

REGULAR MEETING

Memo

To: Mayor and City Council
From: Mark K. Anderson
Date: 02/12/2015
Re: City Council Agenda Items for February 19, 2015

REGULAR MEETING

Item 1 – Ordinance 2015-06, an Ordinance Repealing Chapter 18.87 Apartments, and Amending Section 18.60.020 Permitted Uses (in the R-3 Residential Zone), of the Heber City Municipal Code: The Council reviewed this Ordinance at their last work meeting and requested that it be moved forward to the regular agenda to consider adoption. The Planning Commission is recommending that Chapter 18.87, Apartments, of the Heber City Municipal Code be repealed. Although still allowed in some overlay or mixed use zones, Apartments would no longer be a permitted use in the R-3 Zone. See enclosed staff report. Staff would recommend approval.

Item 2 – Ordinance 2015-07, an Ordinance Amending Section 306 of the C2 & C4 and C3 Design Criteria relating to Building Height: The Council reviewed this Ordinance at their last work meeting and requested that it be moved forward to the regular agenda to consider adoption. The Planning Commission is recommending that the design criteria for the C2, C3 and C4 Zones be amended to provide for buildings of greater height. See enclosed staff report from Tony Kohler. As noted in the report, maximum building height would vary from 3 to 5 stories depending on the proximity to residential property. They believe this is an important tool to revitalize/maximize the benefit of our downtown area. Staff would recommend approval.

Item 3 – Haskell Homes, Request to Obtain Temporary Building Permits for Swift Creek Subdivision Phase 2: Guy Haskell is requesting permission to obtain building permits before final acceptance of the Swift Creek Subdivision. See enclosed letter. This request relates to his inability to timely install street lights and phone service due to delays beyond his control. Section 15.08.030 provides for the issuance of temporary building permits if granted by the City Council. See enclosed staff report from Bart Mumford. Staff would recommend approval.

Item 4 – Beth Ann Schneider – Request for Funds to Pay for Porta Potties for the B-17 Event Scheduled on June 8th – 15th: Beth Ann Schneider is coming before the Council to request \$383 to pay for porta potties for the B-17 Event that will be held June 8th – 15th at the Heber City Airport. The Council approved a similar request that was made by Beth Ann last year. This event is well advertised and last year it generated a couple of good media stories for the City/valley.

Item 5 – Closed Meeting for the Purpose of Discussing the Purchase, Exchange, Lease or Sale of Real Property:

MINUTES

1 **Heber City Corporation**
2 **City Council Meeting**
3 **January 10, 2015**

4
5 **8:00 a.m.**

6
7 **SPECIAL MEETING**

8
9 The Council of Heber City, Wasatch County, Utah, met in **Special Meeting** on January 10, 2015,
10 in the conference room of the Heber Valley Medical Center, 1465 South Highway 40, Heber
11 City, Utah.

12
13 **Present:** Mayor Alan W. McDonald
14 Council Members Robert Patterson
15 Jeffery Bradshaw
16 Erik Rowland
17 Heidi Franco
18 Kelleen Potter

19
20 **Also Present:** City Manager Mark K. Anderson
21 City Recorder Michelle Kellogg
22 City Engineer Bart Mumford
23 Planning Director Anthony Kohler
24 Chief of Police David Booth
25 Building Official Wes Greenhalgh
26 Parks/Cemetery Director Mark Rounds
27 Public Works Director Stephen Tozier

28
29 **Others Present:** Wes Bingham, Allen Fawcett, Kieth Rawlings, Paul Boyer, Mark Webb, Harry
30 Zane, Darryl Glissmeyer, Clayton Vance, Dave Richards, Kathy Boruch, Michael Moulton, and
31 others whose names were illegible.

32
33 Mayor McDonald opened the strategic planning meeting. The following is his summary of the
34 proceedings:

35
36 On Saturday, January 10th Heber City held its annual Strategic Planning Meeting at the IHC
37 Hospital. (The City is grateful to IHC for allowing us to use their facilities without charge for
38 our Meeting.) The meeting was composed of the City Council, Planning Commission,
39 Department Administrators, the City Manager and the City Attorney. The City Strategic
40 Planning Meeting focused on a number of areas including looking at our past performances to
41 help build on what we needed to better plan for the coming years and what the City department
42 administrators had accomplished in 2014.

43
44 Some of the major accomplishments of the City that were mentioned: the start of the new public
45 safety building, the new industrial park by the airport, the 125th anniversary of Heber City, a
46 replacement of the roof on the Broadhead water tank, along with new water and sewer lines.

1 An area of concern for the coming years is the by-pass road, downtown main street traffic, and
2 the rapid growth of the City. Heber has been recognized as the 8th most livable City in the
3 United States with a population of 20,000 or less. Heber City is the 6th fastest growing
4 Micropolitan area in the United States. The growth that is coming to our City adds to our
5 responsibilities and demands to provide the needed services for its residents. The Planning
6 Department has estimated that within 20 years the City could be built out. This makes it
7 extremely important that the City has the right zoning ordinances in place and knows how to
8 maximize the value of its land use. The land within the City limits is the most vital asset that the
9 City has control of, we must make sure that the right developments are in place to provide
10 ongoing revenue sources for the City. Once the City is built out, some of the City's revenue
11 sources will be gone. The only way to replace these sources of revenue is by having strong,
12 commercial-based areas that can provide jobs for citizens and a solid tax base to fund the City.

13
14 The City administration, along with the department directors, were given time to share their ideas
15 for their departments, what their goals are, what challenges they are facing, share their strategic
16 plan for their individual department and how to consistently achieve their objectives. All this
17 information was recorded and is on the City website. We encourage everyone to listen to the
18 meeting or get a copy of the minutes. It will keep you updated on what is happening within the
19 City. This is a brief description of what each department director presented.

20
21 City Manager Mark Anderson stated that 2013-2014 was a good fiscal year for the City budget.
22 The City currently has 55 full-time employees, 28 part-time employees and six City Council
23 members. The annual budget for 2014-2015 is approximately \$23,560,480, which includes all of
24 the City funds. He presented some challenges that the City is facing such as the economic
25 development of downtown, increasing demands for IT services, and annexation petitions. One of
26 his greatest concerns was that the water and sewer funds are continually operating at a loss. The
27 City Manager and department heads will start preparing a tentative budget for the City beginning
28 in February. Mr. Anderson stated "This will require executive staff to meet together to evaluate
29 and prioritize the needs of the City and balance them with existing resources."

30
31 Tony Kohler from the Planning Department presented some new ideas on how to revitalize the
32 downtown area with new zoning codes, bringing in TDRs (Transfer of Development Rights) to
33 the City, open space, form-based codes, downtown alliance, redevelopment districts, and code
34 amendments. Mr. Kohler would like to present his plans to the public and get their feedback, so
35 please contact him about his presentation.

36
37 Bart Mumford shared the capital projects completed by the City including the road crack sealing
38 and water/sewer replacements. Some of the projects underway are the widening of Daniels Road,
39 Valley Hills Tank pipeline, and the City traffic study. Mr. Mumford said "The City needs a
40 master facilities maintenance and replacement plan for existing facilities. Engineering needs to
41 evolve the department and to look at other areas of the City. More time needs to be spent
42 identifying what can be done differently and what processes can change to save time, money,
43 and enhance our efficiency. The City needs to bring its technology systems together."

44
45 City Recorder Michelle Kellogg has made the Municipal Code available online. She has worked
46 on the employee wellness program, updated the personnel policy and was part of the 125th

1 Anniversary Committee. Mrs. Kellogg presented training on “GRAMA” and presented the idea
2 to implement the Vote-by-Mail program. The Vote-by-Mail program has been very effective
3 and has increased voter turnout.
4

5 Mark Rounds, the Parks/Cemetery Director, was concerned about the vandalism that is going on
6 at the parks. He suggested putting security cameras in and adding more lighting to these areas to
7 help stop the vandalism. Mr. Rounds also suggested the City needs to develop a new section for
8 the cemetery, the cemetery shop needs a new addition, and the addition of a fenced Dog Park at
9 the Muirfield Park.
10

11 Chief Booth shared a PowerPoint presentation on the need to help the Officers find affordable
12 housing in the valley. He also gave a very compelling demonstration detailing how it is nearly
13 impossible to commit a crime in this day and age without some kind of digital footprint. Law
14 enforcement can use this information to their advantage and resolve investigations faster than
15 ever before using mobile device and computer forensics. Chief Booth talked about the need for
16 school resource officers and putting in place after school programs to help children to be
17 healthier, avoid trouble, and to be more successful in school and life. He asked that we put in
18 place in our zoning codes the CPTED program (Crime Prevention Through Environmental
19 Design). Chief Booth reported that in 2012 and 2013 “Part One Crime” increased 33%. In
20 February of 2014, Chief Booth appointed a special task force which reduced “Part One Crimes”
21 by 1% in 2014.
22

23 Wes Greenhalgh is the City Building Inspector. He explained the fees the City charges for
24 building inspections and how they are used to cover the City’s cost. With all the new
25 construction, Mr. Greenhalgh has performed up to 124 inspections in one week, thus leaving his
26 department little time to do plan reviews. Currently plan reviews are out 3-4 weeks because
27 inspections are the priority; some days are spent solely on inspections and no plan reviewing
28 takes place. The resources needed to meet public expectations and to improve the department
29 services were more staffing and equipment. Mr. Greenhalgh said, “Without proper staffing the
30 employees in the department cannot be expected to be much of a City-wide team player. Our
31 customer is the contractor; they have paid the fees for service and that they expect this service in
32 a timely manner. This is our first priority. I need to be allowed to have the necessary staff and
33 equipment which is paid for not by tax dollars, but by fees paid by the contractor/builders to run
34 the department as it needs to be.”
35

36 Stephen Tozier, the Publics Works Director, discussed the most critical issues and needs
37 confronting the department. Some of them included a shop addition, water production, storage
38 facilities, equipment, manpower, analysis on the water and sewer systems, emergency operations
39 plan, new technology for the meter reading process and backup power generation capability. The
40 Public Works Department has the responsibility for the Water Department, Sewer Department
41 and Roads Department. Each of these departments requires a high maintenance schedule and
42 considerable manpower.
43

44 Michael Moulton from the Historic Preservation Commission presented the Commission’s ideas
45 and proposal for the Old Social Hall. The Old Social Hall is on the Utah Historic Site and it is
46 the City’s responsibility to maintain the building and keep it in good condition. Mr. Moulton

1 explained that the Historic Preservation Commission is recommending a full restoration of the
2 building to its original design.

3
4 The current situation of the City administration is that we are operating within an increasingly
5 constrained financial environment to adequately fund the essential services of the City. The
6 department directors have identified what those services are and made a strong case that funding
7 for them was imperative. This is a difficult challenge that the council has in front of them, but we
8 can accomplish this with determination and the support of the citizens of Heber.

9
10 With no further business, the meeting was adjourned at 5:00 p.m.

11
12
13

Michelle Kellogg, City Recorder

1 Heber City Corporation
2 City Council Meeting
3 February 5, 2015
4 5:30 p.m.
5

6 WORK MEETING
7

8 The Council of Heber City, Wasatch County, Utah, met in Work Meeting on February 5, 2015,
9 in the City Council Chambers in Heber City, Utah
10

11 I. Call to Order
12 City Manager's Memo
13

14 **Present:** Mayor Alan McDonald
Council Member Robert Patterson (arrived at 5:35p.m.)
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco (arrived at 5:50p.m.)
Council Member Kelleen Potter

Also Present: City Manager Mark Anderson
City Recorder Michelle Kellogg
City Engineer Bart Mumford
City Planner Anthony Kohler
Police Officer Ken Jones

15
16 **Others Present:** Brent Kelly, Mary Kelly, George Bennett, Todd Drennan, Suzanne Hansen,
17 Travis Price, Ryan Starks, Robert Adair, Derrick Anderson, Mike Johnston, Shawn Morrow,
18 Amy Tuddenham, Rachel Kahler, Wes Bingham, Mark Olpin, Byron Horner, Joshua Horner,
19 Karen Tozier and others whose names were illegible.
20

21 1. Jon Springmeyer, Bonneville Research, Discuss Financing Options for Public
22 Improvements in the Downtown Area
23 Bonneville Research Presentation
24

25 Jon Springmeyer stated there were a few possibilities in Utah to fund redevelopment projects. He
26 presented a PowerPoint presentation that reviewed the options, and indicated he would focus on
27 tax increment financing for this discussion.
28

29 Council Member Patterson arrived at 5:35 p.m.
30

31 Springmeyer continued that when a property was redeveloped, it would increase in value, of
32 which value would then be reflected in higher property tax revenue. The difference in property
33 taxes would be a tax increment.
34

1 He defined an Urban Renewal Area (URA) and stated blight would be found in these areas. To
2 rid cities of blight, eminent domain could be used, but new laws with regard to this option would
3 make it difficult to enforce this option. Springmeyer also stated that under the URA
4 requirements, 20% of the collected increment must be used for housing.

5
6 Council Member Franco arrived at 5:50 p.m.

7
8 After blight was identified, a budget must be approved, a plan for redevelopment must be
9 approved and the taxing entity committee must approve the tax increment proposal by a super
10 majority. This committee would be comprised of eight different members, and the voting
11 makeup would be: two votes from the city, two votes from the county, two votes from the school
12 district, one vote from the State Board of Education, and one vote from the collective group of
13 special service districts. To move the process forward, six of the eight members would have to
14 vote in agreement. The school district would effectively have veto power, so it would be
15 important to have their support.

16
17 Springmeyer also spoke on the Economic Development Area (EDA) and the Community
18 Development Area (CDA) tax increment options. When asked what types of commercial entities
19 would qualify as an EDA, Springmeyer noted that everything but retail would qualify as an
20 EDA. He added that supportive businesses, such as a copy center or deli could be in the business
21 center, but no incentives could be given to them.

22
23 Springmeyer stated a CDA was a voluntary interlocal agreement between a city and a county or a
24 city and a school district, etc. The other party in the interlocal agreement would agree to give the
25 city a certain percentage of its new tax revenue for a certain number of years. It was indicated
26 that CDAs were the quicker track for tax increment financing. They were easier and there would
27 not be a 20% housing requirement. CDAs could also use sales tax proceeds for redevelopment
28 purposes. It was noted that any incentives given to businesses to locate within the city limits
29 would need to have conditions attached to the incentives. Council Member Rowland asked if the
30 city would solicit businesses to relocate or would the city wait for businesses to come and
31 request help moving to the city. Springmeyer stated both would occur. The city could build a
32 project area and market it, as well as be ready when an opportunity came looking for space.

33
34 Council Member Franco asked for examples of money flows. Council Member Rowland felt the
35 Council needed to first determine an area that should be redeveloped, and decide on the vision
36 for that area. He asked if this concept would work for revitalizing Main Street since there were
37 multiple owners and not everything along Main Street was considered blight. Springmeyer
38 thought Main Street would be an excellent candidate for redevelopment. The Council was
39 interested in seeing examples of other cities that redeveloped their Main Streets. Springmeyer
40 stated he would come back and share examples, but noted that each project would be very
41 unique. He suggested that the Council identify specific areas in Heber that could qualify for tax
42 increment funding so brainstorming could occur when he returned. Mayor McDonald added that
43 the Planning Commission should be involved in this decision as well.

44
45 2. [Ryan Starks and Rachel Kahler, Presentation of Heber Valley Tourism and Economic](#)
46 [Development 2015 Strategic Plan and Results from the 2014 Cowboy Poetry Gathering](#)

1 Heber Valley Tourism Strategic Plan
2 2014 Cowboy Poetry Gathering

3
4 Ryan Starks commented on the prior presentation and stated Wasatch County had engaged Zions
5 Bank Public Finance to do a feasibility analysis with regard to the North Village, and depending
6 on the outcome, the County might pursue a CDA. He then proceeded to give a PowerPoint
7 presentation on the state of the valley. It was noted that unemployment was very low. Starks also
8 showed a promotional video of the Chamber of Commerce and discussed the new role of the
9 Chamber and new fees for its members.

10
11 Rachel Kahler stated she had come to share the results of the 2014 Cowboy Poetry Event. She
12 indicated it was the 20th anniversary of Cowboy Poetry, and she considered it very successful
13 from both financial and marketing standpoints. She also gave a PowerPoint presentation on
14 Cowboy Poetry and discussed the different aspects of putting this event together. Kahler noted
15 that local businesses benefited from the event being held in Heber City.

16
17 3. Shawn Morrow and Amy Tuddenham, Heber Valley Medical Center, Vision for the
18 Future Presentation
19 Heber Valley Medical Center Presentation

20
21 Shawn Morrow stated that Heber Valley Health Care had a unique vision. He reviewed the
22 history which formed Intermountain Health Care and noted Heber Valley Medical Center
23 (HVMC) had changed its vision statement. He gave a PowerPoint presentation regarding that
24 vision. Council Member Franco asked if the anticipated construction and expansion was to
25 accommodate future growth. Morrow stated that this plan was to catch up because it was six
26 years overdue. He also indicated that HVMC performed \$1.5 million in charity care last year.

27
28 Mayor McDonald thanked Morrow and stated the hospital was a good partner with the City.

29
30 4. Bart Mumford, Review Phase II Traffic Study Results
31 Heber City Phase II Traffic Study Report
32 Engineering Staff Report re Phase II Traffic Study

33
34 Bart Mumford stated the first phase of the traffic study focused on getting stop signs installed in
35 the core of town. Now phase two was completed, which included installing stop signs in the
36 areas surrounding the downtown area. The study included traffic counts, crosswalks, and retro
37 reactivity, which determined how reflective the signs were. Mumford stated there were a lot
38 more stop signs in the City now. He was concerned with 1000 South, which was now a through
39 road. The study proposed making 300 West a through street and installing stop signs on 1000
40 South. With regard to school crosswalks, the recommendation was to change the stripes and add
41 signs to make the crosswalks more visible.

42
43 Council Member Franco requested that the stop sign at the top of Cottonwood Circle be
44 removed. Mumford stated he would look to see if any signs could be converted to yield signs
45 instead of stop signs, and explained that the signs were not placed there because of traffic, but
46 were placed there because of lack of visibility. Council Member Franco also felt the two stop

1 signs at Ridge Drive and Valley Drive should be eliminated as well. Mumford agreed to look at
2 the study in those areas.

3
4 **5. Discuss Reorganization of the Personnel Policy Committee**
5 **Personnel Advisory Committee**

6
7 Anderson explained that he had been discussing this reorganization for a couple of years.
8 Kellogg had a PHR certificate and the knowledge that went along with that, and she would be an
9 asset on the committee. Chief Booth had presented the makeup of the Summit County Personnel
10 Committee to Anderson because he felt it worked well. Anderson stated he thought this new
11 format would be best for the City, but acknowledged it would not be popular.

12
13 Council Member Patterson asked if the employees felt entitled. Anderson stated some employees
14 used the committee to bring forth their pet peeves, and gave examples of such requests. Council
15 Member Rowland was concerned about taking the voice away from the employees, and felt there
16 should be a forum for employees to voice their concerns. Anderson agreed and noted there was
17 an avenue for employees to come and present their concerns with the new format. Council
18 Member Rowland favored leaving the committee as it was currently set up so employees could
19 feel they had a voice. Council Member Patterson agreed. Mayor McDonald asked what level of
20 the organization should be making decisions, and thought the decision making should move up a
21 level, from employees to department heads. Council Member Rowland thought the checks and
22 balances were in place since the Council would be making the final decision. Council Member
23 Franco stated she appreciated the perspective of the employees, even though they might not
24 know why the policy was set up that way. She felt employees needed to feel respected and that
25 their opinion mattered.

26
27 Anderson stated he felt the Council was uncomfortable with the proposed change, but asked how
28 they felt if he recommended that Human Resources have a permanent spot on the committee.
29 Council Member Potter thought that Kellogg should sit on the committee, and suggested defining
30 the scope of the committee. Anderson indicated this section of the policy should be refined
31 before holding new committee elections.

32
33 **6. Review Proposed Amendments to Section 306 of the C2 & C4 and C3 Design Criteria**
34 **relating to Building Height**
35 **Building Height in Commercial Zones**

36
37 Kohler stated this height amendment was proposed because the current height restrictions were
38 hindering economic development. It was noted the Planning Commission unanimously approved
39 these amendments. This item was moved to the next regular meeting agenda.

40
41 **7. Review Proposed Amendment Repealing Chapter 18.87, Apartments, and Remove**
42 **Apartments as a Permitted Use in the R-3 Residential Zone.**
43 **Apartments and Permitted Uses in the R-3 Zone**

44
45 This item was moved to the next regular meeting agenda.

1 With no further business, the meeting was adjourned.
2
3

Michelle Kellogg, City Recorder

DRAFT

1 Heber City Corporation
2 City Council Meeting
3 February 5, 2015
4 7:20 p.m.

5
6 REGULAR MEETING

7
8 The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on February 5,
9 2015, in the City Council Chambers in Heber City, Utah.

10
11 I. Call to Order
12 City Manager's Memo

13
14 **Present:** Mayor Alan McDonald
Council Member Robert Patterson
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco
Council Member Kelleen Potter

Also Present: City Manager Mark Anderson
City Recorder Michelle Kellogg
City Engineer Bart Mumford
City Planner Anthony Kohler
Police Officer Ken Jones

15
16 **Others Present:** Mike Johnston, Wes Bingham, Byron Horner, Joshua Horner, Harry Zane,
17 Blaik Baird, Gunner Osguthorpe, Mark Davis, Nadim AbuHaidar, Bill Gaskill, Keith Johanson,
18 Alan Robertson, Mark Haroldsen, Paul Berg, Fred Schloss, Mindy Kohler, Suzanne Hansen and
19 others whose names were illegible.

20
21 II. Pledge of Allegiance: Council Member Heidi Franco

22
23 III. Prayer/Thought: Council Member Robert Patterson

24
25 IV. Minutes for Approval: January 15, 2015 Work and Regular Meetings
26 January 15, 2015 Work Meeting Minutes
27 January 15, 2015 Regular Meeting Minutes

28
29 Council Member Rowland moved to approve the January 15, 2015 Work and Regular Meeting
30 minutes. Council Member Patterson made the second. Voting Aye: Council Members Robert
31 Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

1 V. Open Period for Public Comments

2
3 Mayor McDonald opened the meeting for comments from members of the audience who wished
4 to address the Council on matters which were not listed on the agenda. No comments were given.
5 Mayor McDonald closed the open period for public comments and recognized the Boy Scouts in
6 attendance.

7
8 1. Recognition of Harry Zane for 16+ Years of Service as a Planning Commission Member

9
10 Mayor McDonald recognized Harry Zane and praised him for his dedication in serving on the
11 Planning Commission for over 16 years. He presented Zane with a certificate and a gift card.

12
13 2. Black Calf Brewery, Requests Local Consent to Manufacture Malted Beverages at 544
14 West Airport Road
15 Staff Report re Black Calf Brewery
16 Black Calf Brewery Application for Local Consent

17
18 Council Member Potter moved to approve the request from Black Calf Brewery for local consent
19 to manufacture malted beverages. Council Member Rowland made the second.

20
21 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
22 and Kelleen Potter.

23
24 3. Nadim AbuHaidar, OK3-Air, FBO Annual Report
25 OK-3 Air Presentation

26
27 Nadim AbuHaidar gave a PowerPoint presentation on the FBO operations in 2014. He noted that
28 in the past the FBO was on the Airport Advisory Board and had a voice in the decisions made
29 regarding the airport. But now the FBO was no longer on that board, and he requested that he be
30 advised when important issues came up so he could give his input. There was some discussion
31 on the apron expansion and AbuHaidar's desire to build a new hangar for the FBO.

32
33 AbuHaidar stated he was in favor of participating in board discussions but stressed he wanted to
34 do it in an appropriate way. Council Member Franco suggested assigning AbuHaidar to the
35 Technical Advisory Committee. AbuHaidar expressed appreciation for that suggestion and
36 indicated there were some major issues that would be coming before the board that he would like
37 to be involved in. Council Member Rowland was in favor of having the FBO as a non-voting
38 member of the Airport Board so AbuHaidar could feel comfortable with freely discussing the
39 issues with the other board members during the meetings. Anderson noted various contributions
40 AbuHaidar had made with improvements to the airport.

41
42 4. Ordinance 2015-03, An Ordinance Amending Heber City's General Plan for the Old
43 Wasatch High School Property Located on the Southeast Corner of 600 South Main from
44 Institutional Land Use to Highway Commercial
45 Staff Report re General Plan Amendment
46 Ordinance 2015-03

1 Kohler explained the requested amendments to the General Plan and Zoning Map. He stated the
2 Planning Commission approved the site plan for the old High School property. On the plan, the
3 developer did not need 100 East as part of the development, so the City would have to buy the
4 right-of-way if it wanted to have that street running through the development. Discussion ensued
5 on the cost and the low probability of continuing the 100 East right-of-way to 1200 South.

6
7 Council Member Franco felt 100 East would be a natural thoroughfare and it should be widened
8 to make it safer for travelers. Mumford explained a 60 foot wide street would not work for
9 retailers because the customers would have to park and cross the street to get to the businesses. It
10 was indicated that the Planning Commission approved the site plan as proposed with the private
11 right-of-way. Council Member Franco was in favor of negotiating with the school district before
12 approving this plan. Paul Berg stated this was not a request from the school district, but was from
13 a potential buyer. He noted the school district approved 100 East as a public road.

14
15 Council Member Rowland stated he had seen traffic studies for the City's projected needs over
16 the next 20 years, and wondered if 100 East was an integral part of the needs. Mumford stated
17 100 East was more for facilitation for future development behind that area, and indicated the City
18 did not include 100 East in the Master Plan. Council Member Bradshaw did not foresee 100 East
19 extending to 1200 South because of the current businesses between 800 South and 1200 South.

20
21 Bill Gaskill with AmSource stated he was the developer for this site. He noted he had been
22 working with Kohler for several months, and explained the need for a private road, including the
23 limited space he would have after the allowance given for the setback and landscaping
24 requirements.

25
26 Council Members Franco and Rowland were concerned about the area traffic generated by
27 school events. Gaskill felt retail would be a good partner with the schools since there would be
28 pre and post-game shopping. Council Member Potter was in favor of the private road and
29 thought the plan was good.

30
31 Council Member Rowland moved to approve Ordinance 2015-03, an ordinance amending Heber
32 City's General Plan for the old Wasatch High School property located on the southeast corner of
33 600 South Main from Institutional Land Use to Highway Commercial, and approve Ordinance
34 2015-04, an ordinance amending Heber City's Zoning Map from R-2 Residential to C-2
35 Commercial for a portion of the property located at approximately 600 South 100 East on the
36 former Wasatch High School property. Council Member Bradshaw made the second.

37
38 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
39 and Kelleen Potter.

40
41 5. [Ordinance 2015-04, an Ordinance Amending Heber City's Zoning Map Amendment from](#)
42 [R-2 Residential to C-2 Commercial for a Portion of the Property Located at](#)
43 [Approximately 600 South 100 East on the Former Wasatch High School Property](#)
44 [Staff Report re Zoning Map Amendment](#)
45 [Ordinance 2015-04](#)
46

1 This item was passed in the previous motion.

2

3 6. Ordinance 2015-05, an Ordinance Amending Section 12.28.185 of the Heber City
4 Municipal Code, Prohibited Burial Days
5 Ordinance 2015-05

6

7 Council Member Potter asked if there would be problems from not allowing burials up to three
8 consecutive days because of holidays and weekends, Memorial Day weekend being an example.
9 Council Member Bradshaw indicated many people brought flowers on the Saturday and Sunday
10 before Memorial Day and the cemetery was very busy that weekend, making it problematic to
11 hold a burial during that time. Anderson noted the Christmas Eve and Christmas Day holidays
12 could be another three day period where burials would not be allowed.

13

14 Council Member Franco moved to approve Ordinance 2015-05, an ordinance amending Section
15 12.28.185 of the Heber City Municipal Code, Prohibited Burial Days. Council Member
16 Bradshaw made the second.

17

18 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
19 and Kelleen Potter.

20

21 7. Resolution 2015-02, a Resolution Amending the Heber City Personnel Policy: Section
22 13.19, Workers' Compensation; Section 13.26, Insurance; and Section 14.5, Use of City
23 Vehicles
24 Resolution 2015-02

25

26 Council Member Bradshaw moved to approve Resolution 2015-02, a resolution amending the
27 Heber City Personnel Policy: Section 13.19, Workers' Compensation; Section 13.26, Insurance;
28 and Section 14.5, Use of City Vehicles. Council Member Franco made the second.

29

30 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
31 and Kelleen Potter.

32

33 8. Resolution 2015-03, a Resolution Authorizing the 2015 Primary and General Municipal
34 Elections to be Administered through Vote By Mail and One Election Day Vote Center.
35 Staff Report re Vote by Mail
36 Resolution 2015-03

37

38 Council Member Potter asked if Vote By Mail would cost the City more than having a traditional
39 municipal election. Kellogg estimated the cost would double, from approximately \$9,000 spent
40 in 2013 to approximately \$18,000. She indicated most of the added expense would be for
41 postage. She also stated there were 6,000 registered voters in the City now. Anderson thought
42 Vote By Mail was the wave of the future.

43

44 Council Member Potter moved to approve Resolution 2015-03, a resolution authorizing the 2015
45 Primary and General Municipal Elections to be administered through Vote By Mail and one
46 Election Day Vote Center. Council Member Franco made the second.

1 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
2 and Kelleen Potter.

3
4 9. Resolution 2015-04, a Resolution Encouraging the State of Utah to Address
5 Comprehensive Transportation Funding.
6 Resolution 2015-04

7
8 Council Member Rowland and Mayor McDonald struggled with the additional wording in the
9 resolution that was not related to transportation.

10
11 Council Member Potter moved to approve Resolution 2015-04, a resolution encouraging the
12 State of Utah to address comprehensive transportation funding. Council Member Patterson made
13 the second.

14
15 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Heidi Franco, and Kelleen
16 Potter. Voting Nay: Council Member Erik Rowland.

17
18 10. Approve a One Year Extension for the Miller Subdivision, Located at 400 North 100
19 West
20 Staff Report re Millers Small Subdivision

21
22 Council Member Bradshaw moved to approve a one year extension for the Miller Subdivision.
23 Council Member Patterson made the second.

24
25 Voting Aye: Council Members Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco,
26 and Kelleen Potter.

27
28 11. Haskell Homes, Request to Obtain Temporary Building Permits for Swift Creek
29 Subdivision Phase 2
30 Swift Creek Phase 2 Request
31 Staff Report

32
33 It was indicated this item had not been publicly noticed long enough to meet State posting
34 requirements. This item was moved to the next regular meeting agenda.

35
36 Council Member Patterson moved to go into closed session at 9:34 p.m. for the purpose of
37 pending litigation. Council Member Bradshaw made the second. Voting Aye: Council Members
38 Robert Patterson, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter.

39
40 Upon adjournment of the closed meeting at 10:00 p.m., the regular meeting was adjourned.

41
42
43
44 _____
Michelle Kellogg, City Recorder

TAB 1

Heber City Council
Meeting date: February 5, 2015
Report by: Anthony L. Kohler

Re: Apartments and permitted uses in the R-3 Zone

Attached is a proposed amendment to repeal Chapter 18.87 Apartments and remove apartments as a permitted use in the R-3 Zone. This Chapter was adopted to promote rental apartments for the new UVU campus, but it has never been used. The Planning Commission held a public hearing on January 8, 2015 and recommended repealing Chapter 18.87 Apartments. No public comment was received on the proposed amendment.

The reasons for considering repealing this Chapter include:

1. Permitting apartments anywhere in the R-3 Zone can frustrate the city's attempt at regulating density to appropriately centered areas.
2. The city has specific zoning districts that permit apartments, such as the Clustered Open Space Overlay Zone (COSZ), Mixed Use Residential Commercial Zone (MURCZ), and Planned Community Mixed Use Zone (PCMU). These areas have received more analysis as to their location and would be more appropriate for location of apartments. These zoning districts also have a better approach to the development of apartments than Chapter 18.87.
3. Owner Occupied Accessory Apartments (OOAA) are permitted in any single family home that is occupied by the property owner, addressing the need for lower priced rental housing, yet maintaining the character of neighborhoods as owners generally want to maintain their properties appropriately. This approach disperses lower income families rather than concentrating them in one area.
4. The city needs to complete an update to the Moderate Income Housing Element of the General Plan, and in that approach analyze incomes and housing types of the community to determine if the ordinances are appropriate for needed housing types. Repealing Chapter 18.87 will assist in that effort.
5. The city has started working on a mixed-use amendment to the General Plan and Zoning Map for the downtown and other specified areas, and permitting apartments anywhere in the R-3 Zone will conflict and frustrate efforts to make these changes. The new approach will permit rental units, but in a different way.

PROPOSED AMENDMENT

Strike out represents language to be deleted, while underlined words represent language to be added. Words without strikethrough and without underline represent existing language in the ordinance to remain unchanged.

Section 18.60.020 Permitted Uses (R-3 Zone)

The following uses shall be permitted in the R-3 residential zone:

- A. Any use permitted in the R-2 residential use;
- B. Boardinghouses and roominghouses;
- C. Clinics and hospitals (also, signs for these facilities) as conditional uses when approved by the Planning Commission as set forth in Chapter 18.08.025 of this title.
- D. Clubs and lodges (nonprofit), not including those carried on primarily as a business;
- E. ~~Apartment~~ when approved by the Planning Commission as set forth in Chapter 18.85 of this Title. RESERVED

Chapter 18.87 Reserved Apartments

Sections:

~~18.87.010 Intent.~~

~~18.87.020 Definitions.~~

~~18.87.030 Approval Process.~~

~~18.87.040 Attachment of Reasonable Conditions~~

~~18.87.050 Parking and Access Standards.~~

~~18.87.060 Architecture.~~

~~18.87.065 Setbacks.~~

~~18.87.070 Lot Standards.~~

~~18.87.080 Landscaping.~~

~~18.87.090 Lighting Plan.~~

~~18.87.100 Apartment Designations.~~

Section ~~18.87.010~~ Intent.

The intent of this ordinance is to provide standards and locations for senior housing and apartments in Heber City. The regulations should provide for housing at a scale and manner within the City that will encourage developments that incorporate creative architectural designs, innovative and attractive landscaped areas, and well maintained grounds and buildings.

Section ~~18.87.020~~ Definitions.

A. Apartment means a building containing three (3) or more separate dwelling units each of which is designed for and occupied by one family.

B. Senior Housing means apartments designed and constructed for use primarily by persons 55 years and older and the disabled.

Section ~~18.87.030~~ Approval Process.

A. Apartments in Heber City are approved through a Conditional Use Permit by the Planning Commission. Construction or modification of any apartment development shall follow the procedures stated herein.

B. All requests for approval of apartments shall be accompanied with a plot plan showing the following:

1. The location of all proposed and existing building(s);
2. The location of required open space;
3. The location of driveways and off-street parking;
4. A landscaping plan;
5. The location of curb and gutters and walkways;
6. The location of fire hydrants;
7. Front and side elevations of buildings to be constructed;
8. A lighting plan;
9. Amenities such as play areas, pools, hot tubs, fitness centers, etc.

C. Before final approval by the Planning Commission, a bond or cash in the amount of one hundred ten (110) percent of the estimated costs to provide all required landscaping, hard surfacing and curb and gutter shall first be posted with the City Clerk.

D. A water and sewer hookup fee shall be paid for each dwelling unit.

E. The location and adequacy of all sewage, water and fire protection facilities shall be first reviewed and approved by the City Engineer.

F. A development agreement between the City and the petitioner shall be required for a project's approval.

G. No development, construction, revision, or additions shall take place on an apartment housing site until the site plan has been approved by the City, final plats if required have been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained.

Section 18.87.040 Attachment of Reasonable Conditions

The Planning Commission may attach reasonable conditions or requirements to the granting of a Conditional Permit. Consistent with Chapter 18.108, Conditional Uses, a time limit of one year shall be attached to the exercise or non-exercise of any grant or approval, unless specifically extended by an action of the Planning Commission.

Section 18.87.050 Parking and Access Standards.

A. Each required parking space shall be a minimum of nine (9) feet by twenty (20) feet. Aisle width serving parking areas shall be as follows: Twelve (12) foot aisles for one-way lanes serving thirty-degree (30) and forty-five degree (45) parking; twenty-two (22) foot aisles for two-way lanes serving perpendicular parking. All parking areas must be paved with a year-round surface of asphalt or concrete and adequately drain.

B. There shall be required curb, gutters, and sidewalks along each street right-of-way. Construction shall meet the City standards for location and construction.

C. Driveways from the street to all parking areas shall be a minimum width of twenty (20) feet for two-way traffic and twelve (12) feet in width for one-way traffic.

D. Each apartment development shall provide a paved parking surface, enclosed with a sight obscuring fence at six feet (6) in height, for the storage of recreational vehicles. This area shall be developed at a minimum ratio of one hundred (100) square feet per unit. The City may waive this requirement by requiring, as a condition of the final development plan, that no recreational vehicle be parked or stored within the apartment development.

E. All parking lots shall be bounded by curb and gutter. A ten (10) foot landscaped area shall be placed between parking areas/driveways and side and rear property lines, and a twenty (20) foot bermed landscaped strip or grass shall be placed between parking and any dedicated City street.

F. Each apartment development shall have two points of ingress/egress. The Planning Commission may make exceptions for Senior Housing Development with fewer than 40 units. No more than two points of ingress/egress shall be provided on any one street, unless the Planning Commission determines that additional points of ingress/egress would promote public safety.

Section 18.87.060 Architecture.

A. The developer shall design and build apartments that are architecturally and aesthetically pleasing. Such design may include multi-level variant roof designs and contours, gables, decorative windows and doors, bay windows, offset entries, decorative stairs, etc.

B. The front and side elevations shall have at least twenty-five (25) percent of the first floor of the building exterior finishing materials of either brick, stone, manufactured stone, or a combination of these materials.

C. All outside storage areas, except RV storage areas, shall be totally enclosed with the same materials as used on the exterior of the main structures. All outdoor storage areas and RV storage areas shall not be located adjacent to a public street (they shall be out of view from the street and located in the rear of the complex). All solid waste receptacles, which are not located within a building shall be enclosed on at least three (3) sides with the same materials as used on the exterior of the main structures.

Section 18.87.065 Setbacks.

A. Front setbacks for all main buildings shall be thirty (30) feet from the street property line. On corner lots, the setback from the side street property line shall be thirty (30) feet.

B. Side setbacks for all main buildings shall be twenty (20) feet from the property line.

C. Rear setbacks for all main buildings shall be twenty (20) feet from the property line.

D. Carports and covered parking structures and accessory buildings shall be located at least ten (10) feet from side and rear property lines, and at least thirty (30) feet from any front or street property line.

Section 18.87.070 Lot Standards.

A. The required minimum area for an apartment project is one and one half (1.5) acres.

B. The minimum frontage along a public street for an apartment development shall be ninety-eight (98) linear feet.

C. No apartment building shall include an existing building unless it meets current building codes, can be seamlessly integrated into the proposed apartment complex and is approved by the Planning Commission.

D. Each apartment unit shall contain a minimum of 600 square feet.

Section 18.87.080 Landscaping.

A. Building shall be clustered, leaving large open areas for innovative landscaping.

B. All land on the lot not covered by buildings, driveways, sidewalks, structures, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping. At least 60% of the required landscaped area at plant maturity must be living materials.

C. The minimum number of trees within the front setback shall be equal to one (1) tree for every twenty (20) feet of frontage, placed within the bermed landscaping strip. The trees shall be at least two-inch caliper, and may be placed at the discretion of the landscape architect.

D. Open space, recreation areas, and/or amenities shall be provided for each development at a ratio of 100 square feet per apartment unit (this area shall not include the required setback areas). A portion of the open space shall be designed as a recreational area for both children and adults, including recreational facilities such as playground equipment, basketball or tennis court, swimming pool, tot lots, etc.

E. All landscaping shall have a permanent underground sprinkling system.

F. Parking areas shall be screened along side and rear property lines with evergreen shrubbery and/or evergreen trees.

Section 18.87.090 Lighting Plan.

All apartment applications shall include a lighting plan. The lighting plan shall be designed to:

A. Discourage crime;

B. Enhance the safety of the residents and guests of the project;

C. Prevent glare onto adjacent properties and into the sky;

D. Enhance the appearance and design of the project; and

E. Lighting style shall be period lighting.

Section 18.87.100 Apartment Designations.

A. Senior Housing

1. **Purpose.** The Senior Housing Overlay Zone (SenH) is created in recognition of the present and future need for senior housing for residents 55 years and older and for the disabled.

2. **Overlay Zone Boundaries.** Properties within the R-2 and R-3 Zone may be considered for the Senior Housing Overlay Zone. In determining appropriate locations for the Senior Housing Overlay Zone, consideration should be given to proximity to services, major streets, and commercial zones.

3. **Permitted and Prohibited Uses.** All uses permitted in the underlying zone shall be permitted in the Senior Housing Overlay Zone. Regulations applicable to uses in the underlying zone shall apply as well, unless otherwise specified or addressed in this Chapter.

4. **Seniors Only.** At least 80% of all occupants of any senior housing project (excluding the resident manager) shall be rented, leased, or occupied by senior or disabled individuals and their immediate family. For the purpose of this Section, a senior shall be defined as anyone who is 55 years or older. The owner of senior housing is responsible for ensuring that the units are occupied by the required ratio of seniors or disabled individuals. The owner shall give written certification to the City, upon request of the City, that the project is occupied by the required ratio of seniors or disabled individuals. The owner or manager of any senior housing project or dwelling unit shall retain the documents establishing senior status for each dwelling unit for a period of two years and shall make such records available to the City for inspection upon the City's request.

5. **Rezone.** The City Council, upon recommendation of the Planning Commission, may rezone property by applying the Senior Housing overlay Zone.

6. Development Standards Specific to the senior Housing Overlay Zone.

a. **Height.** Senior housing apartments may not exceed two stories.

b. **Density.** The maximum density shall not exceed sixteen (16) units per gross acres.

e. **Occupancy.** Occupancy of senior housing units must comply with the definition of family within this Title.

d. **Parking.** All senior housing projects shall have one (1) parking space per unit and one (1) guest parking space for every four (4) units.

B. Standard Apartment Units

1. **Purpose.** Standard apartment units are created to meet the needs of those in the community that seek rental housing.

2. **Zones.** Properties within R-3 Zone may be considered for apartments. In determining appropriate locations for the apartments, consideration should be given to proximity to services, major streets, and commercial zones.

3. Development Standards for apartments.

a. **Height.** Apartment buildings may not exceed two stories plus a basement.

b. **Density.** The maximum density of apartments shall not exceed twelve (12) units per gross acres.

e. **Occupancy.** Occupancy of apartment units must comply with the definition of family within this Title.

d. **Parking.** All apartment projects shall have two (2) parking spaces per unit plus one (1) parking space per four (4) units for guest parking.

ORDINANCE NO. 2015-06

AN ORDINANCE REPEALING CHAPTER 18.87 APARTMENTS, AND AMENDING SECTION 18.60.020 PERMITTED USES (IN THE R-3 RESIDENTIAL ZONE), OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.87 is **repealed** and Section 18.60.020 is **amended** as follows:

Section 18.60.020 Permitted Uses

The following uses shall be permitted in the R-3 residential zone:

- A. Any use permitted in the R-2 residential use;
- B. Boardinghouses and roominghouses;
- C. Clinics and hospitals (also, signs for these facilities) as conditional uses when approved by the Planning Commission as set forth in Chapter 18.08.025 of this title.
- D. Clubs and lodges (nonprofit), not including those carried on primarily as a business;
- ~~E. Apartments when approved by the Planning Commission as set forth in Chapter 18.85 of this Title.~~

**Chapter 18.87 Reserved
Apartments**

Sections:

- ~~18.87.010 Intent.~~
- ~~18.87.020 Definitions.~~
- ~~18.87.030 Approval Process.~~
- ~~18.87.040 Attachment of Reasonable Conditions~~
- ~~18.87.050 Parking and Access Standards.~~
- ~~18.87.060 Architecture.~~
- ~~18.87.065 Setbacks.~~
- ~~18.87.070 Lot Standards.~~
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~~The intent of this ordinance is to provide standards and locations for senior housing and apartments in Heber City. The regulations should provide for housing at a scale and manner within the City that will encourage developments that incorporate creative architectural designs, innovative and attractive landscaped areas, and well maintained grounds and buildings.~~

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- ~~1. The location of all proposed and existing building(s);~~
- ~~2. The location of required open space;~~
- ~~3. The location of driveways and off-street parking;~~
- ~~4. A landscaping plan;~~
- ~~5. The location of curb and gutters and walkways;~~
- ~~6. The location of fire hydrants;~~
- ~~7. Front and side elevations of buildings to be constructed;~~
- ~~8. A lighting plan;~~
- ~~9. Amenities such as play areas, pools, hot tubs, fitness centers, etc.~~

~~C. Before final approval by the Planning Commission, a bond or cash in the amount of one hundred ten (110) percent of the estimated costs to provide all required landscaping, hard surfacing and curb and gutter shall first be posted with the City Clerk.~~

~~D. A water and sewer hookup fee shall be paid for each dwelling unit.~~

~~E. The location and adequacy of all sewage, water and fire protection facilities shall be first reviewed and approved by the City Engineer.~~

~~F. A development agreement between the City and the petitioner shall be required for a project's approval.~~

~~G. No development, construction, revision, or additions shall take place on an apartment housing site until the site plan has been approved by the City, final plats if required have been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained.~~

~~**Section 18.87.040 Attachment of Reasonable Conditions**~~

~~The Planning Commission may attach reasonable conditions or requirements to the granting of a Conditional Permit. Consistent with Chapter 18.108, Conditional Uses, a time limit of one year shall be attached to the exercise or non-exercise of any grant or approval, unless specifically extended by an action of the Planning Commission.~~

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~~B. There shall be required curb, gutters, and sidewalks along each street right-of-way. Construction shall meet the City standards for location and construction.~~

~~C. Driveways from the street to all parking areas shall be a minimum width of twenty (20) feet for two-way traffic and twelve (12) feet in width for one-way traffic.~~

~~D. Each apartment development shall provide a paved parking surface, enclosed with a sight obscuring fence at six feet (6) in height, for the storage of recreational vehicles. This area shall be developed at a minimum ratio of one hundred (100) square feet per unit. The City may waive this requirement by requiring, as a condition of the final development plan, that no recreational vehicle be parked or stored within the apartment development.~~

~~E. All parking lots shall be bounded by curb and gutter. A ten (10) foot landscaped area shall be placed between parking areas/driveways and side and rear property lines, and a twenty (20) foot bermed landscaped strip or grass shall be placed between parking and any dedicated City street.~~

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~~B. The front and side elevations shall have at least twenty-five (25) percent of the first floor of the building exterior finishing materials of either brick, stone, manufactured stone, or a combination of these materials.~~

~~C. All outside storage areas, except RV storage areas, shall be totally enclosed with the same materials as used on the exterior of the main structures. All outdoor storage areas and RV storage areas shall not be located adjacent to a public street (they shall be out of view from the street and located in the rear of the complex). All solid waste receptacles, which are not located~~

~~within a building shall be enclosed on at least three (3) sides with the same materials as used on the exterior of the main structures.~~

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~~A. Front setbacks for all main buildings shall be thirty (30) feet from the street property line. On corner lots, the setback from the side street property line shall be thirty (30) feet.~~

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~~B. The minimum frontage along a public street for an apartment development shall be ninety-eight (98) linear feet.~~

~~C. No apartment building shall include an existing building unless it meets current building codes, can be seamlessly integrated into the proposed apartment complex and is approved by the Planning Commission.~~

~~D. Each apartment unit shall contain a minimum of 600 square feet.~~

~~**Section 18.87.080 Landscaping.**~~

~~A. Building shall be clustered, leaving large open areas for innovative landscaping.~~

~~B. All land on the lot not covered by buildings, driveways, sidewalks, structures, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping. At least 60% of the required landscaped area at plant maturity must be living materials.~~

~~C. The minimum number of trees within the front setback shall be equal to one (1) tree for every twenty (20) feet of frontage, placed within the bermed landscaping strip. The trees shall be at least two-inch caliper, and may be placed at the discretion of the landscape architect.~~

~~D. Open space, recreation areas, and/or amenities shall be provided for each development at a ratio of 100 square feet per apartment unit (this area shall not include the required setback areas). A portion of the open space shall be designed as a recreational area for both children and adults, including recreational facilities such as playground equipment, basketball or tennis court, swimming pool, tot lots, etc.~~

~~E. All landscaping shall have a permanent underground sprinkling system.~~

~~F. Parking areas shall be screened along side and rear property lines with evergreen shrubbery and/or evergreen trees.~~

~~Section 18.87.090 Lighting Plan.~~

~~All apartment applications shall include a lighting plan. The lighting plan shall be designed to:~~

~~A. Discourage crime;~~

~~B. Enhance the safety of the residents and guests of the project;~~

~~C. Prevent glare onto adjacent properties and into the sky;~~

~~D. Enhance the appearance and design of the project; and~~

~~E. Lighting style shall be period lighting.~~

~~Section 18.87.100 Apartment Designations.~~

~~A. Senior Housing~~

~~1. Purpose. The Senior Housing Overlay Zone (SenH) is created in recognition of the present and future need for senior housing for residents 55 years and older and for the disabled.~~

~~2. Overlay Zone Boundaries. Properties within the R-2 and R-3 Zone may be considered for the Senior Housing Overlay Zone. In determining appropriate locations for the Senior Housing Overlay Zone, consideration should be given to proximity to services, major streets, and commercial zones.~~

~~3. Permitted and Prohibited Uses. All uses permitted in the underlying zone shall be permitted in the Senior Housing Overlay Zone. Regulations applicable to uses in the underlying zone shall apply as well, unless otherwise specified or addressed in this Chapter.~~

~~4. Seniors Only. At least 80% of all occupants of any senior housing project (excluding the resident manager) shall be rented, leased, or occupied by senior or disabled individuals and their immediate family. For the purpose of this Section, a senior shall be defined as anyone who is 55 years or older. The owner of senior housing is responsible for ensuring that the units are occupied by the required ratio of seniors or disabled individuals. The owner shall give written certification to the City, upon request of the City, that the project is occupied by the required ratio of seniors or disabled individuals. The owner or manager of any senior housing project or dwelling unit shall retain the documents establishing senior status for each dwelling unit for a period of two years and shall make such records available to the City for inspection upon the City's request.~~

~~5. Rezone. The City Council, upon recommendation of the Planning Commission, may rezone property by applying the Senior Housing overlay Zone.~~

~~6. Development Standards Specific to the senior Housing Overlay Zone.~~

- ~~a. **Height.** Senior housing apartments may not exceed two stories.~~
- ~~b. **Density.** The maximum density shall not exceed sixteen (16) units per gross acres.~~
- ~~c. **Occupancy.** Occupancy of senior housing units must comply with the definition of family within this Title.~~
- ~~d. **Parking.** All senior housing projects shall have one (1) parking space per unit and one (1) guest parking space for every four (4) units.~~

~~**B. Standard Apartment Units**~~

- ~~1. **Purpose.** Standard apartment units are created to meet the needs of those in the community that seek rental housing.~~
- ~~2. **Zones.** Properties within R-3 Zone may be considered for apartments. In determining appropriate locations for the apartments, consideration should be given to proximity to services, major streets, and commercial zones.~~
- ~~3. **Development Standards for apartments.**~~
 - ~~a. **Height.** Apartment buildings may not exceed two stories plus a basement.~~
 - ~~b. **Density.** The maximum density of apartments shall not exceed twelve (12) units per gross acres.~~
 - ~~c. **Occupancy.** Occupancy of apartment units must comply with the definition of family within this Title.~~
 - ~~d. **Parking.** All apartment projects shall have two (2) parking spaces per unit plus one (1) parking space per four (4) units for guest parking.~~

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the ____ day of _____, 2015.

ADOPTED and PASSED by the City Council of Heber City, Utah this ____ day of _____, 2015, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Jeffery Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____

Council Member Heidi Franco

Council Member Kelleen L. Potter

APPROVED:

Mayor Alan W. McDonald

ATTEST:

RECORDER

Date of First Publishing: _____

TAB 2

Re: Building Height in Commercial Zones

Currently, the city’s commercial design criteria limits building height to three stories in the downtown C-3 Zone and to 45 feet in the C-2 and C-4 Zones. The proposed amendment would increase the height limit as shown below in underline and strikeout. Some reasons to consider this amendment include:

1. Heber City is currently the retail and office center of the valley, as well as the County Seat of Wasatch County. Heber City should therefore be a more urbanized than much of the rest of the county. One way Heber City can help protect agriculture and protect the rural feel of the valley is to allow the core of the city to develop in a more compact and dense manner, thereby reducing development pressure on nearby agricultural lands. Compact development is also more walkable, which can help revitalize the downtown.
2. Typically, successful cities have taller commercial and office buildings in their commercial and office cores, especially along high traffic streets like Main Street.
3. Other areas in the valley are growing, both residentially and commercially. Some of these areas, such as the North Village, north of Heber City, permit building heights taller than Heber City’s design criteria. If Heber City desires to remain the center of commerce for the valley, and retain existing businesses, as well as recruit new businesses, it should evaluate its height restrictions and other zoning requirements to ensure they are not artificially restricting the intensity of use of commercial properties, thereby encouraging commercial growth to occur elsewhere, such as the North Village.
4. A hotel has approached the city about locating along Main Street. The current height limit makes it difficult to locate a hotel within the city limits. Heber City should try to encourage hotels to locate in the city, as they can help establish the area as a destination.

The Planning Commission held a Public Hearing on January 8 and January 22, 2015 on the proposed amendment. George Bennett commented on the proposed ordinance and suggested a few revisions to clarify the ordinance, which the Planning Commission incorporated into the proposed amendment. On January 22, 2015, the Planning Commission recommended approval of the proposed amendment to the C-2, C-3, and C-4 Design Criteria.

EXISTING CODES

C-2 & C-4 DESIGN CRITERIA SECTION 306 – BUILDING HEIGHT:

~~All buildings shall maintain the average perceived scale of two story buildings at the sidewalk. Average façade heights of new buildings should fall within the established architectural proportions of height to width ratio. This average height can vary by way of architectural styles but should maintain an average ratio as noted above. Building height shall not exceed 45 (forty five) feet, measured from finished grade to the highest point of the building.~~

~~Clock towers, cupolas, entry areas and other special architectural features that visually break up the building form may, upon approval from the Heber City Planning Commission, exceed the specified building height.~~

C-3 DESIGN CRITERIA SECTION 306 – BUILDING HEIGHT:

~~CONCEPT: Buildings should maintain the average perceived scale of two story buildings at the sidewalk. New construction should present a tall one story or two story facade at the street wall line. Façade heights of new buildings should fall within the established range of the block, and respect the historic proportions of height to width. This two story height is typically about twenty five (25) to thirty (30) feet. Building heights shall not exceed three stories in height with the third story appearing as a subordinate “addition” to the primary structure. The third story shall be set back substantially from the street wall edge such that the building will appear to be two stories in height as seen from the middle of the street. Floor to floor heights must appear similar to those of historic buildings in the Heber area.~~

~~The Heber City Zoning Regulation building height requirements shall apply to all buildings. For buildings with parapet walls serving as the highest point of the structure, the building height shall be calculated as: the vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of the parapet wall of the primary street facade.~~

~~Clock towers, cupolas, entry areas and other special architectural features that visually break up the building form may, upon approval from the Heber City Planning commission, exceed the specified building height.~~

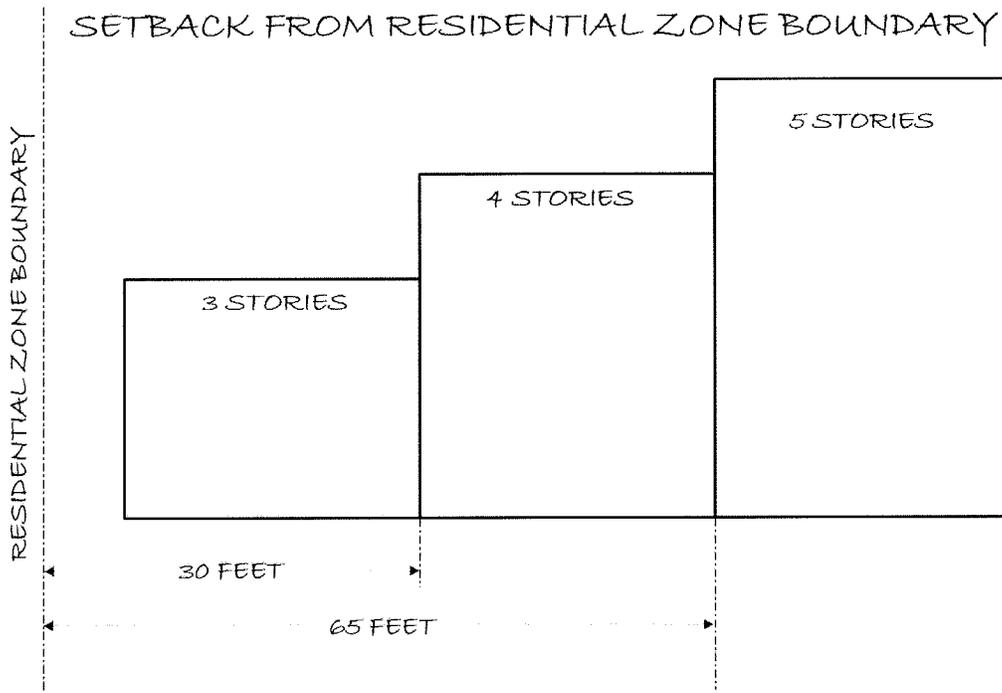
PROPOSED AMENDMENT

C-2 & C-4 AND C-3 DESIGN CRITERIA SECTION 306 – BUILDING HEIGHT:

Main Building Height. The maximum height for any commercial structure is five (5) stories, exclusive of basements and inclusive of mezzanines, as defined by the building code. Each story shall not exceed fourteen (14) feet in height, except each first and second floor story shall be no more than twenty-five (25) feet in height. Each story shall be measured from finished floor to finished floor.

Residential Zone Boundary. The portion of a commercial structure that is located less than 30 feet from a residential zone boundary shall not exceed three (3) stories; the portion of a commercial structure that is located between 30 feet and 65 feet from the residential zone boundary shall not exceed 4 stories.

Accessory Building Height. The height of each accessory structure shall not exceed two (2) stories.



ORDINANCE NO. 2015-07

AN ORDINANCE AMENDING HEBER CITY'S C-3 COMMERCIAL DESIGN STANDARDS & GUIDELINES AND HEBER CITY'S C-2 & C-4 COMMERCIAL DESIGN STANDARDS & GUIDELINES.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 306 OF THE C-2 & C-4 Commercial Design Standards and Guidelines is **amended** as follows:

SECTION 306-BUILDING HEIGHT

~~All buildings shall maintain the average perceived scale of two story buildings at the sidewalk. Average façade heights of new buildings should fall within the established architectural proportions of height to width ratio. This average height can vary by way of architectural styles but should maintain an average ratio as noted above. Building height shall not exceed 45 (forty-five) feet, measured from finished grade to the highest point of the building.~~

~~Clock towers, cupolas, entry areas and other special architectural features that visually break up the building form may, upon approval from the Heber City Planning Commission, exceed the specified building height.~~

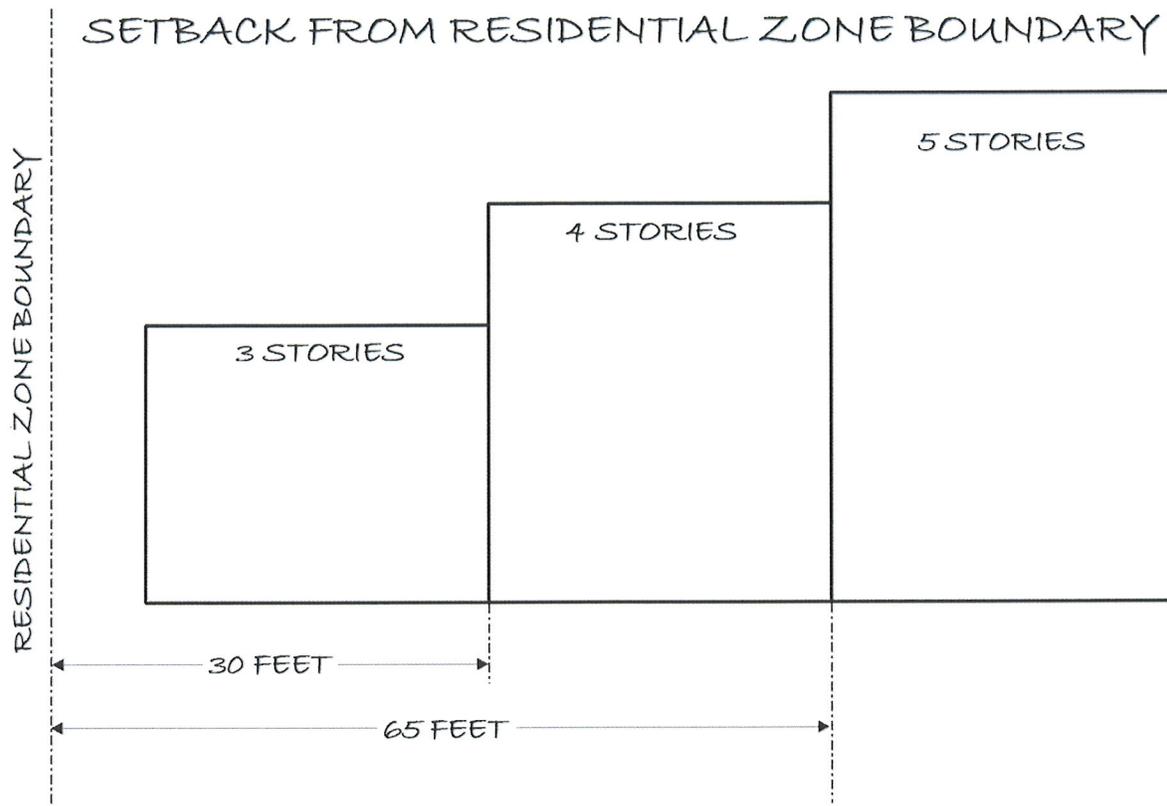
Main Building Height. The maximum height for any commercial structure is five (5) stories, exclusive of basements and inclusive of mezzanines, as defined by the building code. Each story shall not exceed fourteen (14) feet in height, except each first and second floor story shall be no more than twenty-five (25) feet in height. Each story shall be measured from finished floor to finished floor.

Residential Zone Boundary. The portion of a commercial structure that is located less than 30 feet from a residential zone boundary shall not exceed three (3) stories; the portion of a commercial structure that is located between 30 feet and 65 feet from the residential zone boundary shall not exceed 4 stories.

Accessory Building Height. The height of each accessory structure shall not exceed two (2) stories.

Civic Buildings, including government and non-profit buildings, should be at least two stories in appearance and height to match the style of the late 1800s and early 1900s Civic Buildings constructed Heber City, such as the Wasatch County School District Offices, Heber Bank Block, Hatch Building, Fire Station and the Tabernacle. 2 story buildings more efficiently utilize

space and allow for more common area around the buildings than a 1 story building.



BE IT ORDAINED by the City Council of Heber City, Utah, that Section 306 OF THE C-3 Commercial Design Standards and Guidelines is **amended** as follows:

~~CONCEPT: Buildings should maintain the average perceived scale of two-story buildings at the sidewalk. New construction should present a tall one story or two-story facade at the street wall line. Façade heights of new buildings should fall within the established range of the block, and respect the historic proportions of height to width. This two story height is typically about twenty five (25) to thirty (30) feet. Building heights shall not exceed three stories in height with the third story appearing as a subordinate "addition" to the primary structure. The third story shall be set back substantially from the street wall edge such that the building will appear to be two stories in height as seen from the middle of the street. Floor to floor heights must appear similar to those of historic buildings in the Heber area.~~

~~The Heber City Zoning Regulation building height requirements shall apply to all buildings. For buildings with parapet walls serving as the highest point of the structure, the building height shall be calculated as: the vertical distance~~

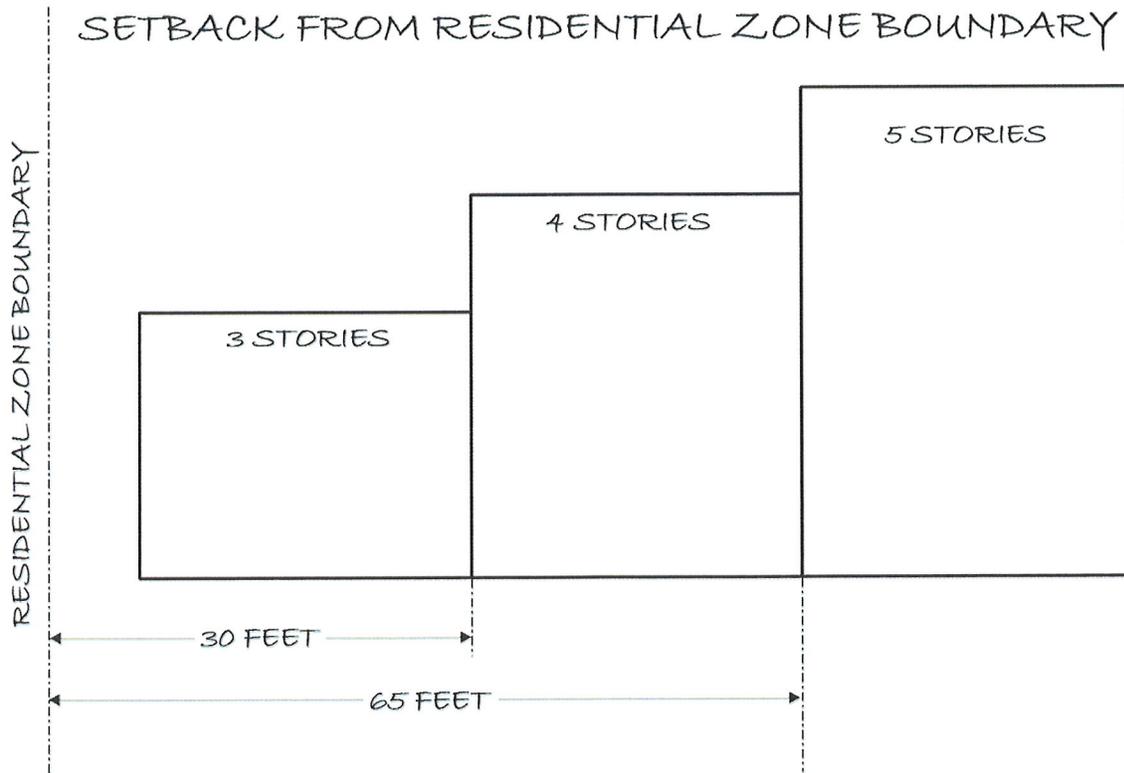
~~from the average elevation of the proposed finished grade at the front of the building to the highest point of the parapet wall of the primary street facade.~~

~~Clock towers, cupolas, entry areas and other special architectural features that visually break up the building form may, upon approval from the Heber City Planning commission, exceed the specified building height.~~

Main Building Height. The maximum height for any commercial structure is five (5) stories, exclusive of basements and inclusive of mezzanines, as defined by the building code. Each story shall not exceed fourteen (14) feet in height, except each first and second floor story shall be no more than twenty-five (25) feet in height. Each story shall be measured from finished floor to finished floor.

Residential Zone Boundary. The portion of a commercial structure that is located less than 30 feet from a residential zone boundary shall not exceed three (3) stories; the portion of a commercial structure that is located between 30 feet and 65 feet from the residential zone boundary shall not exceed 4 stories.

Accessory Building Height. The height of each accessory structure shall not exceed two (2) stories.



This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the _____ day of _____, 2015.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2015, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	_____	_____
Council Member Jeffery Bradshaw	_____	_____
Council Member Erik Rowland	_____	_____
Council Member Heidi Franco	_____	_____
Council Member Kelleen L. Potter	_____	_____

APPROVED:

Mayor Alan W. McDonald

ATTEST:

RECORDER

Date of First Publishing: _____

TAB 3

HEBER CITY CORPORATION

ENGINEERING STAFF REPORT

MEETING TYPE:	Regular Council Meeting	MEETING DATE:	February 5, 2015
SUBMITTED BY:	Bart L Mumford	FILE NO:	13026
APPROVED BY:	Mark K. Anderson		
SUBJECT:	SWIFT CREEK 2 - BUILDING PERMIT HARDSHIP REQUEST		

PURPOSE

To present Haskell Homes hardship request to allow building permits in the Swift Creek 2 subdivision prior to project final acceptance.

RECOMMENDED ACTION

That the Council grant Haskell Homes request if they concur that it meets the requirements outlined in Section 15.08.030 of the City Code.

BACKGROUND/HIGHLIGHTS

Normally a subdivision must be 100% complete prior to the City granting final acceptance and issuing building permits. However, Section 15.08.030B of the City Code states that:

The City Council may grant an exception to requiring final completion and allow a 60-day temporary building permit to be issued on the lots within a subdivision prior to final acceptance if they make all of the following findings:

- A. The developer has experienced a hardship, not self imposed, based on unavailability of products/improvements required by City Standards;
- B. The items missing do not compromise life, health or safety;
- C. The developer provides a plan that demonstrates that all improvements can be completed within 30 days;
- D. It is deemed to be in the best interest of the City to allow temporary building permits to be issued;
- E. Developer/Builder shall retain title to the lots until building completion.

The Swift Creek 2 development is nearly finished with all subdivision improvements. They anticipate having them complete within the next two weeks, except for street lights and connecting the phone service. Outstanding items at this time, in addition to the lights and phone service, are the submittal of record drawings, installing fire hydrant flags, and getting a signoff letter from the irrigation company. The lights have been ordered but have a significant lead time before they can be delivered. The phone company has changed their service connection location from the adjacent copper line service to the north, to requiring a fiber optic connection with

service coming from the east, which is on the other side of a canal. Haskell would like to begin building homes ahead of having the lights and phone service complete, as outlined in their attached letter. Where these are the only outstanding items, Staff would recommend the City Council consider granting this hardship request and allow temporary building permits to begin to be issued.

FISCAL IMPACT

None

LEGAL IMPACT

None

13026SR SwiftCr 2 Haskell Hardship 150205.doc

February 4, 2015

Bart Mumford
Heber City Corporation

Subject: Swift Creek Phase 2

Mr. Mumford,

We are requesting an exception for two items on Swift Creek Phase 2 check list in order to obtain temporary permits in this Subdivision under the hardship ordinance 15.08.030.

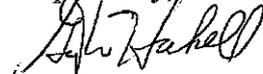
Street Lights- The required Heber City street lights were ordered seven weeks ago by the contractor and we were told the lights would be delivered between six to eight weeks. The lights have not been delivered yet, but should be delivered and installed in the next couple of weeks.

Communication/ Phone, Century Link- Century Link is providing Fiber Optic to the subdivision, but the line has to come through Swift Creek Phase 3 to the East of the subdivision. The subdivision to the north does not have Fiber Optic so the Fiber Optic line must come from the east and cross the canal. We plan to start Phase 3 in a month to bring the phone line in at that time. However, as a backup plan, Century Link is prepared to install a pole on either side of the canal and bring the line to the subdivision over the top of the canal if need be within a few weeks. Currently, the conduit and fiber optic lines are installed in Phase 2 and only the connection under the canal to tie into the subdivision to the east is needed.

Haskell Homes will retain title to the lots until work is complete; the two items do not compromise life, health or safety; and the two items are not self imposed.

Currently, we have six pre-sales in Swift Creek Phase 2 and feel it would be in the best interest of Heber City and Haskell Homes to grant temporary permits.

Respectfully,



Guy M. Haskell
Haskell Homes

TAB 4

Mark Anderson

From: Beth Ann Schneider <clipper73h@gmail.com>
Sent: Friday, January 02, 2015 6:46 PM
To: Mark Anderson
Subject: Re: City Council
Attachments: B17 flier 2015.pdf

oops.

On Fri, Jan 2, 2015 at 4:03 PM, Mark Anderson <manderson@ci.heber.ut.us> wrote:
No attachment.

Sent from my iPhone

> On Jan 2, 2015, at 3:24 PM, Beth Ann Schneider <clipper73h@gmail.com> wrote:

>

> Hi Mark. Planning on a short presentation to the City Council Feb 19 to request funds to cover porta potties for the B-17 event. Attached flier will provide the basis for my presentation. Planning on asking for \$383 which will cover the total cost. I will not prepay it so the check this year can be made to the company. I will provide an invoice from the company.

>

> Let me know if you need anything else from me. If not, I will assume I am on the agenda.

>

> BA

B-17 Bomber *Sentimental Journey*



**Heber City Airport
June 8-15, 2015**

EVENT DONATION
\$5 adults \$3 seniors
Children, military and veterans free!



Win a ride on this Stearman bi-plane!

EVENT ACTIVITIES

June 8 12pm B-17 arrives Heber City Airport
June 8-14 9-5pm B-17 tours \$5, B-17 rides \$850 (cockpit) \$425 (aft) Stearman bi-plane open cockpit rides \$250, T-6 rides \$350, aircraft displays, museum tours, military PX sales, WWII re-enactment activities

RESERVE YOUR RIDE TODAY (435) 671-6441

June 12 7-10pm Swing Dance Party \$15 adults; \$25 couples \$3 seniors; veterans and children free *The Danny Newell All-Star Big Band* — free swing dance lesson; prizes for best costume
June 13 8-10am Boy Scout pancake breakfast \$8 adults \$3 seniors
June 15 9am B-17 departs Heber City Airport

SPECIAL B-17 ROOM RATE HOLIDAY INN EXPRESS HEBER CITY
1268 S. Main Street, Heber City (866) 715-0006 (435) 654-9990

Attend this event and spend the night anytime between June 8-15 get a special room rate. Mention B-17 event. Limited time offer.

Sponsors: AZ Commemorative Air Force, Holiday Inn Express, UPS Store Heber City, Tire Factory, OK3Air, Ackerson Eye Care, Days Market, Farmers Insurance, Heber City Corporation, Watts Enterprises, The Letsingers

