

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
Planning Commission Meeting  
Thursday, March 14, 2013

7:00 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.

Pledge of Allegiance: By Invitation  
Approval of Minutes: December 13, 2012 and February 28, 2013, Regular Meeting

- Item 1      Mark Miller requests approval of proposed Plat Amendment to the Miller Lot Split located at 355 South 100 West
- Item 2      Millstream Properties, LLC requests Final Commercial Development Approval for a 4,000 square foot addition located at 1969 South Wendell Lane
- Item 3      Discuss the sign ordinance and electronic readerboard (LED) signs
- Item 4      Discuss Tree Board related issues

Administrative Items:

Those interested in the above items are encouraged to attend. Order of items may vary if needed. 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 or the Heber City Planning and Zoning Department (435-654-4830) at least eight hours prior to the meeting.

Posted on March 7, 2013 in the Wasatch County Community Development Building, Wasatch County Library, Heber City Hall, the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us) and on the Utah Public Notice Website at <http://pnn.utah.gov>. Notice provided to the Wasatch Wave on March 7, 2013.

Karen Tozier, Planning Commission Secretary

1 HEBER CITY CORPORATION  
2 75 North Main Street  
3 Heber City, Utah  
4 Planning Commission Meeting  
5 Thursday, December 13, 2012  
6

7 7:00 p.m.  
8 Regular Meeting  
9

Present: Planning Commission: Harry Zane  
Craig Hansen  
Michael Thurber  
David Richards  
Kieth Rawlings  
Darryl Glissmeyer

Absent: Mark Webb

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

10 Others Present: Shane Finley, Ron Mayne, Jeff Lee, and Brooke Allen.  
11  
12

13 Chairman Rawlings convened the meeting at 7:00 p.m. with a quorum present. Commissioner  
14 Webb and Commissioner Richards were not present.  
15

16 **Pledge of Allegiance: Commissioner Glissmeyer**  
17 **Minutes: November 8, 2012, Regular Meeting**  
18

19 Commissioner Hansen asked for a change to the minutes on line 203/204. These lines were part  
20 of Commissioner Richards' motion and the change Commissioner Hansen asked for was for  
21 clarification and clarity to change the wording to "with engineered stamped drawings for the  
22 retaining wall" instead of "with an engineered stamped retaining wall".  
23

24 Commissioner Glissmeyer motioned to approve the November 8, 2012 Regular Meeting Minutes  
25 with the change that Commissioner Hansen asked for. Commissioner Thurber seconded the  
26 motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, and Hansen.  
27 Voting Nay: None. Absent: Commissioner Richards. The motion passed.  
28

29 **Item 1 Public Hearing to consider amendment of Heber City Municipal Code**  
30 **Section 18.60.020 R-3 Residential Zone - Permitted Uses to repeal Subsection**  
31 **F to remove Manufactured Home Parks from the R-3 Residential Zone as a**  
32 **permitted use and to consider repealing Heber City Municipal Code Chapter**  
33 **18.92 Manufactured Home Parks.**  
34

35 Anthony Kohler reviewed and spoke about the proposed amendments to the Heber City  
36 Municipal Code. Under the amendment people will still be able to buy a lot in the City to put a  
37 manufactured home on within an existing manufactured home park on but building a new  
38 manufactured home parks will not be allowed. Chairman Rawlings opened the public hearing up  
39 for public comment and waited a minute. There was no one present from the public who wished  
40 to comment and the public hearing was closed to public comment.

41  
42 Chairman Rawlings asked Kohler to clarify why the City would want to repeal Chapter 18.92  
43 Manufactured Home Parks. Kohler indicated his recommendation would be to strike F in  
44 Section 18.60.020 and to leave Chapter 18.92 and not repeal it. The Commission had questions  
45 for Mr. Kohler and discussion ensued. Removing Chapter 18.60.020(F) will make it so that  
46 manufactured home parks are not a permitted use in any zone. Leaving Chapter 18.92  
47 Manufactured Home Parks in the code as is would leave a set of standards for the existing  
48 manufactured home parks in the City; if they don't have this then they don't have setbacks.  
49 Commissioner Richards arrived to the meeting at 7:10 p.m.

50  
51 Commissioner Zane moved that he makes a recommendation that we approve amendment to  
52 Chapter 18.60.020 Permitted Uses in the R-3 Residential Zone striking F, but leave in Heber City  
53 Municipal Code Chapter 18.92 Manufactured Home Parks in the City Code. He indicated that  
54 this was what Staff had recommended. Commissioner Hansen seconded the motion.

55  
56 Discussion on Section 18.92.065 Required Procedures for Approval. Commissioner Thurber did  
57 not see that this would apply and should be struck and Commissioner Glissmeyer thought the  
58 same about Section 18.92.070 Required Procedures for Approval. Anthony Kohler indicated he  
59 had two reasons for his recommendation not to strike this chapter from the municipal code. The  
60 first he had stated, setbacks. The second reason was that if the Council change their minds a  
61 number of years down the road this chapter is still in place and they would not have to go  
62 through a process of figuring out what the standards are going to be.

63  
64 Commissioners expressed concern if leaving Chapter 18.92 in the code of there being confusion  
65 by some that if they do not see Section 18.60.065 they may not realize that manufactured home  
66 parks are not a permitted use. There were thoughts to add verbiage to Chapter 18.92 stating that  
67 manufactured home parks are not a permitted use/not permitted at any time in any zone. They  
68 concluded to add verbiage to Chapter 18.92, "Manufactured Home Parks are not permitted in the  
69 City but this chapter is left in so that the City knows how to deal with the non-conforming  
70 existing manufactured home parks". There was consensus among Commissioners with this  
71 verbiage.

72  
73 Commissioner Zane amended his motion to add verbiage in Chapter 18.92 Manufactured Home  
74 Parks stating, "New manufactured home parks are not a permitted use in the City; this Chapter  
75 remains to provide standards for existing non-conforming manufactured home parks". His  
76 motion was to amend Chapter 18.60.020 Permitted Uses in the R-3 Residential Zone striking F,  
77 but to leave Heber City Municipal Code Chapter 18.92 Manufactured Home Parks in the City  
78 Code and add the above verbiage to Chapter 18.92. Commissioner Hansen's second stood to this  
79 amendment. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen, and  
80 Richards. Voting Nay: none. The motion passed.

81  
82 **Item 2** **Red Ledges Land Development requests Subdivision Final Approval for Red**  
83 **Ledges Subdivision Phase 1K located in the Red Ledges Development near**  
84 **the corner of Red Knob Way and Explorer Peak Drive. The main entrance**  
85 **to the Red Ledges Development is at 1851 East Center Street (Lake Creek**  
86 **Drive).**

87  
88 **Item 3** **Red Ledges Land Development requests Subdivision Final Approval for Red**  
89 **Ledges Subdivision Phase 1L, located in the Red Ledges Development in the**  
90 **vicinity of Copper Belt Drive and Copper Belt Circle. The main entrance to**  
91 **the Red Ledges Development is at 1851 East Center Street (Lake Creek**  
92 **Drive).**

93  
94 The main topic of discussion centered around street and utility improvements, mainly cul-de-sac  
95 lengths, secondary emergency access roads, approval by the Wasatch County Fire Chief to  
96 ensure that fire code is met, and the turn around at the end of Explorer Peak Drive.

97  
98 There was discussion on facts relating to the proposal, particularly cul-de-sacs and standards.  
99 The phases have cul-de-sacs that are 1,000 feet, which is longer than the 800 feet permitted for  
100 public streets pursuant to Section 17.24.020. The Interlocal Agreement indicates that street  
101 widths for Red Ledges will go by Wasatch County Standards. These streets are private streets  
102 and Heber City does not have a standard for private street cul-de-sac lengths. The reason for the  
103 public road standard cul-de- sac length is for ease of access by emergency vehicles.

104  
105 Discussion on 1300 foot cul-de-sacs. Anthony Kohler did not think this was a stretch as the  
106 City's standard only addresses public roads. Bart Mumford answered questions by explaining  
107 that fire code does have cul-de-sac lengths for emergency service purposes and depending on the  
108 width of the road they have different lengths that they allow. When you are over 750 feet then  
109 they rely upon getting special permission; that permission in this case would come from the fire  
110 district. He indicated if the Commission thought this was something they felt comfortable  
111 considering they would then refer back to the fire district and indications are the fire district  
112 would be okay with 1000 feet if they had an appropriate cul-de-sac at the end. He indicated  
113 there is the potential that in the future this would be a through road as well; this is in the master  
114 plan for Red Ledges. These would be the reasons he would allow this. Mumford also pointed  
115 out that these are private roads and Heber's standards apply to public roads.

116  
117 Todd Cates of Red Ledges spoke. They've looked at this with the fire district and Red Ledges'  
118 construction manager, Greg Adamson, has spoken to Ernie Giles, Wasatch County Fire Chief.  
119 Cates indicated that verbally Mr. Giles has said that this is okay and he is going to come up and  
120 inspect it in the coming week or so. He indicated that generally speaking this is a temporary  
121 situation and then they will have a much greater length of road that will go on. He showed  
122 where the road would loop through someday and spoke of future road construction. He thought  
123 that possibly next spring they would do some roads and that in 2014 would be the time to do the  
124 road. He did express that all was dependent upon how the market does. He mentioned one  
125 scenario where the waterline would come through from the Sorensen property and the road could  
126 be graded at that time.

127  
128 Discussion on details of the turn-around. Bart Mumford recommended the turnaround be hard  
129 surface rather than gravel. Todd Cates agreed to this. Chairman Rawlings indicated he would  
130 like to see a date when the temporary road approval would expire; this would basically function  
131 as a deadline for the permanent road to be constructed. The turn-around size required by fire  
132 code is a 96 foot diameter cul-de-sac; conditions that it is hard-surfaced and the fire district  
133 approves were desired. Commissioner Hansen asked about the other turnarounds in the Red  
134 Ledges development. Bart Mumford indicated that there is secondary access for the other  
135 turnarounds. The Commission asked Cates about the bypass, connections, open space  
136 agreement, and trails which he answered.

137  
138 There was also discussion on Phase 1L regarding access and the cul-de-sac at the end of Copper  
139 Belt Drive. It was brought out that there are two ways to get into Phase 1L; one on asphalt and  
140 one with gravel. Todd Cates indicated that the Red Ledges' contractor that plows has added  
141 plowing of the gravel road to their contract for next year. Bart Mumford commented on this; this  
142 turnaround would not be as extensive as the one in Phase 1K it is for convenience of smaller  
143 vehicles and not so much for emergency purposes. The Commission asked a few more  
144 questions. Mumford indicated they would check the cul-de-sac plans with city standards and fire  
145 codes.

146  
147 Commissioner Zane moved that we recommend approval of Red Ledges Land Development's  
148 request for Subdivision Final Approval for Red Ledges Subdivision Phase 1K located in the Red  
149 Ledges Development near the corner of Red Knob Way and Explorer Peak Drive. The main  
150 entrance to the Red Ledges Development is at 1851 East Center Street and also Red Ledges Land  
151 Development's request for Subdivision Final Approval for Red Ledges Subdivision Phase 1L,  
152 located in the Red Ledges Development in the vicinity of Copper Belt Drive and Copper Belt  
153 Circle. The main entrance to the Red Ledges Development is at 1851 East Center Street  
154 contingent upon them meeting all the requirements of the fire officials and the city engineer's  
155 approval and staff's approval. Commissioner Richards seconded the motion. Voting Aye:  
156 Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen and Richards. Voting Nay: none.  
157 The motion passed.

158  
159 **Item 4**      **Mountain View Fellowship Church requests Final Commercial Development**  
160 **Approval for a church to be located at 171 North 600 West**  
161

162 There was a correction to the agenda to the address which is 271 North not 171 North and it was  
163 also noted that the house is farther west than 600 West although the street address is at 600 West.  
164 Anthony Kohler spoke about this; these parcels were part of the Garth Lunt Subdivision and  
165 there is shared access with the existing house on 600 West in which Brooke Allen resides.  
166 Brook Allen and Jeff Lee, the people who live in the house were present. The site plan was  
167 placed on the overhead

168  
169 Ron Mayne and Shane Finley were present from the Mountain View Fellowship Church. Ron  
170 Mayne indicated they were proposing at this time to do road base in the parking lot with  
171 hardscape for the ADA parking as well as for concrete sidewalks on the back of the building for  
172 ADA. They have currently done the road cut to tie into a new fire hydrant with an upsized

173 waterline of 8 inches across 600 West as requested by the fire district. He indicated they would  
174 like to make this property something the community could be proud of; they are amenable to  
175 making sure they are a good neighbor. They want to move the driveway over to give Brooke  
176 Allen more space and to put a fence up to her liking with gates for her horse property and they  
177 would let her have access to use these. The church would mainly be used on Sunday mornings  
178 and a couple of times during the week. During the week the use would be minimal.

179  
180 Discussion on widening the bridge. Ron Maynes expressed that it was their understanding at this  
181 time that Ernie Giles, the Wasatch County Fire Chief, has allowed them to keep the bridge as is  
182 until future expansion. Mr. Maynes explained that Giles bought off on this because it is a private  
183 road, it has been in existence, and Ernie has said he is fine with the bridge. He indicated they  
184 had put the turn around in and it is going to end up being about an 85 – 90 foot diameter turn  
185 around there would also be a hydrant located within 150 feet of the building. These were what  
186 Mr. Giles had asked for as far as specifications.

187  
188 Commissioner Zane asked how wide the bridge was. Kohler thought it was between 16 or 18  
189 feet wide. Ron Mayne stated he believed it was between 18 and 19 feet wide. There was further  
190 discussion on the bridge width by the Commission. Bart Mumford indicated they still need to  
191 receive a letter from Giles to show what he wants; he had not seen this yet. He indicated that  
192 Giles had wanted it wider for this situation than what he had before (a residential situation).  
193 Typically the minimum fire access is a 20 foot width but he (Giles) has conditioned on if and  
194 when they do an expansion in the future, not right now. The City needs a letter from Giles on  
195 this; the City doesn't have a standard on this and it is up to what Giles dictates.

196  
197 Commissioner Thurber suggested they should get a letter from the new neighbors stating they  
198 will have a shared easement on that road. Kohler pointed out there is a shared easement that is  
199 on the subdivision plat. Discussion on the subdivision plat, the properties, and the easement.  
200 Mumford explained that the churches' property is the underlying property; they (Brooke Allen)  
201 have a prescriptive right to access the property. He continued that as the minimum they would  
202 have a prescriptive right coming on the church property to get to their back yard and across the  
203 canal to access their property on the other side of the canal. Mumford did not know unless  
204 somebody else saw something that they have a written easement. On the overhead Kohler  
205 showed the county record off the internet showing the property lines and the easement. The  
206 Planning Commission wanted it in writing that Brooke Allen would have gate access.

207  
208 Brook Allen indicated they had spoken about the easement but the only thing they had not  
209 discussed was the fence. Questions that she needed to have answered were how far away from  
210 her house it could be so that she has access to her property and then who maintains the fence.  
211 Shane Finley indicated that they had agreed with her that for her privacy the church would like to  
212 put a fence up. Discussion on this. The fence would be set back on the churches property to give  
213 Ms. Allen access. Shane Finley explained. The fence would actually turn the drive into a double  
214 drive. The fence would actually run, approximately 12 feet from the house, dead down the  
215 middle. He continued that the church will widen that road as far as they possibly can up to the  
216 pole that is there. That way Ms. Allen would have her own drive on it and then we would have  
217 our drive too. He concluded that this was what we were hoping to do. The fence would be set  
218 back on the church's property to give Brooke Allen an access; about 12 feet over.

219  
220 Commissioner Zane asked Brooke Allen if she would be satisfied with this. Brooke Allen  
221 answered that she thought that if the fence was 12 feet from her house that would be too close;  
222 she thought if it was 15 feet from her house that would be fine. Shane Finley pointed out that the  
223 only hindrance would be the pole. Anthony Kohler mentioned that a fence there would be  
224 allowed. Fence height and the view triangle were discussed. Brooke Allen indicated they had  
225 spoken of starting the fence at the beginning of her house so the pole would not become an issue.  
226

227 Chairman Rawlings expressed that he thought any motion should contain some language that the  
228 church and Brooke Allen work out that agreement in writing and it would be good if the City had  
229 a copy of that.

230  
231 Signage for the church was discussed and the bridge and parking were discussed further.  
232

233 Commissioner Richards recommended that as proposed the church is consistent with applicable  
234 codes as long as the conditions are approved by:  
235

- 236 1. The Fire Marshall, as well as;
- 237 2. The Property, the south property, Brooke Allen, to alter the driveway; including fencing  
238 and road conditions to minimize dust and other measures to buffer the home from the  
239 increased traffic; and that would be a written agreement that would need to be submitted  
240 to the City that would be an agreement between the two property owners and then  
241 submitted to the City as a third party. That would include maintenance of the fence.
- 242 3. Make sure they install the 8 inch waterline and fire hydrant in accordance to the Fire  
243 Marshall.
- 244 4. Install the storm drain when the pavement is installed to divert all site drainage.
- 245 5. And any other engineering items in accordance to Heber City Engineer, Bart Mumford.  
246

247 Applicable Code Sections:

248 Section 18.64.020(L) Residential Agriculture Permitted Uses

249 Section 18.72.030(C) Off-Street Parking for Churches  
250

251 Commissioner Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer,  
252 Thurber, Rawlings, Hansen and Richards. Voting Nay: none. The motion passed.  
253

254 **Item 5 Discuss emergency generators for critical facilities**  
255

256 Anthony Kohler presented information on this. He related information on the talk that General  
257 Russell Honore had given at the Utah League of Cities and Towns Conference earlier in the year.  
258 General Honore had been in charge of the response efforts of the Federal Government during  
259 Hurricane Katrina. He had indicated in his talk that the lack of power was found to be an  
260 obstacle to maintaining order as people could not purchase critical supplies such as gasoline and  
261 medicine without power. Having no emergency generators for gas stations had particularly  
262 proved to be a huge impediment to evacuation. One of General Honore's suggestions had been  
263 for local governments to require emergency backup generators for gas stations and pharmacies.

264 Anthony Kohler indicated he had found an ordinance from a town in Florida that requires  
265 emergency generator backup; the ordinance was included in the Planning Commission packet.  
266

267 Discussion from the Commission. Commissioner Richards hated to see anyone burdened with  
268 the huge cost of a generator and he spoke of how generators have problems when they are not  
269 used. He thought that a requirement for an electrical hookup for a generator would be a place to  
270 start.  
271

272 It was mentioned that Heber Light and Power's first priority be for these businesses. A switch  
273 gear to change speeds was mentioned. The question was asked, could this be worked into Heber  
274 Light and Power's planning?  
275

276 There was a comment that this would be beneficial to the community but they would hate to see  
277 government mandate something this onerous to an individual. There might be some corporation  
278 who would be willing to do this as an emergency preparation such as Maverik. There was a  
279 comment to have something to hook into an auxiliary if need be. Discussion on how the  
280 electricity works with hookups. Commissioner Richards suggested not to make this a  
281 requirement but to incentivize business owners. A question was asked as to how private pump  
282 stations for sewer would work in a power shut-down. Bart Mumford indicated there were two  
283 such stations in Muirfield and for the Elmbridge project. He said they do have a backup unless  
284 the natural gas goes out.  
285

286 Commissioner Glissmeyer suggested having an ordinance that makes the requirement of a  
287 hookup installed for the critical part of the operation (not 100% of their operation) on gas  
288 stations, pharmacies, and grocery stores on new construction. Bart Mumford thought it would  
289 cost \$5,000 - \$10,000 thousand dollars. Possibly obtaining grants was also mentioned.  
290

#### 291 **Administrative Items:** 292

293 Anthony Kohler updated the Commission on information relating to the TDR ordinance update.  
294 He mentioned the email staff forwarded of the Wasatch County Council turning down the  
295 request to re-zone the Northfields. He indicated he had not spoken to the County yet and asked  
296 if the Commission wanted to move forward on this and pointed out that in order to preserve the  
297 Northfields we would need a conversion factor that will dramatically increase the density in the  
298 City.  
299

300 The Commission asked if the proposal to re-zone the Northfields might come back again to the  
301 County Council. It was noted that two of the Councilmen had stated they would entertain a re-  
302 zone to 10 acre lots. This is not a dead issue at the county. Question whether to put on hold.  
303 The Commission did not want to waste time. Commissioner Hansen expressed concern over  
304 over-densifying the City and then if the County changes position and allows higher density in the  
305 Northfields - this would be very bad.  
306

307 There was consensus among the Commissioners that it made sense to hold off and to see what  
308 the County might be doing. Commissioner Thurber indicated he would like to see the R-3  
309 Residential Zone changed in the master plan.

310

311 Commissioner Zane motioned to adjourn the meeting. Commissioner Thurber seconded the  
312 motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen, and  
313 Richards. Voting Nay: none. The motion passed. The meeting adjourned at 8:56 p.m.

DRAFT-Unapproved Minutes

1 HEBER CITY CORPORATION  
2 75 North Main Street  
3 Heber City, Utah  
4 Planning Commission Meeting  
5 Thursday, February 28, 2013

6  
7 7:00 p.m.  
8 Regular Meeting

9  
10 Present: Planning Commission: Harry Zane  
Craig Hansen  
Michael Thurber  
David Richards  
Kieth Rawlings  
Mark Webb

Absent: Darryl Glissmeyer

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

11  
12 Others present: Todd Cates

13  
14 **Pledge of Allegiance: By Invitation**  
15 **Minutes: December 13, 2012, Regular Meeting**

16  
17 The December 13, 2012 Regular Meeting Minutes were discussed at length. Commissioner  
18 Hansen wanted to approved the minutes with a change to the motion for clarification on Item 4  
19 Mountain View Fellowship Church requests Final Commercial Development Approval for a  
20 church to be located at 171 North 600 West. Hansen expressed concern that the motion was  
21 confusing particularly under the second condition:

22  
23 2. The Property, the south property, Brook Allen, to alter the driveway; including  
24 fencing and road conditions to minimize dust and other measures to buffer the home from the  
25 increased traffic; and that would be a written agreement that would need to be submitted to the  
26 City that would be an agreement between the two property owners and then submitted to the City  
27 as a third party. That would include maintenance of the fence.

28  
29 Discussion on the original motion, the intent of the motion, and whether a motion could be re-  
30 worded and approved. After discussion the Commission decided to postpone approval of the  
31 meeting minutes and directed Staff to contact David Church, Legal Counsel at the Utah League  
32 of Cities and Towns to ascertain whether a motion could be changed.

35 **Item 1** **Red Ledges Land Development requests Subdivision Final Approval for**  
36 **Subdivision Plat Phase 1M, a 12 lot phase, located in the Red Ledges**  
37 **Development on Red Knob Way. The main entrance to the Red Ledges**  
38 **Development is at 1851 East Center Street (Lake Creek Drive).**  
39

40 Anthony Kohler had nothing to add to his staff report and with that Todd Cates began his  
41 presentation. Phase 1M is along an existing road. The locations of phases 1M and 1E were  
42 shown on a map of Red Ledges on the overhead.

43  
44 The Phase 1E plat was shown. Discussion on townhouses and the planned community zone.  
45 Todd Cates indicated that the Red Ledges project has 51% open space, overall density of Red  
46 Ledges is approximately one unit per acre.

47  
48 Chairman Rawlings pointed out the engineers' report on 1E; 1M was already done. Road names  
49 were discussed. Cates informed the Commission that the name Abajo Peak Circle had been  
50 submitted to Ivan Spencer at Wasatch County GIS but Spencer had wanted a different name  
51 because there was already an Abajo Peak Way and Abajo Peak Court. Cates thought that the  
52 road name should be determined by next week.

53  
54 Commissioner Webb motioned that we approve final or grant final approval for Subdivision Plat  
55 1M, and oh that's it, oh there's 12 lots, that it meets the applicable codes and all engineers'  
56 requirements and that it be contingent upon them replacing that street name (this is also in the  
57 engineers' report). Commissioner Thurber seconded the motion. Voting Aye: Commissioners  
58 Zane, Thurber, Rawlings, Hansen, Webb, and Richards. Voting Nay: none. The motion passed.

59  
60 **Item 2** **Red Ledges Land Development requests Subdivision Final Approval for**  
61 **Subdivision Plat Phase 1E, an eight lot phase, located in the Red Ledges**  
62 **Development on Abajo Peak Way. The main entrance to the Red Ledges**  
63 **Development is at 1851 East Center Street (Lake Creek Drive).**  
64

65 Discussion on Phase 1E had taken place during the previous item.

66  
67 Commissioner Zane motioned that we recommend approval for Red Ledges Land Development  
68 Subdivision Final Approval for Subdivision Plat Phase 1E, an eight lot phase, located in the Red  
69 Ledges Development on Abajo Peak Way. The main entrance to the Red Ledges Development  
70 is at 1851 East Center Street (Lake Creek Drive) contingent upon they meet all the requirements  
71 of staff and city engineer. Commissioner Hansen seconded the motion. Voting Aye:  
72 Commissioners Zane, Thurber, Rawlings, Hansen, Webb and Richards. Voting Nay: none. The  
73 motion passed.

74  
75 **Item 3** **Review of 2012 Planning Commission Actions - Discussion of Goals for 2013**  
76

77 The Commission discussed the reports reviewing 2012 and also discussed what they would like  
78 to see on their agenda to discuss in 2013. Topics mentioned were signs, electronic reader boards,  
79 reviewing the General Plan specifically on the subject of traffic, moderate income housing, open  
80 space and TDRs, a comprehensive amendment to the zoning ordinance to bring our code up to

81 date with the state code, and replacement for the Planning Commission Alternate were also  
82 topics the Planning Commission would like to discuss.

83  
84 **Item 4**            **Adoption of the 2013 Annual Planning Commission Meeting Schedule and**  
85                            **Work Plan**

86  
87 The Commission looked at this. Commissioner Zane moved to adopt the meeting schedule.  
88 Commissioner Hansen seconded the motion. Voting Aye: Commissioners Zane, Thurber,  
89 Rawlings, Hansen, Webb and Richards. Voting Nay: none. The motion passed.

90  
91 **Item 5**            **Consideration of Amendments to the Planning Commission Bylaws**

92  
93 There was consensus among the Commissioners not to amend their bylaws.

94  
95 **Administrative Items:**

96  
97 Discussion on whose term would end at the end of 2013.

98  
99 Commissioner Hansen motioned to adjourn the meeting. Commissioner Webb seconded the  
100 motion. Voting Aye: Commissioners Zane, Thurber, Rawlings, Hansen, Webb and Richards.  
101 Voting Nay: none. The motion passed. The meeting adjourned at 8:23 p.m.

Heber City Planning Commission  
Meeting date: March 14, 2013  
Report by: Anthony L. Kohler

**Re: Miller Plat Amendment**

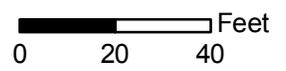
Mark Miller, owner of both lots within the Miller Lot Split, located at 100 West and 300 South, is proposing a plat amendment to move the lot line between the two lots north. The properties are located within the R-3 Residential Zone. The proposed alteration retains a 20 foot setback for the corner lot, and at least 65 feet of frontage and 6,500 square feet of area for each lot. The property line adjustment will allow the driveway on lot 2 to be located entirely on lot 2.

**SUGGESTED MOTION OF APPROVAL**

Motion to approve the proposed plat amendment for the Mark Miller Lot Split located at the southeast corner of 300 South and 100 West, as being consistent with the requirements of Chapter 18.60 R-3 Residential Zone.



# Miller Plat Amendment





Heber City Planning Commission  
Meeting date: March 14, 2013  
Report by: Anthony L. Kohler

**Re: Millstream Properties LLC Addition at 1969 S. Wendell Ln.**

Millstream Properties LLC is requesting approval of a proposed 4000 square foot addition to their existing 10,000 square foot building at 1969 South Wendell Lane. The property is located within the I-1 Industrial Zone. The addition would be located in the rear of the existing property, and would replace a smaller lean-to addition on the building. The addition will store the petitioner's equipment, such as backhoes and trailers, etc. The addition will be lined up with the north and south walls of the building and be setback 10 feet from the east property line. 2 garage doors would open to the south and one would open to the north.

The addition is for parking and storage so it will not generate a greater parking demand. Property along the south face of the building could be used for additional parking if needed. Section 18.72.030 J. of the city code requires "Industrial, manufacturing and wholesale establishments to have one parking space per two employees based on the largest shift", and the addition will not add the need for additional employees. The petitioner intends to pave a small drive to the garage doors.

The property is part of the Airport Road Warehouse Condominiums, a Condominium Plat recorded in Wasatch County prior to annexation into Heber City. The 4 units owned by the petitioner are not separated and are used as one large space by one entity. The proposed addition is located within the Common Area, and the petitioner is aware of the need to obtain approval of the Property Owner's Association, and has begun those discussions with other property owners in the plat.

The proposed use and building is consistent with the requirements of the I-1 Industrial Zone. Engineering indicates since the project is a relatively minor addition, their review can occur with the building permit. Staff would suggest the petitioner match the existing metal building color and roof color.

**SUGGESTED MOTION OF APPROVAL**

Motion to approve the proposed 4,000 square foot industrial addition for property located at 1969 South Wendell Lane as consistent with Heber City Code, Section 18.72.030 J. Parking, and Chapter 18.44 Industrial Zone, conditional upon the addition being consistent in color with the existing roof and existing walls.



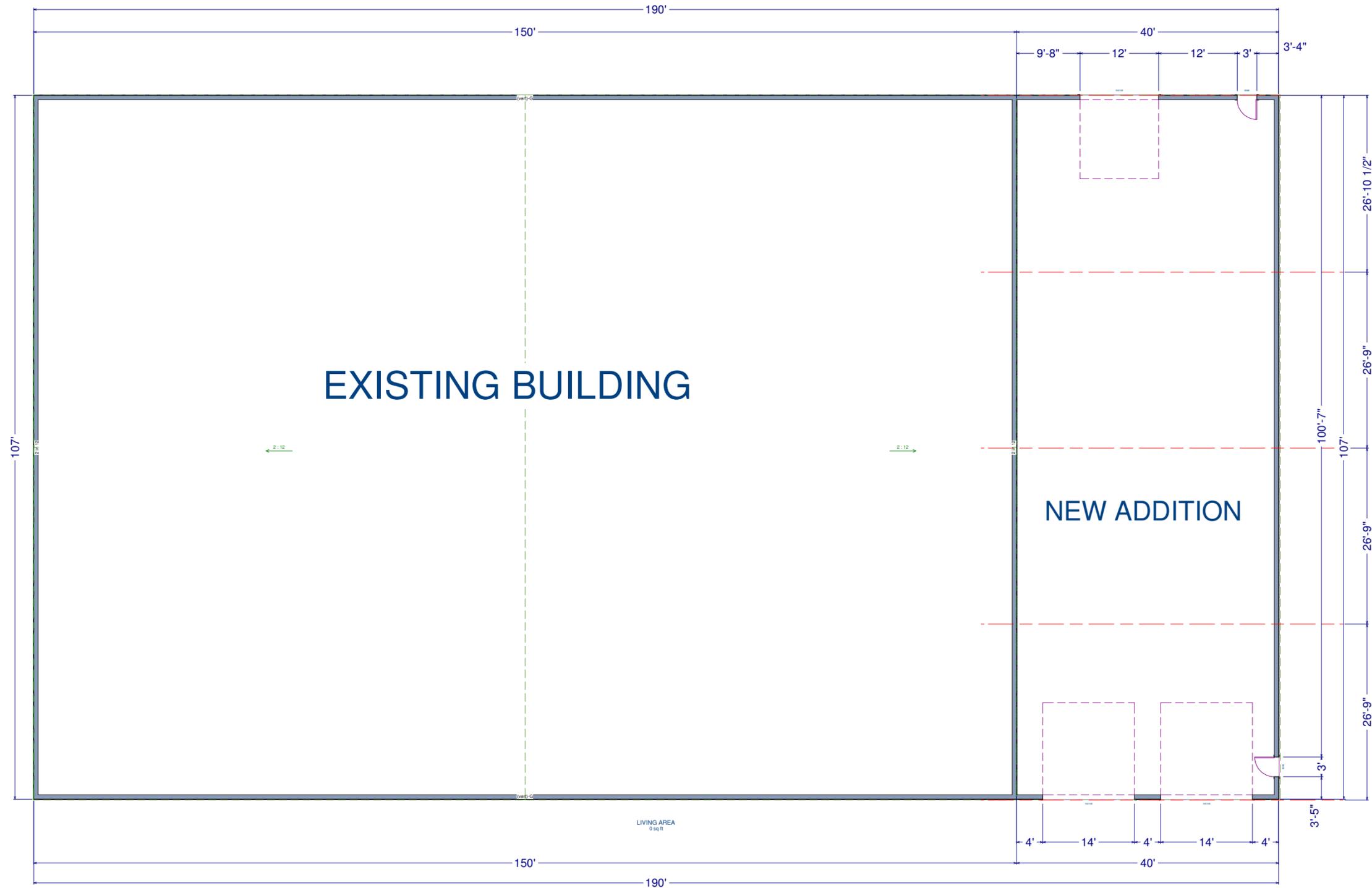
Proposed Addition

WENDELL LN

AIRPORT RD

# Millstream Proposed Addition





--

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**SHEET TITLE**

PROJECT DESCRIPTION:  
**kelly steel building additoin  
40x107**

DRAWINGS PROVIDED BY:  
**Marks Designs**  
801-592-0073

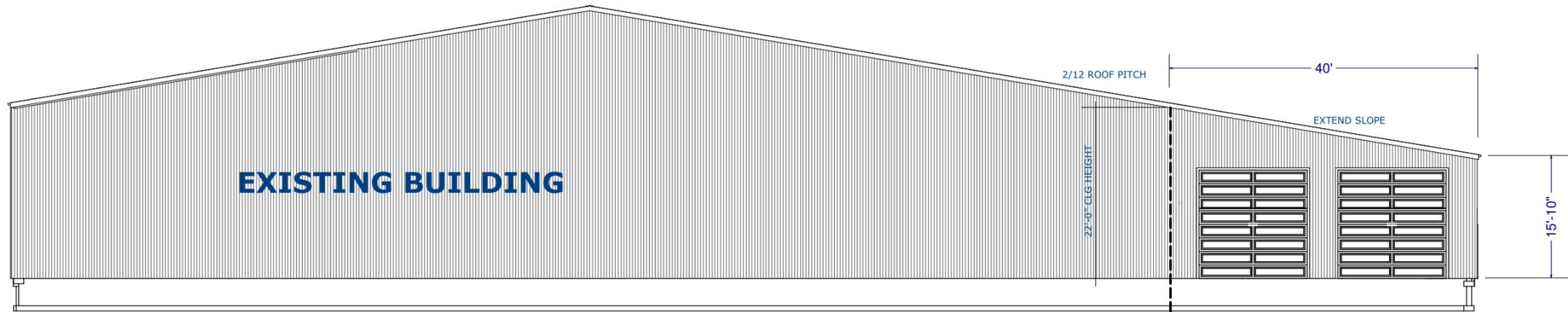
DATE:

2/27/2013

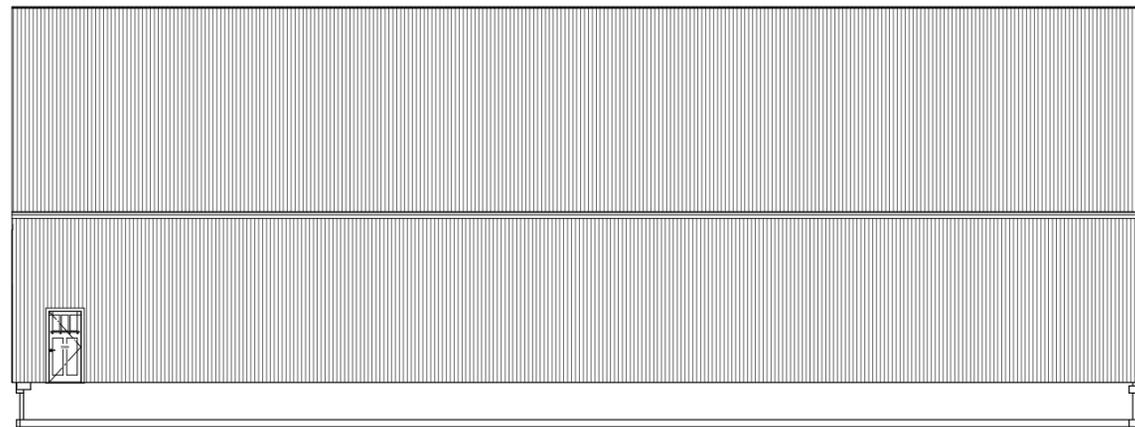
SCALE:

SHEET:

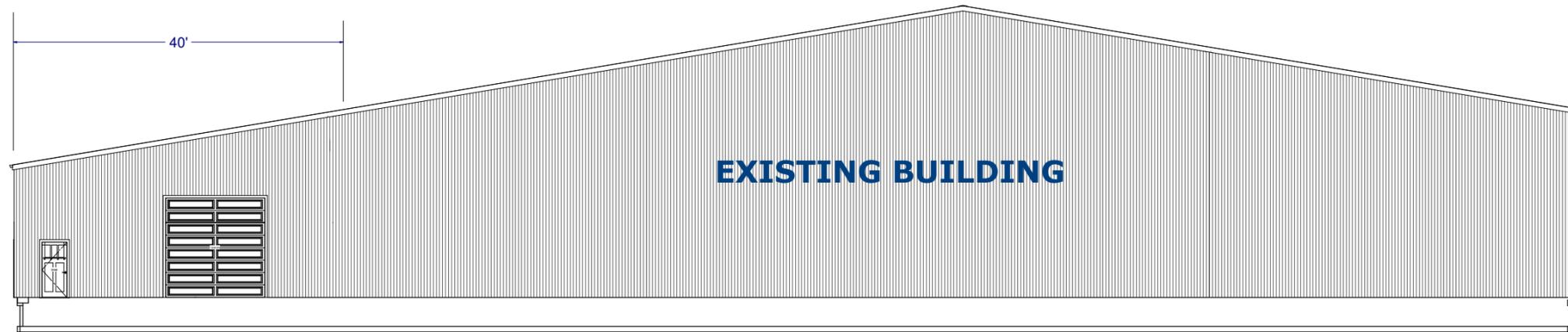
**A-1**



**FRONT ELEVAVATION VIEW**



**SIDE ELEVAVATION VIEW**



**REAR ELEVAVATION VIEW**

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**SHEET TITLE**

PROJECT DESCRIPTION:  
**kelly steel building additoin  
40x107**

DRAWINGS PROVIDED BY:  
**Marks Designs**  
801-592-0073

DATE:  
2/27/2013

SCALE:

SHEET:

**A-2**

**SURVEYOR'S CERTIFICATE**

I, **ROBERT D. KUNZ**, do hereby certify that I am a registered Land Surveyor and that I hold certificate No. **150228** as prescribed under the laws of the State of Utah. I further certify that by the authority of the Owner's, 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 private units and common areas hereafter to be known as **AIRPORT ROAD WAREHOUSE CONDOMINIUMS**, and that the same has been correctly surveyed and staked on the ground as shown on this plat.

**BOUNDARY DESCRIPTION**

Commencing at a point in the northerly right of way line of Airport Road in Heber, Utah, which point lies N00°05'01"W, 1652.81 feet along the section line and S89°53'59"W, 699.59 feet along the section line to the corner of the section line; thence S11°00'00"W, 240.41 feet; thence N00°05'01"W, a distance of 387.24 feet; thence N89°32'45"E, a distance of 240.40 feet; thence S00°05'01"E, a distance of 391.74 feet to the point of Beginning, containing 2.15 ACRES, more or less.

**SUBJECT TO 15' RIGHT OF WAY EASEMENT OVER WEST 15 FEET**

TOGETHER WITH a right of way over the East 45 feet of the 150-foot wide right of way in the center of the right of way line of Airport Road in Heber, Utah, which point lies N00°05'01"W, 1652.81 feet along the section line and S89°53'59"W, 699.59 feet along the section line to the corner of the section line; thence S11°00'00"W, 240.41 feet; thence N00°05'01"W, a distance of 387.24 feet; thence N89°32'45"E, a distance of 240.40 feet; thence S00°05'01"E, a distance of 391.74 feet to the point of Beginning.



DATE: Aug 4, 2006  
 SURVEYOR: Robert D. Kunz

**OWNER'S DEDICATION**

Know all men by these presents that we, the undersigned owners of the above described tract of land, having caused the same to be subdivided into private units and common areas to be hereafter known as the **AIRPORT ROAD WAREHOUSE CONDOMINIUMS**

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.

In witness whereof, we have hereunto set our hands and seals, this 4th day of August, A.D., 2006.

AD PARTNERS, L.L.C., a Utah Limited Liability Company  
 By: Anthony Mahon, President  
 Anthony Mahon, President

**ADMINISTRATIVE BODY**

The County of Wasatch approves this subdivision and hereby accepts the dedication of all streets, easements and other parcels of land intended for the public purposes shown on this plat, this day of August, 2006, subject to the following conditions:



**ACKNOWLEDGEMENT**

Personally appeared before me, the undersigned notary public, Anthony Mahon, the president of Mahon Construction, Inc., a manager of AD PARTNERS, L.L.C., a Utah Limited Liability Company, and he duly sworn, acknowledged to me that he is the president of Mahon Construction, Inc., a manager of said Limited Liability Company, and that he signed the above owner's dedication and certification (freely, voluntarily, and on behalf of said Limited Liability Company for the purposes therein mentioned).

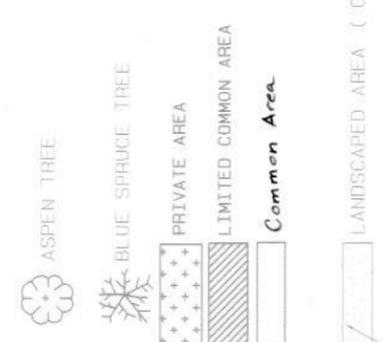
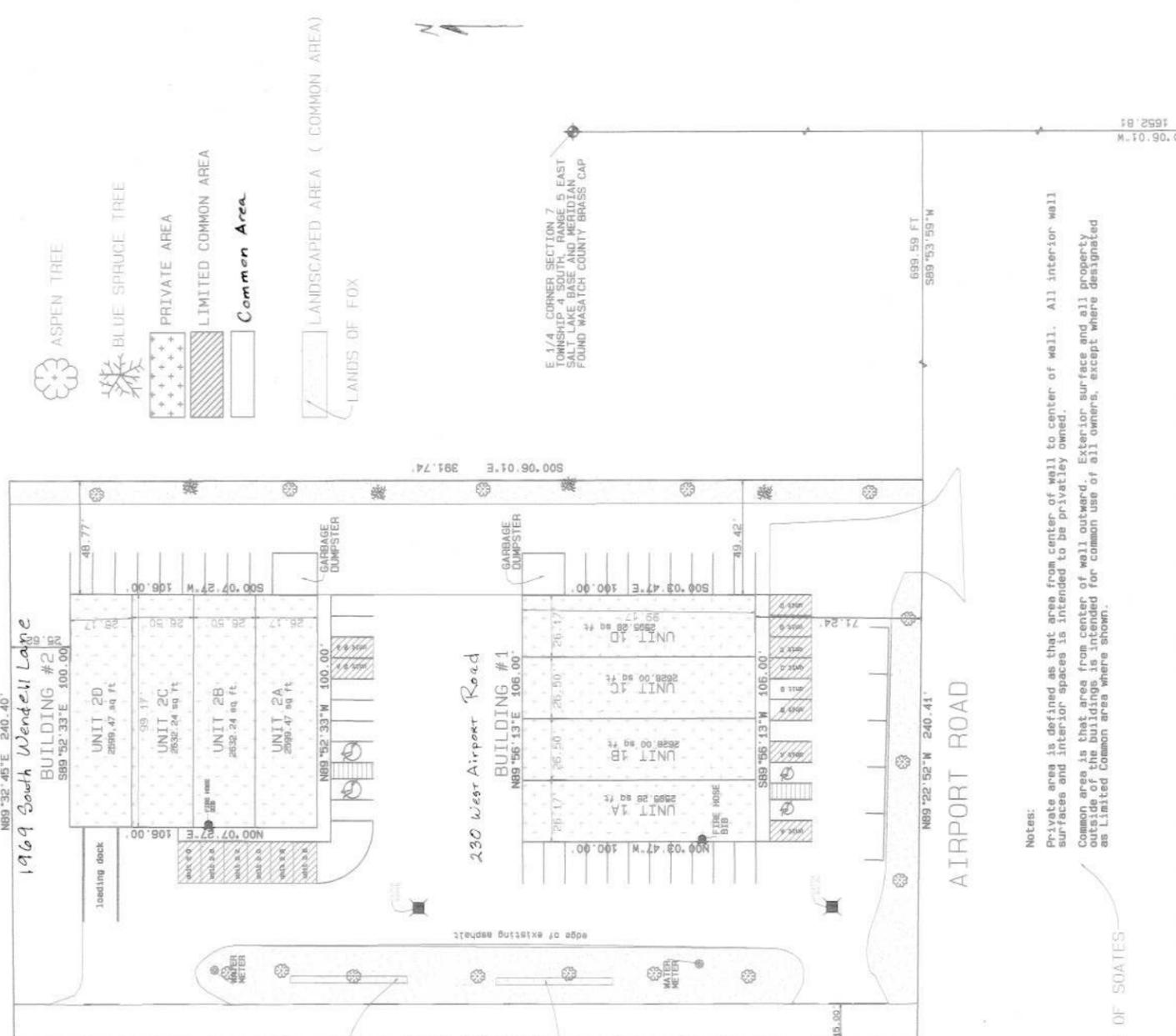
March 24, 2003  
 My Commission Expires  
 Stephanie A. Carlson  
 Residing in Wasatch County



SCALE: 1" = 30' FEET

**AIRPORT ROAD WAREHOUSE CONDOMINIUMS**

RECORDED No. **227157**  
 STATE OF UTAH, COUNTY OF WASATCH, RECORDED AND FILED  
 AT THE REQUEST OF  
 DATE: 9-13-06 TIME: 10:20 ROOM: 4715 PAGE: 41D-419  
 \* 37.00 FEE \$  
 MARILYN M. CUMMINGS  
 COUNTY CLERK



E 1/4 CORNER SECTION 7 TOWNSHIP 4 SOUTH, RANGE 5 EAST SALT LAKE BASE AND MERIDIAN FOUND WASATCH COUNTY BRASS CAP

Notes:  
 Private area is defined as that area from center of wall to center of wall. All interior wall surfaces and interior spaces is intended to be privately owned.  
 Common area is that area from center of wall outward. Exterior surface and all property outside of the buildings is intended for common use of all owners, except where designated as Limited Common area where shown.

COUNTY ENGINEERING DEPARTMENT Approved this <u>14</u> day of <u>Aug</u> , 20 <u>06</u> Subject to the following conditions: <u>Robert Wilson</u> Director	WASATCH COUNTY RECREATION DEPARTMENT Approved this <u>21</u> day of <u>Aug</u> , 20 <u>06</u> Director: <u>[Signature]</u>	WASATCH COUNTY FIRE MARSHALL Approved this <u>19</u> day of <u>Aug</u> , 20 <u>06</u> With the following conditions: <u>[Signature]</u> Wasatch County Fire Marshal	WASATCH COUNTY WATER BOARD Approved this <u>16th</u> day of <u>Aug</u> , 20 <u>06</u> <u>[Signature]</u> Director
HEALTH DEPARTMENT Approved this <u>16</u> day of <u>Aug</u> , 20 <u>06</u> Subject to the following conditions: <u>[Signature]</u> OTREC: <u>[Signature]</u> Health Department	COUNTY PLANNING OFFICE Approved this <u>11</u> day of <u>Sept</u> , A.D., 20 <u>06</u> By the Wasatch County Planning Director: <u>[Signature]</u> Planning Director	COUNTY SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATED THIS <u>20</u> DAY OF <u>Aug</u> , 20 <u>06</u> Director, Engineering Department: <u>[Signature]</u>	PUBLIC WORKS DEPARTMENT APPROVED THIS <u>11</u> DAY OF <u>Sept</u> , A.D., 20 <u>06</u> SUBJECT TO THE FOLLOWING CONDITIONS: <u>[Signature]</u> DIRECTOR, PUBLIC WORKS
APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>11</u> DAY OF <u>SEPT.</u> , A.D., 20 <u>06</u> <u>[Signature]</u> COUNTY ATTORNEY			

Heber City Planning Commission  
Meeting date: March 14, 2013  
Report by: Anthony L. Kohler

## Re: Discussion on the Sign Ordinance

The Planning Commission requested a discussion on electronic readerboard signs. Last year the Planning Commission unanimously recommended the City Council NOT amend the sign ordinance to relax the standards for electronic readerboards. In 2009, the Planning Commission recommended an amendment to the sign ordinance as shown below. Attached find a memo to the City Council regarding the county's proposed electronic readerboard. Also attached are the findings of the Sign Committee from 2010. I hope to obtain direction from the Planning Commission during this discussion.

### **Section 18.103.090 Signs that Require a Permit**

#### **C. Electronic Message Centers, Changeable Copy Areas and Reader Boards (Changeable Copy Signs).** Such signs are permitted, but discouraged, and shall comply with the following:

1. Changeable Copy Signs shall be only permitted as part of a main sign which meets the standards for a Monolithic Monument Sign (Section 18.103.090 F.2.), Flat Sign (Section 18.103.090 G.), or Suspended and Projecting Sign (Section 18.103.090 I).
2. No more than one (1) Changeable Copy Sign is permitted for each parcel.
3. The area of a Changeable Copy Sign shall not exceed 24 square feet. However, the total area of the main sign of which the Changeable Copy Sign is a part shall not exceed the area permitted for that sign type (i.e. the area of the changeable copy portion of the sign shall be subtracted from the total permitted sign area).
4. No Changeable Copy Sign shall be used for off-premise advertising.
5. Any existing sign that is altered to include a Changeable Copy Sign, or changes which alter an existing Manual Changeable Copy Sign to an Electronic Changeable Copy Sign, or vice versa, shall conform to the requirements of this Section.
6. Electronic changeable copy signs are permitted only within the C-2 Commercial and C-4 Commercial Zones.
7. No electronic message center shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken.
8. No Electronic Changeable Copy Sign shall blink, rapidly scroll or flash, use chaser lights, or utilize graphics in any way. Only text is permitted to be displayed. Such device shall not display the message in a manner that constitutes a traffic hazard or nuisance as determined by the Zoning Administrator. Electronic Changeable Copy Signs are permitted to utilize the static display with "fade" or "dissolve" transitions or similar subtle transitions and frame effects that do not have the appearance of moving text or images. Electronic message centers may be changed at periodic intervals by said entry and exit effects provided that the minimum message time for a message shall be three (3) seconds. Transition time between frames shall not exceed two (2) seconds nor be less than a minimum of 0.3 seconds; and
9. Electronic message centers shall be turned off no later than 10:00 p.m. if located within one hundred (100) feet of a residential zone.

## Discussion of LED Reader Board Signs in Downtown Heber City

Anthony L. Kohler  
January 10, 2013

In 2006, Heber City adopted Design Criteria for the C-3 Downtown Zone (also for the C-2 and C-4 Commercial Zones). The C-3 Zone Design Criteria aimed at creating and maintain a historic turn of the century characteristics, as shown in the below sections from the Design Criteria. An electronic reader board of the size and scale discussed recently is not consistent with the intent of the C-3 Design Criteria. As discussed below, there may be alternative locations or designs that are more compatible with the historic nature of City Hall and scale of the City.

Just as a reminder, the Planning Commission was asked by the City Council and Mayor to review the city's sign ordinance in early 2012, with the intent of amending the ordinance to permit an electronic reader board for community events. During its March 8, 2012 meeting, the Planning Commission unanimously voiced a desire to instead amend the sign ordinance to prohibit future electronic reader board signs, and create a process for amortizing non-conforming electronic reader board signs. The Planning Commission made the following findings.

1. Electronic reader board signs are unsafe in a similar manner as texting while driving. The moving text and graphics on the signs require a longer time to read than a fixed-text sign.
2. Electronic reader board signs don't fit the local, small town ambiance that citizens want for the valley. These signs are characteristic of Las Vegas and Carnivals, not Heber City. Electronic reader board signs are contrary to the intent of the city's General Plan and the adopted Design Criteria for the C-2, C-3, and C-4 Zones.
3. The city will set precedence in supporting an electronic reader board sign for local events, encouraging others to install such signs in the city.
4. Other avenues for communication of public events and emergencies are available, including (1) Parlant Technology's notification system with email, text, or phone calls; (2) the city's water bill newsletter; (3) Wasatch Wave Newspaper; (4) KTMP Radio; (5) KPCW Radio; (6) Light Pole Banners; (7) Main Street Banner; and (8) the city and county websites. These options are much more affordable and practical, considering that electronic reader boards have a substantial upfront cost and ongoing electrical and maintenance costs. Additionally, these options are compatible with community values that have been voiced to the city and adopted within the General Plan.
5. Funding for such a sign should be put elsewhere where money is needed, such as improving Main Street with needed tree, light pole, paver, curb, and sidewalk maintenance.

Shown on the attached page are some public LED signs that appear to be more consistent with the scale and historic nature of Downtown Heber City. The sizes of these signs likely range from approximately 24 square feet to 32 square feet. In searching the internet, there are numerous examples of church, library and school LED reader boards that have similar dimensions as the signs shown below, but staff has not identified public LED signs on the internet that are near the size of 8' x 14'. Local examples include Layton City's LED sign that is sized 32 square feet, and American Fork's LED sign that appears to be sized around 24 square feet.

The signs shown below would nearly meet the sign ordinance for monument signs (Section 18.103.090 F.2.), which permits signs up to 9 feet in height and 50 square feet in area, with a masonry base 18 inches in height. Up to 25 percent of that sign can be reader board, which is 12.5 square feet. This is the portion of the ordinance that Walgreen's has struggled with, as their standard reader boards are larger than this. The proposed sign was discussed as being processed as a community sign under Section 18.103.080 A. 15., which limits community signs to 32 square feet and 12 feet in height. In researching this issue more, it appears more equitable and consistent with other sign approvals to process the sign as a monument sign under Section 18.103.090 F.2, which would limit the sign to 9 feet in height and 50 square feet in area, with a 12.5 square foot reader board.

### Alternative Sites

The Downtown, while being centrally located, does have some visual limiting factors for locating a community sign, including the street trees, 4 light poles on each block that each contains 2 banners and/or Christmas decorations, and the proximity of the Olympic monument. The Heber Valley Tourism building at 500 North, as an alternative site, does not have street trees, plus that block only contains 2 street lights with no banners or Christmas decorations. The Police Station might be another candidate, being located in the C-2 Commercial Zone, and a sign could be located where the evergreen trees were recently removed.

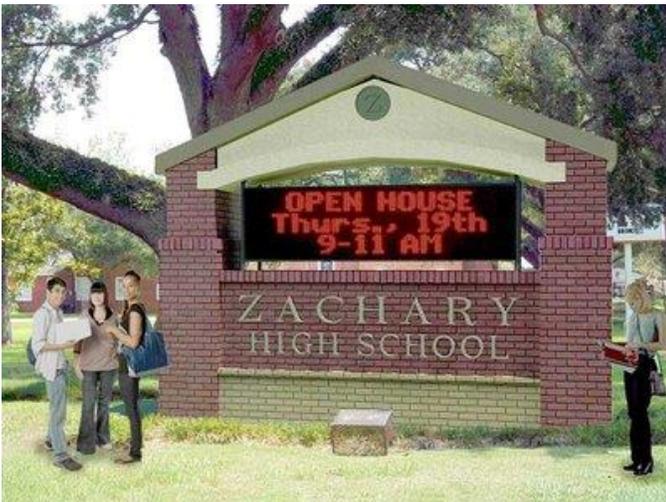
### C-3 Design Criteria Section 301 - DESIGN VISION STATEMENT:

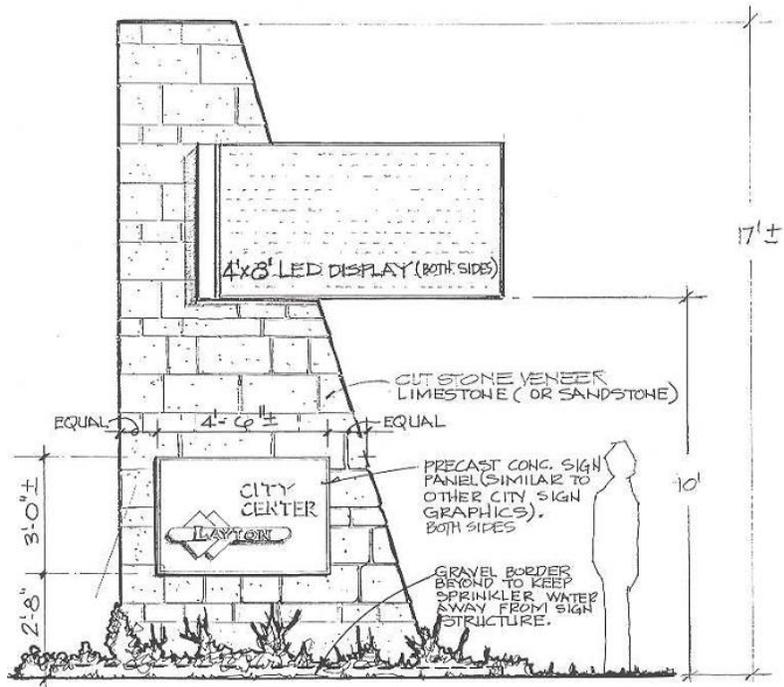
To create an independent environment that will nurture the development of commercial space to reflect but not borrow from the past in order to establish its own unique architectural heritage. Commercial development shall be harmonious with the turn of the century time period regarding composition, height, width, form, massing, scale, pattern, materials, color, fenestration, and techniques without duplicating any particular style, element, or detail.

**C-3 Design Criteria Section 303 - PHYSICAL CHARACTERISTICS:**

CONCEPT: The physical characteristics of commercial architecture shall “reflect” the early pioneer heritage of Heber City around the turn of the 20<sup>th</sup> century approximately 1890-1920. These architectural characteristics depict a local culture of quality, simplicity, and permanence that is displayed in many existing buildings. All new construction shall continue to build upon this past philosophy to further strengthen the downtown core and its role in the fabric of our community.

**SOME EXAMPLES OF PUBLIC LED READER BOARD SIGNS**





STRUCTURE & DETAILS OF ENTIRE SIGN TO BE DETERMINED BY SIGN MANUFACTURER

PROPOSED LAYTON SIGN

BRIXEN & CHRISTOPHER ARCHITECTS 05.21.08



## Heber City Sign Committee Priorities

Priority Level	Issue	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5
1	Sign Maintenance	4		1		1
2	Size, height, and placement of freestanding signs	2	3		1	
3	Temporary Banners	2	2	1	1	
4	Enforcement	1	2	2	1	
5	Size, and placement of signs on buildings	2		1		3
6	Electronic digital displays	1	1	1	1	
7	Grandfathered Signs	1		1	2	
8	Permitting Requirements	2		1		

May 25, 2010

**Re: Report to the Tree Board on Tree Related Issues for 2012**

The Planning Commission is the designated Tree Board for the City, as per Chapter 12.20 of the City Code. The city adopted the street tree ordinance shown below in 2006 as an effort to obtain the Tree City USA designation. As part of that designation, the city needed to (1) adopt a tree ordinance; (2) appoint a tree board that meets at least annually; (3) spend \$2 per capita on tree related expenses; and (4) celebrate Arbor Day. The city has met these requirements for the third year in a row, and will this spring receive an award for last year’s efforts. The purpose of the March 14 meeting is to discuss potential updates to the tree ordinance and consider other tree related issues.

1. The Public Works Director has expressed concern that trees planted in 4 foot wide planter strips interfere with snow plowing, tend to block street signs, and may at some point affect city utilities. The city might consider amending the approved street tree list to address this issue.
2. The Planning Commission appointed 5 members of the community to assist as an advisory board. This board has lost some momentum. The Planning Commission might consider meeting regularly with the advisory tree board or identifying annual goals etc. for increasing Tree Board activities.
3. Below is a report on tree related activities from last year. This information was submitted as part of the Tree City USA recertification application.

<b>Tree Related Activities 2012</b>	
June 14 Arbor Day (1 tree)	Tree Ordinance Enforcement (6 trees)
100 South UDOT Tree Analysis	Supervisor training
Tree Farm Planting (21 trees)	Parks Department training
Tree Donation Planting (37 trees)	Irrigation Spring Startup
Tree Planting (8 trees)	Tree Staking
Public Works Tree Planting (40 trees)	Irrigation Repair
Soil Screening	Leaf removal Main Street Park
Tree hand watering	Safe Sidewalk Project (5 trees)
Tree Fertilizing	Heber Light & Power Tree Pruning
Park Tree Pruning	Downtown Tree Pruning
Town Hall Tree Pruning	Police Department Tree Removal (1 tree)
Tree Board Meetings	Public Works Tree Pruning
Nuisance cemetery tree removal	Valley Hills Entrance Tree Pruning
300 West tree removal	

<b>Heber City Tree Care Statistics 2012</b>	
Planting: \$4,770.55	Per Capita: \$5.08
Maintenance: \$20,129.58	Population: 11,697
Removals: \$10,317.42	Trees Planted: 112
Management: \$460.84	Trees Pruned: 100
Utility: \$23,501.20	Trees Removed: 27
Volunteer Time: \$208.50	Annual Total: \$59,388.09



# Heber City Street Tree Ordinance

## Section 12.20.010 Establishment.

When required the City Engineer and/or Planning Office shall, where the same has not already been defined, cause a measurement to be made defining the outside limits of the control curbs and sidewalks on any street of the City and establish the line for all street trees thereon. All street trees shall be planted pursuant to the provisions of this Chapter.

## Section 12.20.020 Definitions.

- A. **Street Trees.** Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.
- B. **Park Trees.** Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

## Section 12.20.030 Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City. The Planning Commission shall serve as the City Tree Board. The Planning Office, with advisement from the City Engineer, Police Chief, and City Park Superintendent, shall serve as advisory staff for the City Tree Board, and these departments shall coordinate in the administration of the provisions and duties of this Chapter.

## Section 12.20.040 Duties and Responsibilities.

- A. Based on perceived need or when requested by the City Council, the City Tree Board shall develop and recommend a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas.
- B. The City Tree Board shall be responsible to develop an active tree inventory of street and park trees based on perceived need or when requested by the City Council.
- C. The City Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
- D. The City Tree Board shall periodically review this Chapter and recommend updates and revisions to the City Council.
- E. The City Tree Board shall develop, maintain, and recommend revisions as necessary to the list of desirable trees in Section 12.20.080 for planting street trees along streets in three size classes based on mature height: small (0 to 30 feet), medium (30 to 60 feet) and large (over 60 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of trees not suitable for planting will also be created by the Tree Board. Fruitless varieties of trees shall be planted when available. Planning staff may approve the planting of a street tree not on the approved planting list, provided the proposed tree is not on the prohibited street tree list and does not have the undesirable attributes listed in Section 12.20.050 D.

## Section 12.20.050 Tree Species to be Planted.

A. **Small Trees.** Small trees are appropriate in locations with 4-foot planter strips or larger or in locations near utility lines.

1. Paperbark Maple (*Acer griseum*)
2. Eastern Redbud (*Cercis canadensis*)
3. Tatarian Maple (*Acer tataricum*)
4. Japanese Tree Lilac (*Syringa reticulata*)
5. Washington Hawthorn (*Crataegus phaenopyrum*)
6. Kwanzan Flowering Cherry (*Prunus serrulata*)
7. Lavalley Hawthorn (*Crataegus x lavalleyi*) [thornless variety]
8. Amur Maple (*Acer ginnala*)
9. Cockspur Hawthorn (*Crataegus crusgalli*)
10. English Hawthorn (*Crataegus laevigata*)

11. Smooth Sumac (*Rhus glabra*)
12. Staghorn Sumac (*Rhus typhina*)
13. Trident Maple (*Acer buergeranum*)
14. Flowering Chokecherry (*Prunus virginiana*)

B. **Medium Tree.** Medium trees are appropriate in locations with 6-foot planter strips or larger or in locations where utility lines are less of an issue due to height or location of the lines.

1. Autumn Purple Ash (*Fraxinus americana*)
2. Hedge Maple (*Acer campestre*)
3. Fruitless White Mulberry (*Morus alba*)
4. Big Tooth Maple (*Acer Grandidentatum*)
5. Japanese Pagoda (*Sophora japonica*)
6. European Hornbeam (*Carpinus betulus*)
7. European Alder (*Alnus glutinosa*)
8. Littleleaf Linden (*Tilia cordata*)
9. Crimean Linden (*Tilia Euchlora*)
10. Goldenrain Tree (*Koelreuteria paniculata*)
11. Amur Chokecherry-fruitless (*Prunus maackii*)
12. Flowering Pear (*Pyrus calleryana*)

C. **Large Tree.** Large trees are appropriate in locations with 8-foot planter strips or larger and where utility lines are underground or out of the way of the tree's growth.

1. Norway Maple (*Acer Plantanoides*)
2. Swamp White Oak (*Quercus bicolor*)
3. English Oak (*Quercus robur*)
4. Silver Linden (*Tilia tomentosa*)
5. Red Oak (*Quercus rubra*)
6. Green Ash (*Fraxinus pennsylvanica*)
7. Autumn Blaze Maple (*Acer x freemanii*)
8. Ginkgo/Maidenhair Tree (male) (*Ginkgo Biloba*)
9. Thornless Honeylocust (*Gleditsia Triacanthos* var. *Inermis*)
10. Kentucky Coffee Tree (*Gymnocladus Dioicus*)
11. American Linden (*Tilia Americana*)
12. Sycamore Maple (*Acer Pseudoplatanus*)
13. London Plane Tree (*Platanus*)
14. Japanese Zelkova (*Zelkova Serrata*)

D. **Prohibited Street Trees.** The following trees are prohibited street trees. These trees are prohibited either because they grow too large and threaten the integrity of street improvements, have shallow root systems which threaten utilities, have nuisance fruit, seeds or thorns, are prone to sprouting, are declared noxious weeds, will not survive the harsh climate zone, or are disease prone species.

1. Evergreen and conifer trees, all species, including but not limited to fir, juniper, spruce, pine, etc.

2. Siberian Elm (*Ulmus Pumilla*)
3. Chinese Elm (*Ulmus Paryifolia*)
4. Silver Maple (*Acer Saccharinum*)
5. Cottonwood (*populus Fremonti*)
6. Quaking Aspen (*Populus Tremloides*)
7. Box Elder (*Acer Negundo*)
8. Russian Olive (*Elaeagnaceae Angustifolia*)
9. Willow (*Salix*) any variety
10. American Elm (*Ulmus Americana*)
11. Black Locust (*Robinia Pseudoacaia*)
12. Tree of Heaven (*Ailanthus*)
13. Idaho Locust (*Robinia x Ambigua*)
14. Birch (*Betula*) any variety
15. Flowering Plum (*Prunus Cerasifera*)

16. Poplar (*Populus*)
17. Orchard trees and nut bearing trees
18. Purple Robe Locust (*Robina ambigua* "Purple Robe')
19. The following thorn bearing trees:
  - a. Sunburst Honey Locust (*Gleditsia triacanthos* 'Sunburst'), and
  - b. Thorned Honey Locust (*Gleditsia triacanthos*)

**Section 12.20.060 Spacing.**

The spacing of street trees will be in accordance with the three species size classes listed in Section 12.20.050 of this Ordinance, and no trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed or approved by a landscape architect.

**Section 12.20.070 Distance from Curb and Sidewalk.**

The distance trees may be planted from curbs or curb lines and sidewalks, whether planted on public or private ground, will be in accordance with the three species size classes listed in Section 12.20.050 of this Ordinance and no trees may be planted closer to any curb or sidewalk than two (2) feet for small trees, three (3) feet for medium trees and four (4) feet for large trees. This placement measurement is measured from the center of the tree. Any tree not listed as a preferred species as designated by this chapter, and planted on private property, shall be setback at least 4 feet from any public sidewalk.

**Section 12.20.080 Distance from Street Corners and Fire Hydrants.**

No street tree shall be planted within thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten (10) feet of any fire hydrant. No street tree shall be planted any closer than 40 feet from the front face of a stop sign or traffic sign.

**Section 12.20.090 Utilities.**

No street trees other than those species accepted as small trees may be planted under, or within ten (10) feet of any overhead utility wire or within five (5) feet of any underground waterline, sewer line, transmission line or other utility.

**Section 12.20.100 Public Tree Care.**

A. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This Section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this Chapter.

C. Citizens/property owners, occupants and their agents shall have the following responsibilities for the protection of trees in parkstrips and right-of-way abutting their real property, except in those which are maintained by the City.

1. Periodic watering and fertilization and pruning of street trees as necessary to maintain good health and vigor.
2. Protecting street trees from damage caused by lawn mowers, weed trimmers, snow blowers and similar equipment.
3. Protecting street trees from damage caused by attachment of any items such as signs, nails, wires, ropes and chains.
4. Purchasing and planting street trees. The species and planting locations must comply with the provisions of this Chapter unless otherwise approved by the Tree Board.
5. Removing trees or limbs that have fallen upon a City street, sidewalk or upon City

property.

6. Maintaining ground covers, except in those parkstrips maintained by the City.
7. Notifying the City of any hazard tree.
8. Raking, cleaning up and properly disposing of leaves that fall from street trees and private trees so leaf fall does not impede the storm water system.

**Section 12.20.110 Pruning and Corner Clearance.**

A. **Obstruction.** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private or public property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. The City will provide reasonable notice to affected property owners prior to pruning, planting, maintaining or removing trees on private property.

B. **Tree Topping.** It shall be unlawful as a normal practice to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City.

**Section 12.20.120 Dead or Diseased Tree Removal on Private Property.**

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. Such trees are a public nuisance and shall be removed pursuant to Chapter 8.04 of Heber City Code.

**Section 12.20.130 Removal of Stumps.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

**Section 12.20.140 Protection of Trees.**

A. In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

B. Trees removed by decision of the City or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year. The location and species of any replacement tree shall conform with the provisions of this Chapter.

C. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

D. Removal of street trees by private citizens requires approval by the City Tree Board or the Planning Office.

E. It shall be unlawful to willfully injure any street or public trees.

**Section 12.20.150 Interference with City Tree Board.**

It shall be unlawful for any person to prevent, delay or interfere with the City, the City Tree Board, or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this Ordinance.

**Section 12.20.160 Arborists License and Bond.**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25 annually in advance, provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

**Section 12.20.170 Right-of-Way Landscaping.**

The area of the street right-of-way between the curb line, or the proposed curb lines as established by the City Street Standard, and the property line (park strip) shall be landscaped, maintained and kept free of weeds by the abutting property owner with any combination of lawn, shrubs, trees, flowers, growing ground cover, small rocks, bark, and non-grouted/non-bonded pavers. Park strips may not be hard surfaced except for approved driveways, bike trails, equestrian trails and walk areas. No objects or plantings shall be placed within the right of way which would obstruct the visibility of street signs or which would obstruct the intersection visibility triangles. Such objects and plantings are deemed a public nuisance.

Heber City Planning Commission  
Meeting date: March 14, 2013  
Report by: Anthony L. Kohler

**Re: Motions of Approval**

Staff has contacted David Church at the Utah League of Cities and Towns about the ability to change or clarify motions in approving minutes. Mr. Church indicates motions cannot be altered and must be approved word for word including grammatical errors.

Staff has two suggestions. First, the Planning Commission could include a statement of intent in the motion approving the minutes. Second, and more importantly, the Planning Commission should consider writing down a motion before or during the meeting that can be read back easily for consistency and accuracy. Staff can provide suggested motions of approval in staff reports that can be used as is or modified to suit the circumstances of the item being considered. Please note the staff reports for the March 14 meeting have suggested motions of approval. If the Planning Commission would rather not be provided with suggested motions of approval, please let staff know.