE IS 10,000 SQUARE FEET. MINIMUM STREET FRONTAGE IS 100 FEET. PER THE APPROVALS OF THIS PLAT, THE MINIMUM BUILDING SETBACKS ARE AS FOLLOWS:

- ON CORNER LOTS:
- FRONT 25 FEET
 - REAR 25 FEET
 - STREET SIDE 25 FEET
 - OTHER SIDE 10 FEET
- ON ALL OTHER LOTS:
- FRONT 25 FEET
 - REAR 25 FEET
 - SIDE 10 FEET

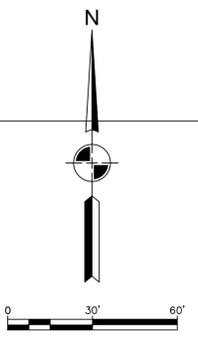
PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:

FRONT: 10 FEET
REAR: 10 FEET
SIDE: 10 FEET

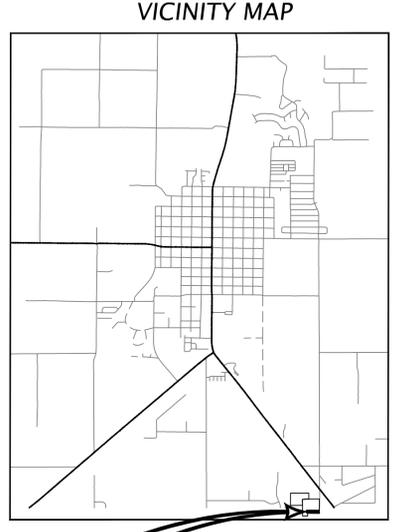
PROPERTY CORNER NOTES

- SET 5/8" REBAR AND PLASTIC CAP STAMPED "SUMMIT ENG 435-654-9229" AT SUBDIVISION CORNERS AND REAR LOT CORNERS.
- SET 1.17" COPPER PLUG STAMPED WP-RP 145796 AT POINTS WHERE EXTENSION OF SIDE LOT LINES INTERSECT CENTER OF CONCRETE STREET CURB.



ABBREVIATIONS

P.O.B. - POINT OF BEGINNING
NR - NON-RADIAL
N - NORTH
S - SOUTH
E - EAST
W - WEST
T - TOWNSHIP
R - RANGE
SLB&M - SALT LAKE BASE AND MERIDIAN
ROW - RIGHT OF WAY
ESMT - EASEMENT



PROJECT: C14-029
SHEET: 1 OF 1
PRINT DATE: 09/12/14

PREPARED FOR: JD II LLC
PROJECT: HEBER MEADOWS SUBDIVISION, PHASE 3

Summit Engineering Group Inc.
Structural • Civil • Surveying
55 WEST CENTER • P.O. BOX 178
HEBER CITY, UTAH 84032
P: 435-654-9229 • F: 435-654-9231

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SUMMIT ENGINEERING GROUP, INC.

SEALING ALLEGATION

IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF THE PROFESSIONAL LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO ATTEST THEIR SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.

HEBER MEADOWS SUBDIVISION PHASE 3 FINAL SUBDIVISION PLAT

LOCATED IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SLB&M, HEBER CITY, WASATCH COUNTY, UTAH

Heber City Planning Commission
Meeting date: October 9, 2014
Report by: Anthony L. Kohler

Re: Steep Slopes and Open Space

Below is a potential amendment to the code for the Planning Commission to consider, addressing open space and steep slopes. Staff is seeking comments on the proposed amendment.

PROPOSED AMENDMENT

The following definitions be added to the Zoning and Subdivision Ordinance:

Section 17.08.125 Slope: The ratio of the vertical distance moved to the horizontal distance moved, expressed in percentage or degrees, when traversing along the surface of land.

Section 18.08.445 Open Space: Land which is not covered by dwellings or pavement (except trails) or other impervious material which is dedicated to be used in perpetuity by the owners or the public for some other purpose besides development, such as agriculture, recreation, or conservation, and is owned and/or maintained by a homeowners' association, the public, or other similar entity.

The following definition within the Zoning Ordinance be amended as follows

Section 18.08.090 Common Area: ~~"Common area" means an area designed to serve two or more dwelling units or separate uses with convenient access to the area. (Ord. 199 §02.0509, 1973)~~

Section 18.08.090 Common Area: An area of common ownership of the residents designed to serve the perpetual recreational, open space or other similar needs of owners within a development and is not a commercial use. Common areas may include, but are not limited to: outdoor space, landscaping, fences, clubhouses, tennis courts, golf courses, and swimming pools.

The following regulatory sections be added to the Subdivision Ordinance:

Chapter 17.33 Physical Constraints. Development and building shall be prohibited within the following areas:

- A. Natural slopes over thirty percent (30%) slope (natural slopes over 25 percent require special studies for stability); each lot must have a contiguous building area that is a minimum of five thousand (5,000) square feet at thirty percent (30%) or below natural slope;
- B. Within 50 feet of a fault line;
- C. Landslide hazard areas;
- D. Alluvial fan flood debris flow and collapsible soil hazards;

- E. Areas of springs and seeps;
- F. Surface water; and
- G. Established road and utility corridors as designated on the General Plan or Master Facilities Plan.

That the following regulatory section of the Zoning Ordinance be amended as follows:

17.48.010 School Sites-Public Spaces. In subdividing property, consideration should be given to sites for schools, parks, playgrounds, and other areas for public use, ~~as shown on the comprehensive plan.~~ Parks and trails shall be dedicated as shown in the General Plan. Any provision for such open spaces shall be indicated on the preliminary plan in order that it may be determined in what manner such areas will be dedicated to, or acquired by the appropriate agency. Unless otherwise specified within a specified zoning district, the following standards for open space apply to each residential development over 10 units:

- A. **Open Space Required.** A minimum of ten percent (10%) open space is required within each residential development over 10 units, of which at least five percent (5%) of the development shall be contiguous, usable land which is not contained on slopes over ten percent (10%) or in sensitive land areas, which make the land unusable for recreation purposes. The intent of the open space is that some open space shall be available for gathering spaces, parks, playgrounds, hiking and biking trails, small parks, ball fields, picnic areas, or other permitted uses as authorized by the city.
- B. **Contiguous:** Open spaces shall be designed to be as contiguous as possible.
- C. **Public Use:** Unless otherwise approved by the city, all open space shall be dedicated for the perpetual use of the public.
- D. **Maintenance:** Provisions must be made for regular maintenance of all open space. Such maintenance may be provided through a homeowners' association, or if accepted for a public purpose, may be provided through the city. A proposal for open space maintenance shall be provided as part of the development approval process. A development agreement may be required to assure the intent of this section is implemented.

Re: Nightly Rentals

Heber City does not have an ordinance addressing nightly rentals in homes. Nightly rentals include single-family homes that are rented out to tourists or visitors for less than 30 days. Midway, Wasatch County, and Park City each have ordinances addressing nightly rentals as shown at the end of this report. Each of these jurisdictions, including Heber City, are increasingly having nightly rentals occurring. The purpose for this discussion is to determine if Heber City should adopt an ordinance similar to these jurisdictions, as Heber City ordinances do not address nightly rentals.

These ordinances are typically adopted into the Business Licensing portions of the code; zoning regulations are also adopted that specify the process for approval and the specified locations where nightly rentals are permitted. Heber City could either prohibit nightly rentals or permit them with a new ordinance that regulates them. If the Planning Commission agrees with the approach similar to Wasatch County, Park City, or Midway, staff would ask for direction in drafting an ordinance specific to Heber City. The first point of discussion is where nightly rentals should be permitted.

Typical Nightly Rental Ordinance Components

A. Business Licensing Ordinance

1. **Definitions.** Terms specific to nightly rentals are defined for clarification.
2. **CCRs.** Home Owners Associations and restrictive covenants must permit nightly rentals in order for a permit to be issued for a nightly rental.
3. **Management.** A property management company is required to maintain the property, especially in relation to snow removal, landscaping, routine upkeep, daily housekeeping services, and trash collection.
4. **Licensing.** A business license is required, typically with annual inspections and a requirement to pay transient room tax. License revocation standards are described.
5. **Standards.** Minimum rental time, requirement to conform to zoning.

B. Zoning Ordinance and Map

1. **Specified Area.** Nightly rentals are permitted either in a new overlay zone, or they are permitted only in areas that permit higher densities or where multifamily housing is permitted.
2. **Process.** Nightly rentals can be permitted, or permitted through a conditional use process, such as approval through staff or the Planning Commission.
3. **Standards.** Parking is not permitted on the street, the number of individuals occupying the home is limited (i.e. one person per 200 square feet up to 16 maximum), noise levels are regulated, disorderly conduct prohibited, signs prohibited, commercial uses prohibited, minimum property size, etc.

CHAPTER 7.06 TRANSIENT LODGING UNITS (MIDWAY)

The City Council of Midway City hereby makes the following findings:

A. Midway City is a small rural community that attracts many visitors. Our vision is that Midway City "be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walk able and visitor friendly." We welcome visitors; we are pleased to have them come. Our resort and lodging establishments are valued and we appreciate all they contribute to our community.

B. There are many single and multi-family vacation homes and condominiums in Midway. Transient rental of some of these units provide a community benefit by expanding the number and type of lodging facilities available and assists owners of vacation homes by providing revenue which may be used for maintenance, upgrades and deferred costs.

C. Transient rental of homes and condominiums and individually owned units associated with commercial lodging establishments has, on occasion, created problems for City staff and the City's permanent residents. The City has been called upon to respond to complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking and accumulations of refuse at transient rental units.

D. It has become necessary for Midway City to address transient rental of single family and multifamily homes, and individually owned units within, or associated with, commercial lodging establishments, to forestall future problems and provide an equitable balance of private and public interests.

E. Due to its limited resources and staff, the City must often rely on third parties (resorts, inns and property management firms) for assistance in the enforcement of this Chapter to maintain civic peace and tranquility for the benefit of both citizens and visitors.

Section 7.06.020 Definitions:

A. Commercial lodging facility. A motel, hotel, resort, bed and breakfast inn, or other facility, the operation of which is governed by the resort provisions of this code and/or a conditional use permit or development agreement issued by the City which allows, among other things, the rental of a lodging unit or units for periods of more or less than 48 hours.

B. Commercial lodging unit. A lodging unit located in a commercial lodging facility and which is wholly owned by said commercial lodging facility, the rental of which lodging unit is subject to the terms of a conditional use permit or a development agreement issued by the City for the commercial lodging facility.

C. Commercial lodging unit rental. The rental of a commercial lodging unit located in a commercial lodging facility for periods of more than or less than 48 hours. Commercial lodging unit rental is governed primarily by the conditional use permit or a development agreement issued for the commercial lodging facility (and other City ordinances as applicable), and not primarily by this Title.

D. Individually owned lodging unit. An apartment, condominium, house or other building or structure, or a room designed for human habitation not wholly owned by a commercial lodging facility.

E. Lodging unit. A house, apartment, condominium, or other building or structure or portion thereof, or a room designed for human habitation.

F. Owner. The person(s) or entity who possesses legal title to a lodging unit and/or possesses the legal right to allow entrance into the unit or to compel departure from the unit.

G. Transient lodging unit. A lodging unit which is rented for less than 30 days and which is not a commercial lodging unit.

H. Transient lodging unit manager. A person or entity designated by the owner of a transient lodging unit pursuant to this Title to manage the transient lodging unit in accordance with the terms of this and other applicable City ordinances.

I. Transient lodging unit owner. A person or entity who owns a transient lodging unit.

J. Transient lodging unit rental. The rental of a transient lodging unit located in the transient rental overlay district within the City. Transient lodging unit rental does not mean the rental of a commercial lodging unit located in a commercial lodging facility.

K. Transient rental overlay district. An additional district established by Midway City that may be more or less restrictive than one or more underlying primary zoning district(s). When a property is located within an overlay district, it is subject to the provisions of both the primary zoning district and the overlay district. Where the provisions are in conflict, the overlay district governs.

Section 7.06.030 Rental Period of Lodging Unit

The rental of any lodging unit for a period less than twelve hours is prohibited in Midway City. A transient lodging unit may not be rented for a period less than 48 hours.

Section 7.06.040 Commercial Lodging Facility

A commercial lodging facility may not exist or operate unless pursuant to a conditional use permit or a development agreement issued by the City.

Section 7.06.050 Transient Lodging Unit Rental

A. Transient lodging unit rental may be conducted only in the transient rental overlay district within the City, and only pursuant to the terms of this Chapter. Transient lodging unit rental in the Resort Zone (RZ) within the transient rental overlay district is a permitted use. Transient lodging unit rental in any other zone within the transient rental overlay district is a conditional use.

B. Whenever a lodging unit is rented for transient lodging purposes, the owner of the lodging unit is required to comply with all provisions of this Chapter.

C. The rental of any transient lodging unit within Midway City is prohibited unless conducted in compliance with the terms of this Title.

Section 7.06.060 License of Transient Lodging Unit

Prior to being rented as a transient lodging unit, and at all times while being rented or while being offered for rental, a transient lodging unit must be licensed as a transient lodging unit with Midway City.

Section 7.06.070 Unit License Application Procedure

The owner must provide the following information on the unit license application:

A. The name, street address, telephone and other contact information of the owner of the unit offered for transient rental.

B. The street address and telephone number of the rental unit.

C. Proof that all required health, building, and fire code inspections have been successfully completed.

D. A title report issued for the transient rental unit verifying ownership. For a new unit license application this report must have been issued within the past 30 days.

E. A schematic floor plan for the rental unit indicating all utility shut-off locations in case of emergency.

F. A statement granting Midway City the right to inspect the rental properties and authorize the entry of police or other emergency personnel in the case of an emergency.

Section 7.06.080 Physical Requirements of Transient Lodging Rental Units

In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following physical requirements:

- A. The transient rental is not specifically prohibited by zoning requirements or private development covenants, conditions, and restrictions (CC&R's) as a conditional use.
- B. The Midway City Business License Officer has reviewed the application and has determined that the rental unit is in compliance with state and local health, building and fire codes. Inspection of the proposed rental by the appropriate inspector is required before this finding can be made by the Business License Officer. The applicant shall bear the cost of any such inspection, or any re-inspection, in accordance with the regular policies of each department.
- C. If the structure and the layout of the unit are such that:
 - 1. There is direct access to the public right of way such that trespass from the proposed rental unit onto adjoining private properties is not necessary to use the unit; or
 - 2. The proposed rental unit is part of a multi-family structure and shares an access, hallway, common wall, or driveway with another dwelling.

Written consent of the owner(s) of the impacted dwellings is required prior to the initial application for a unit license. Written documentation of this permission shall be furnished with this application. Permission, once granted, shall be considered binding on the grantor and all successors and assigns so long as such dwelling is licensed as a transient rental unit in Midway City and such permission shall also be recorded at the office of the Wasatch County Recorder.

D. Lighting shall be shielded and operated in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from fixture surfaces, are directed away from an adjacent property and shall not detract from driver visibility on adjacent streets.

Section 7.06.090 Usage Requirements of Transient Lodging Rental Units

In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following usage requirements:

- A. Maximum overnight occupancy will be based on the number of designated bedrooms, with a limit of two occupants per bedroom plus two additional persons per residence up to a maximum overnight occupancy of 14 persons in any transient lodging unit. Designated bedrooms must meet all Midway City building and safety code standards.
- B. The number of cars parked on site shall be limited to garage capacity plus two for each unit.
- C. No on street overnight parking is permitted.
- D. Visitor on street parking shall not result in an obstruction to traffic and pedestrian circulation or public safety.
- E. Noise resulting from activities at the transient rental shall not intrude on adjoining properties by exceeding 55 dB at the property line between 11 p.m. and sunrise or exceeding 60 dB between 7 a.m. and 11 p.m. Violations of Midway City Code provisions regulating noise will not be permitted.
- F. Transient rentals may not be converted to corporate sponsored or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.
- G. Signs advertising transient lodging unit rental are prohibited.

H. No obscene or raucous activity, and no unsanitary or unsightly conditions, shall occur on the property.

I. All activities on the property must be conducted in a manner that does not disturb the peace or violate Midway City Code regulating nuisances.

Section 7.06.100 Revocation of Transient Lodging Unit License

The following are grounds for revocation of a transient lodging unit license:

A. Failure to maintain a licensed transient lodging unit manager for the property.

B. Any recurring activity on the property that disturbs the peace or violates the Midway City Code regulating nuisances.

C. Any activity on the property that violates State or Federal law or the Midway City Code or this Chapter.

D. Failure to collect and deposit all appropriate Midway City, Wasatch County and Utah State taxes.

E. Failure to renew the Midway City transient lodging unit license annually.

Section 7.06.110 Transient Lodging Unit Manager

The owner of a transient lodging unit, prior to allowing the unit to be rented as a transient lodging unit rental, and at all times while said unit is being so rented or is being offered as such a rental, shall designate and maintain a transient lodging unit manager for the transient lodging unit. The transient lodging unit manager shall have in force at all times a current and valid business license as a transient lodging unit manager and shall have for such business a valid business address and valid business office which is operating and in use and located within the C-2, C-3 or Resort Zones within Midway City.

Section 7.06.120 Application to Obtain License as Transient Lodging Unit Manager

The application to obtain a license as a transient lodging unit manager shall contain:

A. The name and address of the manager.

B. The Midway City street address for the manager and the street address of the office which will serve as the guest check-in and check-out location.

C. The office location must be in the C-2, C-3 or Resort Zones within Midway City.

D. The telephone number at which the manager is available 24 hours per day every day.

E. An appropriate Utah State tax collection account number, the address of which matches the Midway City street address of the check-in and check-out location that will assure that Midway City and Wasatch County receive all appropriate tax revenue. In no event shall any license authorized under this Section be effective until the tax account number is provided and verified by Midway City.

F. A list of all other licensed transient lodging rental units that the manager will manage.

G. Any other information deemed necessary by the Midway City business licensing official.

Section 7.06.130 Standards for Transient Lodging Unit Manager

A. The transient lodging unit manager must be available by telephone, or otherwise, 24 hours per day every day and must be able to respond to telephone inquiries immediately.

B. The manager shall also be designated as the agent for receiving and responding to all official communications from Midway City, Wasatch County, and the State of Utah required under this Section.

C. The manager must comply with all Midway City and Utah state laws, including state law provisions governing property management companies where applicable.

D. The manager must provide each year with the manager's license renewal application the following:

1. A list of all transient lodging units that the manager managed during the previous year.
2. A list of all transient lodging units that the manager will manage during the coming year.
3. All dates when each unit was rented during the previous one-year period (listed separately by date and by unit).
4. And the amount of rent that was charged for every rental during the previous one-year period (listed separately by date and by unit).

Section 7.06.140 Duties of Transient Lodging Unit Manager

Both the owner and the manager are responsible and liable to ensure that the following duties are performed by the manager:

- A. Physically and in person check renters into and out of the unit at the beginning and ending of each rental.
- B. Report any illegal conduct, or any other abuse, which violates any law regarding use of the premises. Midway City does not expect, nor desire, the owner or his or her agent to place themselves in harm's way. However, reporting and seeking assistance from qualified public agencies is required.
- C. Provide adequate property maintenance services. The minimum services required include:
 1. Structural maintenance to preserve substantial compliance with Midway City code as required.
 2. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
 3. Trash collection which insures that adequate trash facilities are provided, that trash cans are not left at the curb for any period in excess of 24 hours and that the property is kept free from accumulated garbage and refuse.
 4. Adequate housekeeping service to all rental units.
 5. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.
 6. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.
 7. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.
- D. Provide emergency contact information to renters and describe appropriate emergency procedures.
- E. Provide City access to the premises. Midway City has the right to inspect the rental properties at any time and authorize the entry of police or other emergency personnel in the case of an emergency.
- F. Ensure that all required taxes are paid to Midway City, Wasatch County, and the State of Utah, as applicable.
- G. The owner and manager may jointly authorize a person other than the manager to perform the duties required by this Section if the authorization is made in writing and signed by both the owner and manager. Notwithstanding such authorization, the owner and manager shall continue to be responsible and liable for the fulfillment of the duties required by this Section.

Section 7.06.150 Revocation of Transient Lodging Unit Manager License

A transient lodging unit manager shall properly manage rental units fulfilling all the duties and responsibilities required by this Chapter. Failure to satisfy the conditions of this Chapter shall be grounds for forfeiture of the license and thereby the right to operate transient rentals. A party

having lost a license may petition the City Council to have it reinstated after a period of at least six months.

Section 7.06.160 Business License Fees

The license fees for a transient lodging unit and a transient lodging unit manager shall be set by the City Council from time to time. The license fee for a transient lodging unit manager shall be based on the number of units the manager manages.

CHAPTER 11.08 SHORT TERM HOME RENTALS (WASATCH COUNTY)

11.08.01: TITLE:

This chapter shall be known as the *SHORT TERM HOME RENTAL ORDINANCE* for Wasatch County.

11.08.02: PURPOSE AND FINDINGS:

The Wasatch County council recognizes that there is an economic demand for short term home rentals in Wasatch County due to the beauty of this county and the many recreational opportunities available here. However, the council also recognizes that short term home rentals can substantially impair the quality of life of permanent residents who live near a home that is rented short term. The purpose of this chapter is to require a business license for short term home rentals, and establish a procedure for obtaining and maintaining that license that will minimize the impact on long term residents.

11.08.03: DEFINITIONS:

LOCAL RESPONSIBLE PARTY: A person who: a) is available by telephone twenty four (24) hours per day; b) resides within thirty (30) miles of the residence to be rented; and c) is able and willing to respond to the residence within one hour of the county request to remediate a public health, safety or welfare concern or a neighbor complaint.

SHORT TERM: A. A term that commences on the first day of a calendar month and ends before the last day of the same calendar month; or

B. A term that commences on a day other than the first day of a calendar month and ends before the last day of the next calendar month.

11.08.04: LICENSE REQUIRED:

A single-family residence may be rented for a short term only after the rental is authorized by a business license obtained under this chapter. No other residences, buildings or structures are authorized for short term rentals under this chapter.

11.08.05: ELIGIBILITY:

Property may be considered for use as a short term rental if the property is located in a zone in which short term rentals are a permitted or conditional use and one of the two (2) following apply: a) short term rentals are specifically allowed in any CC&Rs which apply to the property or b) the property is located within a development for which a development agreement allowing short term rentals either exists, or will be amended by the HOA to allow short term rentals or will enter into a new development agreement, approved by the HOA and county allowing short term rentals.

If the property is not in a zone that allows short term rentals, is not part of a development with an HOA and is not subject to a development agreement short term rentals may be allowed if the applicant enters into a short term rental agreement stipulating conditions such as: occupancy numbers, parking requirements, noise regulation and any other regulations to control possible negative impacts as determined by the county.

Notwithstanding the above regulations short term rentals are not allowed in the RA-1 zone unless the property is a minimum of five (5) acres and a short term rental agreement, stipulating the above criteria, is approved by the county or the short term rental is located in one of the following subdivisions which were approved as recreational/seasonal developments: Interlaken, Swiss Mountain Estates and Oak Haven and if the CC&Rs allow for short term rentals or are amended to allow for short term rentals and a short term rental agreement is entered into.

11.08.06: APPLICATION:

The Wasatch County clerk shall prepare a form to be used as an application to obtain a short term home rental business license. The clerk shall require sufficient information to protect the county interests in regulating the business. The clerk shall further require that the application be reviewed and approved by the following Wasatch County departments before the clerk may issue the business license: building, clerk, fire, health, manager, planning and zoning, and sheriff. The clerk should, but is not required to, inform the applicant that each of these departments may charge a separate fee for their services in reviewing the application. The application shall, among other appropriate requirements, contain the following:

- A. The address, lot or parcel number (if applicable), and Wasatch County tax identification number of the property to be rented;
- B. The identity of the owner of the property and, if the owner is a corporation or other business entity, appropriate state license numbers;
- C. A Utah sales or transient room tax number;
- D. The name, phone numbers and address of any property management company that will manage the property, and a statement from the county manager approving the property management company; pursuant to criteria adopted by the county manager to ensure a company's ability to comply with the provision of this chapter;
- E. The name, phone numbers and address of a local responsible party, which may be an employee of the property management company identified in subsection D of this section;
- F. A statement setting forth: 1) the total occupancy approved by the fire district for overnight use; 2) the total occupancy approved by the fire district for day use; 3) the number of vehicles approved by planning that may park off street within the residential property and a pledge to prohibit the renter or their guests from parking on a street or road.

11.08.07: MAINTENANCE:

The property to be rented under this chapter shall be maintained in a manner such that it shall not be apparent that it is a rental property, and in a manner that complies with county code as well as any applicable CC&Rs or homeowners' association rules or guidelines. In addition, the rental property shall be maintained at a level that meets or exceeds that level of maintenance demonstrated by the immediately surrounding neighborhood. Failure to maintain the property as required by this section constitutes a basis to revoke a business license. Minimum maintenance also includes:

- A. Snow removal allowing safe access to the residence;

- B. Summer yard maintenance, including landscaping, weed control and irrigation;
- C. Structural maintenance to preserve building code compliance and pleasant appearance;
- D. Routine upkeep, including deep cleaning, painting and repair;
- E. Trash collection which ensures that trash cans are not left at the curb for any period in excess of twenty four (24) hours;
- F. Housekeeping services as part of a hotel or property management service;
- G. Space for off street parking consistent with the statement set forth in satisfaction of the requirement of subsection [11.08.06F](#) of this chapter;
- H. The absence of signs or other indications that the property is available to rent.

11.08.08: NOISE, NUISANCE AND OCCUPANCY CONTROL:

- A. The owner of the property and the local responsible party are each individually responsible to regulate the occupancy of the property, the activities conducted on the property, and the noise created by the renters.
- B. Noise levels may not exceed sixty (60) decibels during the hours of six o'clock (6:00) A.M. to nine o'clock (9:00) P.M. Noise levels may not exceed fifty five (55) decibels during the hours of nine o'clock (9:00) P.M. to six o'clock (6:00) A.M.
- C. Occupancy loads may not exceed the limits allowed on the business license.

11.08.09: VIOLATIONS AND REVOCATION OF BUSINESS LICENSE:

- A. Any violation of the provisions of this chapter is a class C misdemeanor.
- B. Each day a violation continues or persists is a separate offense.
- C. Any property at which three (3) or more violations of this chapter has occurred may have the business license for such property revoked.
- D. Any failure to maintain a condition of licensure constitutes a basis to revoke a business license. Also, illegal conduct by renters while on the property, failure to use off street parking, excessive noise, or other conduct on the property which constitutes a public or private nuisance, is a violation of the business license regardless of the owner's knowledge thereof and constitutes a basis to revoke a business license.

PARK CITY NIGHTLY RENTAL ORDINANCE

(C) **NIGHTLY RENTAL.** All nightly rental units must be licensed before being offered for rent.

(1) **LICENSE ISSUANCE.** The business license for rental of units under this section will be issued by the City upon payment of necessary fees and upon a finding by the staff that the review criteria established below has been satisfied.

(2) **LICENSEE.** The licensee for rentals under this section shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(3) **APPLICATION PROCEDURE.** All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone twenty four (24) hours per day and all other information requested on the application forms. The application includes a cover form, which contains information common to all units managed, and

unit forms, which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another.

(4) **MANAGEMENT STANDARDS.** The lodging authorized under Section 4-2-17 must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services and management regulations required include:

(a) Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.

(b) Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for occupant use.

(c) Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.

(d) Structural maintenance to preserve substantial code compliance as described above is required.

(e) Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.

(f) Trash collection which insures that trash cans are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free from accumulated garbage and refuse.

(g) Housekeeping service as a part of hotel or property management company: included in property management license.

(h) Parking. On-street parking for nightly rental uses shall not result in an obstruction to traffic and pedestrian circulation or public safety.

(i) Outdoor Displays of Goods and Merchandise. No outdoor display of goods and merchandise shall be permitted as part of any nightly rental use.

(j) Signs. Unless expressly permitted under the Municipal Sign Code, Title 12, no signs will be permitted for nightly rental uses.

(k) Commercial Uses

Prohibited. Nightly rentals may not be used for commercial uses not otherwise permitted in the zone. Nightly rentals may not be converted to corporate sponsor or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.

(5) **NOISE AND OCCUPANCY CONTROL.** The licensee and the owner of rentals under this section are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Violation of the noise ordinance, violation of occupancy loads, failure to use designated off-street parking, illegal conduct, or any other abuse, which violates any law regarding use or occupancy of the premises is grounds for revocation. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation.

(6) **REVIEW CRITERIA.** In determining whether or not a business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

- (a) The unit is located within a zone and subzone designated as allowing rentals for the period, which the license is applied for.
- (b) The Park City Building Department has reviewed the business license application for compliance with the Code for abatement of dangerous buildings. Inspection of the unit may be required under Section 4-2-8. The applicant shall bear the cost of any such inspection and any re-inspection, which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.
- (c) The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.
- (d) The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including U.C.A. Section 61-2-2, as amended, which requires those who receive valuable consideration to lease property to have a state license.
- (e) The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax accounting number used by the property management company responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided.