HEBER CITY CORPORATION
75 North Main Street
Heber City, UT

September 1, 2020

5:00 p.m. Regular Meeting

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

I. WORK MEETING-5:00 P.M.

1. Discussion of Old Mill Village Development Concept Plan (Baron) - 45 min

2. Discussion Regarding Publishing Vote Tracking for Council Meeting Action Items (Stack) - 15 min

II. REGULAR MEETING-6:00 P.M.

1. Call to Order

2. Pledge of Allegiance (Council Member Johnston)

3. Prayer/Thought by Invitation (Default: Council Member Stack)

III. CONFLICT OF INTEREST DISCLOSURE:

IV. CONSENT AGENDA:

1. Approval of August 4, 2020 City Council Meeting Minutes (Cooke)

2. Approval of Fleet Surplus (Kennard)

V. PUBLIC COMMENTS:

VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower)

2. Public Hearing Regarding Proposed 2020-2021 Fiscal Year Budget Amendment to Create an Additional Fund for Monies Received from the Coronavirus Aid, Relief, and Economic Security (CARES) Act and Miscellaneous Fund Items (Bingham, Brower)

3. Consider Approval of Resolution 2020-11 to Amend Fiscal Year 2020-2021 Budget Creating an Additional Fund for Monies Received from the CARES (Coronavirus Aid, Relief, and Economic Security) Act and Miscellaneous Fund Items (Bingham, Brower)

4. Discussion Regarding Ordinance 2019-26 Regulating Short-term Rentals (Baron) - continued

5. Consider Ordinance 2020-24 to Amend the Heber City Sign Ordinance (Baron) - continued

6. Fee Waiver Request by Mountainlands Community Housing Trust for Parkview Place Subdivision (Baron)

7. Consider Approval of Resolution 2020-12 to Amend the Consolidated Fee Schedule Updating the Planning Department's Zoning, Planning and Impact Fees (Bingham, Kohler)

8. Consider Approval of MOU (Memorandum of Understanding) with Heber Hangar Owners Association for Construction of 19 T-Hangars at the Heber Valley Airport (Biggs)

VII. COMMUNICATION ITEMS:

1. Staff Follow-Up Reports from City Council Requests

VIII. ADJOURNTMENT

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

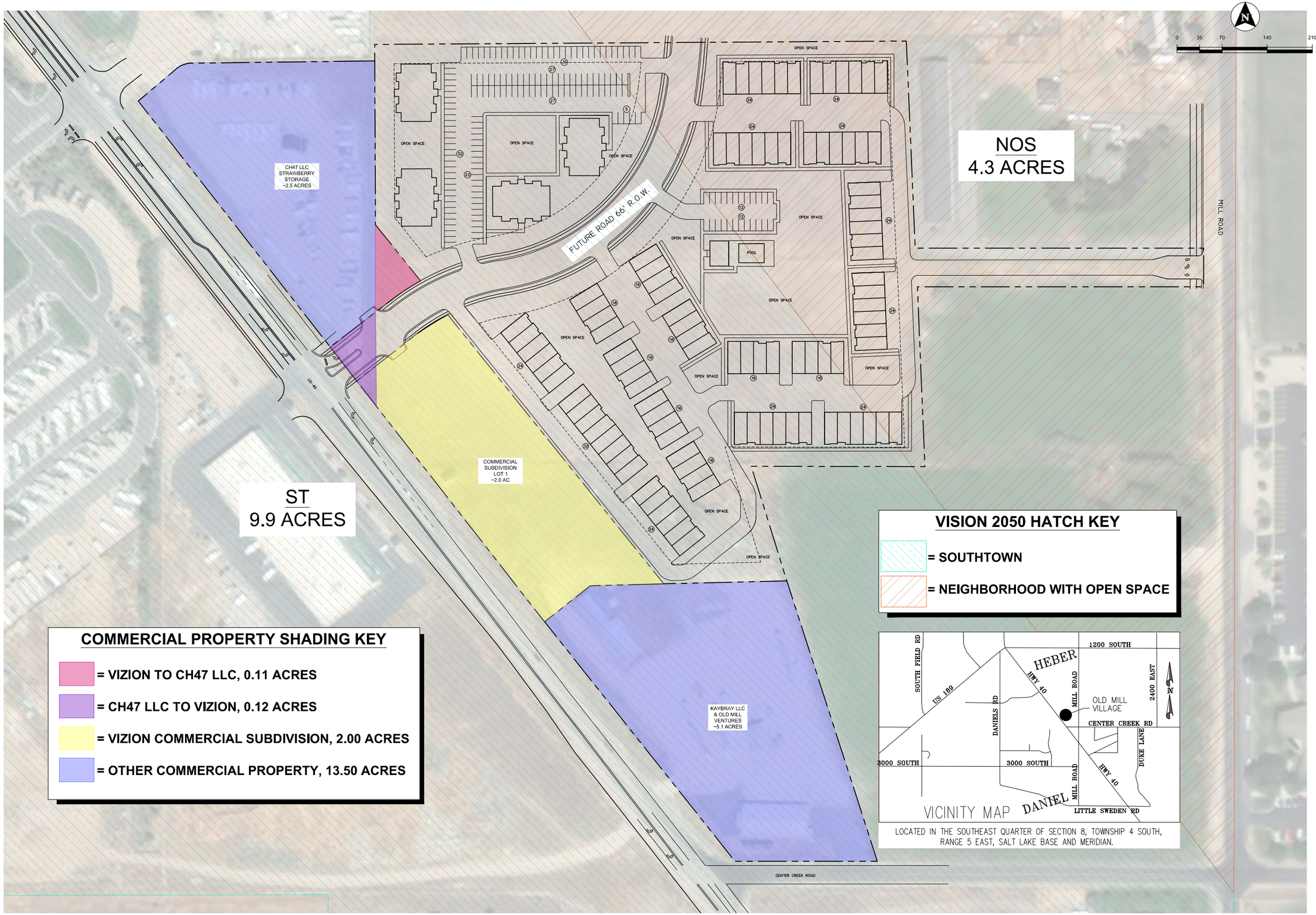
Posted on August 25, 2020, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at http://pmn.utah.gov. Notice provided to the Wasatch Wave.

WORK MEETING

TAB 1

© 2019 T-O ENGINEERS. THIS INSTRUMENT IS THE PROPERTY OF T-O ENGINEERS. ANY REPRODUCTION, REUSE OR MODIFICATION OF THIS INSTRUMENT OR ITS CONTENTS WITHOUT SPECIFIC WRITTEN PERMISSION OF T-O ENGINEERS IS STRICTLY PROHIBITED.

C:\USERS\DBLILEROE\GITIQP\200179-CONCEPT.DWG, 8/26/2020



COMMERCIAL PROPERTY SHADING KEY

- = VIZION TO CH47 LLC, 0.11 ACRES
- = CH47 LLC TO VIZION, 0.12 ACRES
- = VIZION COMMERCIAL SUBDIVISION, 2.00 ACRES
- = OTHER COMMERCIAL PROPERTY, 13.50 ACRES

VISION 2050 HATCH KEY

- = SOUTHTOWN
- = NEIGHBORHOOD WITH OPEN SPACE

VICINITY MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

REVISIONS		
NO.	DESCRIPTION	DATE

BORDER SIZE	22"x34"
DESIGNED	CB
DRAWN	DB
CHECKED	CB
APPROVED	CB

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
2211 W. 3000 S.
HEBER CITY, UT 84032
PHONE: (435) 315-5168 WWW.TO-ENGINEERS.COM
BOISE • CODY • COEUR D'ALENE • HEBER CITY
MERIDIAN • NAMPA • SPOKANE

HEBER CITY, UTAH

OLD MILL VILLAGE

CONCEPT MAP - VISION 2050 OVERLAY

ATTENTION:
0 1/2 1
IF THIS BAR DOES NOT MEASURE 1" ON 22x34 SHEET or 1/2" ON 11x17 SHEET, THEN DRAWING IS NOT TO SCALE

DATE:	August 26, 2020
PROJECT:	200179
SHEET:	1 OF 1

City Council Staff Report

MEETING DATE:	September 1, 2020
SUBJECT:	Old Mill Village (Kollman Farms) MDA
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

John Kollman and Kent Buie are requesting to go through the zone change process and create a Master Development Agreement, in lieu of changing the zone, to develop the Vizion property, with multi-family housing. The Council provided feedback to the applicants desiring lower building height and density. The applicants have prepared 3 alternatives and is requesting a determination from the Council on whether one of the 3 alternatives will provide for a workable project to move forward with the MDA discussions.

The policy questions include the following:

1. Of the 3 alternatives, is there one that the council would be willing to move forward to an MDA with?
2. Is the Council willing to continue to move forward on an MDA on the Vizion property?
3. Is the proposed development the highest and best use of the property?
4. What changes or conditions on the development would the City Council require in such an MDA?

RECOMMENDATION

Staff is recommending the City Council review the alternative plans and determine whether the council is willing to move forward with the MDA process and if one of the 3 scenarios is acceptable to draft the MDA around.

BACKGROUND

On August 4, 2020 the Council provided feedback on the plan as follows:

- No apartments
- Reduce building height
- More commercial

The applicants have prepared 3 potential development concepts and is seeking council's input on the plans to determine a plan in which the MDA can move forward.

DISCUSSION

3 SENARIOS

Concept 1

- 192 Total Units
  - 64 Townhomes (3 Bedrooms, 2 Car Garage)
    - Starting $259K Owner Occupied Sales Price
    - $1,550 starting rent
  - 128 Apartments (1-2 Bedrooms)
    - $1,050 starting rent – 1 Bedroom
    - $1,350 starting rent – 2 Bedrooms
  - 42% Open Space
  - 17.33 Units per acre
  - 10% Deed Restricted (6 TH units, 14 Apartments)

Concept 2

- 170 Total Units
  - 82 Townhomes (3 Bedrooms, 2 Car Garage)
    - Starting $329k Owner Occupied Sales Price
    - $1,700 starting rent
  - 88 Apartments (1-2 Bedrooms)
    - $1,150 starting rent – 1 Bedroom
    - $1,475 starting rent – 2 Bedrooms
  - 43% Open Space
  - 14.16 Units per acre
  - 10% Deed Restricted (8 TH units, 9 Apartments)

Concept 3

- 164 Total Units
  - 100 Townhomes (3 Bedrooms, 2 Car Garage)
    - Starting $344k Owner Occupied Sales Price
    - $1,825 starting rent
  - 64 Apartments (1-2 Bedrooms)
    - $1,175 starting rent – 1 Bedroom
    - $1,525 starting rent – 2 Bedrooms
  - 46% Open Space
  - 13.66 Units per acre
  - 10% Deed Restricted (10 TH units, 6 Apartments)

The different scenarios make trade offs to make the concepts work. The lower the density, the less affordable the products will have to be to make the project feasible.

FISCAL IMPACT

N/A

CONCLUSION

The applicants are seeking a determination from the council on a possible project that would keep the project moving forward to an MDA with the City. Staff is requesting the council identify a project concept that the Council would further entertain.

ALTERNATIVES

Not an action item.

POTENTIAL MOTIONS

Not an action item.

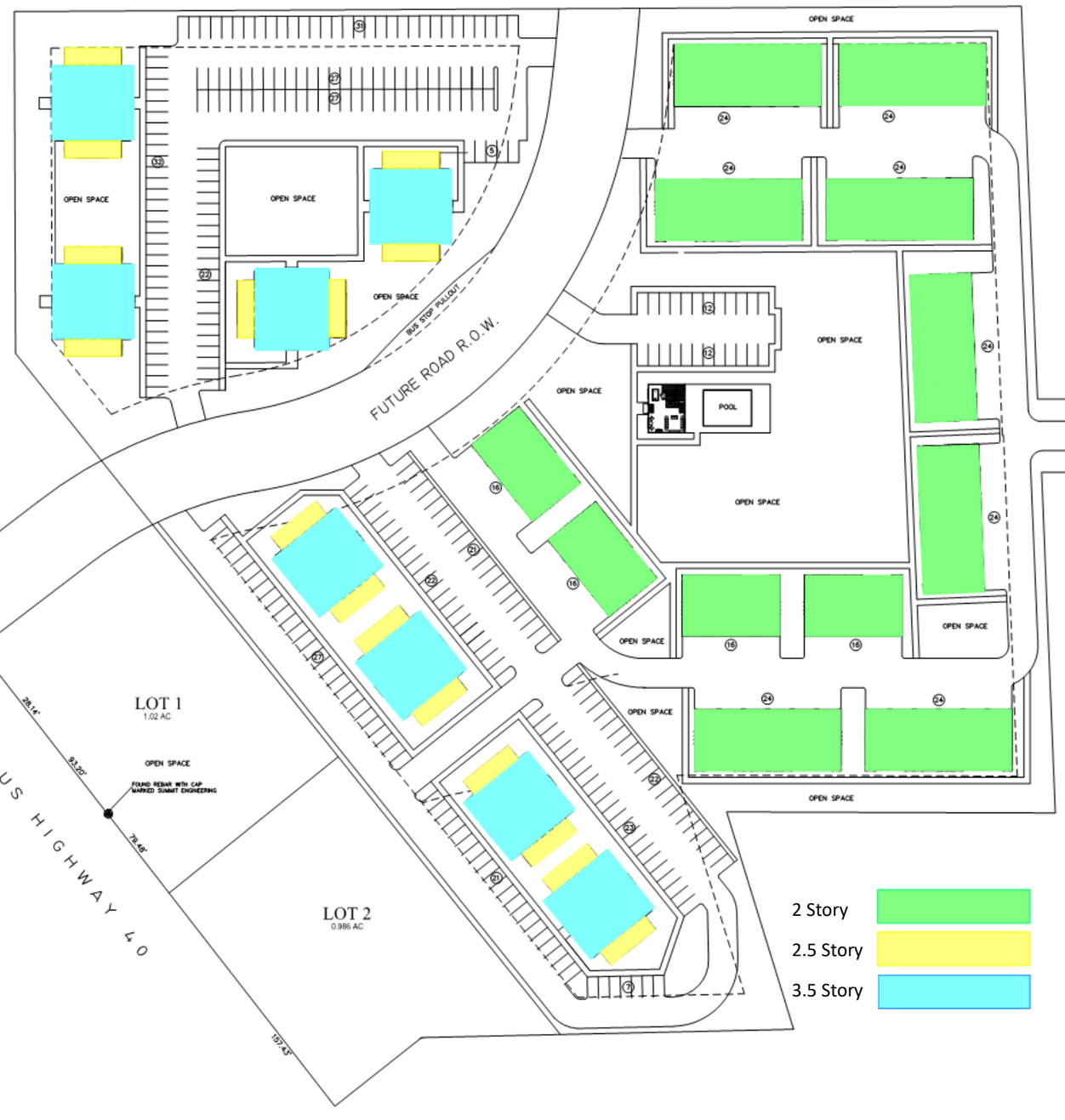
ACCOUNTABILITY

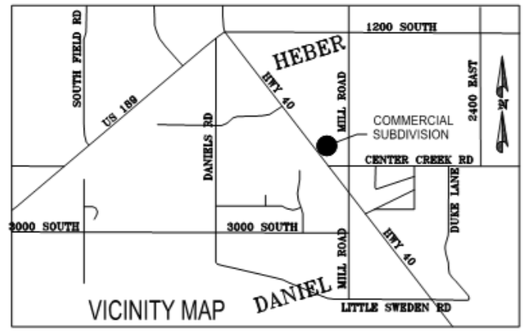
Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. 3 Scenarios
2. August 4, 2020 Staff Report

Exhibit 1





LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

MILL ROAD

OLD MILL VILLAGE CONCEPT

HEBER, UT

GREGORY 6-PLEX UNITS: 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
GREGORY UNITS GARAGE PARKING: 128
GREGORY UNITS OTHER PARKING: 128
GREGORY UNITS TOTAL PARKING PROVIDED: 256

MILLER 16-PLEX UNITS (NW GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

MILLER 16-PLEX UNITS (SE GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

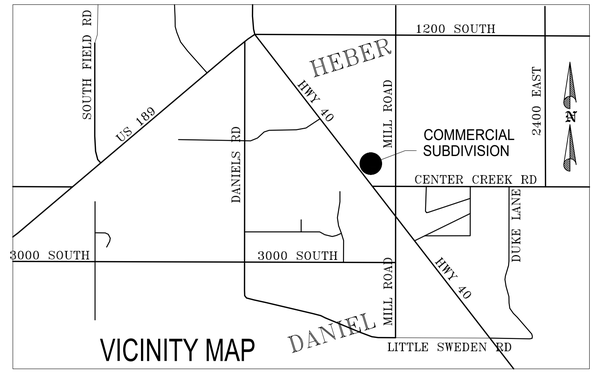
CLUBHOUSE
PARKING PROVIDED: 24

LAND TOTAL – 522,833 SF = 100%
(NOT INCLUDING FUTURE ROAD OR COMMERCIAL PARCELS)

LANDSCAPING – 215,732 SF = 41.3%
ASPHALT/CONCRETE – 205,933 SF = 39.4%
BUILDINGS – 101,168 SF = 19.3%

Legacy Design
GREGORY D. BROWN • OWNER/PRINCIPAL DESIGNER CELL: 801.720.4314
290 WEST CENTER STREET E-MAIL: greg@LegacyHomeDesign.com WEBSITE: LegacyHomeDesign.com





VICINITY MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

MILL ROAD

1.5 STORY
2 STORY
2.5 STORY
3.5 STORY

OLD MILL VILLAGE CONCEPT

HEBER, UT

GREGORY 4, 5 and 6–PLEX UNITS: 82
REQUIRED PARKING: 184.5 (2.25 SPACES PER UNIT)
GREGORY UNITS GARAGE PARKING: 164
GREGORY UNITS OTHER PARKING: 164
GREGORY UNITS TOTAL PARKING PROVIDED: 328

MILLER 16–PLEX UNITS (NW GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

MILLER 12–PLEX UNITS (SE GROUP): 24
REQUIRED PARKING: 54 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 54

CLUBHOUSE
PARKING PROVIDED: 24

LAND TOTAL – 522,833 SF = 100%
(NOT INCLUDING FUTURE ROAD OR COMMERCIAL PARCELS)

LANDSCAPING – 224,421 SF = 42.9%
ASPHALT/CONCRETE – 184,132 SF = 35.2%
BUILDINGS – 114,280 SF = 21.9%

Legacy Drafting and Design
GREGORY D. BROWN - OWNER/PRINCIPAL DESIGNER CELL: 801.735.6514
295 WEST CENTER STREET E-MAIL: greg@LegacyHomeDesign.com WEBSITE: LegacyHomeDesign.com



VICINITY MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

Legacy Drafting and Design
GREGORY D. BROWN - OWNER/PRINCIPAL DESIGNER CELL: 801.735.6314
295 WEST CENTER STREET E-MAIL: greg@LegacyHomeDesign.com WEBSITE: LegacyHomeDesign.com

OLD MILL VILLAGE CONCEPT

HEBER, UT

GREGORY 4, 6 and 8–PLEX UNITS: 100
REQUIRED PARKING: 225 (2.25 SPACES PER UNIT)
GREGORY UNITS GARAGE PARKING: 200
GREGORY UNITS OTHER PARKING: 200
GREGORY UNITS TOTAL PARKING PROVIDED: 400

MILLER 16–PLEX UNITS (NW GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

CLUBHOUSE
PARKING PROVIDED: 24

2 STORY
2.5 STORY
3.5 STORY

LAND TOTAL – 522,833 SF = 100%
(NOT INCLUDING FUTURE ROAD OR COMMERCIAL PARCELS)

LANDSCAPING – 241,875 SF = 46.2%
ASPHALT/CONCRETE – 170,510 SF = 37.2%
BUILDINGS – 110,448 SF = 21.1%

Concept 1

- 192 Total Units
    - 64 Townhomes (3 Bedrooms, 2 Car Garage)
        - Starting $259K Owner Occupied Sales Price
        - $1,550 starting rent
    - 128 Apartments (1-2 Bedrooms)
        - $1,050 starting rent – 1 Bedroom
        - $1,350 starting rent – 2 Bedrooms
    - 42% Open Space
    - 17.33 Units per acre
    - 10% Deed Restricted (6 TH units, 14 Apartments)

Concept 2

- 170 Total Units
    - 82 Townhomes (3 Bedrooms, 2 Car Garage)
        - Starting $329k Owner Occupied Sales Price
        - $1,700 starting rent
    - 88 Apartments (1-2 Bedrooms)
        - $1,150 starting rent – 1 Bedroom
        - $1,475 starting rent – 2 Bedrooms
    - 43% Open Space
    - 14.16 Units per acre
    - 10% Deed Restricted (8 TH units, 9 Apartments)

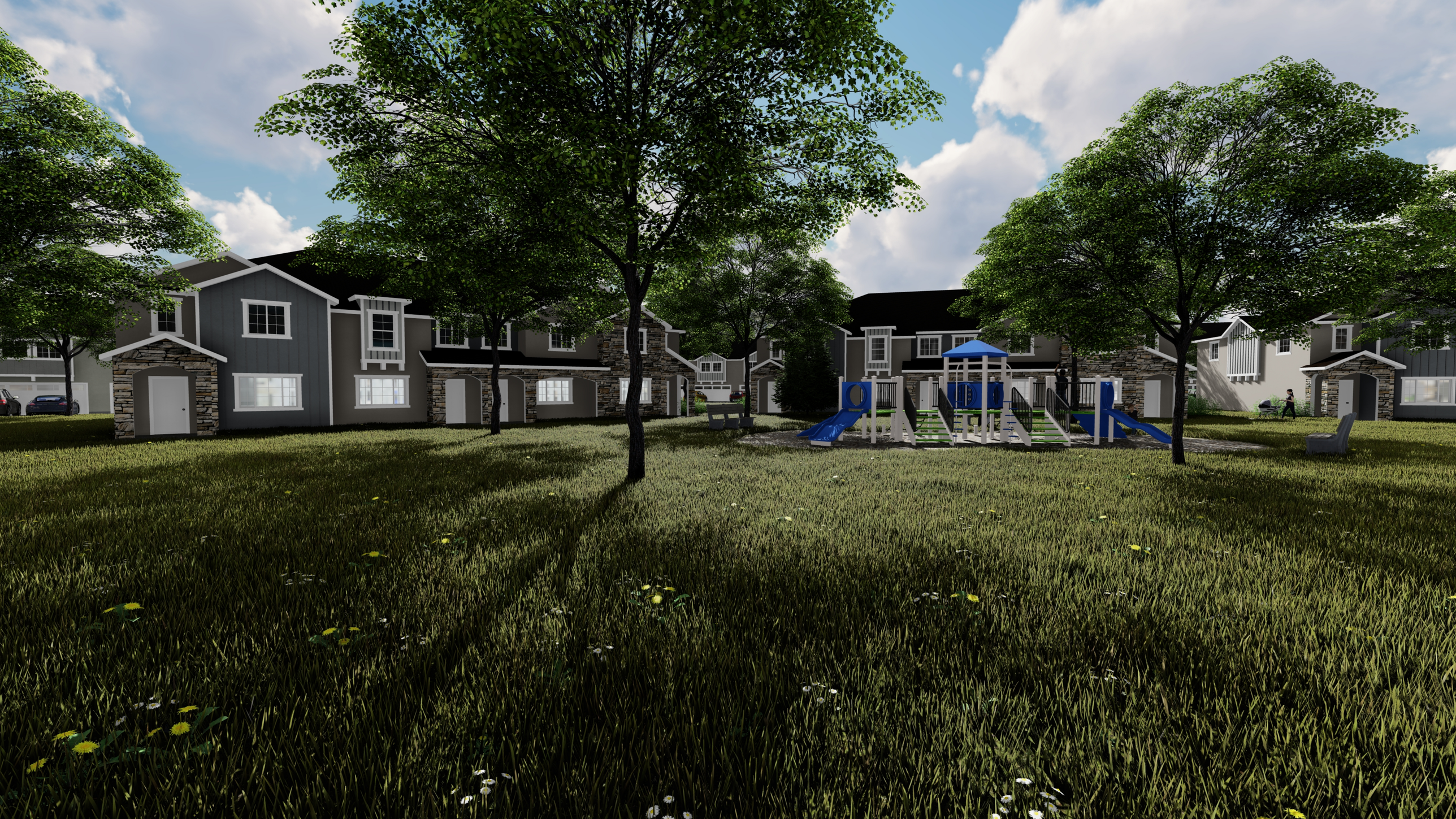
Concept 3

- 164 Total Units
    - 100 Townhomes (3 Bedrooms, 2 Car Garage)
        - Starting $344k Owner Occupied Sales Price
        - $1,825 starting rent
    - 64 Apartments (1-2 Bedrooms)
        - $1,175 starting rent – 1 Bedroom
        - $1,525 starting rent – 2 Bedrooms
    - 46% Open Space
    - 13.66 Units per acre
    - 10% Deed Restricted (10 TH units, 6 Apartments)

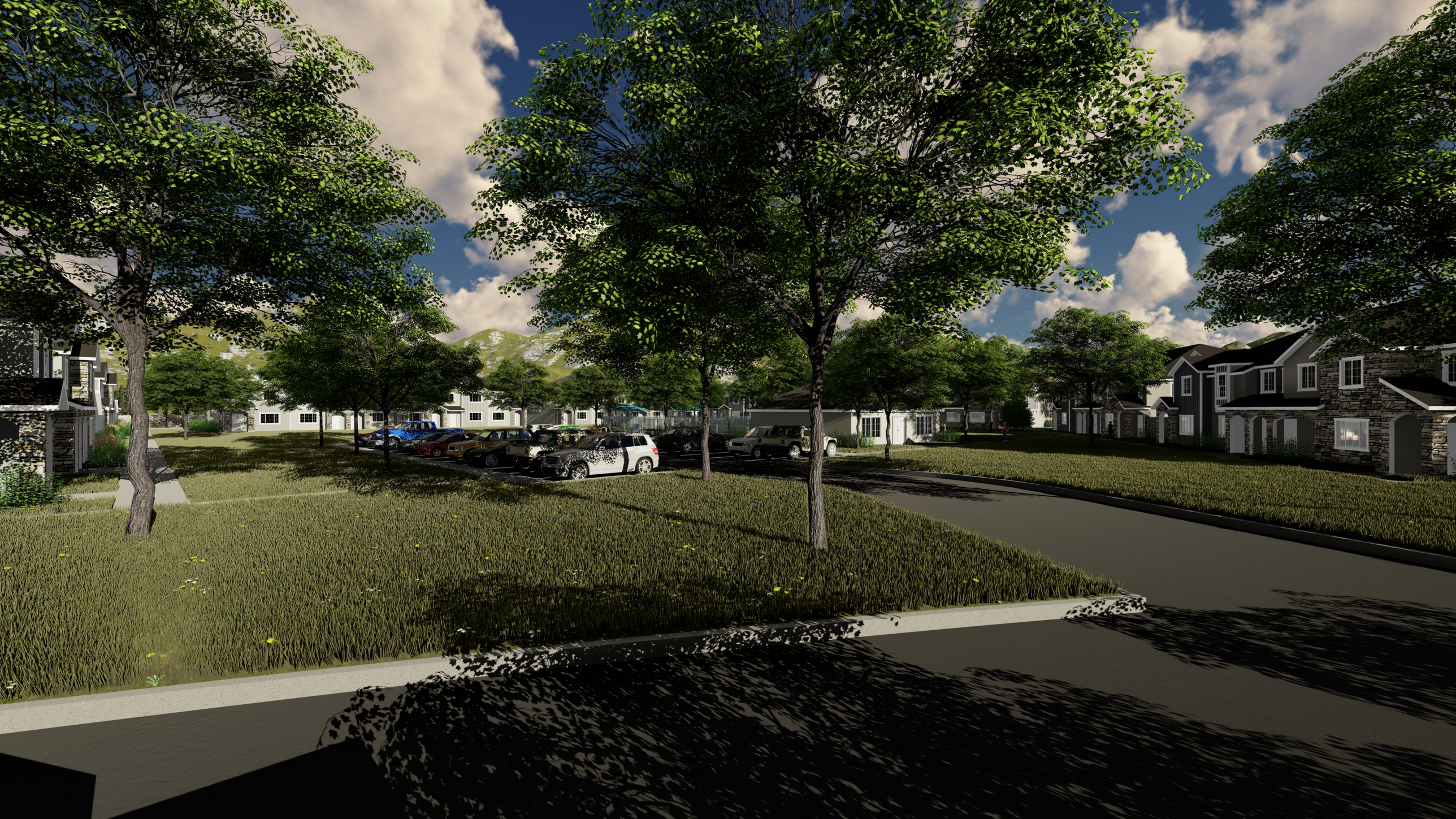













L10

Exhibit 2

City Council Staff Report

MEETING DATE:	August 4, 2020
SUBJECT:	Old Mill Village (Kollman Farms) MDA
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

John Kollman and Kent Buie are requesting to go through the zone change process and create a Master Development Agreement, in lieu of changing the zone, to develop the Vizion property, with multi-family housing. The development concept has been revised to consists of 128 apartments and 64 townhomes with a gross density of 12.66 units per acre. This is reduction in density with the removal of the 16-plex along Hwy 40.

The policy questions include the following:

1. Is the proposed development the highest and best use of the property?
2. What changes or conditions on the development would the City Council require in such an MDA?

RECOMMENDATION

Staff is recommending the City Council discuss the MDA outline and process and provide feedback to the applicant and staff in anticipation of preparing an MDA for Council review.

BACKGROUND

Kent Buie came to both the Planning Commission and City Council to discuss the idea of using a Master Development Agreement (MDA) for a mixed use development in lieu of changing the zoning. The planning commission was supportive of the MDA as long as it addressed traffic, housing density, and promoted owner occupancy. The Council indicated that they would be willing to entertain the process. The timeline of the multiple meetings is outlined in the June 16, 2020 staff report (Exhibit 3).

During those discussions, Mr. Buie indicated that with the site considerations, commercial was not the highest and best use. Mr. Buie presented the idea of a mixed use development with commercial on the highway with mixed residential tiers that would taper to the adjacent uses.

This request is for the MDA, which will include the rear portion of the property that is proposed to be multi-family residential.

On June 16, 2020 the Council discussed the request and provided the following feedback

- Commercial along the frontage of Hwy 40
- Concerns about addressing the General Plan and the Primary use of the Neighborhoods with Open Space
- Height not to exceed 3 stories
- Affordable housing

The applicant has made some changes to their plan to address commercial concerns discussed by the council and is requesting to continue the discussion with the Council.

DISCUSSION

MODIFICATIONS

The applicants have modified the concept plan and densities based on the feed back from the Council. The following shows the changes between the new concept and the previous concept.

Item	**New Concept**	**Previous Concept**	**Net Change**
Density	12.66 (gross)*	14.7 (gross)*	
Apartments	128 units	140 units	-12 units
Town Homes	64 units	64 units	None
Open Space	41.3% of residential	43.6% of residential	-2.3 % of residential
Commercial Land	2 acres	1.02 acres	0.8 acres
Height	3.5 Stories	3.5 Stories	None
Parking	568 stalls	591 stalls	-23 stalls
*based on total project area, including commercial and road			

FISCAL IMPACT

N/A

CONCLUSION

Kent Buie and John Kollman are seeking approval on a Master Development Agreement that would allow them to develop multifamily housing in the C-2 Zone rather than a zone change. Staff and the applicant have created an MDA outline of conditions for consideration of approval. Staff and the applicant are seeking feedback from the Council in preparation of writing the MDA for Council review.

ALTERNATIVES

Not an action item.

POTENTIAL MOTIONS

Not an action item.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Revised Site Plan
2. Applicant's written proposal
3. June 16, 2020 Staff Report

Exhibit 1

LEGEND

VIZION TO CH47 LLC
0.11 ACRES

CH47 LLC TO VIZION
0.12 ACRES

OTHER COMMERCIAL PROPERTY
13.50 ACRES

VIZION COMMERCIAL SUBDIVISION
2.00 ACRES

CH47 LLC
STRAWBERRY
STORAGE
~2.50 AC

COMMERICAL
SUBDIVISION
LOT 1
2.00 AC

2.94 ACRES

10.06 ACRES

1.19 ACRES

FUTURE ROAD O.W.

66' R.O.W.

OPEN SPACE

540' TAPER

1030' ACCELERATION LANE FOR 45 MPH

450' ACCELERATION LENGTH

140' TURN LANE GAP

100' STORAGE

1625' OF FRONTAGE

893' DECELERATION LANE FOR 45 MPH

KAYBRAY LC
&
OLD MILL VENTURES
5.10 AC

KEYSER
~5.90 AC

2400 SOUTH

MILL ROAD
(1200 EAST)

RIGHT TURN ONLY

RIGHT TURN ONLY

ENTRANCE FROM HIGHWAY 40

N

100' 0 100' 200' 300'

Scale 1" = 100'

PLAN NOTE:

THIS EXHIBIT SHOWS THE PROPOSED COMMERCIAL SUBDIVISION OVERLAID ON THE PROPOSED RESIDENTIAL CONCEPT PLAN FROM OTHERS.

VIZION COMMERCIAL SUBDIVISION – 29 JUL 2020

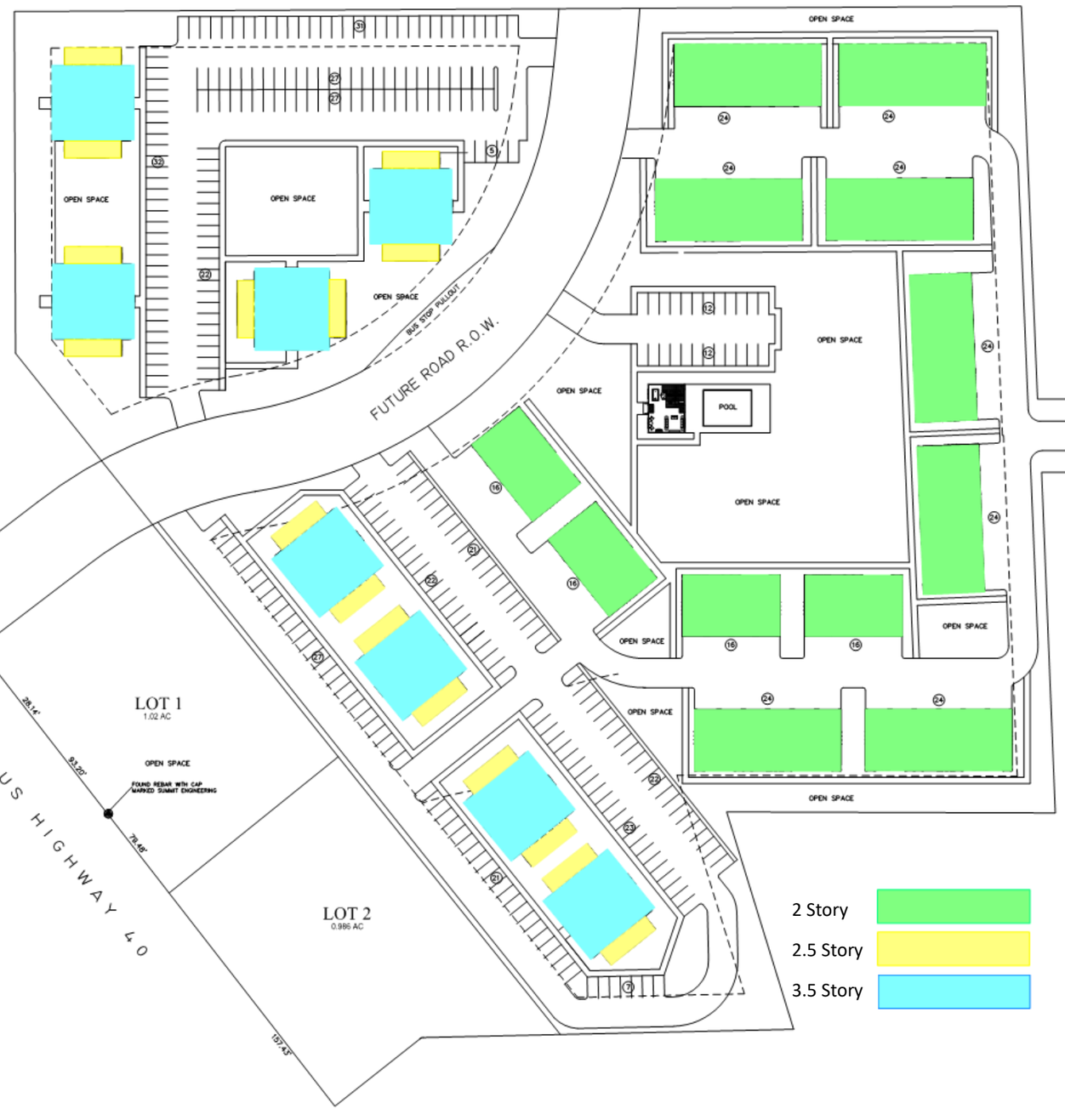
THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.

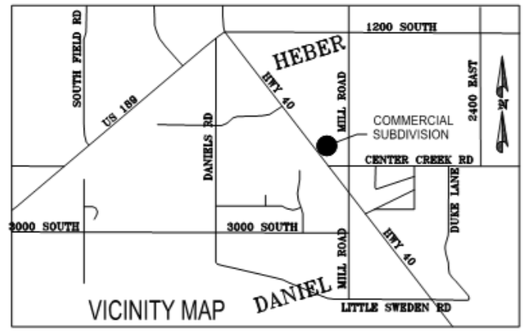
PAUL D. BERG P.E.
SERIAL NO. 295595
DATE: 29 JUL 2020

VIZION
COMMERCIAL SUBDIVISION
OVERALL PROPERTY EXHIBIT #5

BERG ENGINEERING
380 E Main St. Suite 204
Midway, Ut 84049
ph 435.657.9749

DESIGN BY: PDB	DATE: 29 JUL 2020	SHEET
DRAWN BY: DW	REV:	1





LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

MILL ROAD

OLD MILL VILLAGE CONCEPT

HEBER, UT

GREGORY 6-PLEX UNITS: 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
GREGORY UNITS GARAGE PARKING: 128
GREGORY UNITS OTHER PARKING: 128
GREGORY UNITS TOTAL PARKING PROVIDED: 256

MILLER 16-PLEX UNITS (NW GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

MILLER 16-PLEX UNITS (SE GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

CLUBHOUSE
PARKING PROVIDED: 24

LAND TOTAL – 522,833 SF = 100%
(NOT INCLUDING FUTURE ROAD OR COMMERCIAL PARCELS)

LANDSCAPING – 215,732 SF = 41.3%
ASPHALT/CONCRETE – 205,933 SF = 39.4%
BUILDINGS – 101,168 SF = 19.3%

Legacy Design
GREGORY D. BROWN • OWNER/PRINCIPAL DESIGNER CELL: 801.720.4314
290 WEST CENTER STREET E-MAIL: greg@LegacyHomeDesign.com WEBSITE: LegacyHomeDesign.com

Exhibit 2

OVERVIEW

THE OLD MILL VILLAGE

AT SOUTH TOWN

HEBER, UTAH

PROPOSED

MIXED-USE PLANNED COMMUNITY

NEIGHBORHOOD COMMERCIAL

APPARTMENT LIVING

LIFESTYLE TOWN HOMES

PLANNED COMMUNITY

JURA HOLDINGS, LLC

FIG DEVELOPMENT

TABLE OF CONTENTS

INTRODUCTION

SECTION 1 – LAND FORM -GEOMETRY

SECTION 2 – HIGHWAY FRONTAGE/ACREAGE

SECTION 3 – UDOT HIGHWAY 40 ACCESS NEGOTIATIONS

SECTION 4 - C-2 ZONING/HEBER CITY/COMMERCIAL DEVELOPMENT

SECTION 5 – AN *ORGANIC APPROACH* - COMMERCIAL DEVELOPMENT STATEGY

SECTION 6 - CONCEPT PLAN – MIXED-USE – RESIDENTIAL + COMMERCIAL

SECTION 7 – COMMERCIAL LOTS

SECTION 8 - AFFORDABLE UNITS/AFFORDABLE PRICING

SECTION 9 – COMMON AREAS

SECTION 10 – BUILDING HEIGHTS COMPARISON

SECTION 11 - GENERAL PLAN

SECTION 12 – QUALITY NEIGHBORHOODS

INTRODUCTION

The best way to understand something is to begin from the ground up. To that end the Old Mill Village Overview is an attempt to lay a foundation of understanding of the divergent parts of a complex site.

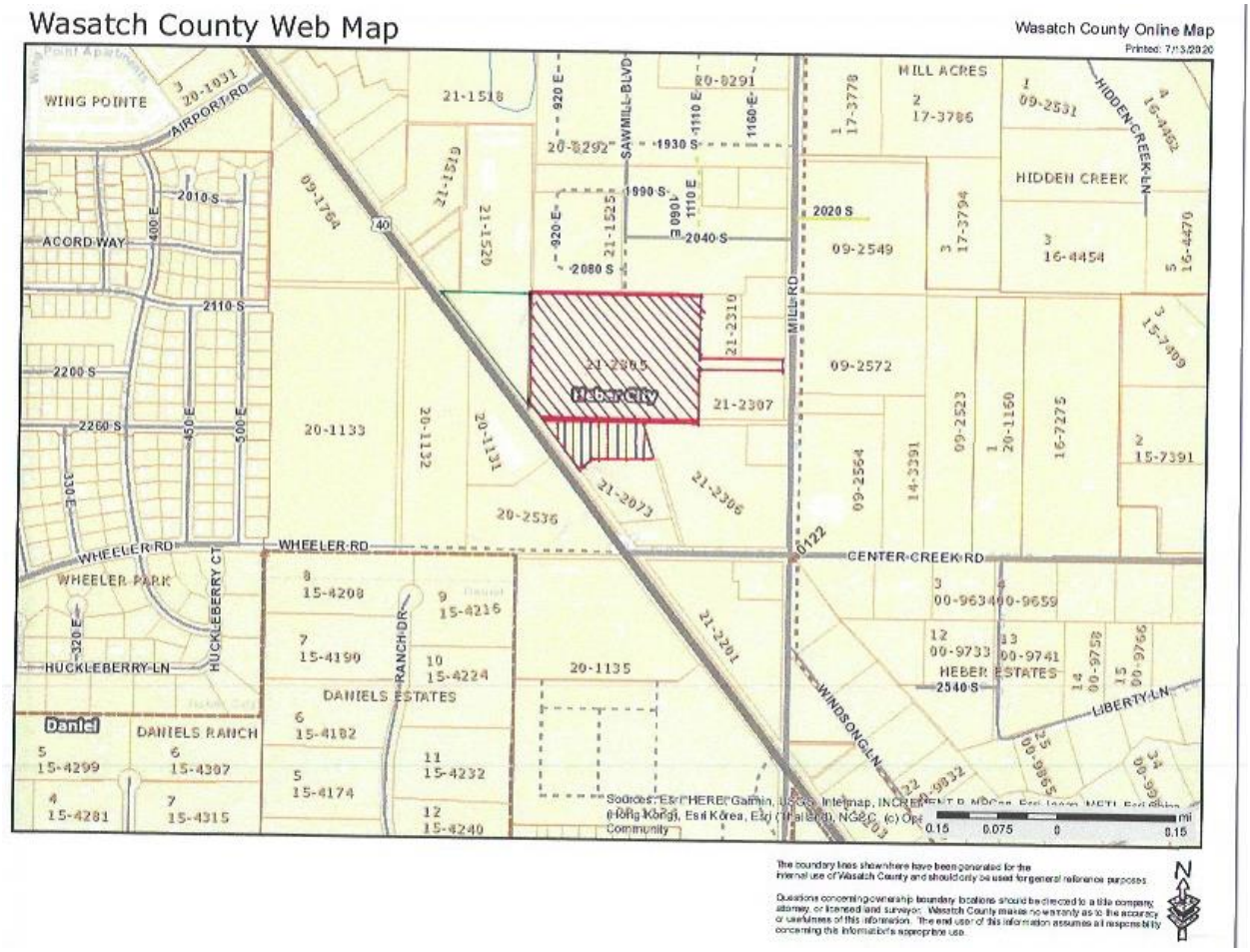
The southeast quadrant of the city has a history and an image, both contribute to unique characteristics that attract and repel.

Ultimately, it will be necessary to harness the considerable assets within the Highway 40 corridor and to mitigate elements that have historically constrained the area from becoming a vibrant commercial district.

The Overview attempts to explain the differences and offer solutions.

SECTION 1 - LAND FORM – GEOMETRTY

SUBJECT PROPERTY- WASATCH WEB MAP – EXHIBIT 1



While Highway 40 is an efficient throughway to eastern Utah and beyond, its angular alignment is at odds with the right-angled NSEW grid system that governs the road

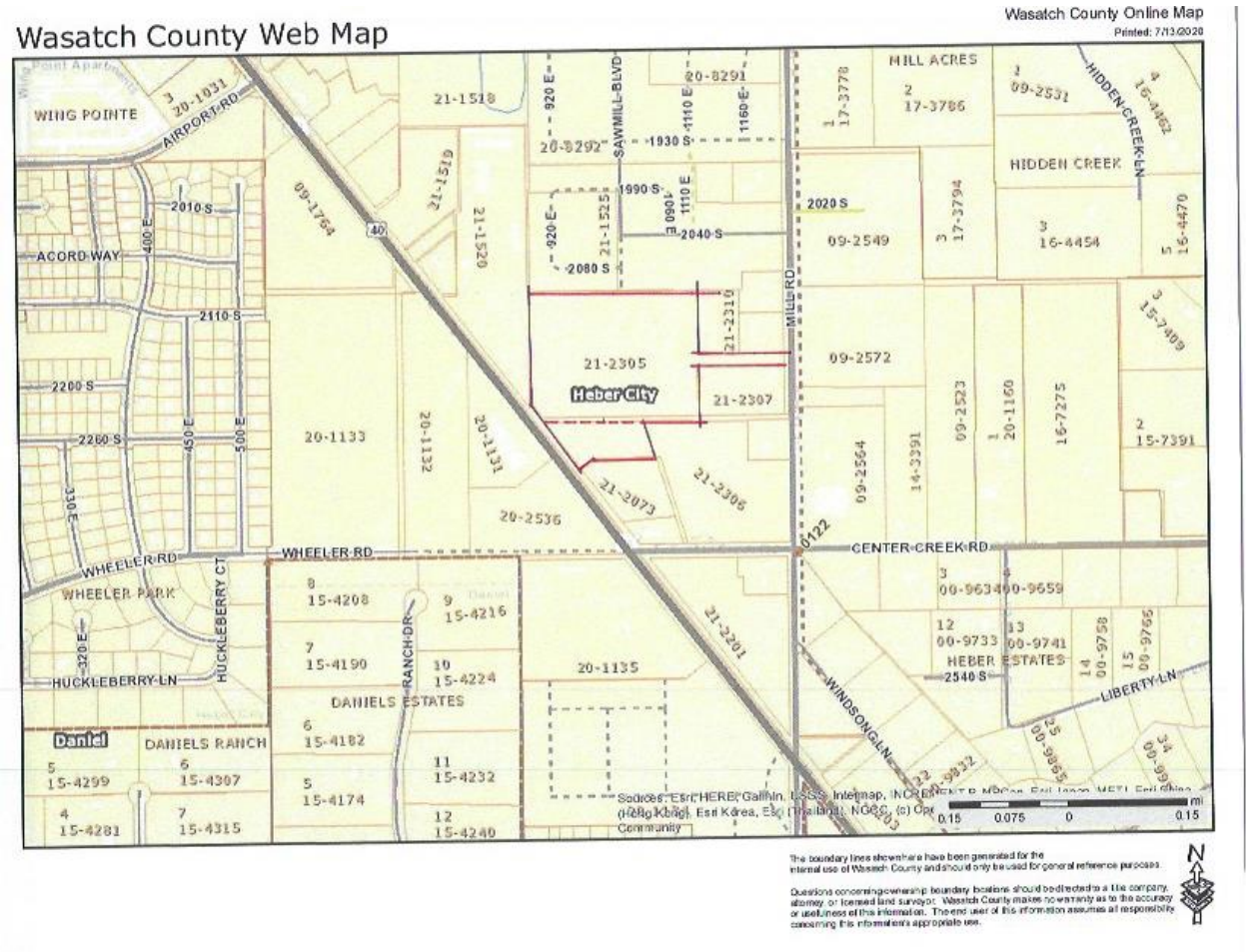
system and property lines of Heber City. The result of this orientation is a series of disorganized, small, irregular parcels which are difficult to properly plan and develop. Such parcels could be considered left-over land that was segregated from its original track parcel during the development of Highway 40. This is often the case with most UDOT projects, leaving residual parcels to be dealt with by others or held as surplus by the Department of Transportation.

Without a concerted effort to combine related properties into a cohesive and understandable whole, it will continue to be difficult to attract quality commercial users or attain critical mass in order to foster other essential elements required to attract a new class of user. Under current conditions the Highway 40 corridor will continue to underproduce and the desire of city planners and governing boards will not be achieved.

As depicted in EXHIBT 1, the combination of properties associated with the subject property is an example of the challenges encountered when attempting to create new developments. However, if assembled and properly reorganized, such properties may collectively combine to create a more functional parcel, as opposed to attempting to develop each parcel one property at a time.

The Wasatch County Web Map below outlines the subject property and further displays surrounding parcels consisting of the residual properties described above.

SUBJECT PROPERTY – WASATCH COUNTY WEB MAP – EXHIBIT 1



SECTION 2 - HIGHWAY FRONTAGE/ACREAGE

The subject property contains two primary properties

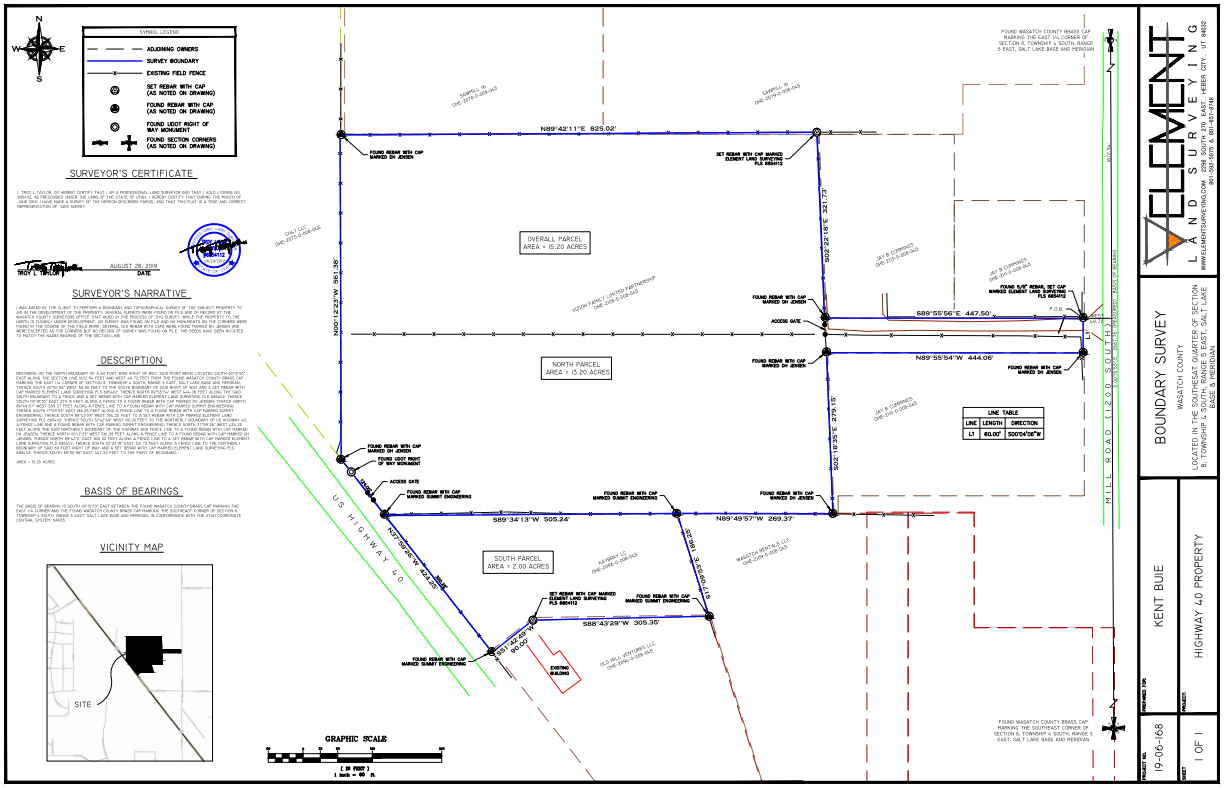
Acreage

- 12.9-Acres - Vizion Trust
-
- 2.0-Acres – KayBray
-
- 14.9-Acres Total

Frontage Distance

- The Vizion property contains 124 feet of highway frontage
- The Kaybray property contains 300 feet of highway frontage
- The combined frontage equals 424 feet of highway frontage

COMBINED SURVEY– EXHIBIT 2



SECTION 3 - UDOT HIGHWAY 40 ACCESS NEGOTIATIONS

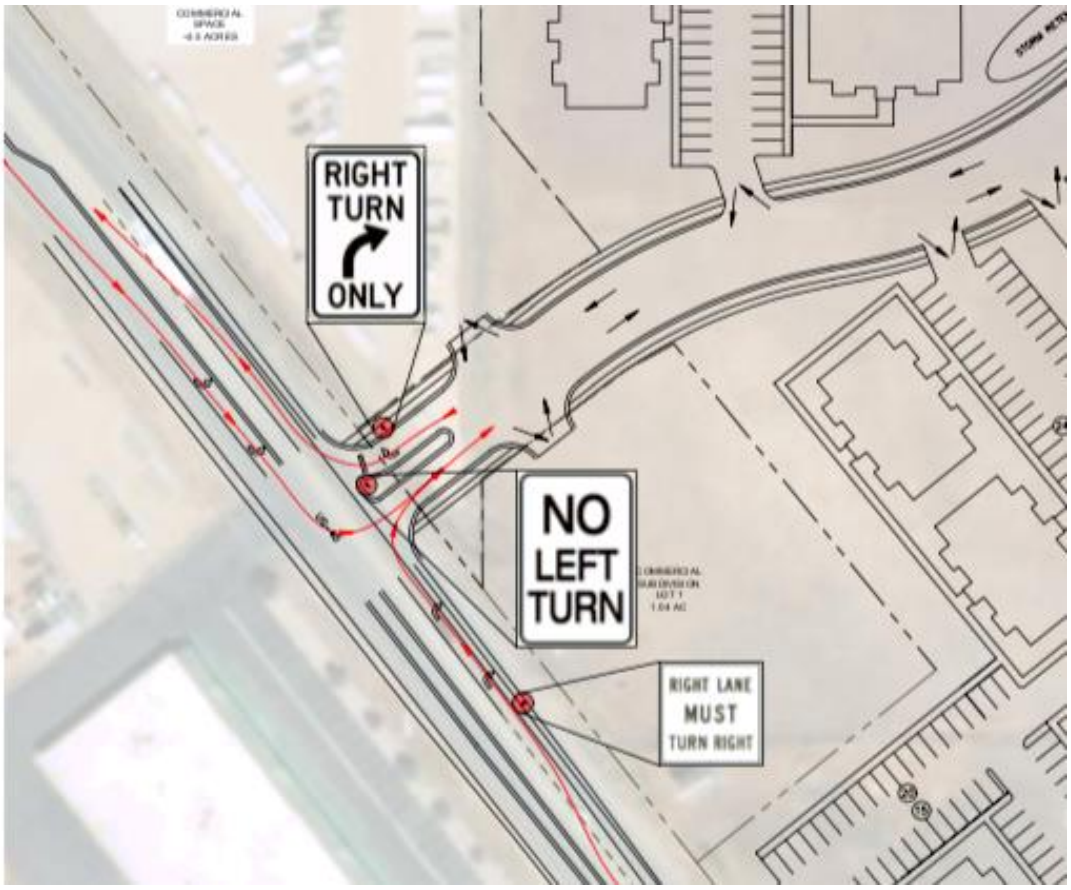
At first encounter, UDOT denied the development of an intersection along Highway 40 effectively terminating Saw Mill Blvd at its current location. After further discussion with the Heber City Engineer, UDOT consented to a right-in/right-out only intersection. While the RI/RO configuration was, at least an access to the highway, it was considerably less than the City Engineer had anticipated.

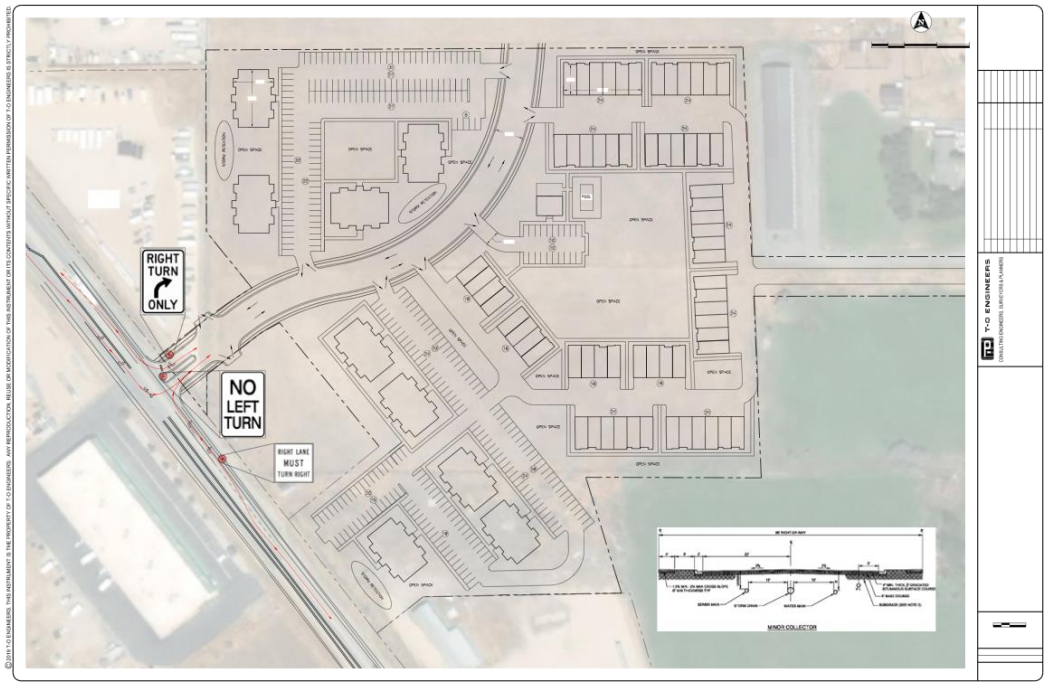
Ultimately, UDOT consented to a 3-way intersection *if* the SMB point of access was relocated westward to align with an existing drive on the south side of the highway.

Under the 3-way configuration, southbound left turns from SMB will be prohibited. A raised “pork chop” median will be constructed at the intersection to bar left turning traffic from entering the highway.

While the 3-way configuration is far superior to the no access or right-in/right-out option, it will limit the appeal for certain commercial/retail users.

HIGHWAY 40/SAW MILL BLVD INTERSECTION – TRAFFIC MOVEMENTS – EXH. 3 + 4


RIGHT TURN ONLY
NO LEFT TURN
RIGHT LANE MUST TURN RIGHT


RIGHT TURN ONLY
NO LEFT TURN
RIGHT LANE MUST TURN RIGHT
T-O ENGINEERS

HIGHWAY 40 - INTERSECTION LAND SWAP

To facilitate the 3-Way intersection at Highway 40, Saw Mill Blvd was shifted westward to vacant land commonly referred to as Strawberry Storage. This property is not under the control of the developer. Following a period of discussion, the Developer and Strawberry Storage each agreed to exchange land to accommodate the alignment.

It was further agreed that the Developer will perform the following:

- Provide Strawberry Storage a new primary access on Saw Mill Blvd along the east property line

- Construct and fund all improvements associated with constructing the SMB roadway and all required improvements on Highway 40

By relocating the access from the Developer's property to the Strawberry Storage land, the Developer lost one commercial lot. However, Strawberry Storage gained viable commercial access creating considerable benefit and value.

In the existing triangle shape, the Strawberry Storage parcel has limited commercial potential. However, the Strawberry Storage land is now part of a cohesive plan that increases functionality and appeal. It ties together three individual residual parcels that have the potential to serve as the southern gateway to the Saw Mill project. The proposed realignment not only benefits the proposed project, it benefits all properties within the SMB and Mill Road district.

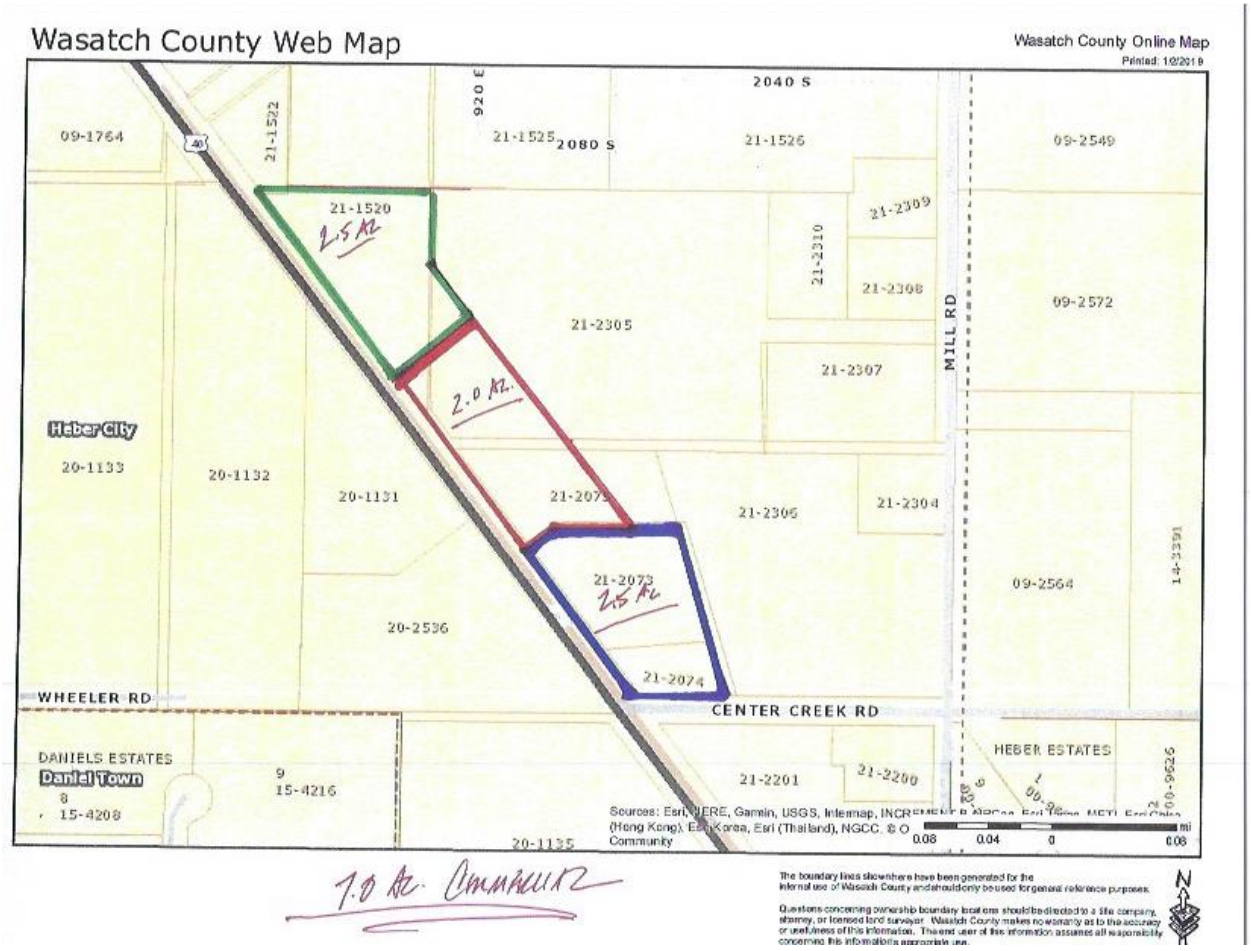
Additionally, in the process of assembling and exchanging land and redesigning the Highway 40 access the useable frontage and acreage expands as follows:

- Original frontage /acreage – 424 feet – 2.00 acres
- Combined frontage / acreage – 1,243 feet – 4.80 acres

COMMERCIAL FRONTAGE EXPANSION – COOK PROPERTY

An added benefit of the commercial realignment and the cluster of reorganized properties, the developer's 2.0-acre commercial property is situated contiguous to the existing Cook property on its east boundary. If the Cook property is developed at a future date, this adds an additional 5.95-acres extending east to the 2400 South intersection.

LAND ASSEMBLAGE – HIGHWAY 40/SAWMILL ROAD ACCESS – EXHIBIT 5



SECTION 4 - C-2 ZONING/HEBER CITY/COMMERCIAL DEVELOPMENT

Considerable discussion within the community has occurred with respect to preserving commercially zoned land for future commercial use. The recently adopted General Plan is an attempt to guide land-use within the limits of Heber City in ways citizens and leaders deem to be in the best interest of the community up to the year 2050.

A General Plan serves as a guide that sets forth a vision for future growth and provides a set of principles and objectives that guide that growth. However, not all properties sited within the scope of the General Plan possess the right attributes to conform to all of the guiding principles or generalized land-uses.

By definition, a General Plan is a document which provides guidance in a general form. The primary function, and perhaps its genius, is the broad overview of how the authors of the plan intend to guide the future path of growth within the community. It does not, however, offer precise instruction on how any one property or development is to be planned. To achieve that goal, detailed specifications and requirements are found in zoning ordinances or by agreement between the City and an applicant.

Over the past eighteen months, the Developer has carefully evaluated the subject property by reaching out to the principles and analyst involved in producing the January 2020 Lewis Young Robertson & Burningham study to seek clarification on a number of findings contain within the study and to learn if there were subsequent updates to the since its publication. The LYR&B study provides an analysis of the commercial demand for goods and services, types of commercial users, as well as a comparison of the availability of commercial land within the total acreage currently zoned for commercial use throughout the trade area. Provided below are selected excerpts from the LYR&B Analysis.

HEBER CITY

LAND USE & MARKET ANALYSIS SALES LEAKAGE ANALYSIS

JANUARY 2019

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION 1 – EXECUTIVE SUMMARY – PAGE 3

The City currently has 282 undeveloped commercially zoned acres. Assuming 43 acres will be absorbed by the mixed- use developments over the next 10-20 years, the City will still have 238 acres of

undeveloped commercial land to meet new development needs. The current Annexation Plan contemplates the need for an additional 378 acres of commercially zoned land for a total of 616 acres. This represents almost double the supportable acreage of Scenario 2 and 11 times the supportable acreage in Scenario 1 which may suggest the City's current and anticipated zoning exceeds the supportable acreage.

Commercial and retail development in the City must be strategic and in some cases is not best addressed by sprinkling commercial and retail into every development but rather by concentrating on clustering and co-tenancy where retailers and other commercial development is most likely to be successful long-term.

SECTION 14 – MARKET CONDITIONS – PAGE 17

Industry experts have expressed concern with selling and leasing retail in Heber. Local commercial real estate group CBRE reported retail acreage in the City's Gateway (1200 SOUTH HWY 40 CORRIDOR) development going through two real estate cycles and taking numerous years to be sold. These difficulties persisted despite the development's location as one of the best locations in Heber with the best visibility and the highest traffic counts in the County. By the numbers, CBRE reported that it took 10 years to absorb 25 acres in the Heber Gateway Development. Companies including Rocky Mountain Care, IHC, Tractor Supply and Best Western Hotel are among those to finally fill the available commercial space. CBRE further reported its concern that commercial property in less desirable areas of the Heber Valley may take up to 20 years to absorb based on the difficulty to fill prime locations.

The Chamber regularly visits with businesses exploring the area, and retailers have expressed a hesitancy to locate to Heber because of the high lease rates and the fear of being unsustainable. National chains that are positioned to make a long-term investment by purchasing land and buildings have come into the area but entities looking to lease currently have less of an appetite for the region. The Chamber is supportive of the City establishing a retail strategy to address the City's overall needs and market capacity, as opposed to driving retail through rezoning and high-density developments.

To add to the LYR&B study, the article below confirms the difficulty other nearby communities experience when attempting to attract the same users referenced in the General Plan.

PARK CITY TECH CENTER – "*FAILED TO MEET STANDARDS"*

Excerpt from the Park Record – May 1, 2020 – "The land is governed by a 2008 development agreement that allows about 1.3 million square feet of development, though the land remains largely untouched. Most proposals in the intervening decade have failed to meet the standards outlined in the development agreement, which requires projects conform to the planned tech center use."

In neighboring Summit County the aspirations of attracting high-tech firms to its expansive Kimball Junction project has largely failed due to the lack of interest from the tech sector to the opportunity to locate operations in the Park City/Summit County trade area.

The County is currently reviewing plans to redesign the project to market friendly uses that include affordable housing, general office and possible commercial uses.

The situation in Summit County is instructive as it provides an example of the selective nature of certain user types and narrow scope used in site selection of national and regional users, notwithstanding the abundantly favorable site and location offered at Kimball Junction.

It is an overstatement to refer to the subject property as “prime” commercial real estate. Given the complexities associated with issues of odd geometry, inadequate frontage, small angular parcels and independent ownership of small disorganized parcels, the Highway 40 corridor at and near the subject property is significantly inferior to Gateway project (which has experienced a decade of slow absorption) referred to in Lewis Young study mentioned above.

Taking these findings into consideration, along with information provided by trusted commercial real estate professionals active in the Heber City market, the conclusion is, it is highly unlikely that this particular cluster of properties will attract the type of big box, lifestyle and high-tech businesses referenced in the General Plan.

However, as an alternative to waiting for these types of users to materialize, another marketing and development strategy may combine the best attributes the south town area has to offer. This approach would capitalize on the inherent strengths of high visibility and UDOT approved access along the Highway 40 corridor.

SECTION 5 – AN ORGANIC *APPROACH* - COMMERCIAL DEVELOPMENT STATEGY

Another strategy to consider could be to offer a limited number of commercial lots along the highway frontage targeted to local users capable of procuring SBA financing to construct facilities and operations.

This more organic approach to absorption allows tenants and users to come to the property as population growth continues and demand for the goods and services offered by local businesses in the area builds. Under this scheme the holding period for the developer is considerably longer and the risks are higher due to reasons mentioned previously.

It is important to understand attempting to develop commercial property beyond roughly 200 – 250 feet of depth from the highway frontage will carry considerable risk resulting from:

- Relatively low visibility and insufficient traffic
-
- Reduced quality of the tenant/user
- Lower lease rates/per square foot land values
- High infrastructure costs associated with constructing Saw Mill Blvd and Mill Road improvement
- Difficulty in obtaining commercial bank financing
- Extended multi-year absorption period necessary to close out the investment
- Access limitations resulting from UDOT approved 3-way intersection on Highway 40

TARGET USER

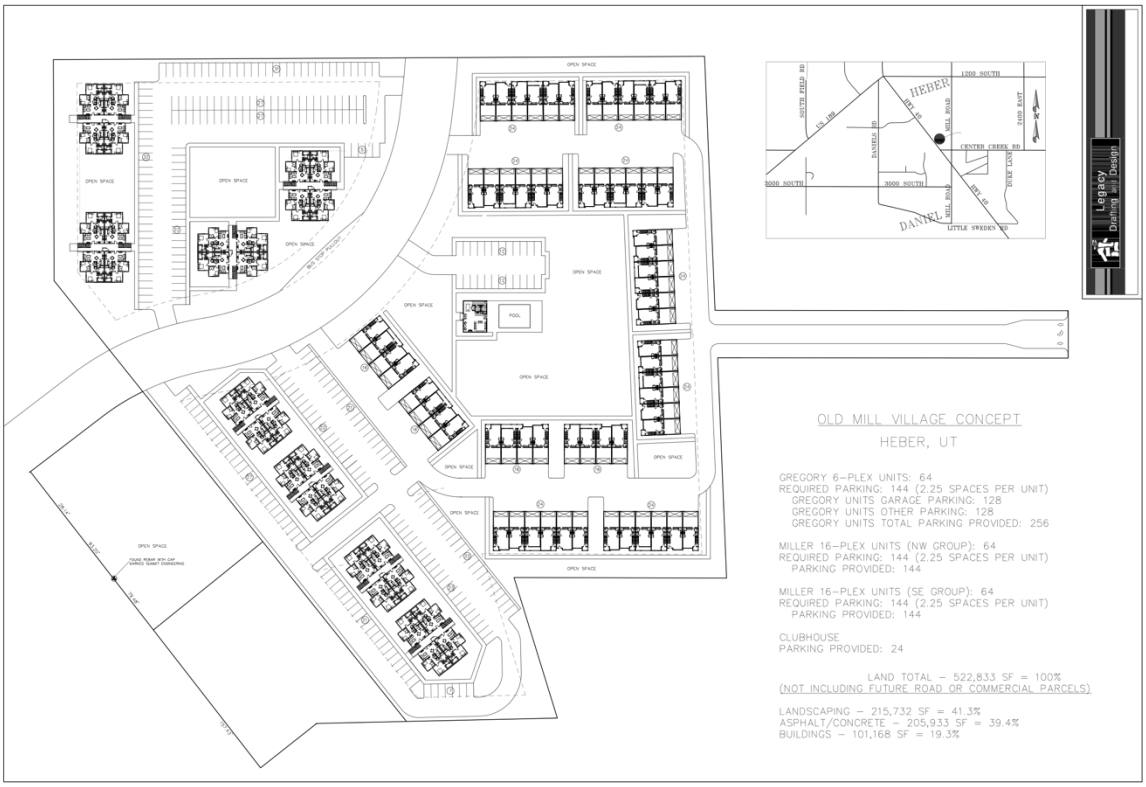
With the proposed access alignment along the highway established locally oriented commercial users may have interest in smaller parcels to expand operations and sales. These users are generally more price sensitive than larger national and regional operators However, they are often not a good fit for developers considering developing small projects due to the tenants restrained budgets, lack of liquidity and operational

history. As mentioned previously, a combination of these factors creates impediments to obtaining financing from commercial banks at favorable rates.

Regardless, communities with expanding populations will ultimately see organic growth from within as the community grows.

SECTION 6 - CONCEPT PLAN – MIXED-USE – RESIDENTIAL + COMMERCIAL

OLD MILL VILLAGE MIXED-USE CONCEPT PLAN – EXHIBIT 6



RESIDENTIAL UNIT MIX

- **64 Townhomes** - 3 Bedroom: Square footage: 1,470 SQ. FT. living space + 410 SQ. FT. 2 Car Garage
- For Sale Townhomes Estimated Pricing: 42 Units (3 Beds w/2 Car Garage) - $249,900 (Base) - $319,000 (Maximum Upgraded)
- Townhome Rental Unit Estimated Pricing: 22 (3 Beds w/2 Car Garage) - $1,450 (Base) - $1,550/month (Max Upgraded)

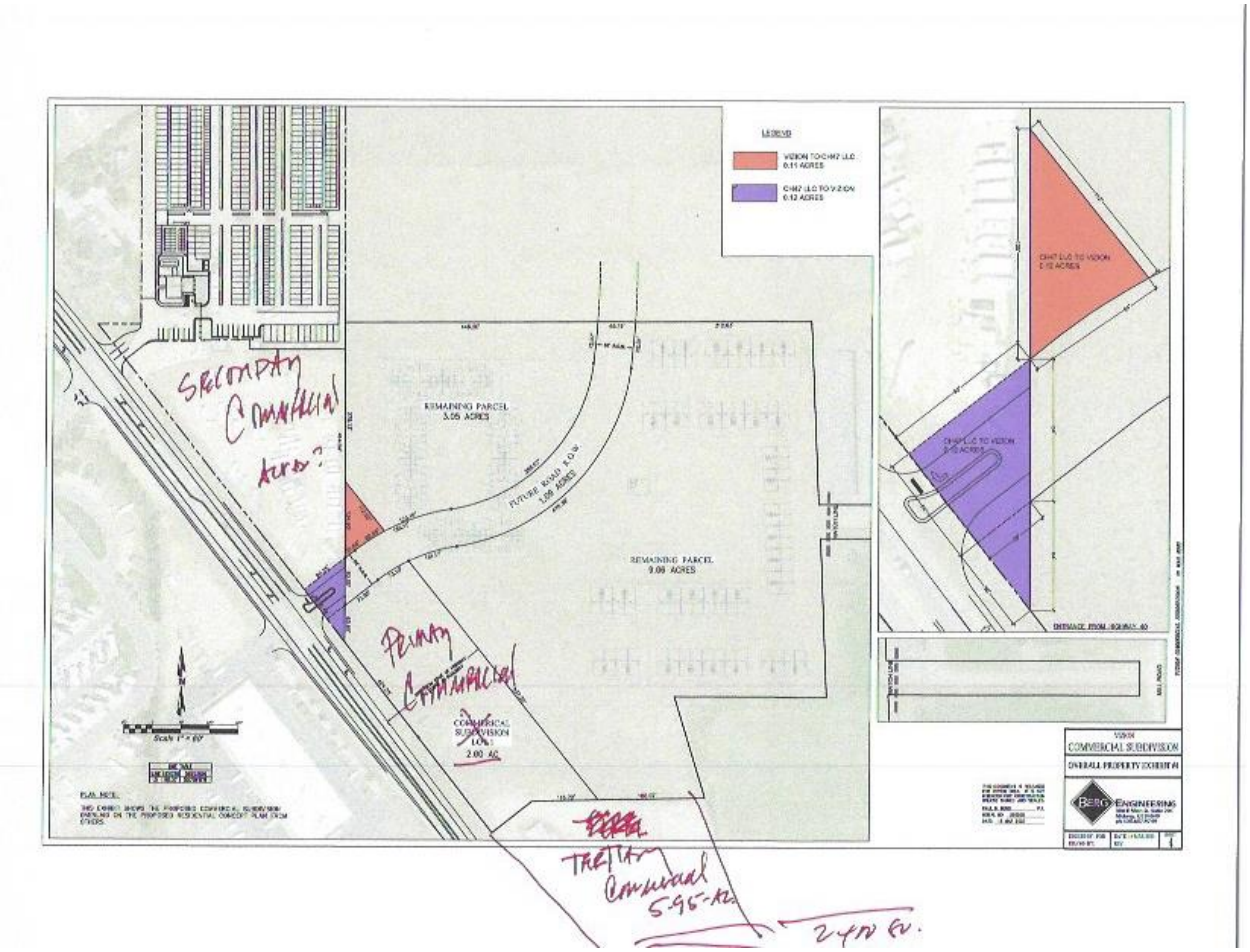
128 Apartments – 1 & 2 Bedroom Apartments - Square footage: 850 SQ FT. (1 Bedroom) - 1,079 SQ FT. (2 Bedroom)

Rental Units Estimated Pricing:

- ❑ 22 Units (3 Beds w/Garage) - $1,450 - $1,550/month
- ❑ 100 100 Units (2 Beds): $1,150 - $1,300/month
- ❑ 28 Units (1 Beds): $995 - $1,149/month

SECTION 7 – COMMERCIAL LOTS

PRIMARY + SECONDARY FRONTAGE – EXHIBIT 7



The proposed Old Mill Village concept plan contemplates the development of commercial property along the highway frontage in three categories:

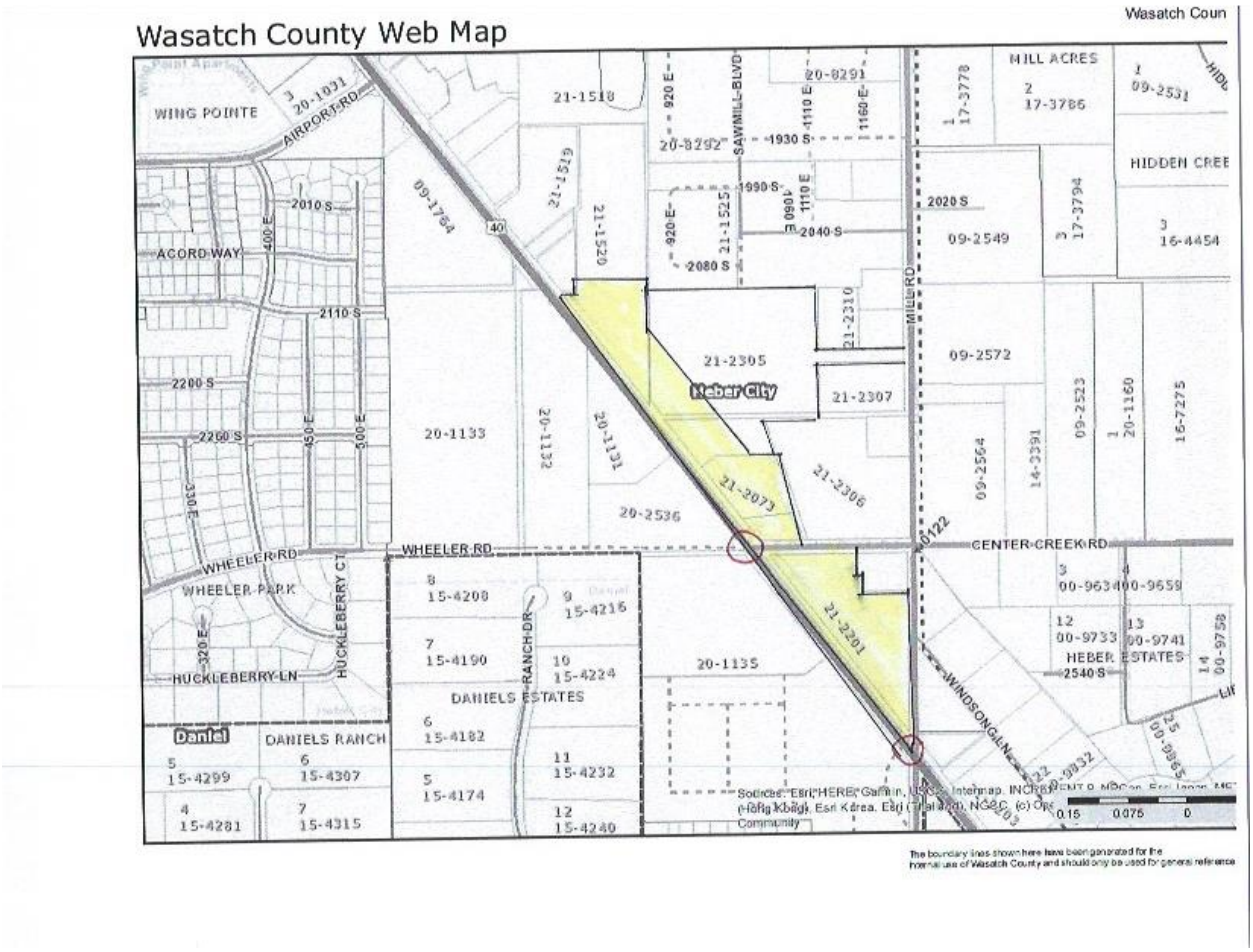
PRIMARY FRONTAGE – 2.00-acres on the east corner of Highway 40/Saw Mill Blvd. developed as part of the mixed-use concept of the Old Mill Village project (two parcel assemblage) – 424 frontage feet

- SECONDARY FRONTAGE – 2.50-ACRES located on the west corner of Highway 40/Saw Mill Blvd. referred to as the Strawberry Storage parcel. This is *not* a part of the Old Mill Village Concept Plan – 500 frontage feet

- TERTIARY FRONTAGE – 3.00-ACRES contiguous to the east boundary of the PRIMARY FRONTAGE referred to as the Cook Parcel extending east to 2400 South intersection – 600 frontage feet.

EXTENDED FRONTAGE – KEYSER COMMERCIAL – While not within the immediate sphere of the subject property, the Keyser 5.95-ACRES extending east on the highway substantially increases commercial frontage between two UDOT proposed signalized intersections at 2400 South and Mill Road. While this property is not directly associated with the subject property and contiguous secondary parcels, it adds to the critical mass of commercial offerings within the South Town District

AGGRAGATED COMMERCIAL FRONTAGE – EXHIBIT 8



SECTION 8 - AFFORDABLE UNITS/AFFORDABLE PRICING

UNIT MIX – EXHIBIT 9



100% AFFORDABLILITY

In an effort to meet the demand of the increasing cost of housing within Heber City, Old Mill Village is dedicated to allocating 100% of the proposed project to affordably priced rents and sales price.

Deed restricting 10% of all units to 80% of the Average Median Income of Wasatch County

- Offering lease rates for all apartments and townhomes on unrestricted units at 80% of the AMI
- Pricing Town Homes starting at $249,000 – 1,470 SF – 3 BD – 2 BATH – 2 CAR ENCLOSED GARAGE

Qualifying Incomes - Average Median Income: Per the 2017 Wasatch County Study

- Wasatch County Median Income: $71,337
- Heber City Median Income: $60,171
- 80% Heber Median Income: $48,137
- 80% - 90% AMI Affordable Housing Allocation: $1,203 - $1,554/month.
- 80% - 90% AMI Affordable Home Price Range: $200,186 - $255,275

SECTION 9 – COMMON AREAS

In addition to providing affordable units across all residential offerings at Old Mill Village, an impressive array of amenities will be provided.

COMMON AREA PLANNED FACILITIES

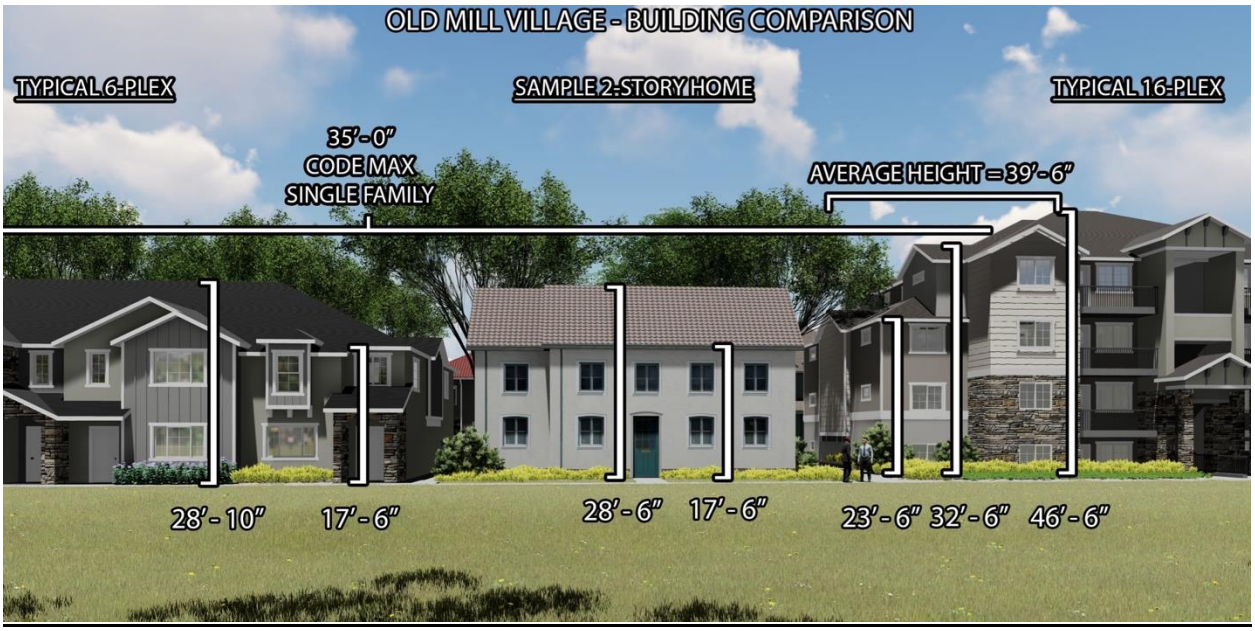
- FULL SIZE SWIMMING POOL + HOT TUB
- FULLY FURNISHED CLUB HOUSE
- CHILDREN'S PLAYGROUND
- LANDSCAPED STREETSCAPE – SAW MILL BLVD

SECTION 10 – BUILDING HEIGHTS COMPARISON

SAMPLE 2-STORY HOME COMPARISON – EXHIBIT 10






OLD MILL VILLAGE - BUILDING COMPARISON
TYPICAL 6-PLEX
SAMPLE 2-STORY HOME
TYPICAL 16-PLEX
35'-0"
CODE MAX
SINGLE FAMILY
AVERAGE HEIGHT = 39'-6"
28'-10"
17'-6"
28'-6"
17'-6"
23'-6"
32'-6"
46'-6"


OLD MILL VILLAGE - BUILDING COMPARISON
EXHIBIT #7
Typical 6-Plex
Sample 2-Story Home
Typical 16-Plex

TYPICAL 16-PLEX HEIGHT – EXHIBIT 9





SECTION 11 - GENERAL PLAN – SECTION 10 – QUALITY NEIGHBORHOODS

MIXED-USE + OPEN SPACE + UNIT MIX

- 2.00-ACRES COMMERCIAL
- 7.50-ACRES APARTMENTS - 128 UNITS (SEE RENT SCHEDULE BELOW)
- 6.50-ACRES TOWN HOMES - 64 UNITS (SEE PRICE SCHEDULE BELOW)
- 4.95-ACRES OPEN SPACE – 41.3%

  (NOTE: ACRES CALCULATED ON GROSS ACREAGE)

GENERAL PLAN - INCLUSIONARY HOUSING – MIHP

- 100% AFFORDABLE PRICED UNITS – 80% AMI – 192 UNITS
- 10% DEED RESTRICTED UNITS – 80% AMI – 19 UNITS – 13.8% MIHP 5-YR

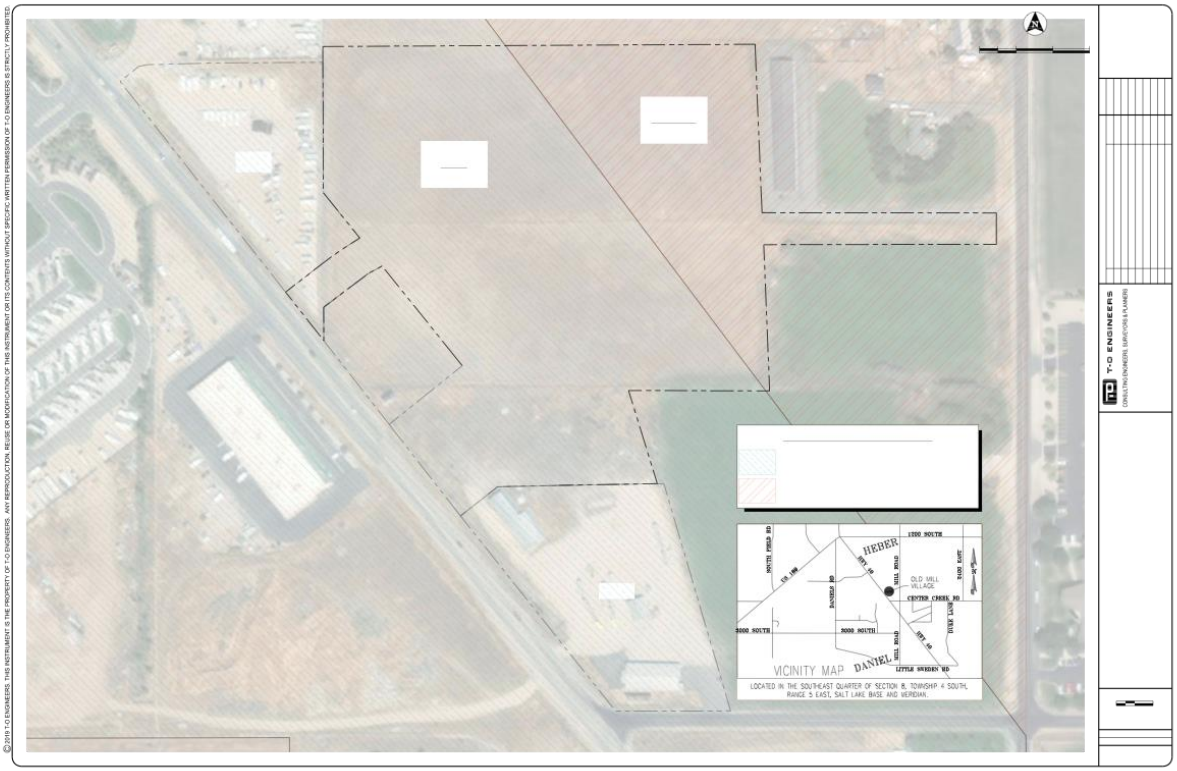
AFFORDABLE HOUSING MUNICIPAL ENCENTIVES

The applicant will *not* request FINANCIAL ASSISTANCE from general fund expenditures to waive or reduce construction related fees that are otherwise generally imposed by the City for relief, including the items listed below:

- BUILDING PERMIT FEES
- IMPACT FEES
- MUNICIPLE BONDS
- PROPERTY TAX ABATEMENT
- OTHER FEES COMMONLY ASSOCIATED WITH SIMILAR TYPE PROJECTS

The City will *not* be required to enter into partnerships with non-profit organizations and developer to obtain new funding sources to implement its affordable housing policies on this development.

SECTION 11 – COMPATIBILITY – GENERAL PLAN - FUTURE LAND USE CATEGORIES



NOS - NEW NEIGHBORHOODS WITH OPEN SPACE

PRIMARY USE – SINGLE-FAMILY DWELLINGS

On the Exhibit above, the General Plan identifies a triangular parcel notating the line between the NOS and ST as designated areas that stretches across the northeast corner of the subject property. While the line marks the separation of the NOS and ST designations, it also marks the transition in land use of neighboring properties from purely residential and agricultural land use, similar to the Saw Mill project, to quasi-commercial uses; primarily storage units located on the Cummings property and a new storage unit development currently under construction on a neighboring parcel to the southeast.

Since home ownership generally fosters a higher sense of pride in ownership it is not the general practice to place single family neighborhoods adjacent to storage units and light industrial facilities.

Also, the NOS line runs at an angle on a southeasterly tangent, creating another odd shaped triangular residual parcel that is characteristic of many of the Highway 40 parcel types referred to earlier in Section 1 – LAND FORM – GEOMETRY. The irregular shape of this area will create similar planning and development challenges

That said, the General Plan does contemplate that its guidelines are not designed as a one-size-fits-all proposition. And wisely, the authors of the plan contemplated there would be variances in the application of land use due to a wide range of variables on the ground. It is for this purpose that SECONDARY uses were proscribed within in the plan.

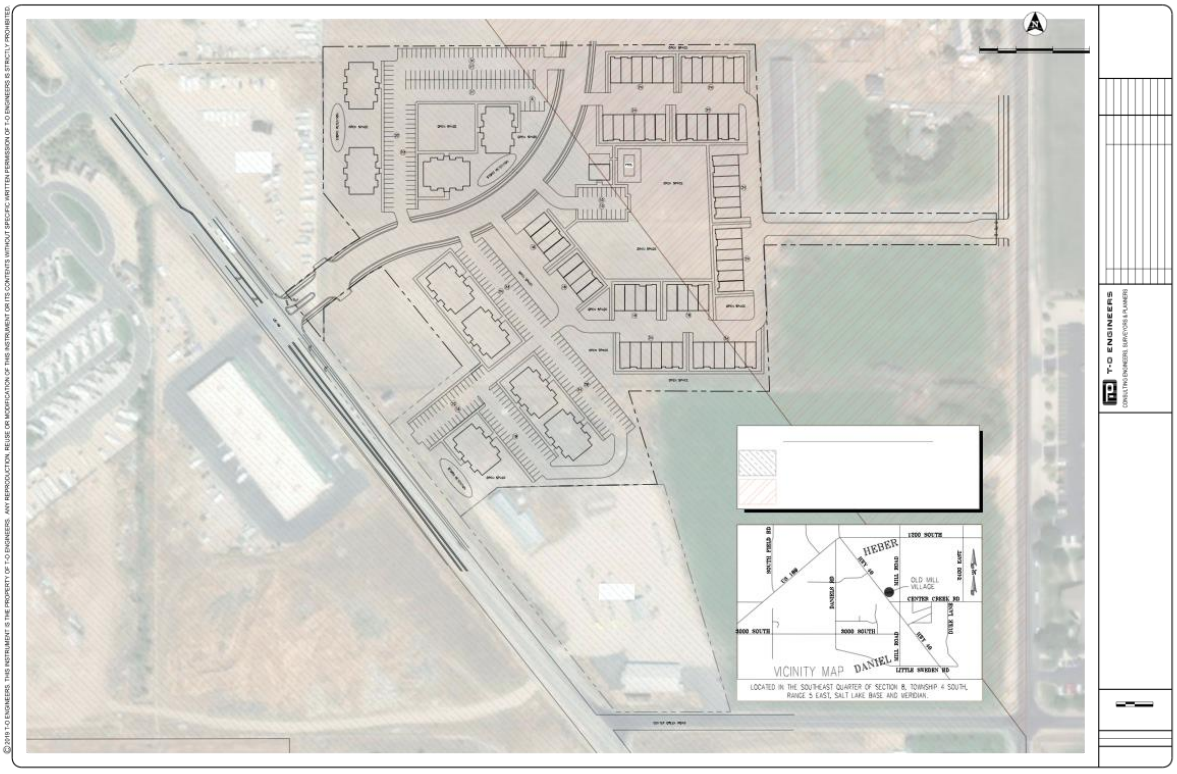
TOWNHOMES, SMALL LOT AND ATTACHED HOUSING – SECONDARY USE

As a SECONDARY application, the proposed plan consists of attached housing with six 6-plex buildings consisting of three-bedroom units with double car garages containing 1,470 square feet of living area.

Townhomes are more adaptable to surrounding land uses and seems to be a better fit in the NOS area at this location.

Given the conditions existing at this location it is proposed that the inclusion of townhomes and considerable open space as a secondary use is justified.

DENSITY RANGE - 3 to 20 UNITS PER ACRE



The NOS area designated within the proposed concept plan consists of approximately 3.8-acres containing 38 townhomes.

- Area – 3.8-Acres
- Units – 38-Townhomes
- Density – 10 units per acre

Ten units per acre appears to conform to the recommended density range of 3-20 units per acre in the DENSITY/RANGE section of the General Plan.

TOWNHOMES



All Sixty-four (64) townhome units are configured as follows.

- Total Building Height to Ridgeline 28’ 10”
- Total Building Height to the Square 17’ 6”

SAMPLE SINGLE FAMILY DWELLING (AS DEPICTED IN EXHIBIT 00)

- Total Building Height to Ridgeline 28’ 6”
- Total Building Height to the Square 17’ 6”

NOTE: Heber City Code allows maximum building height to 38’ at the ridgeline

APARTMENTS - FLATS



Where many apartment buildings rise two or more levels, they generally take the shape of a rectangle lying on the long side. This configuration tends to draw the eye to its height and mass similar to the recently completed buildings on 1200 South in Heber.

In an attempt to mitigate the impact of a fully proportional angular elevation, the developer, architect and members of the Heber Planning Commission collaborated to refine several iterations of the building by dropping the edges, or shoulders, of the building to eliminate the squared off appearance. Suggestions were then offered to reduce the ridgeline effect by converting a squared off roof line to a hip roof; shortening the ridgeline at the highest point to 15 feet of length. The architect then reconfigured the unit mix per floor by placing one-bedroom units on the upper level reducing the overall floor area, thereby dropping building ends by one floor.

Along with other suggested refinements, including material selection and color combinations, the building now displays a stepped-down look that reduces mass and overall height. The building reads more like a smaller structure while achieving a pleasing and attractive appearance.

Total Building Height at Ridgeline (15” ridgeline length)	46’ 6” – 3.5 Levels
Total Building Height at Building End Cap	28’ 6” - 2.5 Levels
Total Building Height Average (Less than SF allowed – 38’)	36’ 8” - 2.8 Levels

The proposed apartment buildings substantially conform to the SCALE recommendations of the General Plan.

OPEN SPACE

The open space allocation on the NOS designated property:

Area – 3.8-acres
Open Space – 1.6-acres
Ratio – 34%

There appears to be significant open space within the NOS designated property under the proposed plan. The plan conforms to the General Plan Key Characteristics recommendation with respect to open space.

ST – SOUTH TOWN - SUMMARY

The primary uses in the Future Land Use Categories Section of the General Plan under the South Town designation are as follows:

PRIMARY –

- Regional Commercial
- Office
- Health Services
- Light Manufacturing
- Tech Businesses

Exhibits contained within the Envision 2050 General Plan depict the general areas designated within the South Town District. The overall reach of the ST District extends east to include most of the lands west of the Saw Mill district and south of the Gateway development extending into the industrial area of the City of Heber.

The Lewis Young Roberts & Burningham, January 2019 Study considers the Gateway District to be "one of the best locations in Heber with the best visibility and the highest traffic counts in the County" , and yet, "CBRE reported that it took 10 years to absorb 25 acres in the Heber Gateway Development."

The study also mentions the concerns of industry professionals active in the Heber market, along with members of the Chamber of Commerce over the long-term growth of significant commercial development in Heber City. To add to these opinions is the fact, as pointed out by LYR&B the City is over allocated by 200% by one measure and 1,100% by another. Sections 3-6 herein more fully detail the factors leading to this concern.

Ultimately, the overall trade area will expand and, with that growth, will come demand for the goods and services required to support the population of the area. However, only the best properties will benefit from the expected increase in population. LYR&B noted sprinkling commercial development throughout the community is not a formula for success. Rather, strategic and careful planning of commercial centers with suitable co-tenancy, high visibility and ease of access will appeal to shoppers, business owners and quality retailers. A significant number of inferior locations will not succeed.

It will be difficult for experienced investors, developers and commercial users to act contrary to the findings and recommendations contained within the LYR&B Study.

However, this is not to say all of the subject property is unsuitable for some of the Primary uses referred to in the FUTURE LAND USE CATEGORIES. In fact, the highway frontage could well be a catalyst for a scaled-down commercial corridor targeted at local businesses seeking locations to grow operations.

Again, by assembling inefficient parcels and combining access to the highway, the South Town District, at and near, the proposed property significantly increases the appeal to users.

It is the opinion of Economic Development and Business Recruitment professionals that the location of the subject property is not an attractive option for the recruitment of regional commercial and office users. But, it is believed that there are users within a range of commercial users that find success in time if the right product is offered.

Exhibit 3

City Council Staff Report

MEETING DATE:	June 16, 2020
SUBJECT:	Old Mill Village (Kollman Farms) MDA
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

John Kollman and Kent Buie are requesting to go through the zone change process and create a Master Development Agreement, in lieu of changing the zone, to develop the Vizion property, with multi-family housing. The development consists of 140 apartments and 64 townhomes with a density of 14.7 units per acre.

The policy questions include the following:

1. Is the proposed development the highest and best use of the property?
2. What changes or conditions on the development would the City Council require in such an MDA?

RECOMMENDATION

Staff is recommending the City Council discuss the MDA outline and process and provide feedback to the applicant and staff in anticipation of preparing an MDA for Council review.

BACKGROUND

Kent Buie came to both the Planning Commission and City Council to discuss the idea of using a Master Development Agreement (MDA) for a mixed use development in lieu of changing the zoning. The planning commission was supportive of the MDA as long as it addressed traffic, housing density, and promoted owner occupancy. The Council indicated that they would be willing to entertain the process. The timeline of the multiple meetings is outlined in Exhibit 1.

During those discussions, Mr. Buie indicated that with the site considerations, commercial was not the highest and best use. Mr. Buie presented the idea of a mixed use development with commercial on the highway with mixed residential tiers that would taper to the adjacent uses.

This request is for the MDA, which will include the rear portion of the property that is proposed to be multi-family residential.

DISCUSSION

DENSITY

The overall property is 15.17 acres (including the portion of road in the plat), with 1.02 acres in the commercial development. The residential site plan contains 14.19 acres (including the road). With 204 total units, the net density of residential portion is 15.7 units per acre, with a gross density of 14.38.

USES

Stacked Flats – 140 units of stacked flats within 8 – 3.5 story buildings and 1 – 2.5 story building. These units are proposed to be rentals, including the affordable housing. They include 3.2 parking stalls per unit, including some for rent garages. 3 of the 4 buildings are adjacent to a club house and central open space area. The 4th building does have adjacent open space.

Town Homes – 64 units of two story town homes. Each unit has a two car garage. The units are alley loaded and front on open space areas.

There are no commercial uses as Lot 1 is provided for commercial to ensure the commercial space is not just used for residential.

Neighboring Uses – On the west side of Sawmill Blvd are Townhomes. On the east side of Sawmill Blvd are Live/Work Town homes, twin homes, and cottage lots as you get closer to Mill Road.

LAYOUT

The City and petitioners have been working with UDOT on the location where Sawmill Blvd could intersect Hwy 40. This has pushed the intersection further up Hwy 40 to preserve a ¾ access, which will allow a right and left in and a right out only. The site plan is shown in Exhibit 2.

ELEVATIONS

The applicants initially proposed a 4 story apartment building. The Planning Commission has been working with the applicants to bring the height down to a 3.5 story buildings and placing the 2 bedroom units on top to decrease the massing of the top floor of the building and to create better architecture. Elevations are shown in Exhibit 3.

GENERAL PLAN

The Council adopted the Envision Heber 2050 Vision and General plan on March 17, 2020. The majority of this property is identified as South Town with the NE corner as Neighborhoods with Open Space.

The land use designations are as follows:

District Type	Uses	Density Range / Scale (gross acreage)	Key Characteristics
South Town Center (ST)	**Primary:** regional commercial/offce uses, health services, light manufacturing and tech businesses **Secondary:** medium to high density residential	14 to 20 units per acre Up to 3 story heights	A mix of businesses catering to the regional larger scale needs of Wasatch County. Includes big box retail opportunities.
New Neighborhoods with Open Space (NOS	**Primary**: SFDs **Secondary**: townhomes, small lot and attached housing	3 to 20 units per acre Overall property base densities, established by the North Village Overlay Zone may be transferred to adjacent Villages to create open space. 2-3 story height limit	Small lot clusters, townhomes and open space achieved through clustering and generally located adjacent to centers

PROCESS

Section 18.12.190 outlines the process for the amending of Title 18 and the Zoning Map. Per **Section 18.12.190**, text amendments to the code require a public hearing at the Planning Commission, Planning Commission recommendation, and approval by the City Council.

> **Staff Finding: *Consistent.*** *The Planning Commission held a public hearing on May 12, 2020 and unanimously forwarded a positive recommendation to the Council on May 26, 2020. This item has been placed on the Council agenda for discussion with consideration of approval at a future Council meeting.*
>
> Planning Commission received the following public comments:
>
> - The building height and density should be decreasing as you get further from town. The adjacent COSZ development is 1 story.
> - The Timpanogos irrigation area does not have enough water for all the existing developments and this development.
> - Irrigation on the Cummings property cannot be altered during the irrigation season.
> - How tall and what type of fence/wall will be done?
> - Cummings needs driveways to storage sheds and field access.
> - Power will need to be relocated to provide power and a light to the Cummings storage sheds.
> - How tall are the buildings?
> - Does the City hold developers to their commitments?

- Kollman Farms was not approved last year at Hwy 40 and Airport Road.
- The increases density further away from town, which is not consistent with the new general plan.
- 3.5 stories should not be allowed this far from town.
- Concern about traffic and infrastructure.
- There isn't a school site for another elementary school that will be required as Daniels Canyon is full and sawmill and Heber Meadows North have not been constructed yet.
- This development is a step in the wrong direction, and is not consistent with the new general plan.

Section 18.12.190 outlines the criteria for code or map amendments. The criteria are as follows:

The governing body may amend, change or modify any provision of this title or the zoning map provided:

1. The proposed amendment or amendments have been submitted to the Planning Commission for its recommendations. The Planning Commission shall prepare and recommend amendments following a public hearing reasonably noticed for at least ten (10) calendar days. Unless the Planning Commission submits its recommendations within sixty days from receipt of the proposed amendment, the governing body may assume an affirmative recommendation;

   Staff Finding: *Consistent*. *The Planning Commission held a public hearing on May 12, 2020 and unanimously forwarded a positive recommendation to the Council on May 26, 2020. This item has been placed on the Council agenda for discussion with consideration of approval at a future Council meeting.*

2. The governing body has held a public meeting on the proposed amendment reasonably noticed for 24 hours;

   Staff Finding: *Consistent*. *City Council meetings are public meetings and are noticed more than 24 hrs. in advance.*

3. The amendment will not be contrary to the Comprehensive Plan;

4. The amendment will more fully carry out the intent and purpose of the Comprehensive Plan and this Title.

The Council should discuss the proposed amendment, make changes if desired, and address the criteria outlined above, specifically 3 and 4.

FISCAL IMPACT

N/A

CONCLUSION

Kent Buie and John Kollman are seeking approval on a Master Development Agreement that would allow them to develop multifamily housing in the C-2 Zone rather than a zone change. Staff and the applicant have created an MDA outline of conditions for consideration of approval. Staff and the applicant are seeking feedback from the Council in preparation of writing the MDA for Council review.

ALTERNATIVES

Not an action item.

POTENTIAL MOTIONS

Not an action item.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Timeline
2. Proposed Plans
3. Proposed Elevations
4. MDA Outline
5. Site Photos

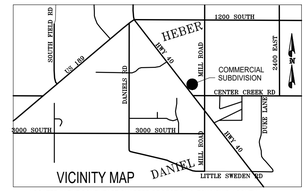
Exhibit 1

PROJECT TITLE	Old Mill Village MDA (Kollman Farms)
PROJECT MANAGER	Jamie Baron
COMPANY NAME	Heber City
DATE	Tuesday, June 9, 2020

			PHASE ONE		PHASE TWO											PHASE THREE				
TASK ID	**TASK TITLE**	**PCT OF TASK COMPLETE**	**May-19**	**Jun-19**	**Jul-19**	**Aug-19**	**Sep-19**	**Oct-19**	**Nov-19**	**Dec-19**	**Jan-20**	**Feb-20**	**Mar-20**	**Apr-20**	**May-20**	**Jun-20**	**Jul-20**	**Aug-20**	**Sep-20**	**Oct-20**
1	Council Approval of Process																			
1.1	Project intoduction	**100%**																		
1.2	Process Approval	**100%**																		
2	Commercial Subdivision																			
2.1	Application for Commercial Lots	**100%**																		
2.2	Review	**50%**																		
2.2.1	Review Process	**50%**																		
2.2.2	Location of Sawmill Blvd (UDOT)	**100%**																		
2.3	Approval of Subdivision	**0%**																		
3	Planning Commission Recommendation																			
3.1	Intoduction to Planning Commission	**100%**																		
3.2	Discussion with Planning Commission	**100%**																		
3.2.1	Density, Height, Use	**100%**																		
3.2.2	Site Design and Architecture	**100%**																		
3.3	Public Hearing	**100%**																		
3.4	Planning Commission Recommendation	**100%**																		
4	Council Decision																			
4.1	Intoduction to new Council	**50%**																		
4.1.1	Overview of Project and History	**100%**																		
4.1.2	Approval of process by new Council	**0%**																		
4.2	Discussion with Council	**0%**																		
4.2.1	Density, Height, Use	**0%**																		
4.2.2	Site Design and Architecture	**0%**																		
4.3	Council Review of MDA	**0%**																		
4.4	Council Decision	**0%**																		

Exhibit 2





LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

Legacy Drafting and Design
GREGORY D. BROWN - OWNER/PRINCIPAL DESIGNER CELL: 801.735.6514
295 WEST CENTER STREET E-MAIL: greg@LegacyHomeDesign.com WEBSITE: LegacyHomeDesign.com

KOLLMAN FARMS CONCEPT
HEBER, UT

STEVE UNITS: 64
REQUIRED PARKING FOR STEVE UNITS: 144 (2.25 SPACES PER UNIT)
STEVE UNITS GARAGE PARKING: 128
STEVE UNITS OTHER PARKING: 128
STEVE UNITS TOTAL PARKING PROVIDED: 256

MILLER UNITS (NW GROUP): 64
REQUIRED PARKING: 144 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 144

MILLER UNITES (SW GROUP): 76
REQUIRED PARKING: 171 (2.25 SPACES PER UNIT)
PARKING PROVIDED: 171

CLUBHOUSE
PARKING PROVIDED: 20

Exhibit 3

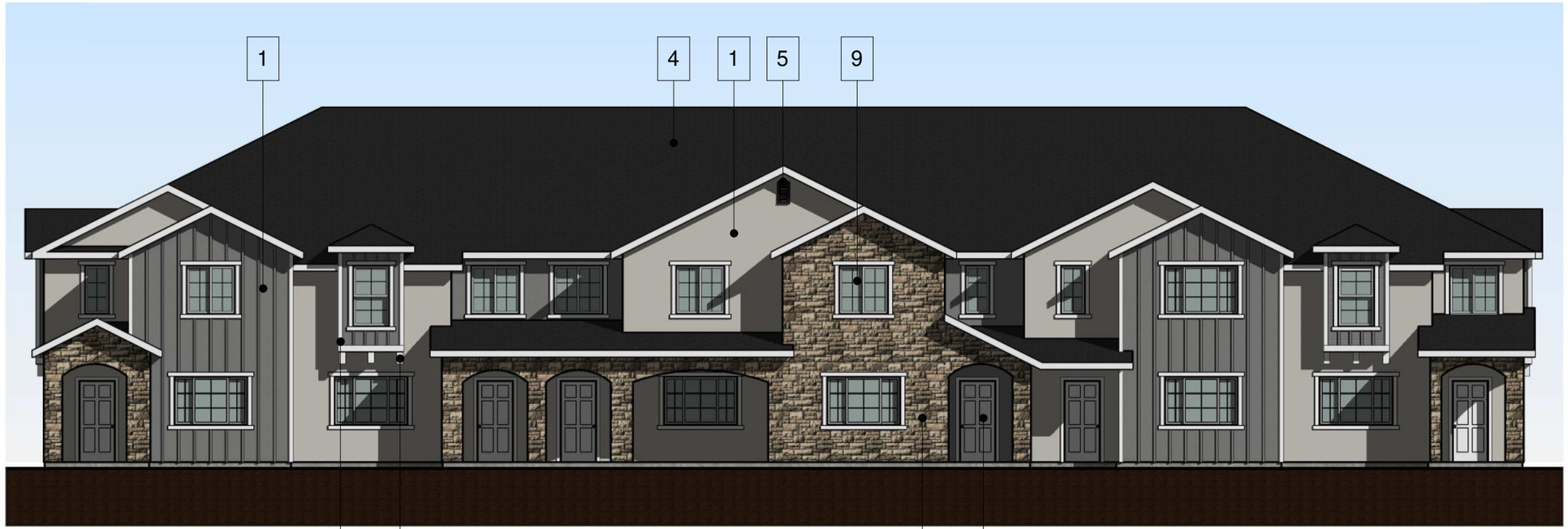












FRONT ELEVATION

LEGEND

1	STUCCO
2	STUCCO o/ FOAM TRIM - SMOOTH FINISH
3	STUCCO o/ FOAM CORBEL - SMOOTH FINISH
4	ASPHALT SHINGLE
5	FAUX GABLE VENT
6	STONE
7	FIBERGLASS ENTRY DOOR
8	METAL SECTIONAL GARAGE DOOR
9	VINYL FRAMED WINDOWS

Legacy Drafting and Design
295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP
1338 S Foothill Drive #301
Salt Lake City, UT 84108

ELEVATIONS
GREGORY 6-PLEX

COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.1



BACK ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

Legacy Drafting and Design
295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP
1338 S Foothill Drive #301
Salt Lake City, UT 84108

ELEVATIONS
GREGORY 6-PLEX

COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.2



REAR PERSPECTIVE



FRONT PERSPECTIVE

Legacy Drafting and Design
295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP
1338 S Foothill Drive #301
Salt Lake City, UT 84108

EXTERIOR PERSPECTIVES
GREGORY 6-PLEX

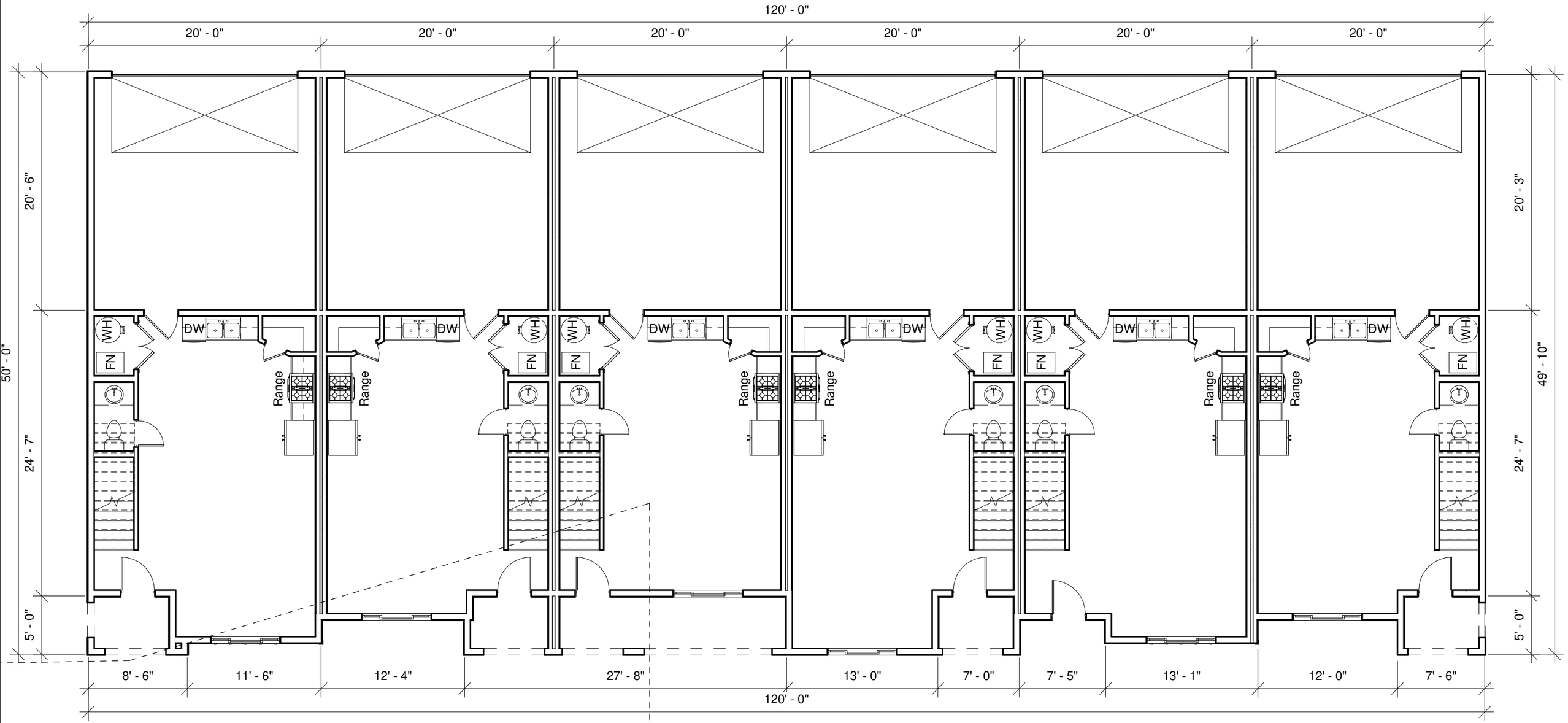
COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.3



Legacy Drafting and Design
295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP
1338 S Foothill Drive #301
Salt Lake City, UT 84108

FIRST FLOOR
GREGORY 6-PLEX

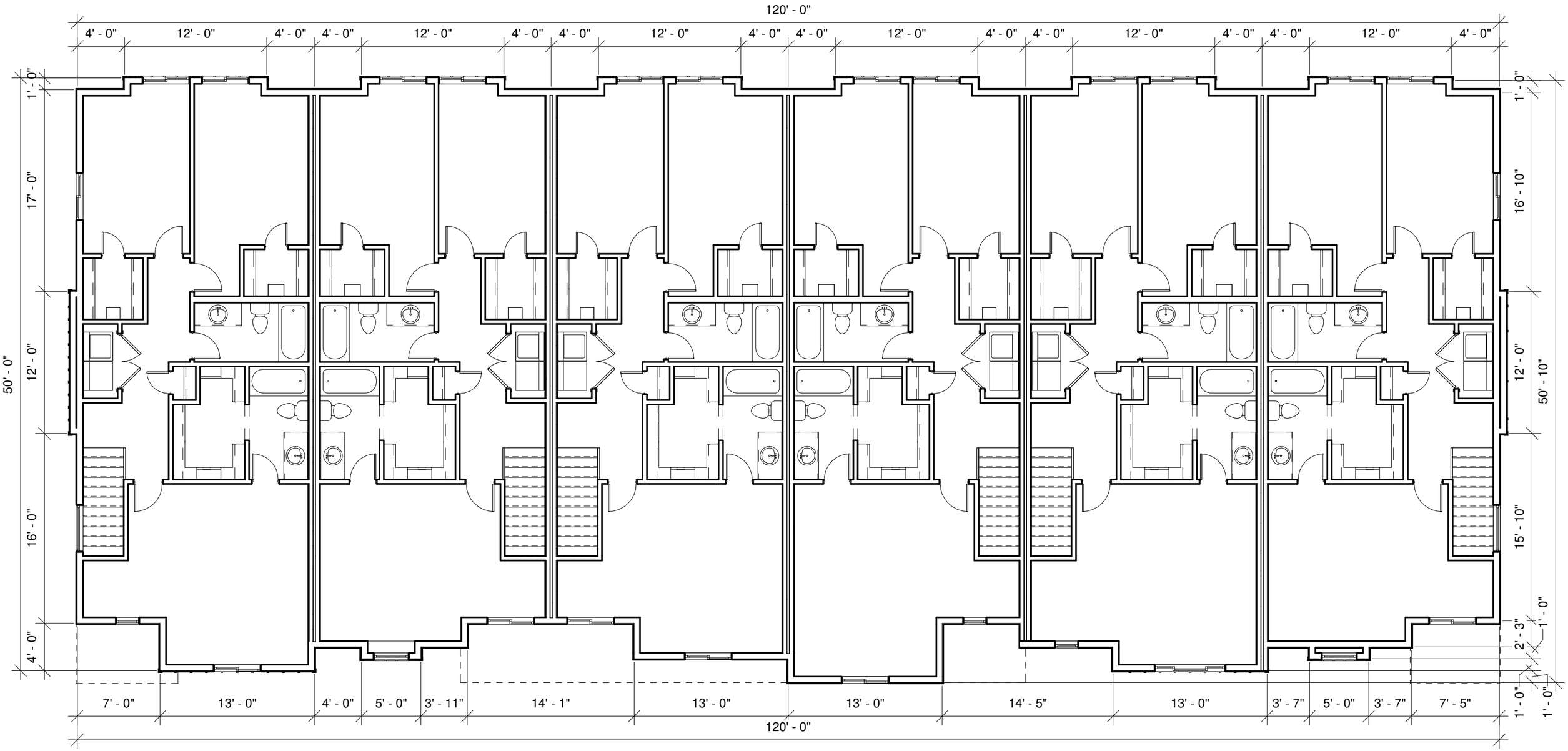
COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.4



Legacy Drafting and Design

295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP

1338 S Foothill Drive #301
Salt Lake City, UT 84108

SECOND FLOOR
GREGORY 6-PLEX

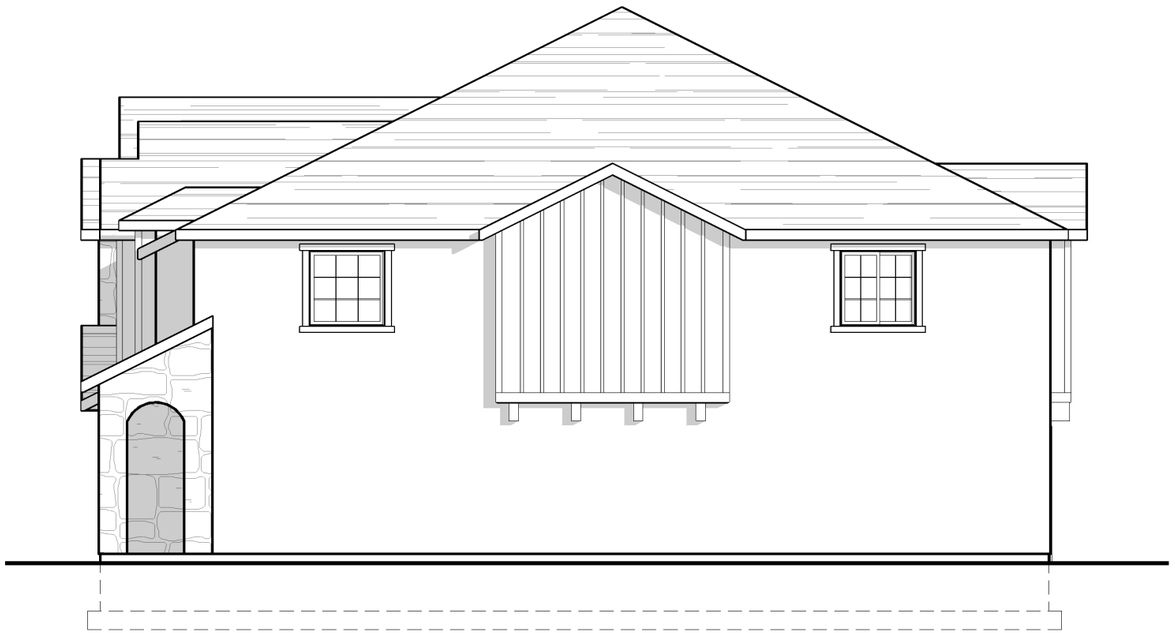
COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.5



RIGHT ELEVATION



FRONT ELEVATION

Legacy Drafting and Design

295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP

1338 S Foothill Drive #301
Salt Lake City, UT 84108

ELEVATIONS
GREGORY 6-PLEX

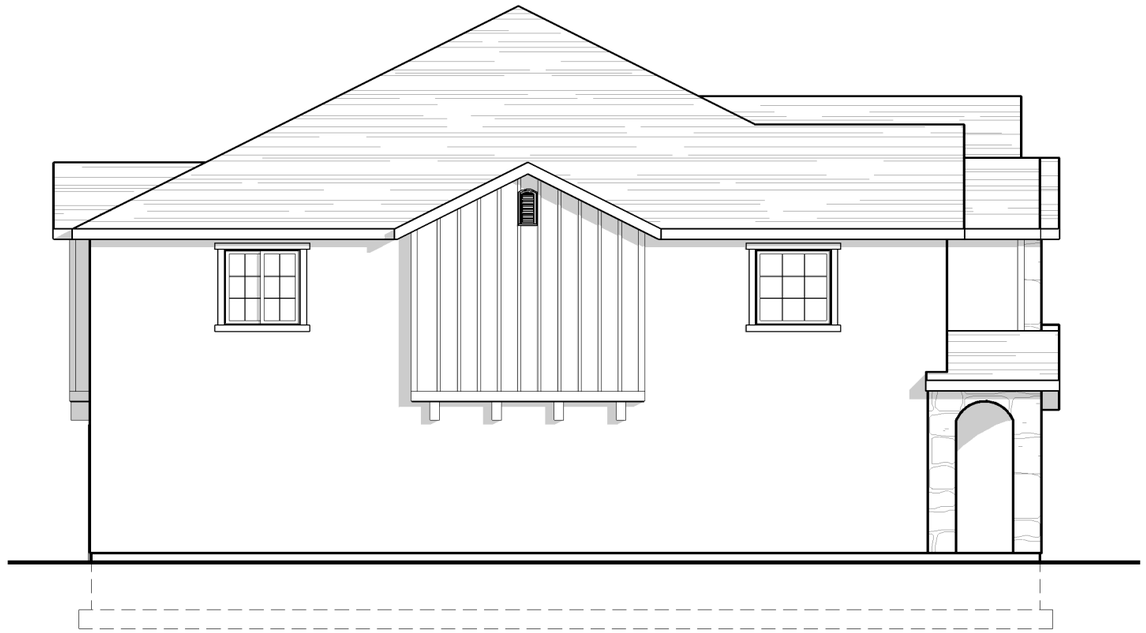
COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.6



LEFT ELEVATION



BACK ELEVATION

Legacy Drafting and Design
295 W Center St,
3rd Floor
Provo, UT 84601
801.735.6314
greg@legacyhomedesign.com
legacyhomedesing.com

FIG
FOURPLEX INVESTMENT GROUP
1338 S Foothill Drive #301
Salt Lake City, UT 84108

ELEVATIONS
GREGORY 6-PLEX

COLOR VARIATION 3

SQUARE FOOTAGE

	UNIT	BUILDING
MAIN LEVEL	530 SF	3181 SF
SECOND LEVEL	959 SF	5751 SF
	1489 SF	8932 SF
GARAGE	409 SF	2455 SF

4/20/2020

A.7

Exhibit 4

Old Mill Village MDA – 204 Units (Combination of 1,2,& 3 bedroom units)

Architectural/Parking Requirements

3.5 Story Maximum Building Height

3.5 Walkup style apartment buildings with ADA friendly access on main level.

2 Story townhomes

1 Bedroom – 2.00 Parking Spaces per Unit (Apartment, 1 assigned covered space per unit)

2 Bedroom – 2.25 Parking Spaces per Unit (Apartment, 1 assigned covered space per unit)

3 Bedroom – 2.25 Parking Spaces per Unit (Townhome w/2 car garage)

10% Deed Restricted Affordable Housing – with an option for an affordable housing buyout by the future owner.

Landscape/Amenities

30% Open Space Required Minimum

Community Clubhouse/Pool

Commercial Quality Playground

Basketball/Sport Court

Gazebo/Sail Shade with BBQ Pits

Dog Park

6' Tan Vinyl Fence - bordering all adjacent properties

Entry Monument Sign on US 40.

Misc.

Master HOA to cover all maintenance of building exteriors, private street and parking lots, landscape/open space and amenities.

Heber City to own and maintain 66' ROW known as Sawmill Blvd.

Developer to provide curb cut access to Paul Sweat Property.

Developer to provide two curb cut accesses to Jay Cummings property for storage unit access, provide a curb cut to field from Mill road if frontage if required, as well as accommodate power relocations necessary, provide light pole at south end of storage units, Cummings irrigation line will not be

disturbed during the irrigation season, and provide a 6’ Tan Vinyl Fence to create a barrier between the new development and the existing storage units and housing.

Exhibit 5




BILLBOARD
SPACE
AVAILABLE
WANTED
TRUCK DRIVERS






Welcome to...









CONSENT AGENDA

TAB 1

Heber City Corporation
75 North Main Street
Heber City, UT
City Council Meeting Minutes
August 4, 2020

5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on August 4, 2020, in the City Council Chambers in Heber City, Utah

I. WORK MEETING-5:00 P.M.

Present: Mayor Kelleen Potter
Council Member Heidi Franco – participating remotely
Council Member Wayne Hardman
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Ryan Stack

Staff present: City Manager Matt Brower – participating remotely
Planning Director Tony Kohler
City Planner Jamie Baron
City Attorney Mark Smedley
City Recorder Trina Cooke
Public Works Director Matthew Kennard
Public Works Sewer/Utility Foreman Rance Echols

Others Present: Bryce Baker, Terry Diehl, Brian Balls, Rex McGuire, Todd Cates, Spencer Coleman, and others, who did not sign in.

Participating Remotely: Kent Buie and John Kollman

Mayor Potter called the meeting to order at 5:00 p.m. and welcomed everyone in attendance.

1. Discussion of Old Mill Village Development Concept Plan (Baron) – 30 min

WM Item 1 Staff Report

WM Item 1 PowerPoint

City Planner Jamie Baron introduced the agenda item and turned the discussion over to Kent Buie. Development representatives Kent Buie and John Kollman provided a PowerPoint presentation in order to describe their concept plan.

DRAFT

Mr. Buie advised that the plan was in line with the City's Master Plan. He referred to a study performed by Lewis Young Robertson & Burningham, Inc., which had found Heber City had currently designated a 200% abundance of commercially zoned land. Mr. Buie proceeded to explain the findings to support the proposed development design with both residential stacked flats and commercial units.

Mr. Buie described the amenities intended for the development including a full-size swimming pool, hot tub, a fully furnished clubhouse, a children's playground and a landscaped streetscape along Saw Mill Boulevard. He provided an example of the standard two-story home height versus the height of a three-story apartment building in order to demonstrate the negligible height difference.

Council Member Franco expressed concern with the impact on the school district of such a high-density development. She recommended the development representatives have a conversation with the school district. Mr. Buie agreed and advised of their predetermined intent to speak to the school district. He referred to school bus stop, which was included in the development's concept plan. Council Member Franco also asked the development representatives to consider including electric vehicle charging stations in the high-density area of the development.

Council Member Stack stated he would feel more comfortable with commercial and office space in lieu of apartments and keep the town-home dwellings. He pointed out the development met some of the secondary uses listed in the General Plan for the area but preferred to see more primary uses implemented in the concept.

Council Member Johnston shared that he had driven past the development area and had reviewed the land use study from Lewis Young and Robertson. He agreed that Heber City had zoned for too much commercial use. He felt the Council needed to look at the information more carefully.

Council Member Kahler stated she would not support the amount of density proposed for the project.

2. Discussion Regarding FOG (Fats Oils Grease) (Kennard) – 30 min

Updated FOG PowerPoint

WM Item 2 Ordinance

WM Item 2 Term Sheet

Public Works Director Matthew Kennard presented the information as included in the attached PowerPoint. He explained the need for an ordinance to regulate the disposal of fats, oils and greases by commercial food businesses. Such food waste through the City's drainage system could detrimentally block the City sewer pipes. The ordinance would implement restrictions requiring food businesses to install proper disposal equipment, keep maintenance records and comply with State code 13.08.363 outlining kitchen best management practices. Mr. Kennard asked Council to consider policy questions such as how much time the City would allow for existing food businesses to install the required equipment and what kind of penalty to assess for noncompliance.

Council Member Kahler shared the story of the Mrs. Calls Chocolate factory owner who had been told he would need to install the expensive grease trap. She said the business owner had been angry enough to take his business to another city.

DRAFT

Public Works Sewer/Utility Foreman Rance Echols shared that Public Works had held multiple conversations with Mrs. Calls due to the amount of fats they disposed of reaching sewer lines due to lack of maintenance for the buildings existing system. Discussion followed regarding the necessity of community education.
City Attorney Mark Smedley presented the proposed penalty assessment.

City Manager Matt Brower advised that Staff had met with the affected restaurant community, which had communicated they felt all restaurants should be allowed an equal playing field. They asked the City to allow two to four years for restaurants that would need to install the proper system. Mr. Brower shared that Wasatch County Health Department Director Randall Probst had agreed to have his department conduct the bi-annual maintenance inspections of the grease traps for the City.

Council Member Stack asked that, when this issue returned to Council for further discussion, Staff provide information regarding what regulations surrounding cities were implementing as well as which city's ordinance Staff had used as a guide. Matthew Kennard advised Staff had used the State's outline for the proposed ordinance.

II. REGULAR MEETING-6:00 P.M.

1. Call to Order

Mayor Potter called the Regular City Council Meeting to order at 6:03 p.m. and welcomed everyone in attendance.

2. Pledge of Allegiance (Council Member Franco)

Council Member Franco led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Default: Council Member Johnston)

Council Member Johnston shared a thought asking the community to be generous.

III. CONFLICT OF INTEREST DISCLOSURE:

There was no conflict of interest to disclose by Council.

IV. CONSENT AGENDA:

1. Approval of July 7, 2020 City Council Meeting Minutes (Cooke)

7.7.2020 DRAFT Meeting Minutes

Motion: Council Member Stack made the motion to approve the July 7, 2020 minutes. Council Member Hardman made the second. Voting Aye: Council Members Franco, Hardman, Johnston, Kahler, and Stack. The motion passed unanimously.

V. PUBLIC COMMENTS:

DRAFT

Tracy Taylor asked for the GoToMeeting Video recordings to be uploaded to the City website for all the past City Council Meetings. Mayor Potter advised all available GoTo recordings had been uploaded to replace the original meeting audio recordings.

Mayor Potter read an email submitted for Public Comment. [attached]

VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower)

City Manager Matt Brower provided an update for the City's ongoing response to the COVID-19 worldwide pandemic. He shared that Mayor Potter had signed the necessary documents in order for the City to receive federal funds through the Coronavirus Aid, Relief and Economic Security (CARES) Act, in order to assist the City with the financial impact of the pandemic. He advised the Wasatch County School District had reached out to the City to request a contribution of personal protection packets for the returning students. Council Members Kahler and Hardman expressed support. Council Member Franco expressed concern with the need of the School District as they were approved for their own financial contribution from the State. She was concerned the City was being asked to contribute to students County-wide and inquired whether other cities within the County were being asked to contribute as well. Mr. Brower reviewed additional contributions had been agreed to from the surrounding cities. Council Member Johnston felt it was a minor piece of the City's allocation which was much larger than the School Districts. Council Member Kahler pointed out the needs of the low-income households with students returning to school. Council Member Franco inquired whether a budget amendment and Public Hearing would be necessary for the School District contribution. Mr. Brower advised Staff was still working out the correct process.

City Attorney Mark Smedley shared the ongoing processes of the justice court during the pandemic.

2. Public Hearing to Consider Approval of Ordinance 2020-31 Amending the Annexation Policy Plan (Kohler)

Item 2 Public Hearing Staff Report

City Planning Director Tony Kohler explained that half of the Wellberg property had been annexed into the City with the Sorenson Annexations. The property owner wished to have the remainder of their property annexed into Heber City as well but the second portion of the property currently laid outside the City's Annexation Policy Plan. In order for the remainder of the property to be annexed into the City, the City needed to amend the Annexation Policy Plan and therefore, was required to hold a public hearing. Mr. Kohler pointed out the property was not going to be annexed at that time, the hearing was only for the amendment to the Annexation Policy Plan.

Mayor Potter opened the Public Hearing for public comment at 6:26 p.m.

Brian Balls noted the shifts in the annexation policy plan's boundary. He asked Council to consider Heber City's eastern boundary and referred to the intersection located at 1200 South and Mill Road indicating the traffic challenges. He felt this was an opportunity for the City to take control of that intersection, consider installing a traffic signal, and to help shape their destiny.

Terry Diehl, representing the Wellberg property, explained he had been approached for consent to include his property with the Sorenson annexations. Mr. Diehl had agreed to consent if the City was willing to consider

DRAFT

annexation of the remaining portion of his property. He shared the development intent to build larger estate lots and possibly be included in the adjoining Red Ledges development. Discussion regarding topography, density, trail systems, accessibility and water rights followed.

Council Member Kahler inquired why the Red Ledges trail extended through the Wellberg property and whether it would be possible to keep it entirely within Red Ledges property.
Red Ledges representative Todd Cates responded that it was a possibility but the trail would be very steep. He noted the route through the Wellberg property was the most beneficial for the community. Council Member Kahler inquired whether Red Ledges had been in communication with Wellberg with regard to including their development in the Red Ledges community. Mr. Cates indicated there had been initial discussions but no decisions. Mr. Cates expressed approval for the current proposal and the proposed low density of the Wellberg development.

Council Member Kahler asked the Council to be mindful of the community and the fact that the area being discussed was currently in a designated preservation zone. Mayor Potter noted the proposed development was the kind of development that subsidized the budget. Council Member Johnston felt it was worth considering.

Resident Tracy Taylor expressed support for Council Member Kahler's comments and asked the Council to consider the precedent Heber City would set for their relationship with Wasatch County and their residents concerned about increasing densities. She asked the Council to discuss it more, and consider it further, before making a decision.

The Public Hearing was closed at 6:50 p.m.

3. Presentation of the Mayor's Award to Jacob Anderson and Blake Walton (Mayor Potter)

The Mayor's Award was postponed as the recipients were not present.

4. Consider Approval of Resolution 2020-08 for the Sixth Amendment to the Red Ledges MOU Establishing New Date for Completion of Section C of the Eastern Bypass and Red Ledges Park (Smedley)

Item 4. Staff Report

Item 4. Red Ledges MOU Staff Report

City Attorney Mark Smedley reviewed the sixth amendment to the existing Red Ledges MOU (Memorandum of Understanding) including the following points most recently negotiated:

- Timing of the road construction of Section C (Red ledges' Section) with the construction of Sections A and B
- Access to the Park and Trail System
- Time table for improvement of Park access
- Amenities in the Park
- Fitness Court addition to Park
- Temporary Improvements to protect the road and downstream property from natural runoff or Wasatch Canal flooding

DRAFT

Motion: Council Member Stack moved to approve Resolution 2020-08 for the sixth amendment of the Red Ledges MOU, establishing a new date for completion of section C of the Eastern Bypass and Red Ledges Park. Council Member Kahler made the second. Rollcall Vote: Voting Aye: Council Members Johnston, Hardman, Kahler, Stack and Franco. The motion passed unanimously.

5. Consider Meeting with Wasatch County Housing Authority to Explore County-Wide Affordable Housing Strategies and Consider Changes to Heber City's Affordable Housing Policy, Including Adoption of Ordinance 2020-30 Amending Chapter 18.102 of the Heber City Code Entitled Affordable Housing (Kohler) - Continued

City Manager Matt Brower noted the agenda item's language had been updated to include the consideration to meet with the Wasatch County Housing Authority [also referred to as the Affordable Housing Board]. He hoped the Council would agree to meet with the Housing Authority in order to hold a broader discussion regarding the boards role, what they were currently doing, gaining a bigger vision, and having a bigger impact in building affordable housing to meet the affordable housing crisis they currently were facing. Council Member Johnston shared that initial discussions with the Housing Board Chair Jeff Bradshaw had resulted in agreement there needed to be a County-wide effort with funded professional help. Council Member Kahler expressed concern with discussions of affordable housing continually resulting in apartments and felt Council needed to pursue additional options.

Tracy Taylor, resident, shared the County fee in lieu was excruciatingly low. She noted other communities kept their affordable housing properties in the City queue rather than allow beneficiaries to sell for personal gain. Discussion continued.

Terry Diehl asked whether student housing for Utah Valley University should be included in the affordable housing. Council Member Johnston shared that the next affordable housing board meeting would meet at 6:00 p.m. on August 17th in the County Building Conference Room. Mayor Potter asked if the Council wished to reach out to the board in order to invite them to have a conversation. Council consensus was, for those who could, attend the Wasatch County Housing Authority Meeting and to reach out to the County Council for a conversation.

6. Request for Final Master Plat Approval for Turner Mill Phase 1, Located at 1500 S Hwy 40 and Discussion Regarding 1500 South Design Concept (Baron, Mumford)

Item 6 Staff Report - Turner Mill Master Plat

Item 6 PowerPoint

Item 6 PowerPoint US40 Connector Road

City Planner Jamie Baron shared the project details and presented the PowerPoint presentation as attached to the meeting materials.

Development representative Bryce Baker clarified the trail and right of way locations. He stated they were asking for credit for the 5 additional feet of the ten-foot wide trail (versus a five-foot wide sidewalk) to be credited towards the development's open space fulfillment requirement. It was the equivalent of approximately ¼ acre. Council Member Stack asked whether Mr. Baker would be willing to include a map reflecting intended uses with the development agreement as well as a timeline. Mr. Baker agreed to commit to the intended uses but stated he had no control over the time-line. Discussion continued.

DRAFT

Council Member Franco asked about including the trail easement through lot one. Mr. Baker indicated the development plan fully intended to include the trail easement. Council Member Franco asked which side of the collector road the trail would be located. The North side.

City Engineer Bart Mumford explained the City was working with UDOT (Utah Department of Transportation) to install a road at 1500 South between Daniel Road and Highway 40 and to include a roundabout on the Daniel Road side. Discussion regarding which side of the road the trail should be located followed.

Council Member Kahler inquired whether the bypass could potentially interfere with the proposed plan. Mr. Mumford stated the intended bypass route would be located further north. Mr. Brower indicated that nothing was certain until the Environmental Impact Study for the bypass route was complete.

Motion: Council Member Johnston move to approve the Turner Mill Master Plat and associated agreement with the findings and conditions as presented in the conclusion of the staff report with the requested credit for the 5 feet along the trail of 1500 south. Council Member Hardman made the second.

Motion: Council Member Stack made the motion to amend the original motion to include the corrected chart reflecting the proper lot uses for the development in the agreement. Council Member Hardman made the second. Vote to amend the original motion: Voting Aye: Council Members Franco, Hardman, Johnston and Stack. Voting Nay: Council Member Kahler. The motion passed 4-1.

Vote for the original motion: Voting Aye: Council Members Franco, Hardman, Johnston and Stack. Voting Nay: Council Member Kahler. The motion passed 4-1.

7. Consideration to Replace and Repeal Pending Ordinance 2020-28 and Adopt Ordinance 2020-24 to Regulate Digital Signs and Amend the Heber City Sign Ordinance (Baron)

Item 7 Staff Report

Mayor Potter read a Public Comment received by email. [attached]

City Planner Jamie Baron presented the information as included in the Staff Report. He explained that every year the City received more requests for digital signs. He noted, due to Council's direction to maintain dark-sky compliance, Staff felt it was important to establish dark-sky sign lighting standards. Mr. Baron indicated the first proposed amendment pertained to roof signs and the second proposed amendment pertained to sign lighting. The Board of Adjustment had recommended allowing roof signs in MURCZ (Mixed Use Residential-Commercial Zone) zones with the approval of Staff. Mr. Baron described the effect of luminance (measured by candelas) and digital signs on dark skies and suggested a curfew on sign lights. Council Member Stack felt the amendment regarding digital signs should apply to the existing signs and the City should prohibit future digital signs. He proposed implementing dark-sky requirements for existing signs and establishing a guide for well-done sign design. Council Member Johnston agreed. Council Member Hardman felt digital signs were distracting. Discussion regarding a lighted sign curfew and digital signs followed.

Spencer Coleman, Signarama business owner, provided information regarding signs his company had designed and installed along Heber City's Main Street. He stated he was trying to step away from flashier signs and establish a reputation for more unique and classy signs. He disagreed with the proposed lighted sign curfew.

DRAFT

Council Member Kahler stated she wished to continue this item for further discussion and proposed the Council work with Mr. Coleman to gather examples of signs the City wished to permit. Mr. Smedley proposed looking for examples of good signs in Springdale, Hurricane and Moab, Utah. Council Member Franco supported the suggestion to ban future electronic message boards in the city and dimming lighted signs at night.

Mr. Baron noted the pending ordinance allowed six months for a permanent ordinance to be enacted and there were four months remaining. Council Member Kahler recommended reaching out to the existing businesses with the proposed ordinance in order to obtain community feedback.

8. Discussion of Request from Wasatch County for Proposed Changes to Chapter 18.26 Institutional and Public Facilities (IPF) Zone and Amendment of the Zone Map from Approximately 50 Acres of C-4 Commercial, 71 Acres of I-1 Industrial, 2.4 Acres of R-2 Residential, and 45 Acres of R-1 Residential to the Institutional and Public Facilities (IPF) Zone, Located Between Southfield Road to 600 W and 300 W, and 100 South to 650 South. (Kohler)

Item 8 Staff Report Public Facilities Zone

City Planning Director Tony Kohler explained the proposed zone change applied a tourism and recreation area as identified in the Envision Heber 2050 Master Plan. He stated the County had proposed the zone change to the City over a year ago. He shared an image of the proposed development plan for a new Cowboy Village at the Fair Grounds. Mr. Kohler indicated he was not recommending Council take action that night but wished to introduce the information for a decision to be made in the future. He provided a list of permitted uses for the proposed zone. His recommendation was for Council to move forward with the proposal and approve an additional $15,000 in the budget in order to include the Tourism and Recreation Overlay District in the contract with the consultants at People Plus Place for the downtown planning effort.

Council Member Franco proposed the ordinance require the County to install a berm in order to protect the view of the neighbors from the trailers. Mr. Baron shared that a public hearing had been held and the neighbors had not expressed concern with the view.

City Planner Jamie Baron explained there were two actions before the Council. The first was to adopt the Public Facilities Zone and second was to apply the zone to the land. He stated the zone could be applied to different areas throughout the City where appropriate. Discussion continued.

Council Member Franco asked to have a provision added to include privacy screening with a berm and evergreens on residential facing streets. Mr. Baron noted the proposed language should be included in an agreement with Wasatch County rather than in the zone ordinance.

9. Consider Ordinance 2020-35 to Formally Deny the North Village Crossings Annexation as per Council Consensus during the July 7, 2020 City Council Meeting (Kohler)

Item 9 Staff Report

Mr. Kohler explained the North Village Crossings Annexation petition had gone through the process and Council had indicated they were not interested in approving the annexation. Council Member Johnston felt the Council should continue its consideration of the petition. Mayor Potter indicated the message from Council was intended to convey disinterest in the proposed development plan rather than disinterest in the annexation. Consensus of Council was to continue consideration of the annexation petition.

DRAFT

VII. COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL AND STAFF: Staff Follow-Up Reports from City Council Requests

1. Staff Follow-Up Reports from City Council Requests

Council Member Kahler shared she was participating with the Chamber of Commerce in the Destination Development discussions. The Chamber had a vendor they were consulting with for the process and she expected there would be many meetings forthcoming.

Council Member Franco reminded Council of the email she had distributed to them regarding an Air Quality Initiative, Sensitive Lands Initiative and new trail standards for the North Village Overlay Zone proposing increased Standards in the City Code. She felt the tremendous growth anticipated for the City, and within the Valley, would negatively impact the City's air-quality and she was proposing regulations be put in place now. She stated the email included proposed language for Council's consideration. Discussion followed.

Council Member Kahler inquired what the next steps for the North Village Overlay zone would be. Mr. Kohler informed next was a Public Hearing with the Planning Commission on August 25th, 2020 and once the Planning Commission forwarded a recommendation, it would return to Council for adoption.

Council Member Johnston proposed, rather than establishing a TDR (Transfer of Development Rights), that the City offer incentives to collect open space acquisition fees from developers. Discussion regarding the protection of the North Fields, the protection of open space and how to incentivize developers to contribute followed.

Council Member Johnston asked Council to discuss the storm-drainage plan for the North Village in order to provide direction for Staff. He advocated centralizing the North Village storm run-off in a city-managed system located in the north fields. City Engineer Bart Mumford asked Council how much grading they were comfortable with in order for Staff to move forward. Council Member Johnston indicated he envisioned it similar to the Provo River restoration, very natural, wild and unmanaged. The consensus of the Council agreed with Council Member Johnston.

VIII. ADJOURNMENT

Motion: Council Member Kahler moved to adjourn. Council Member Stack made the second. The meeting adjourned at 9:23 p.m.

_____

Trina Cooke, City Recorder

DRAFT

Following are public comments submitted by email for the August 4th, 2020 City Council Meeting for the associated agenda items as listed:

V. PUBLIC COMMENTS:

From: Deanna Mahoney
Sent: Monday, August 3, 2020 9:09 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Main Street Banners

August 3, 2020

To City Council Members,

Concerning the recent discussion of what should be posted on our Heber City Main Street. Please consider the following:

Flags or banners have long been flown over communities and nations as a representation of the ideals, values, and/or beliefs of the people who reside there.

We live in a community that has become increasingly more diverse as it has grown, in ethnic backgrounds, cultures, traditions, religious and personal beliefs and lifestyles.

With these thoughts in mind, and with a desire to show respect for the diversity that exists, we ask that our public officials ensure that our displays on Main Street in Heber City represent our entire community interests and values and not allow Main Street to become an arena for personal belief, lifestyle, or political agendas.

We would hope that all concerned will see the benefits of emphasizing our commonalities rather than our differences.

Hopefully, individually, we are seeking to do what we can to create a place for all who move into our valley to feel welcome and a part of "our" community.

Respectfully,

Bryan and Deanna Mahoney

VI. ACTION ITEMS:

7. Consideration to Replace and Repeal Pending Ordinance 2020-28 and Adopt Ordinance 2020-24 to Regulate Digital Signs and Amend the Heber City Sign Ordinance (Baron)

DRAFT

From: James Carpentier
Sent: Tuesday, August 4, 2020 7:18 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Comments proposed sign illumination standards Ord 2020-24

Hello,

I would like to have the attached documents to be a part of the public record in regards to the proposed Ord 2020-24

Thanks

James B Carpentier AICP

Director State & Local Government Affairs

1001 N. Fairfax Street, Suite 301
Alexandria, VA 22314
(480) 773-3756 Cell

www.signs.org | www.signexpo.org
james.carpentier@signs.org

August 4, 2020 Sent via email August 4, 2020
To: Honorable Mayor Potter and the Heber City Councilmembers
From: James Carpentier AICP, Director State & Local Government Affairs
Re: Proposed Ord 2020-24 (sign illumination)

I am contacting you on behalf of the Utah Sign Association and the International Sign Association. Both associations work with jurisdictions to assist in the creation of beneficial and enforceable sign regulations.

First I would like to say that we are very supportive of the portion of the proposed code that streamlines the approval process.

We are not supportive of the proposed the illumination standards. Therefore, we recommend that the Council not approve of any of the proposed illumination standards for the following stated concerns.

18.103.100 Sign Illumination

A. 3. - This requirement will render most signs in the city non-conforming, since most signs exceed 3,000K. This type of requirement is typical for an outdoor lighting code. Signs should not be treated or regulated in the same manner as outdoor lighting. The illumination of a sign is designed to illuminate the message not an area. See the attached position statement pages 10 and 11.

A. 4. – This section requires that signs be included in the allowed lumens per site. Signs should not be treated or regulated in the same manner as outdoor lighting. The illumination of a sign is designed to illuminate the message not an area. See the attached position statement pages 10 and 11.

B. 2. – The section requires that illuminated signs be dimmed to 20 nits at nighttime. This requirement will render most signs in the city non-conforming. In addition, this requirement is not reasonable since signs at this illumination level may not be safely seen by the intended viewer. This proposal is based on IES ANSI RP-39 19 which states the following: “These recommendations provide guidelines only for the lighting of signs that are located off the right of way of roadways-in other words, all signs not regulated by a federal, state, provincial, or local jurisdiction-and includes on and off-premise, internally and externally illuminated electronic sign.”

DRAFT

Therefore, the recommendations based on RP-39-19 are not designed for or are applicable for the signs that are regulated the sign code.

In addition, many signs that cannot be dimmed would need to be retrofitted with LED illumination. This will place an economic burden on the business community.

C. 1. - This requirement is not reasonable since signs at this illumination level may not be safely seen by the intended viewer. This proposal is based on IES ANSI RP-39 19 which states the following: "These recommendations provide guidelines only for the lighting of signs that are located off the right of way of roadways-in other words, all signs not regulated by a federal, state, provincial, or local jurisdiction-and includes on and off-premise, internally and externally illuminated electronic sign." The proposed sign regulations for Fountain Hills cover signs that are regulated by the local jurisdiction and are located adjacent to the right of way. Therefore, the recommendations based on RP-39-19 are not designed for or are applicable for the sign that are in the cities sign code.

C. 2. - This language is not precise since it states, "shall avoid white and or bright colored backgrounds. Therefore this section will be a challenge to administer, since shall avoid is not clear as to how this will be interpreted. In addition, this will be a challenge to enforce. Therefore we recommend this section be illuminated.

D. - We believe that to require all illuminated signs to be turned off from 11 pm or 30 minutes after a business closes is not good for the community or the businesses that this impacts. Signs provide way finding for deliveries that take place after hours and also for public safety responders. The proposed illumination curfew for signs restrictions may seriously impact a Heber Cities economic health and vitality.

E. - Certification by an independent contractor as a method to enforce this section would need to be done by an electrical engineer. This would add substantial additional costs to the business community and is therefore not reasonable.

Addition comments that are not a part of the proposed code changes

18.103.100 Signs that require a permit

C. This section permits electronic message centers but then states they are discouraged. This language is arbitrary and therefore cannot be easily administered since interpretation may vary. How does the city permit a sign that is discouraged? We recommend that but discouraged be eliminated.

We appreciate your consideration of our recommendations. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org.

Sincerely,

James Carpentier AICP

Director State & Local Government Affairs

DRAFT

TAB 2

City Council Staff Report

MEETING DATE:	09/01/2020
SUBJECT:	Liquidation of Fleet Equipment
RESPONSIBLE:	Matthew Kennard Public Works Director
DEPARTMENT:	Heber City Fleet
STRATEGIC RELEVANCE:	Infrastructure Sustainability

SUMMARY

Under the Heber City Fleet Policy, all vehicles listed have met the requirements for replacement.

RECOMMENDATION

Auction all vehicles listed, and return the monies back to the applicable funds.

BACKGROUND

Public Works
97-07 1997 International Plow
This plow has several hydraulic leaks that the repairs would equal over half the value of the vehicle. Replacement parts are becoming substantially more difficult to find. It has been necessary to order parts from Canada and from aftermarket sales. Last winter, a set of brake drums took over 1 ½ months for delivery.

Parks and Cemetery
97-08 1997 Ford Ranger
This maintainer is inoperable at the moment, with what is believed to be a bad torque converter. These repairs would cost more than half of the value of the vehicle, and possibly even exceed its total value.

Police Department
14-03 2014 Ford Interceptor
14-04 2014 Ford Interceptor
14-06 2014 Ford Interceptor
Police vehicles run nearly the entire time the officers are on duty. This is necessary due to the draw from the electrical equipment in the vehicle. Some of the equipment include a laptop,

camera system, gunlock, flashlight, and the tracking system. These need to be kept at a consistent temperature and continuously draw power. Even if the vehicle has 50,000 road miles, the motors have hundreds of idle hours. The equation for miles to hours is 60 to 1. Every 1 hour of idle time, is equivalent to approximately 60 additional miles, which puts the engine over the 100,000 mile point. Due to the increasing number of repairs required, fleets usually cycle vehicles out before the 100,000 mile point. Because of this, the value drops significantly and liability goes up. Increasing downtime for repairs creates a big issue, in that Police vehicles are needed to be available at all times for emergency response.

DISCUSSION

Most of these vehicles fall under emergency response vehicles. As such, they need to be as reliable as possible. One way that we do this, while keeping mechanic costs down, is by rotating them out before their reliability is diminished by their age and high use factors.

The snow plow also falls into the emergency response category. The 1997 International is not a reliable piece of equipment, due to age and inaccessible parts.

The Ford Ranger is not functional and it is not considered to be a good investment to be repaired. This is based upon the fleet rule of never allow the cost of repairs to exceed the value of an asset, unless the equipment is unique in nature.

FISCAL IMPACT

All of these vehicles listed have been budgeted and approved for replacement, with the exception of the 1997 Ford Ranger. It is desired to liquidate this vehicle due to the aforementioned reasons.

CONCLUSION

These vehicles should be sent to public auction, and those monies returned to their applicable accounts.

ALTERNATIVES

Revisit the vehicles and repurpose them as needed.

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** liquidation of the vehicles as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 – Continuance

I move to **continue** liquidation of the vehicles presented to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

_____
_____
_____
_____
_____
_____

Alternative 3 – DENIAL

I move to **deny** liquidation of the vehicles presented with the following findings.

_____
_____
_____
_____
_____
_____

ACCOUNTABILITY

Department: Heber City Fleet
Staff Member: Derrick Anderson

EXHIBITS

No exhibits to display.

REGULAR MEETING

TAB 2

City Council Staff Report

MEETING DATE:	09/01/2020
SUBJECT:	1st Budget Amendment for FY 2020-2021. Budget Resolution 2020-11
RESPONSIBLE:	Wesley Bingham
DEPARTMENT:	Administration
STRATEGIC RELEVANCE:	Necessary Administrative Action

HEBER CITY
HEART OF THE WASATCH BACK

SUMMARY

Staff has determined that an amendment to Fiscal Year 2020-2021 budget is required to address unanticipated expenditures.

RECOMMENDATION

Hold a Public Hearing on September 1st, 2020 to consider an amendment to the FY 2020-2021 budget and adopt resolution 2020-11 amending the FY 2020-2021 budget.

BACKGROUND

Staff has determined that there are items that need to be addressed in a budget amendment. The proposed amendment will affect the following funds: 10-General Fund; 22-Covid 19 Special Revenue Fund; 42- Capital Projects Fund; 44-Capital Improvements –Industrial Park Fund; 46- Capital Improvement Fund Street Impact. The purpose of this amendment is to ensure expenditures do not exceed budgeted resources.

10-General Fund

Part Time Attorney's Office

Staff is requesting a part-time position be approved for Mark Smedley's Office. The position will be up to twenty-nine hours a week. The part-time employee will help prepare for court each week. The total wages for this position will be $27,500 for the fiscal year. In addition to the wages, there will be $7,000 in benefit costs associated with payroll taxes, retirement, etc…

Planning Commission

Staff recognized later in the budgeting process that we had not included the planning commission salaries and benefits. Where staff had the budget completed for the current year budget process, we determined it would be easier to address the current fiscal year amounts with a budget amendment as well. The planning commissioners attend two meetings a month at $100 a meeting. The total cost per commissioner in the budget would be $2,400 a year for a

total of $16,800 for seven commissioners. The benefit cost for payroll taxes is an additional $1,300.

Staff is recommending we amend the budget to address a potential contract for Jon Janson to create a Tourism & Downtown Plan. The Downtown plan involves design related issues involving mixed use, historic design features, materials, signs, storefronts, entrance doors, outdoor dining etc… This budget for $15,000 was proposed based on the reworking of a city center ordinance, which John Janson created and saw through to adoption in Millcreek. There will be three Sub-Districts within the "Downtown Overlay Zone."

In addition to this staff is also recommending that the 100 south corridor have a sub district overlay zoning concept developed. The Concepts to retain the historical buildings for a mix of live/work, bed/breakfast, residential/small shops/offices would be encouraged. Strong street standards, including limited but distinctive signage, need to complement and help define the area. The additional work with the design of this sub-district within the Overlay Zone would result in an additional $15,000 in proposed budget for a total contract of $30,000.

22-Covid 19 Fund

The City has received $494,431 in Cares Act funding for Covid-19 costs related to pandemic relief. The Federal dollars are being granted on a limited basis to the City. The City must have a strict accounting for covid related expenditures and demonstrate the specific expenditures meet a strict set of requirements. The City will return any unspent Federal dollars in December. Staff determined that it would be beneficial to account for these expenditures in a separate fund. Many of these costs will relate to reimbursement of the various operating funds within the City for COVID Sick Leave and Covid related materials.

Covid Related Expenditures

Staff is considering additional monies that could be spent to address improvements to our facilities such as touchless bathroom fixtures. We will determine if there are additional items that might qualify such as motion detection entry and other qualifying improvements. We are seeking $55,000 initially.

It is recommended that we adopt an initial budget of $36,000 for Salaries reimbursements and $4,823 for benefit reimbursements through the end of the year. The City has expended $12,000 total in Covid related Sick Leave to date. Staff is also recommending an additional $85,000 in medical and protective supplies. The school district has asked that we fund $48,000 in medical related supplies to protect staff and students and help prevent the spread of Covid.

In addition to this staff is considering technology changes in our council chambers and laptops/computer equipment. Staff has reached out to the state to seek their input on qualifying expenditures. We have included this correspondence in Exhibit 3. We are proposing a budget of $170,000.

Staff is considering additional cleaning procedures across the city to prevent the spread. This would involve deep cleaning of city facilities. Initially we are asking for a budget of $20,000.

Economic Development

Council directed staff to use 25% of the 1st allotment through the Cares act toward economic development. Staff is asking for $123,608 in budget for this first allotment. We are also anticipating that the next round of funding will be $494,431. Based on council's direction we are recommending this be budgeted for economic development as well. This would mean that a total budget of $618,039.

41-Airport Capital Projects

It was anticipated in the development of the 2020-2021 budget that the Airport Runway Seal Coat project along with the Runway Rehabilitation project would be complete before June 30th, 2020. With this understanding, we adopted a budget that included only a budget for the airport master plan. We also believed that the airport master plan would be further along. With changes in the timing on these projects, we are requesting an amendment to the Airport Capital Projects budget. Staff is requesting that the FY 2020-2021 budget be increased by $203,000. This includes increases to the Airport Master Plan project by $55,000, Taxiway Seal Coat and Marking Project by $77,000 and Runway Rehabilitation project by $71,000.

We are anticipating $114,194 in Federal Funding and $75,200 in State Funding. Cost to the city is anticipated at $13,606.

42-Capital Projects Fund

600 South 300 West Roundabout

With the adoption of the fiscal year 2020-2021 budget council approved $550,000 in fund 42 to address the 600 South and 300 West Roundabout budget. The engineering department has obtained actual costs and fully developed the scope of the project. It has been determined and presented to council a total project cost of $660,000. Staff is asking that council formally amend the budget and increase the budget by $110,000.

46-Steet Impact Fund

Intermountain Healthcare Heber Hospital Reimbursements

The engineering department has agreed to provide reimbursements on the IHC Hospital Project totaling an additional $327,000. We previously had reimbursed them $175,175 for work done in FY 2018-2019. There is general consensus with IHC that there is an additional $327,000 in reimbursements that should occur. While IHC believes there was an additional $20,000-$30,000 in reimbursements beyond this they have been slow to communicate with the City. It has been determined that it would be appropriate to release the $327,000 to IHC. Should they

seek further reimbursement engineering deems appropriate we will approach council at that time. However, staff believes this is the extent of reimbursement to occur.

600 South 300 West Project

This Project did not progress as quickly in last fiscal year as planned. This affected the timing of when the funds will be spent for this project in the current fiscal year. The overall budget for the project remains the same. However, $180,000 in additional budget for the current fiscal year is needed in Fund 46.

48-Transportation Tax Fund

600 South 300 West Project

As mentioned previously this project did not progress on the initially planned timeline. Staff is requesting $36,000 in budget for the current fiscal year. This is an additional funding from an operating instead of impact fund source.

DISCUSSION

Utah Code Section 10-6-128 requires that municipalities hold a public hearing if the city intends to amend the budget by resolution or ordinance.

FISCAL IMPACT

The fiscal impact is specified in resolution 2020-11.

CONCLUSION

Hold the Public Hearing regarding the proposed amendment to the budget and adopt resolution 2020-11.

ALTERNATIVES

No alternatives considered at this time.

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** resolution 2020-11 as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 – Continuance

I move to **continue** 2020-11 to a special meeting on September 15th, 2020 with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

_____
_____
_____
_____
_____
_____

Alternative 3 – DENIAL

I move to **deny** 2020-11 with the following findings.

_____
_____
_____
_____
_____
_____

ACCOUNTABILITY

Department: Administration
Staff Member: Wesley Bingham, Finance Manager

EXHIBITS

1. Exhibit 1: Resolution 2020-11.
2. Exhibit 2: Proposal Main and Tourist District
3. Exhibit 3: Email from Governor's Office.

HEBER CITY, UTAH
RESOLUTION NO. 2020-11

A RESOLUTION AMENDING THE HEBER CITY OPERATING BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2021 (FY 2020-2021), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Utah Uniform Fiscal Procedures Act provides for the governing body an opportunity, at any time during the budget period, to review the individual budgets of the funds, for the purpose of determining if the total of any of them should be increased (UCA ' 10-6-127); and

WHEREAS, Heber's City's financial officer has determined that a budget amendment impacting the City's General Fund (Fund 10), Covid 19 Fund (Fund 22), Airport Capital Projects (Fund 41), Capital Projects Fund (Fund 42) and Street Impact Fund (Fund 46) require amending due to unforeseen circumstances; and

WHEREAS, the City properly advertised, as prescribed by state law (UCA ' 10-6-113), and held a Public Hearing on Tuesday, September 1st, 2020, to garner input from the general public on the proposed FY 2020-2021 budget amendment; and

NOW, THEREFORE, BE IT ORDAINED by the Heber City Council, of Heber City, Utah, as follows:

The Heber City Operating Budget for fiscal year ending June 30, 2021, is hereby amended as set forth in the attached "Exhibit A," which is hereby incorporated into and made a part of this Resolution by reference.

ADOPTED AND PASSED by the City Council of Heber City, Utah this _____ day of _____, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	_____	_____
Council Member Wayne Hardman	_____	_____
Council Member Mike Johnston	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan Stack	_____	_____

APPROVED:

_____
Mayor Kelleen L. Potter

ATTEST:

_____ Date: _____

RECORDER

EXHIBIT A

General Fund (Fund 10)

Source:

Account Number	Account Name	Amount
103870	General Fund- Fund Surplus	($34,500)

Use:

Account Number	Account Name	Amount
104511	General Fund – Salaries – City Attorney	$27,500
104513	General Fund – Benefits – City Attorney	$7,000
Total		$34,500

To add the part time position in the City Attorney's office.

Source:

Account Number	Account Name	Amount
103870	General Fund- Fund Surplus	($48,100)

Use:

Account Number	Account Name	Amount
105311	General Fund – Salaries – Planning	$16,800
105313	General Fund – Benefits – Planning	$1,300
105331	General Fund – Professional Services – Planning	$30,000
Total		$48,100

To add the planning commission salary and payroll costs as well as professional services for the overlay zones.

Covid 19 Fund (Fund 22)

Source:

Account Number	Account Name	Amount
223870	Covid 19 Fund- Federal Grant	($988,862)

Use:

Account Number	Account Name	Amount
224011	Covid 19 Fund – Wages	$36,000
224013	Covid 19 Fund – Benefits	$4,823
224031	Covid 19 Fund – Professional Services	$20,000
224048	Covid 19 Fund – Special Supplies	$85,000
224052	Covid 19 Fund – Economic Development	$618,039
224072	Covid 19 Fund – Building & Improvements	$55,000
224075	Covid 19 Fund – Capital Equipment	$170,000
Total		$988,862

To amend budget to address Covid funding and budget.

Airport Capital Improvement Fund (Fund 41)

Source:

Account Number	Account Name	Amount
413330	Federal Grant	($114,194)
413340	State Grant	($75,200)
413850	Contributions - Surplus	($13,606)
Total		$203,000

Use:

Account Number	Account Name	Amount
414031	Professional Services	$55,000
414072	Buildings & Improvements	$148,000
Total		$203,000

Amend Budget to Timing associated with Airport Capital Projects.

Capital Projects Fund (Fund 42)

Source:

Account Number	Account Name	Amount
423870	Contributions From Suplus	($110,000)

Use:

Account Number	Account Name	Amount
424073	Improvements Other than Building	$110,000

Amend Budget to address 600 south Roundabout.

Street Impact Fund (Fund 46)

Source:

Account Number	Account Name	Amount
463870	Contributions From Surplus	($327,000)

Use:

Account Number	Account Name	Amount
464073	Improvements Other than Building	$327,000

Intermountain Healthcare Heber Hospital Reimbursements.

Source:

Account Number	Account Name	Amount
463870	Contributions From Surplus	($180,000)

Use:

Account Number	Account Name	Amount
464073	Improvements Other than Building	$180,000

Amend Budget to address 600 south Roundabout.

Capital Improvement Fund – Transportation Tax (Fund 48)

Source:

Account Number	Account Name	Amount
483870	Contributions From Surplus	($36,000)

Use:

Account Number	Account Name	Amount
484073	Improvements Other than Building	$36,000

Amend Budget to address 600 south Roundabout.

Proposal - Main Street (Downtown Overlay Zone, (DOZ)) coupled with the 100 South Corridor and the Tourist Recreation area

Since we are under contract for Main Street, this is just an addendum to our existing contract.

Main Street - Design issues include mixed use, historic design features and materials, signs, storefronts, entrance doors, outdoor dining, etc. A Downtown Overlay Zone (DOZ) is proposed with 3 sub-districts near Main. This budget was $15,000 and was proposed based on the reworking of a city center ordinance, which John Janson created and saw through to adoption in Millcreek. In other words, not starting from scratch.

In addition, the Tourist/Recreation area and the corridor along 100 South that connects to Main Street needs a new zoning concept to implement the ideas within the General Plan. Existing zoning does not achieve a desired outcome for the area. It is proposed that these two additional areas become new sub-districts within the DOZ. These sub-districts would focus on architectural themes and more limited uses than the current Industrial (I) and Commercial C-4 zones allow. The format would be similar to the draft DOZ, but would need a sketch of the proposed architectural style for the area, ***that is not included in this proposal.***

Also the connecting corridor on 100 South is a different concept than the centers. The City has developed a Residential/Commercial Overlay Zone, which would form the basis for the connecting corridor. Concepts to retain the historical buildings for a mix of live/work, bed/breakfast, residential/small shops/offices would be encouraged. Strong street standards, including limited but distinctive signage, need to complement and help define the area

Virtual Open houses for potential ordinance concepts by sub-district. City mail out/email responsibility

Optional - separate meetings with CAMS, business/property owners (possibly virtual)

Draft ordinance (partially drafted already) – use GP steering committee and CAMS for input

Open house (possibly virtual) for draft ordinance

PC/CC workshop

PC hearing

CC hearing

As an overlay, no actual rezone of properties would be needed. Proposed trigger for the overlay would be new development. We recommend that the overlay be established and then given some time for use and refinement, it could go through a rezone process to establish it as the actual zoning for the Main Street and Tourist/Recreation areas.

Timing – 6 months – suggest this includes some specific sign concepts and occurs as the NVOZ is in the adoption process.

Cost - $30,000 ($15,000 additional over the Main Street budget)

Wes Bingham

From: Duncan Evans <devans@utah.gov>
Sent: Wednesday, August 19, 2020 5:08 PM
To: Wes Bingham
Subject: (EXTERNAL) Re: (EXTERNAL) Housing Assistance

I think laptops and solutions like logmein or VPNs are an eligible cost. At the state level we surveyed agencies to consider covering those costs. We ended up covering laptops for the state courts, but not the cabinet agencies. That was due to a prioritization decision and not an eligibility decision.

Duncan Evans
Budget Manager
Governor's Office of Management and Budget
devans@utah.gov
Office: 801-538-1592
Mobile: 385-224-6703

On Wed, Aug 19, 2020 at 4:55 PM Wes Bingham <wbingham@heberut.gov> wrote:

> Duncan,
>
> We are looking to update our council chambers as well as switch over to laptops instead of desktops for our support staff. This would enable them to take there computer with them should there office be shut down. What kind of technology updates to computers, facilities be covered under the Cares act? Would it be unreasonable to provide 40 laptops to support staff? I have looked through the Q&A and it provides for technology. We have considered purchasing software like logmein. However there are staff that don't want to use their personal equipment. Your thoughts?
>
> Respectfully,
>
> Wesley Bingham
>
> Finance Manager
>
> 435-657-7956

HEBER CITY
HEART OF THE WASATCH BACK

From: Duncan Evans <devans@utah.gov>
Sent: Thursday, August 13, 2020 1:05 PM
To: Wes Bingham <wbingham@Heberut.gov>
Subject: (EXTERNAL) Housing Assistance

Wes,

Here is the link for information about the state's rental assistance program.

https://jobs.utah.gov/covid19/rentalassist.pdf

https://jobs.utah.gov/covid19/rentalguidance.pdf

If you have citizens that might not qualify for this program for some reason, your own program might be an eligible cost if you determine it complies with the Guidance and FAQs from the US Treasury Department. Questions 20 and 23 are the most closely related.

Thanks,

Duncan Evans
Budget Manager
Governor's Office of Management and Budget
devans@utah.gov
Office: 801-538-1592

Mobile: 385-224-6703

TAB 4

City Council Staff Report

MEETING DATE:	September 1, 2020
SUBJECT:	Ord 2019-26 Short-term Rentals
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Community and Economic Development

HEBER CITY
HEART OF THE WASATCH BACK

SUMMARY

The Council asked for amendments to the parking, occupancy and licensing provisions of the proposed short term rental code. Staff has made the requested changes.

The policy questions include the following:

- Do the occupancy and parking limits of the proposed ordinance ensure compatibility with the surrounding neighborhood?
- Does the Suspension and Revocation process provide a fair process for the City, residents, and owners/operators of the Short Term Rentals?

RECOMMENDATION

Staff recommends the Council review Ord. 2019-26 and adopt the ordinance as outlined.

BACKGROUND

On August 18, 2020 the council asked for the following amendments to the Short Term Rental Code:

- Limited to Single Family Dwellings
- Include a Parking Plan, and Quiet hours inside the dwelling
- RV's, trailers, and tents prohibited
- Property Manager contact info and business license number to be listed outside of the dwelling
- HOA Consent
- No property rights conferred language
- Clarification on code violations for denial, suspension, or revocation of license
- 12 lodgers for vacation rentals
- 4 cars max on vacation and home rentals

DISCUSSION

FISCAL IMPACT

N/A

CONCLUSION

Staff has made the changes requested by the Council. Staff recommends the Council approve ordinance 2019-26.

ALTERNATIVES

Continue
Deny

POTENTIAL MOTIONS

Staff Recommended - Approval
I move to **approve** Ord. 2019-26 as outlined in the staff report.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Redlined Ord. 2019-26
2. Clean Copy Ord. 2019-26
3. August 18, 2020 Staff Report

Exhibit 1

ORDINANCE NO. 2019-26

AN ORDINANCE ADOPTING CHAPTER 5.26 SHORT TERM RENTALS

WHEREAS, Short Term Rentals have hitherto been unregulated by Heber City.

WHEREAS, the Heber City Council finds it in the public interest to adopt an ordinance requiring a business license to own and/or operate a Short Term Rental.

WHEREAS, the Heber City Council finds it in the public interest to adopt standards for Short Term Rentals to preserve the character of neighborhoods and the City, and provide a fair process for licensing of Short Term Rentals.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 5.26 Short Term Rentals is **ADOPTED** as shown in Exhibit 1.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	_____	_____
Council Member Wayne Hardman	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan PC Stack	_____	_____
Council Member Mike Johnston	_____	_____

APPROVED:

_____

Mayor Kelleen Potter

ATTEST:

_____ Date: _____

RECORDER

Date of First Recording: _____

Exhibit 1

5.26 Short Term Rentals

5.26.010 Purpose
5.26.020 Definitions
5.26.030 License Required
5.26.040 Application Form
5.26.050 Maintenance Of Registry
5.26.060 Non-Transferability
5.26.070 No Property Rights Conferred
5.26.0870 Denial, Suspension Or Revocation

5.26.010 Purpose

The purpose of this chapter is to provide a fair process for the licensing and administration of Short Term Rental Licenses in Heber City.

5.26.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

A. **Lodger** means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
B. **Owner Occupied** means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the County records, currently and permanently resides for no less than 6 months of the year.
C. **Short Term Rental** means Short-term Rental. The rental of any single family residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.
D. **Room Rental** means the short-term rental of a portion of a single residential dwelling that is owner occupied.
E. **Home Rental** means the short-term rental of an entire dwelling that is owner occupied.
F. **Vacation Rental** means the short-term rental of an entire dwelling that is not owner occupied.

5.26.030 License Required

It is unlawful to engage in a Short Term Rental business without first receiving a Business License from the City. All Short Term Rental Licenses shall comply with the following:

A. Rental owners shall be onsite or be managed by a rental manager located within 10 miles of the rental property. Contact information for said rental managers shall be on file with the City and the Heber City Police Department.
B. Rentals are subject to passing an inspection by the following:
    1. Wasatch County Health Department
    2. Wasatch County Fire District
C. Heber City and its departments maintain the right to inspect any Short-Tern Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.
D. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.
E. Exterior signs associated with rentals are prohibited.
F. The following shall be posted inside the dwelling:

1. Heber City Business License
2. Fire and Health Department certifications
3. Rental Manager Contact information
4. Occupancy limit
5. Parking plan~~limit~~
6. Quiet Hours as defined in Section 9.22.020 Disturbing The Peace

G. Commercial activities are prohibited.

H. Recreational Vehicles, Campers, or other travel trailers are prohibited.

~~6.~~I. Tents or other temporary structures intended sleeping are prohibited.

~~G.~~J. Room Rental. Room Rentals are permitted in any single family residential dwelling so long as the following provisions have been met.

1. Room Rentals are limited to no more than one reservation at a single time.
2. Room Rentals are limited to no more than two bedrooms in the dwelling.
3. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period.
4. Lodgers shall be limited to no more than one vehicle.
5. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
6. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions. Occupancy of the apartment is as permitted in Section 18.108.110.

~~H.~~K. Home Rental. Home Rentals are permitted in any single family residential dwelling so long as the follow provisions have been met.

1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Section 18.08.200, or 8 individuals, whichever is more.
2. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to ~~one car per garage space~~no more than 4 cars, based upon off street parking availability.

~~I.~~L. Vacation Rental. Vacation Rentals are permitted in any single family residential dwelling so long as the following provisions have been met.

~~1.~~ The entire dwelling shall be rented with a single reservation. Occupancy shall ~~not exceed~~be limited to ~~:~~

~~b.~~1. 1 lodger per 200 square feet, not to exceed 12 lodgers. ~~for dwellings of 2,400 square feet or less~~

~~c. 1 lodger per 400 square feet above 2,400 square feet~~

~~d. In no case shall any occupancy exceed 16 lodgers.~~

2. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to no more than ~~6~~4 cars, based upon off street parking availability.
4. The following shall be posted on the exterior of the property:
   a. Property Manager name, phone number, address, and email address
   ~~3.~~b. Business License number

5.26.040 Application Form

The Licensing Officer shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

A. **Review of Written Disclosures**. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

B. **Contact Information**.
    1. Applicant's name, telephone number, home address, mailing address, and email address.
    2. Applicant's business name, telephone number, business address, mailing address, and email address.

C. **Proof of Identity**. An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:
    1. A valid driver's license issued by any State;
    2. A valid passport issued by the United States;
    3. A valid identification card issued by any State; and
    4. A valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

D. Rental Manager Information
    1. Manager name
    2. Managing company name
    3. Manager contact address, phone number, and email

E. **Proof of Registration with Department of Commerce**. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.

F. **Properties list.** A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel id number.

~~F.~~G. **HOA Consent.** A letter of consent from the Home Owners Association is required for any properties that are governed by and HOA.

~~G.~~H. **Site and Floor Plans.** A site plan and floorplan including the following shall be required for each property listed under the license.
    1. Layout of property
    2. Designated parking areas.
    3. Floor plan of building with area in square feet that will be used for short-term rentals.

~~H.~~I. **Fee**. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge. Refer to the Consolidated Fee Schedule for current fees.

~~I.~~J. **Execution of Application**. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

5.26.050 Maintenance Of Registry

All Short Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City or Police Department upon written request.

5.26.060 Non-Transferability Of Certificates

Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

5.26.070 No Property Rights Conferred

Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

5.26.0~~8~~70 Denial, Suspension Or Revocation

A. **Denial**. The City shall deny a Short Term Rental application for the following reasons:

1. The application is not complete or does not comply with the requirements of this chapter.
2. The property is in violation of provisions of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code.
3. The applicant has any licenses that are currently suspended or revoked.

B. **Suspension or Revocation**. The City may either suspend or revoke a Short Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:
   1. Suspension. Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Title, Chapter, or Section of the Heber City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.
   2. Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicant's with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.

C. **Notice of Denial, Suspension, or Revocation**. Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License , the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.

Exhibit 2

ORDINANCE NO. 2019-26

AN ORDINANCE ADOPTING CHAPTER 5.26 SHORT TERM RENTALS

WHEREAS, Short Term Rentals have hitherto been unregulated by Heber City.

WHEREAS, the Heber City Council finds it in the public interest to adopt an ordinance requiring a business license to own and/or operate a Short Term Rental.

WHEREAS, the Heber City Council finds it in the public interest to adopt standards for Short Term Rentals to preserve the character of neighborhoods and the City, and provide a fair process for licensing of Short Term Rentals.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 5.26 Short Term Rentals is **ADOPTED** as shown in Exhibit 1.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	_____	_____
Council Member Wayne Hardman	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan PC Stack	_____	_____
Council Member Mike Johnston	_____	_____

APPROVED:

_____
Mayor Kelleen Potter

ATTEST:

_____ Date: _____
RECORDER

Date of First Recording: _____

Exhibit 1

5.26 Short Term Rentals

5.26.010 Purpose
5.26.020 Definitions
5.26.030 License Required
5.26.040 Application Form
5.26.050 Maintenance Of Registry
5.26.060 Non-Transferability
5.26.070 No Property Rights Conferred
5.26.080 Denial, Suspension Or Revocation

5.26.010 Purpose

The purpose of this chapter is to provide a fair process for the licensing and administration of Short Term Rental Licenses in Heber City.

5.26.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

A. **Lodger** means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
B. **Owner Occupied** means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the County records, currently and permanently resides for no less than 6 months of the year.
C. **Short Term Rental** means Short-term Rental. The rental of any single family residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.
D. **Room Rental** means the short-term rental of a portion of a single residential dwelling that is owner occupied.
E. **Home Rental** means the short-term rental of an entire dwelling that is owner occupied.
F. **Vacation Rental** means the short-term rental of an entire dwelling that is not owner occupied.

5.26.030 License Required

It is unlawful to engage in a Short Term Rental business without first receiving a Business License from the City. All Short Term Rental Licenses shall comply with the following:

A. Rental owners shall be onsite or be managed by a rental manager located within 10 miles of the rental property. Contact information for said rental managers shall be on file with the City and the Heber City Police Department.
B. Rentals are subject to passing an inspection by the following:
    1. Wasatch County Health Department
    2. Wasatch County Fire District
C. Heber City and its departments maintain the right to inspect any Short-Tern Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.
D. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.
E. Exterior signs associated with rentals are prohibited.
F. The following shall be posted inside the dwelling:

1. Heber City Business License
2. Fire and Health Department certifications
3. Rental Manager Contact information
4. Occupancy limit
5. Parking plan
6. Quiet Hours as defined in Section 9.22.020 Disturbing The Peace

G. Commercial activities are prohibited.
H. Recreational Vehicles, Campers, or other travel trailers are prohibited.
I. Tents or other temporary structures intended sleeping are prohibited.
J. Room Rental. Room Rentals are permitted in any single family residential dwelling so long as the following provisions have been met.

1. Room Rentals are limited to no more than one reservation at a single time.
2. Room Rentals are limited to no more than two bedrooms in the dwelling.
3. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period.
4. Lodgers shall be limited to no more than one vehicle.
5. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
6. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions. Occupancy of the apartment is as permitted in Section 18.108.110.

K. Home Rental. Home Rentals are permitted in any single family residential dwelling so long as the follow provisions have been met.
1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Section 18.08.200, or 8 individuals, whichever is more.
2. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.

L. Vacation Rental. Vacation Rentals are permitted in any single family residential dwelling so long as the following provisions have been met.
1. The entire dwelling shall be rented with a single reservation. Occupancy shall be limited to 1 lodger per 200 square feet, not to exceed 12 lodgers.
2. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to no more than 4 cars, based upon off street parking availability.
4. The following shall be posted on the exterior of the property:
    a. Property Manager name, phone number, address, and email address
    b. Business License number

5.26.040 Application Form

The Licensing Officer shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

A. **Review of Written Disclosures**. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.
B. **Contact Information**.
1. Applicant's name, telephone number, home address, mailing address, and email address.
2. Applicant's business name, telephone number, business address, mailing address, and email address.

C. **Proof of Identity**. An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:
    1. A valid driver's license issued by any State;
    2. A valid passport issued by the United States;
    3. A valid identification card issued by any State; and
    4. A valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

D. Rental Manager Information
    1. Manager name
    2. Managing company name
    3. Manager contact address, phone number, and email

E. **Proof of Registration with Department of Commerce**. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.

F. **Properties list.** A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel id number.

G. **HOA Consent.** A letter of consent from the Home Owners Association is required for any properties that are governed by and HOA.

H. **Site and Floor Plans.** A site plan and floorplan including the following shall be required for each property listed under the license.
    1. Layout of property
    2. Designated parking areas.
    3. Floor plan of building with area in square feet that will be used for short-term rentals.

I. **Fee**. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge. Refer to the Consolidated Fee Schedule for current fees.

J. **Execution of Application**. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

5.26.050 Maintenance Of Registry

All Short Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City or Police Department upon written request.

5.26.060 Non-Transferability Of Certificates

Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

5.26.070 No Property Rights Conferred

Short Term Rental Licenses shall not be construed as providing property right or vested interests and entitlements in continued operation of a Short Term Rental. Short Term Rental Licenses are revocable licenses which expire annually. Short Term Rental Licenses shall not run with the land.

5.26.080 Denial, Suspension Or Revocation

A. **Denial**. The City shall deny a Short Term Rental application for the following reasons:
    1. The application is not complete or does not comply with the requirements of this chapter.
    2. The property is in violation of provisions of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code.
    3. The applicant has any licenses that are currently suspended or revoked.

B. **Suspension or Revocation**. The City may either suspend or revoke a Short Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:
    1. Suspension. Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter, or any other Title, Chapter, or Section of the Heber City Municipal Code, or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.
    2. Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or any other Title, Chapter, or Section of the Heber City Municipal Code, or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicant's with a revoked license may not apply for a new business license for a period of 6 months following the revocation of their license or until the violation has been resolved, whichever is greater.
C. **Notice of Denial, Suspension, or Revocation**. Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License , the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.

Exhibit 3

City Council Staff Report

MEETING DATE: August 18, 2020
SUBJECT: Ord 2019-26 Short-term Rentals
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community and Economic Development

HEBER CITY
HEART OF THE WASATCH BACK

SUMMARY

The Council directed staff to work with the Short Term Rental Committee on a recommended ordinance for regulation and business licensing of Short Term Rentals. The Committee has met and forwarded a recommendation of this ordinance to be adopted.

The policy questions include the following:

- Do the occupancy and parking limits of the proposed ordinance ensure compatibility with the surrounding neighborhood?
- Does the Suspension and Revocation process provide a fair process for the City, residents, and owners/operators of the Short Term Rentals?

RECOMMENDATION

Staff recommends the Council review Ord. 2019-26 and adopt the ordinance as outlined.

BACKGROUND

On June 16, 2020 the City Council asked for more public input and a social media campaign.

Following the social media campaign, on July 7, 2020 the Council directed staff to proceed forward with a business license code amendment that would allow Short Term Rentals in all dwellings in the City. The ad hock committee met twice and forwarded a recommendation of the proposed ordinance.

DISCUSSION

OCCUPANCY AND PARKING

Rental Type	Occupancy	Parking
Room	Not to exceed a single family	One vehicle
Home	8 persons or family, whichever is more	1 per garage stall
Vacation	1 person per 200 sqft up to 2,400 sqft, 1 per 400 sq ft over 2,400, not to exceed 16	Up to 6 cars depending on space

These numbers were a middle ground to try to ensure the rentals are compatible with the surrounding single family homes.

INSPECTIONS

Short Term Rentals will have to be inspected by Fire and the Health Department. Heber does not have to inspect, but maintains the right to inspect.

SUSPENSION AND REVOCATION

5.26.070 Denial, Suspension Or Revocation

A. **Denial**. The City shall deny a Short Term Rental application for the following reasons:
    1. The application is not complete or does not comply with the requirements of this chapter.
    2. The property is in violation of provisions of this chapter.
    3. The applicant has any licenses that are currently suspended or revoked.
B. **Suspension or Revocation**. The City may either suspend or revoke a Short Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:
    1. Suspension. Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.

Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicant's with a revoked license may not apply for a new business license for a period of 6 months

FISCAL IMPACT

N/A

CONCLUSION

The Committee has meet twice and recommended the occupancy and parking limitations outlined in this ordinance as a middle ground to ensure the rentals are compatible with the neighboring residences. Staff recommends the Council approve ordinance 2019-26.

ALTERNATIVES

Continue
Deny

POTENTIAL MOTIONS

Staff Recommended - Approval

I move to **approve** Ord. 2019-26 as outlined in the staff report.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

Ordinance 2019-26

ORDINANCE NO. 2019-26

AN ORDINANCE ADOPTING CHAPTER 5.26 SHORT TERM RENTALS

WHEREAS, Short Term Rentals have hitherto been unregulated by Heber City.

WHEREAS, the Heber City Council finds it in the public interest to adopt an ordinance requiring a business license to own and/or operate a Short Term Rental.

WHEREAS, the Heber City Council finds it in the public interest to adopt standards for Short Term Rentals to preserve the character of neighborhoods and the City, and provide a fair process for licensing of Short Term Rentals.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 5.26 Short Term Rentals is **ADOPTED** as shown in Exhibit 1.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this _____ day of _____, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	_____	_____
Council Member Wayne Hardman	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan PC Stack	_____	_____
Council Member Mike Johnston	_____	_____

APPROVED:

_____

Mayor Kelleen Potter

ATTEST:

_____ Date: _____

RECORDER

Date of First Recording: _____

Exhibit 1

5.26 Short Term Rentals

5.26.010 Purpose
5.26.020 Definitions
5.26.030 License Required
5.26.040 Application Form
5.26.050 Maintenance Of Registry
5.26.060 Non-Transferability
5.26.070 Denial, Suspension Or Revocation

5.26.010 Purpose

The purpose of this chapter is to provide a fair process for the licensing and administration of Short Term Rental Licenses in Heber City.

5.26.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

A. **Lodger** means any person who, individually or as part of a group, reserves and resides in a Short-term Rental.
B. **Owner Occupied** means a dwelling in which the property owner, whether an individual, couple, or principle of an LLC or Trust, as listed on the County records, currently and permanently resides for no less than 6 months of the year.
C. **Short Term Rental** means Short-term Rental. The rental of any residential dwelling, or any portion thereof, for a period of less than 30 days to a single entity or person.
D. **Room Rental** means the short-term rental of a portion of a single residential dwelling that is owner occupied.
E. **Home Rental** means the short-term rental of an entire dwelling that is owner occupied.
F. **Vacation Rental** means the short-term rental of an entire dwelling that is not owner occupied.

5.26.030 License Required

It is unlawful to engage in a Short Term Rental business without first receiving a Business License from the City. All Short Term Rental Licenses shall comply with the following:

A. Rental owners shall be onsite or be managed by a rental manager located within 10 miles of the rental property. Contact information for said rental managers shall be on file with the City and the Heber City Police Department.
B. Rentals are subject to passing an inspection by the following:
    1. Wasatch County Health Department
    2. Wasatch County Fire District
C. Heber City and its departments maintain the right to inspect any Short-Tern Rental for the purpose of determining compliance with State, Local, Health, and Safety codes, upon the City's request.
D. Modifications to buildings that include, but are not limited to, remodels, basement finishes, pools, and accessory buildings, require a building permit.
E. Exterior signs associated with rentals are prohibited.
F. The following shall be posted inside the dwelling:
    1. Heber City Business License

2. Fire and Health Department certifications
3. Rental Manager Contact information
4. Occupancy limit
5. Parking limit
6. Quiet Hours

G. Room Rental. Room Rentals are permitted in any residential dwelling so long as the following provisions have been met.

1. Room Rentals are limited to no more than one reservation at a single time.
2. Room Rentals are limited to no more than two bedrooms in the dwelling.
3. Property owners shall be present during the hours of 10 PM – 7 AM for the entirety of the reservation period.
4. Lodgers shall be limited to no more than one vehicle.
5. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
6. Owner Occupied Accessory Apartments are considered a Room Rental and shall comply with these provisions. Occupancy of the apartment is as permitted in Section 18.108.110.

H. Home Rental. Home Rentals are permitted in any residential dwelling so long as the follow provisions have been met.

1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed that of a Family as defined in Section 18.08.200, or 8 individuals, whichever is more.
2. Lodgers shall not park on the street. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to one car per garage space.

I. Vacation Rental. Vacation Rentals are permitted in any residential dwelling so long as the following provisions have been met.

1. The entire dwelling shall be rented with a single reservation. Occupancy shall not exceed:
    a. 1 lodger per 200 square feet for dwellings of 2,400 square feet or less
    b. 1 lodger per 400 square feet above 2,400 square feet
    c. In no case shall any occupancy exceed 16 lodgers.
2. Lodgers shall not park on the street. Garages shall be clear and available to patrons for parking. All cars shall be located in a garage, driveway, or permitted parking area.
3. Lodgers shall be limited to no more than 6 cars, based upon off street parking availability.

5.26.040 Application Form

The Licensing Officer shall provide a standard Application Form for Short Term Rental Licenses. Each Application Form shall require the following information, documentation, and fee:

A. **Review of Written Disclosures**. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

B. **Contact Information**.

1. Applicant's name, telephone number, home address, mailing address, and email address.
2. Applicant's business name, telephone number, business address, mailing address, and email address.

C. **Proof of Identity**. An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:

1. A valid driver's license issued by any State;
2. A valid passport issued by the United States;
3. A valid identification card issued by any State; and

4. A valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

D. Rental Manager Information

1. Manager name
2. Managing company name
3. Manager contact address, phone number, and email

E. **Proof of Registration with Department of Commerce**. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce.

F. **Properties list.** A list of all Short-Term Rental properties owned and/or operated by the business, including address and parcel id number.

G. **Site and Floor Plans.** A site plan and floorplan including the following shall be required for each property listed under the license.

1. Layout of property
2. Designated parking areas.
3. Floor plan of building with area in square feet that will be used for short-term rentals.

H. **Fee**. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge. Refer to the Consolidated Fee Schedule for current fees.

I. **Execution of Application**. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

5.26.050 Maintenance Of Registry

All Short Term Rentals shall maintain a register of lodgers and individual bookings. This register shall be available to the City or Police Department upon written request.

5.26.060 Non-Transferability Of Certificates

Short Term Rental Licenses are non-transferable between property owners or business owners. Upon the change of business or property ownership, a new license will be required.

5.26.070 Denial, Suspension Or Revocation

A. **Denial**. The City shall deny a Short Term Rental application for the following reasons:

1. The application is not complete or does not comply with the requirements of this chapter.
2. The property is in violation of provisions of this chapter.
3. The applicant has any licenses that are currently suspended or revoked.

B. **Suspension or Revocation**. The City may either suspend or revoke a Short Term Renal License when any of the reasons warranting the denial of an application occurs. The process for suspension and revocation are as follows:

1. Suspension. Short Term Rental Licenses will be suspended upon the second instance of violation of this chapter or failure to resolve any violation within the required time period. Suspensions shall be a minimum of 3 months or until the violation is resolved, whichever is greater, but not to exceed 6 months.
2. Revocation. Short Term Rental Licenses will be revoked upon the third instance of violation of this chapter or upon failure to resolve any violation during the suspension period, notwithstanding the number of instances of the violation. Revoked Short Term Rental Licenses will become null and void and require a new application. Applicant's with a revoked license may not apply for a new business license for a period of 6 months

following the revocation of their license or until the violation has been resolved, whichever is greater.

C. **Notice of Denial, Suspension, or Revocation**. Upon determination of the Licensing Officer to deny an Applicant's Completed Application, suspend a current Short Term Rental License, or revoke a current Short Term Rental License , the City shall cause written notice to be sent to the Applicant or Registered Manager by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial, suspension, or revocation, and the documentation or information the City relied on to make the decision.

TAB 5

Planning Commission Staff Report

MEETING DATE:	September 1, 2020
SUBJECT:	Roof Signs
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

The proposed is an amendment to remove roof signs from the prohibited sign list and make sign permits in the MURCZ a staff approval.

The policy questions include the following:

1. Should the City amend the zoning ordinance to eliminate roof signs as a prohibited sign type, establish roof sign standards and modify the requirement for Planning Commission approval of individual business signs in the MURCZ Zone?

RECOMMENDATION

Staff recommends the Council approve Ord 2020-24 as outlined.

BACKGROUND

Over the past couple of years, some individual business owners have been required to obtain approval of the Board of Adjustment or Planning Commission for modification or installation of signs. The approvals did not serve a public purpose, caused delays and cost for the businesses and took up valuable board and staff time that could have been utilized for better purposes. Exhibit 1 illustrates the recent signs that have been approved by the Board of Adjustment as an expansion of a non-conforming use and by the Planning Commission within the MURCZ Zone.

This is a very specific amendment intended to free up City staffing and board resources and decrease bureaucratic processes for businesses needing permits for new signs or sign modifications. The City will be doing a comprehensive sign ordinance amendment later this year. The proposed amendment replaces Section 18.42.090 Signs in the MURCZ Zone with a less onerous process; eliminates roof signs as a prohibited sign type in Section 18.103.070 E. of the Sign Ordinance; and adds standards for roof signs in Section 18.103.090 M. and N. of the Sign Ordinance.

DISCUSSION

ROOF SIGNS

The Planning Commission held a public hearing on February 11 to obtain input on the proposed amendment.

Pros and Cons

Pros	Cons
Reduced time for applicants and staff	New Roof Signs to be permitted
Additional options for applicants	Could be mounted on top of a building

Roof signs are typically seen as less attractive than the channel letter signs that the sign code encourages.

Staff recommends adding the following language on the roof signs:

"Roof signs are limited to buildings with sloped or multiple rooflines and in no case can a roof sign project above the highest roofline or beyond the edges of a sloped roof".

FISCAL IMPACT

N/A

CONCLUSION

The proposal will streamline sign permits in the MURCZ, and permit roofing signs. Staff recommends approval of the ordinance with the following findings and conditions:

Findings

1. The Planning Commission held a public hearing on February 11, 2020.
2. The proposal complies with Section 18.12.190.

Conditions

1. The additional language of "Roof signs are limited to buildings with sloped or multiple rooflines and in no case shall a roof sign project above the highest roofline or beyond the edges of a sloped roof" shall be added to the ordinance.
2. Any changes from the City Council_____.

ALTERNATIVES

1. Approval
2. Continue
3. Denial

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to approve Ordinance 2020-24 as outlined in the conclusion of the staff report.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Recently Considered Roof Sign and Individual Business Signs
2. Redlined Proposed Ord 2020-24
3. Clean Proposed Ord 2020-24

Exhibit 1


THE SHOP
SERVICE & REPAIR


GLOBAL GRILL
CATERING
TAKE-OUT
435-657-9448
OPEN


CARQUEST
AUTO PARTS
WE MIX AUTOMOTIVE PAINT
OPEN
FedEx

Exhibit 2

ORDINANCE NO. 2020-24

AN ORDINANCE AMENDING THE MIXED USE RESNIDENTIAL COMMERCIAL ZONE AND SIGN ORDINANCE.

WHEREAS, the Heber City Council finds that this ordinance furthers the Envision Heber 2050 General Plan.

WHEREAS, the Heber City Council finds the proposed ordinance furthers the public good by streamlining the sign permitting process..

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.42.090 of Heber City Municipal Code is amended to read as follows:

18.42.090 Signs

At the time of subdivision preliminary approval or a commercial site plan approval, developer shall submit a sign concept plan showing the location, design and dimensions for all proposed freestanding signs in the development. Signs shall be consistent with Chapter 18.103 Signs.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.103.070 of Heber City Municipal Code is amended to read as follows:

18.103.070 Prohibited Sign Devices

The following devices used to attract pedestrian or vehicular attention are prohibited in any zone in Heber City. Any sign not specifically allowed here is also prohibited.

A. Hot or cold air balloons, or inflatables, except as specifically allowed by this ordinance for temporary signs or as part of a grand opening period or special promotion.
B. Any sign which is animated or rotating, flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate, or constitutes a traffic hazard or nuisance as determined by the Zoning Administrator or Planning Commission. (Commercial signs may be approved with time/temperature or electronic message center capability.) Subtle lighting changes of low intensity are allowed. No electronic message center shall be located within any residential zone.
C. Statuary bearing the likeness or suggestion of any product or logo.
D. Projecting signs which project over property lines, except as allowed only in the C-3 Commercial Zone.

~~E. Roof sign.~~
~~F.~~E. Snipe sign.
~~G.~~F. Wind sign.
~~H.~~G. Wall Sign.
~~I.~~H. Temporary Sign.
~~J.~~I. Any truck, trailer, or other vehicle conspicuously or regularly parked on or off-premise with an advertising message or logo displayed to attract attention to a business, product or promotion. The Zoning Administrator shall require a business to remove same if such vehicle is being utilized for advertising purposes. A vehicle is considered in violation of this provision if such vehicle is unregistered, inoperable or unlicensed, or is regularly or intermittently parked in such a manner as

to attract attention from the public street to the business, or is painted with a sign and the vehicle appears to be used primarily for sign purposes and not used for transportation purposes.

~~K.~~J. Graffiti.

~~L.~~K. Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.

~~M.~~L. Off-Premise signs except as allowed herein.

~~N.~~M. Billboards.

~~O.~~N. Hand-bills, signs-public places and objects. Except as otherwise stipulated, no person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any public property, park, street, right of way, sidewalk, crosswalk, curb, curbstone, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.

1. Any hand-bill or sign found posted upon any public property contrary to the provisions of this Section may be removed by the Police Department, the Public Works Department, the Parks and Recreation Department, or the Community Development Department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.
2. Nothing in this Section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location, or personality for which the Department of Public Works has granted a written permit.
3. Nothing in this Section shall apply to the painting of house numbers upon curbs.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.103.090 of Heber City Municipal Code is amended to read as follows:

18.103.090 Signs That Require A Permit

A. Purpose - Streetscape. The streetscape is the combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian. The streetscape tells residents and visitors how the City as a whole feels about the environment, safety, aesthetics, and its sense of order, among other things. A useful, attractive, and safe streetscape is one that necessarily regulates the size, location, and design of business signs. Because a proliferation of poorly designed, oversized, and inappropriately located signs in commercial and industrial areas can be detrimental to the achievement of effective, safe and attractive streetscapes, it is important that the permanent signs in these areas receive approval (permits) from the City. Commercial and industrial uses are generally more intensive than those found in residential zones. Since these uses are designed by size, location, and style to attract attention and provide services to the public, they generally need signage to achieve that end. Business signs of any kind in residential neighborhoods can diminish the quality of life for which those zones were specifically created. However, there may be some residential uses which merit a sign, though much smaller and subdued than in commercial or industrial zones. Therefore, it is the intent and purpose of this section to outline regulations and design standards for signs in both commercial/industrial and residential areas that will allow the business to identify itself while allowing Heber City to create and maintain safe and aesthetically pleasing streetscapes regardless of zone.

B. Sign Theme Required. All planned shopping centers/buildings and developments of parcels 19,000 square feet or larger must submit a proposal for all on-premise signs to the Planning

Commission for design and placement approval as part of a new or change of use development approval by the Planning Commission

C. Electronic Message Centers, Changeable Copy Areas and Reader Boards. Such signs are permitted but discouraged and shall only be permitted as part of a main sign and shall not exceed 25% of the total sign copy area of the sign. No such sign shall blink, scroll, flash, use chaser lights or move in any way, and shall not display the message in a manner that constitutes a traffic hazard or nuisance as determined by the Zoning Administrator or Planning Commission.

D. On-Premise Freestanding Signs. The Zoning Administrator may approve one freestanding sign per street frontage. No free standing sign shall be allowed for any parcel that has less than 19,000 square feet or less than 99 feet of street frontage. Sign height shall not exceed twenty-five (25) feet. Signs must be located 45 feet from the street corner. Sign area may not exceed 50 square feet. There shall be a minimum of 7 feet of open space below the sign. Each sign shall be located upon a lawn or landscaped area, or within a masonry, concrete, stone, or brick landscape box at least 18 inches in height or within a landscaped area surrounded by a 6 inch tall control curb if located upon a hard surfaced area.
    1. As a conditional use, the Planning Commission may approve a request for a freestanding sign upon a parcel less than 19,000 square feet or less than 99 feet of street frontage if the Planning Commission finds that the property, property location, existing structures and driveways are configured such that a monument sign would constitute a hazard to traffic and pedestrians. Any sign approved in this manner must meet all other applicable standards for freestanding signs in this Chapter.

E. On-Premise Freestanding Signs for Planned commercial/industrial developments. The Zoning Administrator may approve one freestanding sign per street frontage for planned shopping centers with 3 or more tenants. No freestanding sign shall be allowed for any planned center or parcel that has less than 99 feet of street frontage. Sign height shall not exceed twenty-five (25) feet. Signs must be located 45 feet from the street corner. Sign area shall not exceed 20 square feet per tenant or 150 square feet, whichever is less. The sign shall have a logo/identification theme as part of the sign. There shall be a minimum of 7 feet of open space below the sign. Each sign shall be located upon a lawn or landscaped area, or within a masonry, concrete, stone, or brick landscape box at least 18 inches in height or within a landscaped area surrounded by a 6 inch tall control curb if located upon a hard surfaced area.
    1. As a conditional use, the Planning Commission may approve a request for a freestanding sign upon a parcel with less than 99 feet of street frontage if the Planning Commission finds that the property, property location, existing structures and driveways are configured such that a monument sign would constitute a hazard to traffic and pedestrians. Any sign approved in this manner must meet all other applicable standards for freestanding signs in this chapter.

F. Monument Signs. One monument sign is allowed for any size parcel. Parcels with two street frontages are allowed a sign on each street. However, the signs must be separated by at least 100 feet as measured diagonally across the property from center to center of both signs or only one (1) sign will be allowed. Monument signs within a planned commercial/industrial development must have a logo/identification theme as part of the sign. Monument signs for individual businesses or free standing buildings within a planned commercial/industrial development shall be located no closer than 100 feet to each other or other free standing signs. Signs within the 45 foot corner visibility triangle may be allowed with the permission of the Heber City Engineer, if such sign does not present a traffic hazard. Back lit/illuminated cabinets are allowed but discouraged. Monument signs shall be located upon a lawn or landscaped area, or may be located upon a paved surface if incorporated into a masonry, stone, brick, or concrete landscape box at least 18 inches in height. There are three (3) types of monument signs, regulated as follows:

1. Freestanding Monument Sign. This monument sign shall be limited in height to eight (8) feet and 32 square feet in area. The sign shall be supported by no less than 2 pole supports and shall have 2 feet of open space below the sign.
2. Monolithic Monument Sign. This monument sign shall be limited in height to 9 feet and 50 square feet in area. The monument sign shall have no visible supports or poles other than the sign itself and shall be supported at its base with a masonry, concrete, stone, or brick base at least 18 inches in height.
3. Decorative Monument Sign. This monument sign shall be limited in height to 12 feet and 50 square feet in area. The sign must incorporate a decorative design element/logo at the top of the sign. The monument sign shall be supported by no less than 2 pole supports and shall have 2 feet of open space below the sign. At least 30 percent of the area located between the pole supports shall remain open space. This monument sign shall be incorporated into a masonry, stone, brick, or concrete landscape box at least 18 inches in height.

G. Flat Signs. Flat signs should be the primary form of identification for business uses in the City. Each business is entitled to one flat sign if the following criteria are met:
   1. The sign may not occupy more than 15% or 300 square feet, which ever is less, of the front flat wall area of the first floor or story of the building.
   2. The 15% area of the primary wall may be divided into more than one sign under the following requirements and restrictions:
      a. The sign package blends with the aesthetics of the building and surrounding natural and manmade environment.
      b. The sign package color, style, size, scale and proportion enhances the exterior of the building and does not place too much bulk and external distractions on the exterior of the building.
      c. The number of signs is appropriate to the scale of the building.
      d. The maximum number of flat signs on any given wall, including multi-tenant buildings, shall be seven [7]. For the purpose of this ordinance, a sign will be considered a complete phrase and the suggested layout of the sign package (i.e., the individual words may either be lumped together as one phrase to equal 1 sign, or spread out to be many different signs, such as "1 Hour Photo" would be considered one sign.)
      e. The maximum number of multiple flat signs on any given wall shall be limited to seven [7]. The maximum square footage shall be limited be 300 square feet or 15% of the wall, whichever is less.
      f. Multi-tenant buildings may receive a conditional use permit so that the building may exceed the maximum number of signs to accommodate the additional sign if the Planning Commission judges the additional sign to be consistent with the criteria set forth above.
      g. Multiple flat signs shall utilize individual lettering and logos only. No multiple cabinet signs or combination of cabinet and individual lettering signs shall be approved. It is encouraged that the use of multiple materials and lettering styles, such as exposed neon, different type styles, and use of logos in conjunction with the lettering be implemented.
   3. Painted signs applied directly to any building face are specifically prohibited.
   4. Buildings or businesses with exposure on the side(s) and front may choose which wall to mount their sign upon. Signs are allowed on the rear of the building with Planning Commission approval.
   5. Owners of buildings that have small offices inside, accessory and/or secondary to the main use are required to create a building identification sign instead of trying to obtain signage for every tenant. This is especially true for buildings with two or more levels.

6. Flat signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself. All such signs shall be installed or erected in such a manner that there is no visual support structure such as guy wires or braces and shall not project more than 3 feet above the top edge of the vertical surface of the wall.
7. No flat sign including any light box or structural part, shall project more than 18 inches from the face of the building to which it is attached.

H. Off-premise Signs. Off-premise signs are permitted only in the C-2 Commercial, I-1 Industrial, and C-4 Commercial Zones.
   1. Location. Off-premise signs shall be allowed only on property adjacent to and fronting a public street. These signs must be oriented for street viewing only and be located within 50 feet of the nearest highway lane. All off premise signs must be located within a landscaped area. Placement upon a hard surface is prohibited.
   2. Size, Height and Spacing. Off-premise signs shall be regulated as follows:
      a. Size. Maximum area of one side of a sign (whether single or double faced) shall be 24 square feet.
      b. Height. Maximum height of off-premise signs shall be 18 feet above the grade of the traveled way of the street.
      c. Spacing. No off-premise sign shall be erected within 400 feet of another existing off-premise sign or within 20 feet from any adjoining private property boundary line. Sign structures shall not be located so close to intersections as to obstruct the view of automobile drivers and in no event shall be placed within a triangular area formed by the street property lines and a line connecting them at a point 45 feet from the intersection of the street lines.

I. Suspended and projecting Signs. Suspended or projecting signs are allowed if the architecture of the building or planned center lends itself to that design and a sign theme is submitted and approved by the Zoning Administrator. The following shall apply:
   1. The Zoning Administrator must review any proposal for a suspended sign for compatibility with the building. No more than one suspended/projecting sign is permitted for each street frontage per business or tenant.
   2. Any sign may not exceed 15% of the front flat wall first story or floor of the tenant space, or 300 square feet, whichever is less.
   3. No sign may project beyond the outside limit of the arcade, marquee, or canopy or facade to which they are attached.
   4. No sign may project above the roof-line of the building to which they are attached.
   5. Such signs may project up to 3 feet across the front property line but not closer than two feet to the curb and gutter. Where a building is near the property line, a 3 foot projection will be allowed from the property line. Where state or federal regulations limit or prohibit projection over property lines, such regulations will take precedence.
   6. No sign may project over property lines except in the C-3 Commercial Zone.
   7. Any sign must have at least an 8 foot clearance above the sidewalk or 7 feet above any landscaped area. Signs which project over streets, alleys or any vehicular traveled way or access must maintain a minimum clearance of fourteen feet.
   8. There must be a minimum horizontal distance of 5 feet on both sides between suspended signs.
   9. Supports for projecting signs must be hidden, and the sign must appear to be attached to the wall and not from a pole.

J. Awning Signs. Awning signs are allowed only under the following circumstances:
   1. The Zoning Administrator may approve any applicant for an awning sign which fully complies with sign standards.

2. Awning signs in planned centers must be designed to conform to an approved sign theme.
3. No awning signs will be allowed on multi-tenant buildings or in planned centers unless the building or center has consistent treatment.
4. Awning signs shall be limited to single story buildings or to the first level only of multi-story buildings.
5. Awning signs must function as true awnings by being placed over a doorway, window, or walkway to protect such from the elements.
6. Awning signs are not allowed on or above sloping or mansard roof.
7. The area of awning signs shall be a maximum of 300 square feet or 15% of the flat wall area of the floor or story occupied by the business upon which the sign is mounted, whichever is less.
8. Area of copy/logo on awnings shall be limited to 40% of the awning. Illuminated signs on other sides shall be permitted.
9. Awning signs shall conform to all provisions of the Building Code governing such structures.
10. Illuminated (backlit), translucent, vinyl awnings are not permitted. Translucent letters or accents sewn into opaque canvas or acrylic awnings are permitted.
11. Awning signs shall not project out from the wall more than 8 feet, nor less than 2 feet, and in no event closer than 2 feet from the back of curb. In the case of entrance canopies the awning may project out from the building over a walkway and must lead to a bona fide business entrance. Such canopies will be permitted if they are compatible with the architecture of the building.
12. Awning signs shall not project above the roof line, defined as the highest part of the vertical wall.
13. Awning signs shall maintain a minimum clearance of 7 feet to the bottom of the valance and 8 feet to the frame above the sidewalk and comply with all other clearance requirements.
14. Awning signs shall be maintained in a clean, safe and attractive condition. Awnings must be replaced every 10 years or when the awning falls into a sun bleached and/or deteriorated condition as determined by the Zoning Administrator. Failure to do so will result in revocation of the sign permit.

K. Canopies (Gas Stations). Signs for canopies over gas islands are regulated as follows:
   1. Sign copy, corporate logos, etc. may be a maximum of 15% of one face of the canopy.
   2. Up to 3 sides of the canopy may be used for signs.
   3. The height to the top of the canopy may not exceed 20 feet from grade and no canopy fascia may exceed 4 feet in height.
   4. Individual letters, logos, or symbols may not exceed 4 feet in height or project out from the surface of the canopy more than 18 inches or project above or below the canopy face.
   5. Gas price signs are allowed on the monument sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of 4 sets per station. Area of said sign may not exceed 4 square feet each.

L. Signs in the Residential and Residential-Commercial Zones. Conditional uses may risk being more intensive uses allowed in residential zones. Therefore, the sign allowances are more restrictive than in commercial areas.
   1. On-Premise Signs for Home Occupations, Hair and Beauty Salons, and Day Care and Nursery Schools. The Zoning Administrator may permit one non-illuminated flat wall sign 2 square feet in area which identifies the name of the business. This applies to uses operated out of a single family home.
   2. Signs for all other non-residential uses permitted in Residential and Residential-Commercial Zones. These signs are a conditional use to be approved by the Planning Commission at the time of approval of such use through the commercial concept

approval process, conditional use process, or other such applicable process. Each such use is limited to one monument sign of 16 square feet in area and 5 feet in height, or one wall sign, awning sign, or suspended/projecting sign having a maximum area of 2 percent of the front flat wall area of the first floor or story of the building, not to exceed 10 square feet, whichever is less. Such signs may not have changeable copy capability. Multi-tenant buildings with monument signs must identify the center primarily.

M. Roof Signs. Roof signs shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.

~~2.~~N. Total Sign Area. The total area of all signs located on a building shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2020.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____
Wayne Hardman	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

APPROVED:

_____
Mayor Kelleen L. Potter

ATTEST:

_____ Date: _____
RECORDER

Exhibit 3

ORDINANCE NO. 2020-24

AN ORDINANCE AMENDING THE MIXED USE RESNIDENTIAL COMMERCIAL ZONE AND SIGN ORDINANCE.

WHEREAS, the Heber City Council finds that this ordinance furthers the Envision Heber 2050 General Plan.

WHEREAS, the Heber City Council finds the proposed ordinance furthers the public good by streamlining the sign permitting process..

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.42.090 of Heber City Municipal Code is amended to read as follows:

18.42.090 Signs

At the time of subdivision preliminary approval or a commercial site plan approval, developer shall submit a sign concept plan showing the location, design and dimensions for all proposed freestanding signs in the development. Signs shall be consistent with Chapter 18.103 Signs.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.103.070 of Heber City Municipal Code is amended to read as follows:

18.103.070 Prohibited Sign Devices

The following devices used to attract pedestrian or vehicular attention are prohibited in any zone in Heber City. Any sign not specifically allowed here is also prohibited.

A. Hot or cold air balloons, or inflatables, except as specifically allowed by this ordinance for temporary signs or as part of a grand opening period or special promotion.
B. Any sign which is animated or rotating, flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate, or constitutes a traffic hazard or nuisance as determined by the Zoning Administrator or Planning Commission. (Commercial signs may be approved with time/temperature or electronic message center capability.) Subtle lighting changes of low intensity are allowed. No electronic message center shall be located within any residential zone.
C. Statuary bearing the likeness or suggestion of any product or logo.
D. Projecting signs which project over property lines, except as allowed only in the C-3 Commercial Zone.
E. Snipe sign.
F. Wind sign.
G. Wall Sign.
H. Temporary Sign.
I. Any truck, trailer, or other vehicle conspicuously or regularly parked on or off-premise with an advertising message or logo displayed to attract attention to a business, product or promotion. The Zoning Administrator shall require a business to remove same if such vehicle is being utilized for advertising purposes. A vehicle is considered in violation of this provision if such vehicle is unregistered, inoperable or unlicensed, or is regularly or intermittently parked in such a manner as

to attract attention from the public street to the business, or is painted with a sign and the vehicle appears to be used primarily for sign purposes and not used for transportation purposes.

J. Graffiti.
K. Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.
L. Off-Premise signs except as allowed herein.
M. Billboards.
N. Hand-bills, signs-public places and objects. Except as otherwise stipulated, no person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any public property, park, street, right of way, sidewalk, crosswalk, curb, curbstone, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.
    1. Any hand-bill or sign found posted upon any public property contrary to the provisions of this Section may be removed by the Police Department, the Public Works Department, the Parks and Recreation Department, or the Community Development Department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.
    2. Nothing in this Section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location, or personality for which the Department of Public Works has granted a written permit.
    3. Nothing in this Section shall apply to the painting of house numbers upon curbs.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.103.090 of Heber City Municipal Code is amended to read as follows:

18.103.090 Signs That Require A Permit

A. Purpose - Streetscape. The streetscape is the combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian. The streetscape tells residents and visitors how the City as a whole feels about the environment, safety, aesthetics, and its sense of order, among other things. A useful, attractive, and safe streetscape is one that necessarily regulates the size, location, and design of business signs. Because a proliferation of poorly designed, oversized, and inappropriately located signs in commercial and industrial areas can be detrimental to the achievement of effective, safe and attractive streetscapes, it is important that the permanent signs in these areas receive approval (permits) from the City. Commercial and industrial uses are generally more intensive than those found in residential zones. Since these uses are designed by size, location, and style to attract attention and provide services to the public, they generally need signage to achieve that end. Business signs of any kind in residential neighborhoods can diminish the quality of life for which those zones were specifically created. However, there may be some residential uses which merit a sign, though much smaller and subdued than in commercial or industrial zones. Therefore, it is the intent and purpose of this section to outline regulations and design standards for signs in both commercial/industrial and residential areas that will allow the business to identify itself while allowing Heber City to create and maintain safe and aesthetically pleasing streetscapes regardless of zone.
B. Sign Theme Required. All planned shopping centers/buildings and developments of parcels 19,000 square feet or larger must submit a proposal for all on-premise signs to the Planning

Commission for design and placement approval as part of a new or change of use development approval by the Planning Commission

C. Electronic Message Centers, Changeable Copy Areas and Reader Boards. Such signs are permitted but discouraged and shall only be permitted as part of a main sign and shall not exceed 25% of the total sign copy area of the sign. No such sign shall blink, scroll, flash, use chaser lights or move in any way, and shall not display the message in a manner that constitutes a traffic hazard or nuisance as determined by the Zoning Administrator or Planning Commission.

D. On-Premise Freestanding Signs. The Zoning Administrator may approve one freestanding sign per street frontage. No free standing sign shall be allowed for any parcel that has less than 19,000 square feet or less than 99 feet of street frontage. Sign height shall not exceed twenty-five (25) feet. Signs must be located 45 feet from the street corner. Sign area may not exceed 50 square feet. There shall be a minimum of 7 feet of open space below the sign. Each sign shall be located upon a lawn or landscaped area, or within a masonry, concrete, stone, or brick landscape box at least 18 inches in height or within a landscaped area surrounded by a 6 inch tall control curb if located upon a hard surfaced area.
    1. As a conditional use, the Planning Commission may approve a request for a freestanding sign upon a parcel less than 19,000 square feet or less than 99 feet of street frontage if the Planning Commission finds that the property, property location, existing structures and driveways are configured such that a monument sign would constitute a hazard to traffic and pedestrians. Any sign approved in this manner must meet all other applicable standards for freestanding signs in this Chapter.

E. On-Premise Freestanding Signs for Planned commercial/industrial developments. The Zoning Administrator may approve one freestanding sign per street frontage for planned shopping centers with 3 or more tenants. No freestanding sign shall be allowed for any planned center or parcel that has less than 99 feet of street frontage. Sign height shall not exceed twenty-five (25) feet. Signs must be located 45 feet from the street corner. Sign area shall not exceed 20 square feet per tenant or 150 square feet, whichever is less. The sign shall have a logo/identification theme as part of the sign. There shall be a minimum of 7 feet of open space below the sign. Each sign shall be located upon a lawn or landscaped area, or within a masonry, concrete, stone, or brick landscape box at least 18 inches in height or within a landscaped area surrounded by a 6 inch tall control curb if located upon a hard surfaced area.
    1. As a conditional use, the Planning Commission may approve a request for a freestanding sign upon a parcel with less than 99 feet of street frontage if the Planning Commission finds that the property, property location, existing structures and driveways are configured such that a monument sign would constitute a hazard to traffic and pedestrians. Any sign approved in this manner must meet all other applicable standards for freestanding signs in this chapter.

F. Monument Signs. One monument sign is allowed for any size parcel. Parcels with two street frontages are allowed a sign on each street. However, the signs must be separated by at least 100 feet as measured diagonally across the property from center to center of both signs or only one (1) sign will be allowed. Monument signs within a planned commercial/industrial development must have a logo/identification theme as part of the sign. Monument signs for individual businesses or free standing buildings within a planned commercial/industrial development shall be located no closer than 100 feet to each other or other free standing signs. Signs within the 45 foot corner visibility triangle may be allowed with the permission of the Heber City Engineer, if such sign does not present a traffic hazard. Back lit/illuminated cabinets are allowed but discouraged. Monument signs shall be located upon a lawn or landscaped area, or may be located upon a paved surface if incorporated into a masonry, stone, brick, or concrete landscape box at least 18 inches in height. There are three (3) types of monument signs, regulated as follows:

1. Freestanding Monument Sign. This monument sign shall be limited in height to eight (8) feet and 32 square feet in area. The sign shall be supported by no less than 2 pole supports and shall have 2 feet of open space below the sign.
2. Monolithic Monument Sign. This monument sign shall be limited in height to 9 feet and 50 square feet in area. The monument sign shall have no visible supports or poles other than the sign itself and shall be supported at its base with a masonry, concrete, stone, or brick base at least 18 inches in height.
3. Decorative Monument Sign. This monument sign shall be limited in height to 12 feet and 50 square feet in area. The sign must incorporate a decorative design element/logo at the top of the sign. The monument sign shall be supported by no less than 2 pole supports and shall have 2 feet of open space below the sign. At least 30 percent of the area located between the pole supports shall remain open space. This monument sign shall be incorporated into a masonry, stone, brick, or concrete landscape box at least 18 inches in height.

G. Flat Signs. Flat signs should be the primary form of identification for business uses in the City. Each business is entitled to one flat sign if the following criteria are met:
   1. The sign may not occupy more than 15% or 300 square feet, which ever is less, of the front flat wall area of the first floor or story of the building.
   2. The 15% area of the primary wall may be divided into more than one sign under the following requirements and restrictions:
      a. The sign package blends with the aesthetics of the building and surrounding natural and manmade environment.
      b. The sign package color, style, size, scale and proportion enhances the exterior of the building and does not place too much bulk and external distractions on the exterior of the building.
      c. The number of signs is appropriate to the scale of the building.
      d. The maximum number of flat signs on any given wall, including multi-tenant buildings, shall be seven [7]. For the purpose of this ordinance, a sign will be considered a complete phrase and the suggested layout of the sign package (i.e., the individual words may either be lumped together as one phrase to equal 1 sign, or spread out to be many different signs, such as "1 Hour Photo" would be considered one sign.)
      e. The maximum number of multiple flat signs on any given wall shall be limited to seven [7]. The maximum square footage shall be limited be 300 square feet or 15% of the wall, whichever is less.
      f. Multi-tenant buildings may receive a conditional use permit so that the building may exceed the maximum number of signs to accommodate the additional sign if the Planning Commission judges the additional sign to be consistent with the criteria set forth above.
      g. Multiple flat signs shall utilize individual lettering and logos only. No multiple cabinet signs or combination of cabinet and individual lettering signs shall be approved. It is encouraged that the use of multiple materials and lettering styles, such as exposed neon, different type styles, and use of logos in conjunction with the lettering be implemented.
   3. Painted signs applied directly to any building face are specifically prohibited.
   4. Buildings or businesses with exposure on the side(s) and front may choose which wall to mount their sign upon. Signs are allowed on the rear of the building with Planning Commission approval.
   5. Owners of buildings that have small offices inside, accessory and/or secondary to the main use are required to create a building identification sign instead of trying to obtain signage for every tenant. This is especially true for buildings with two or more levels.

6. Flat signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself. All such signs shall be installed or erected in such a manner that there is no visual support structure such as guy wires or braces and shall not project more than 3 feet above the top edge of the vertical surface of the wall.
7. No flat sign including any light box or structural part, shall project more than 18 inches from the face of the building to which it is attached.

H. Off-premise Signs. Off-premise signs are permitted only in the C-2 Commercial, I-1 Industrial, and C-4 Commercial Zones.
   1. Location. Off-premise signs shall be allowed only on property adjacent to and fronting a public street. These signs must be oriented for street viewing only and be located within 50 feet of the nearest highway lane. All off premise signs must be located within a landscaped area. Placement upon a hard surface is prohibited.
   2. Size, Height and Spacing. Off-premise signs shall be regulated as follows:
      a. Size. Maximum area of one side of a sign (whether single or double faced) shall be 24 square feet.
      b. Height. Maximum height of off-premise signs shall be 18 feet above the grade of the traveled way of the street.
      c. Spacing. No off-premise sign shall be erected within 400 feet of another existing off-premise sign or within 20 feet from any adjoining private property boundary line. Sign structures shall not be located so close to intersections as to obstruct the view of automobile drivers and in no event shall be placed within a triangular area formed by the street property lines and a line connecting them at a point 45 feet from the intersection of the street lines.

I. Suspended and projecting Signs. Suspended or projecting signs are allowed if the architecture of the building or planned center lends itself to that design and a sign theme is submitted and approved by the Zoning Administrator. The following shall apply:
   1. The Zoning Administrator must review any proposal for a suspended sign for compatibility with the building. No more than one suspended/projecting sign is permitted for each street frontage per business or tenant.
   2. Any sign may not exceed 15% of the front flat wall first story or floor of the tenant space, or 300 square feet, whichever is less.
   3. No sign may project beyond the outside limit of the arcade, marquee, or canopy or facade to which they are attached.
   4. No sign may project above the roof-line of the building to which they are attached.
   5. Such signs may project up to 3 feet across the front property line but not closer than two feet to the curb and gutter. Where a building is near the property line, a 3 foot projection will be allowed from the property line. Where state or federal regulations limit or prohibit projection over property lines, such regulations will take precedence.
   6. No sign may project over property lines except in the C-3 Commercial Zone.
   7. Any sign must have at least an 8 foot clearance above the sidewalk or 7 feet above any landscaped area. Signs which project over streets, alleys or any vehicular traveled way or access must maintain a minimum clearance of fourteen feet.
   8. There must be a minimum horizontal distance of 5 feet on both sides between suspended signs.
   9. Supports for projecting signs must be hidden, and the sign must appear to be attached to the wall and not from a pole.

J. Awning Signs. Awning signs are allowed only under the following circumstances:
   1. The Zoning Administrator may approve any applicant for an awning sign which fully complies with sign standards.

2. Awning signs in planned centers must be designed to conform to an approved sign theme.
3. No awning signs will be allowed on multi-tenant buildings or in planned centers unless the building or center has consistent treatment.
4. Awning signs shall be limited to single story buildings or to the first level only of multi-story buildings.
5. Awning signs must function as true awnings by being placed over a doorway, window, or walkway to protect such from the elements.
6. Awning signs are not allowed on or above sloping or mansard roof.
7. The area of awning signs shall be a maximum of 300 square feet or 15% of the flat wall area of the floor or story occupied by the business upon which the sign is mounted, whichever is less.
8. Area of copy/logo on awnings shall be limited to 40% of the awning. Illuminated signs on other sides shall be permitted.
9. Awning signs shall conform to all provisions of the Building Code governing such structures.
10. Illuminated (backlit), translucent, vinyl awnings are not permitted. Translucent letters or accents sewn into opaque canvas or acrylic awnings are permitted.
11. Awning signs shall not project out from the wall more than 8 feet, nor less than 2 feet, and in no event closer than 2 feet from the back of curb. In the case of entrance canopies the awning may project out from the building over a walkway and must lead to a bona fide business entrance. Such canopies will be permitted if they are compatible with the architecture of the building.
12. Awning signs shall not project above the roof line, defined as the highest part of the vertical wall.
13. Awning signs shall maintain a minimum clearance of 7 feet to the bottom of the valance and 8 feet to the frame above the sidewalk and comply with all other clearance requirements.
14. Awning signs shall be maintained in a clean, safe and attractive condition. Awnings must be replaced every 10 years or when the awning falls into a sun bleached and/or deteriorated condition as determined by the Zoning Administrator. Failure to do so will result in revocation of the sign permit.

K. Canopies (Gas Stations). Signs for canopies over gas islands are regulated as follows:
    1. Sign copy, corporate logos, etc. may be a maximum of 15% of one face of the canopy.
    2. Up to 3 sides of the canopy may be used for signs.
    3. The height to the top of the canopy may not exceed 20 feet from grade and no canopy fascia may exceed 4 feet in height.
    4. Individual letters, logos, or symbols may not exceed 4 feet in height or project out from the surface of the canopy more than 18 inches or project above or below the canopy face.
    5. Gas price signs are allowed on the monument sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of 4 sets per station. Area of said sign may not exceed 4 square feet each.

L. Signs in the Residential and Residential-Commercial Zones. Conditional uses may risk being more intensive uses allowed in residential zones. Therefore, the sign allowances are more restrictive than in commercial areas.
    1. On-Premise Signs for Home Occupations, Hair and Beauty Salons, and Day Care and Nursery Schools. The Zoning Administrator may permit one non-illuminated flat wall sign 2 square feet in area which identifies the name of the business. This applies to uses operated out of a single family home.
    2. Signs for all other non-residential uses permitted in Residential and Residential-Commercial Zones. These signs are a conditional use to be approved by the Planning Commission at the time of approval of such use through the commercial concept

approval process, conditional use process, or other such applicable process. Each such use is limited to one monument sign of 16 square feet in area and 5 feet in height, or one wall sign, awning sign, or suspended/projecting sign having a maximum area of 2 percent of the front flat wall area of the first floor or story of the building, not to exceed 10 square feet, whichever is less. Such signs may not have changeable copy capability. Multi-tenant buildings with monument signs must identify the center primarily.

M. Roof Signs. Roof signs shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.
N. Total Sign Area. The total area of all signs located on a building shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2020.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____
Wayne Hardman	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

APPROVED:

_____
Mayor Kelleen L. Potter

ATTEST:

_____ Date: _____
RECORDER

TAB 6

City Council Staff Report

MEETING DATE:	September 1, 2020
SUBJECT:	Parkview Place Fee Waiver Request
RESPONSIBLE:	Anthony L. Kohler
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Infrastructure Sustainability

SUMMARY

Mountainland Community Housing Trust has requested building permit fee and impact fee waivers for the Parkview Place Affordable Housing Development consisting of 49 residential units.

The policy questions include the following:

1. Should the City Waive the Building Permit Fees for the Parkview Place Subdivision, to the amount of approximately $88,200?
2. Should the City Waive the Impact Fees for the Parkview Place Subdivision, to the amount of approximately $379,260?

RECOMMENDATION

Staff Recommend the Council deny the request to waive the Impact Fees and consider a 50% reduction of building permit fees.

BACKGROUND

Parkview Place is an affordable housing development consisting of 49 affordable housing units that are a for sale product.

On June 16, 2020 the Council approved Mountainland Community Housing Trust's (MCHT) request to reduce the number of street lights within the development. 6 street lights were removed and Engineering has since changed the standards of street light spacing. MCHT estimate the cost of each light to be $10,000, totaling an estimated $60,000 reduction in development costs. The reduction of street lights would reduce the per unit develop cost by approximately $1,200.

On August 6, 2020 MCHT submitted a written request (Exhibit 1) for a fee waiver to the Impact and Building fees to an estimated $11,897 per unit, totaling $582,953.

DISCUSSION

CITY IMPACT FEES
Utah State Code Section 10-9a-403(3)(b)(iii)(M) identifies the reduction of impact fees related to low and moderate income housing as one implementable strategy to meet the minimum 3 strategies for a municipality's Moderate Income Housing Plan (MIHP).

The Heber City MIHP Goals and Policies (Exhibit 2) do not include the reduction or waiver of impact fees.

Any waiver to impact fees would have to be made up by the General Fund to pay for the projects that the impact fees are programmed for.

OTHER IMPACT FEES

MCHT has identified the following impact fees that are not assessed by the City and for which the City does not have authority to waive.

- Heber Valley Special Service District (Sewer) – $2,179
    - The City does collect this fee for HVSSD, and pays this money to the SSD. The impact fee is assessed by the HVSSD, not the City.
- Wasatch County Fire and Wasatch County Solid Waste - $394
    - These fees are assessed and collected by Wasatch County

BUILDING PERMIT FEES

Utah State Code Section 10-9a-403(3)(b)(iii)(D) identifies construction related fees imposed by City through general fund subsidies as one implementable strategy to meet the minimum 3 strategies for a municipality's Moderate Income Housing Plan (MIHP).

The Heber City MIHP Goals and Policies, Goal 2, Policy C (Exhibit 2) includes fee waivers and states:

2) GOAL: Heber City should continue to foster partnerships with non-profit organizations and developers, and identify new funding sources to implement affordable housing policies.

POLICIES:
a) focus on state and federal -sponsored programs, such as HOME Comprehensive Housing Assistance Mortgage Program, USDA's rural development, Community Development Block Grant Program, Utah Housing Authority's First Time Home Ownership, Credit to Own (CROWN), and ECHO;
b) consider using state and federal program funding to purchase land for affordable housing;
c) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;

d) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
e) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity;
f) consider utilization of affordable housing programs administered by the Department of Community and Culture; and
g) continue to support the County-wide Housing Authority
Any waiving of building permit fees would be a general fund subsidy and it would decrease the general fund revenues.

The waiving of building permit would waive the permit fee that is assessed and collected by the building department. Such a waiver does not waive any fees assessed and collected by plan review consultants, including WC3.

REINSPECTION FEE

Re-inspection fees are assessed and collected by the Building Department, however are not required for a building permit. Re-inspection fees are required when a builder has failed a particular building inspection multiple times and exceeds the number of inspections covered by the building permit fee. These fees are a penalty type fee and not a normal fee associated with ever building permit. It is recommended that these fees not be included in any possible fee waivers or reductions.

PLANNING FEE

The Planning Commission fees were assessed at the time of the planning application for the development. Those approvals have been approved and the work done. A request of this type would require a reimbursement of fees paid in prior years. The appropriate time to request this fee waiver would have been at the time of the application and planning approvals.

FISCAL IMPACT

Any reduction to building permit fees will be a decrease in general fund revenue, but will not require a budget amendment.

The Impact Fee Waiver request would have a fiscal impact as follows:

Fee Name	Fee per Unit	Total (49 units)
Water	$2,380	$116,620
City Sewer	$1,859	$91,091
Streets	$1,813	$88,837
Irrigation	$953	$46,697
Parks and Trails	$735	$36,015
Total	$7,740	$379,260

The Building Fee waiver or reduction would have a fiscal impact as follows:

Building Permit fees for a single family residence are between $1,500 - $2,000. All figures in the following table are calculated on an average building permit fee of $1,800 and are only estimates.

% of fee waiver/reduction	Fee	Units	Savings per Unit	Total Reduced Revenue
Complete Waiver (100%)	$0	49	$1,800	$88,200
75% Reduction	$450	49	$1,350	$66,150
50% Reduction	$900	49	$900	$44,100
25% Reduction	$1,350	49	$450	$22,050

CONCLUSION

Mountainland Community Housing Trust has requested a fee waiver for building permit, impact, and planning commission fees. The impact fee waiver is not supported by the MIHP. The building permit fee waiver is supported by the MIHP. The Planning fees were already paid and would require a reimbursement for fees assessed during prior years. Prior to the fee waiver request, the City agreed to reduce the number of street lights which provided an approximate relief of $60k. With the 50% building permit fee reduction and the reduced cost in street lights, the relief would be approximately $100k. Staff is recommending the Council deny the Impact Fee and Planning Commission Fee Waivers and approve a 50% building permit fee reduction with the following findings:

Findings

1. The Impact Fee waiver is not supported by the Moderate Income Housing Plan.
2. The Building Permit Fee waiver is supported by the Moderate Income Housing Plan as Goal 2, Policy C.
3. The 50% Building Permit Fee and previous street light reduction will reduce development costs by approximately $100,000.
4. The reduction does not apply to third party plan reviewers.

ALTERNATIVES

1. Approve as requested
2. Approve building permit fee waiver and deny impact fee waiver
3. Approve a reduction to building permit fees based on a percentage of the fee
4. Deny
5. Continue

POTENTIAL MOTIONS

Staff Recommended Option – Approval of 50% Reduction of Building Permit Fees

I move to **approve** a 50% reduction to the building permit fees for the Parkview Place Development with the findings outlined in the conclusion of the staff report.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Fee Waiver Request
2. MIHP Policies and Goals

Exhibit 1

August 6, 2020

Mayor and City Council
Heber City
75 North Main Street
Heber City, Utah 84032

RE: Parkview Place Fee Waiver Request

Dear Mayor and Council,

Mountainlands Community Housing Trust (MCHT), a 501 c 3 nonprofit organization, with a mission to create, preserve and advocate for affordable housing in Summit and Wasatch Counties, is currently completing the infrastructure for the 49-lot subdivision known as Parkview Place. This development will provide deed restricted affordable homeownership opportunities for “essential” Wasatch County workers. The first twelve purchasers have been qualified and will be entering into purchase contracts soon. Construction of the first twelve homes should start in September.

With delays and rising construction costs the total costs of the homes are creeping up past the level of affordability. Impact fees will be approximately $12,000 per home which significantly adds to the cost. MCHT asks that Heber City provide financial support to assist in lowering the costs of homes to meet this community need by waiving certain impact and building fees.

MCHT understands that, because of bonding and other requirements, certain impact fees cannot be waived. Fees such as Plan Review ($217), Building Permit ($1,083), Re-inspection fee ($60), Excavation fee ($60) and Planning Commission fees ($181) have the potential to be waived. We would ask that Mayor and Council review the attached chart to determine if others may be as well.

One of the conditions of approval of the subdivision was that MCHT improve and dedicate a public park to Heber City as well as providing trail improvements on the property. Accordingly, in addition to the above, it is also requested that the $542 Parks and Trails fee be waived.

MCHT will be selling all homes at its cost so any fee waivers will go directly to reducing the initial price of the homes and lower the cost for future qualified purchasers as well. Thank you for your continued support and consideration of this matter.

Sincerely,

Scott Loomis
Executive Director

Estimated fees for typical home in Parkview Place

Government/Utility Fees		
Parks and Trails	$	542
Streets and Transportation	$	1,546
Culinary Water	$	2,724
Pressurized Irrigation	$	730
Heber Valley Special Service District	$	2,179
Sanitary Sewer	$	1,961
Plan review	$	217
Building Permit	$	1,083
Gase, electrical, other inspection	$	180
Re-inspection fee	$	60
Excavation Fee	$	100
Wasatch County Fire & Garbage	$	394
Planning Comission Fee	$	181
Total Government/Utility Fees	**$**	**11,897**

Exhibit 2

- Assist with housing related projects that will benefit the overall community (i.e., grant applications, targeted group programs, etc.); and
- Create and preserve affordable rental and for purchase housing opportunities.

MODERATE INCOME HOUSING PLAN

GOALS AND POLICIES

1) GOAL: Heber City should provide a realistic opportunity to meet the estimated needs for additional moderate income housing.

POLICIES:

a) facilitate a reasonable opportunity for a variety of housing, including moderate income housing to meet the needs of people desiring to live there;
b) implement land use policies that allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life;
c) consider Inclusionary Housing ordinances to close the future housing need gap.
d) consider requiring land dedications for moderate income housing with annexations;
e) consider rezoning for densities necessary to assure the production of moderate income housing;
f) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
g) provide zoning regulations to encourage housing types for elderly or senior citizens including assisted care, independent care, and targeted senior retirement communities;
h) promote adequate housing opportunities to recruit and retain a workforce with the skills and credentials needed by community employers;
i) promote the creation and retention of housing stock affordable to very low, low, moderate, and moderate to area median income (AMI) households;
j) recognize the need for special target groups for affordable housing, namely, families in crisis, handicapped and other special need groups; and
k) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

2) GOAL: Heber City should continue to foster partnerships with non-profit organizations and developers, and identify new funding sources to implement affordable housing policies.

POLICIES:

a) focus on state and federal -sponsored programs, such as HOME Comprehensive Housing Assistance Mortgage Program, USDA's rural development, Community Development Block Grant Program, Utah Housing Authority's First Time Home Ownership, Credit to Own (CROWN), and ECHO;
b) consider using state and federal program funding to purchase land for affordable housing;
c) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;
d) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
e) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity;
f) consider utilization of affordable housing programs administered by the Department of Community and Culture; and
g) continue to support the County-wide Housing Authority.

3) GOAL: Heber City shall biennially review the moderate income housing plan element of its general plan.

POLICIES:

a) As required by Utah State Code, Heber City shall send a copy of a biennial report to the Housing & Community Development Division of the Department of Workforce Services and Mountainland Association of Governments; the biennial review shall include a description of efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing, actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing, progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing, and efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities;
b) Heber City should update the Moderate Income Housing Element of the General Plan at each Census and at least once between each Census to ensure updated accurate data and policies; any fees or target group demographic data should be updated annually based on available data from the Census or official Census updates, HUD, or other government or demographic sources.

OBJECTIVES

1) Revise the Affordable Housing Ordinance to reflect current housing needs within the city:
    a) Consider changing the ordinance to an Inclusionary Housing ordinance, requiring up to 20% of all future market rate developments to provide affordable housing to close the future need gap of 128 units.
    b) consider deed restriction programs to keep new moderate income housing units affordable to target populations;
    c) consider land dedications by developers to promote land acquisition for the Wasatch County Housing Authority, Habitat for Humanity, and other affordable housing organizations;
    d) consider alternative approaches to affordable housing dedications or payments by developers that will not create costs that are passed down to home buyers; and
    e) consider fee and impact fee waivers for affordable housing projects;
2) Remove and/or revise regulatory barriers to affordable housing in the city's land use regulations;
3) Educate home builders, neighborhoods, and developers about the need for affordable housing in Heber City;
4) Promote energy efficiency and LEED certified homes and developments;
5) Promote owner occupied housing units as the majority of all new affordable units.
6) Provide 517 units of 30% AMI or less in the next five years:
7) Promote utilization of accessory apartments to address 30% AMI rental needs.
8) Provide 429 units of 50% AMI or less in the next five years:
9) Promote utilization of accessory apartments to address 50% AMI rental needs.
10) Provide 138 units of 80% AMI or less in the next five years;

SENIOR CITIZEN

Provide a variety of housing types for senior citizens, including assisted care centers, independent care centers, and targeted senior retirement communities. These facilities need to be located near critical support facilities, namely: medical, shopping, churches, etc.

Tab 7

City Council Staff Report

MEETING DATE:	September 1, 2020
SUBJECT:	Resolution 2020-12 Planning Fee Update
RESPONSIBLE:	Anthony L. Kohler
DEPARTMENT:	Planning Department
STRATEGIC RELEVANCE:	Community Development

SUMMARY

The policy questions include the following:

- Should the City Council adopt revised development fees?

RECOMMENDATION

Staff recommends approval of the proposed Planning Fee Schedule Update.

BACKGROUND

Council asked for staff to review development fees to ensure they are covering City costs. The proposed fee update incorporates 2 separate fees. The first includes an Administrative Fee that covers City costs for administering the application and process. That second fee, the Retainer, is the cost for consultants or staff to review the application. As the retainer is drawn down each month, staff contacts the applicant and has them bring the retainer back to the original amount to ensure there is enough money to cover the costs of review consultants. When approvals have been completed, any remaining amount of the Retainer after consultants have been paid will be refunded to the applicant. If staff reviews the application instead of a consultant, staff time will be assess the same cost as $160 per hour.

DISCUSSION

The new process will require staff to implement a new system to track invoices and development accounts. If staff reviews applications, staff will also need to track time spent on reviewing an application, which can likely be done on the City's Paylocity time tracking software. Accounting will need to work with staff to set up GL accounts for each development. The Engineering Department has a similar system for tracking and paying its engineering

development review consultants. Staff will need to coordinate efforts to keep administrative costs low and avoid duplication.

FISCAL IMPACT

The proposed fee update is intended to ensure development costs are paid for by developers and aren't subsidized by the General Fund. Based upon similar practices in the Engineering Department, it is estimated the new process will require approximately 292 hours of staff time tracking, account management, invoice tracking and payment each year. These costs have been built into the Administrative Fee. The City can utilize Paylocity and Pelorus software to implement the system. The cost to implement the fee schedule for the City is $0.

CONCLUSION

The proposed fee update ensures development pays for its actual review costs.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Staff Recommended Option – APPROVE AS PROPOSED

I move to **approve** Resolution 2020-12 as presented.

Alternative 3 – APREOVE AS AMENDED

I move to **approve** Resolution 2020-12 with the following changes:

_____
_____
_____
_____

Alternative 3 – CONTINUE

I move to **continue** Resolution 2020-12 to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

_____
_____
_____
_____

Alternative 4 – DENY

I move to **deny** the item with the following findings.

_____
_____
_____
_____

ACCOUNTABILITY

Department: Planning Department
Staff Member: Anthony L. Kohler

EXHIBITS

Exhibit 1: Current versus Proposed Fees
Exhibit 2: Resolution 2020-12

Exhibit 1: Current versus Proposed Fees

Application Type	Current Fee	Administrative Fee	Retainer*
Annexations	$3,000 plus $2/acre plus costs	$3,500	$3,200
MDA & MDA Amendments		$4,700	$600
General Plan, Zoning Map Amendment, Zoning Text Amendment, General Plan Amendment, New Zone Adoption	$1500 + Costs	$1,500	$2,300
Road Dedication or Vacation	$400	$400	$400
Commercial Development	$2,200 + $125/acre; or $1,500 + Planning Consultant Costs	$1,600	$2,300
Subdivision Concept/Master Plan	$1,500 + $5/unit; or $1,000 + Planning Consultant Costs	$900	$2,100
Subdivision Preliminary, RV Park Preliminary	$2,400 +100/Unit; or $1,900 + Planning Consultant Costs	$1,400	$3,700
Subdivision Final, RV Park Final	$4,000 +100/Unit; or $3,000 + Planning Consultant Costs	$2,500	$5,000
Subdivision Final Plan Renewal	$500	$900	$1,500
Small Subdivision	$1,500 + $100/Unit; or $1,000 + Planning Consultant Costs	$1,000	$2,300
Multi-family Dwelling	$2,000 + $30/Unit; or $1,500 + Planning Consultant Costs	$600	$1,200
Conditional Use	$1,000	$500	$800
Telecommunication	$300	$600	$600
Plat Amendment	$600 + $25/Unit	$600	$1,700
Lot Line Adjustment	$300	$300	$500
Predevelopment Conference or DRC (with no formal application)	$200	$450	
Zoning Certification or Administrative Interpretation	$75.00	$75.00	
Sign	$50 plus $5/Sign	$65	
Board of Adjustment	$200	$200	$400
Appeal to City Council	$250	$350	$400
Other Applications	$100 + Costs	$100 + Costs	

*Retainer is intended to cover costs for reviewing application and will increase if application review costs increase. Current costs are $160/hr.

Exhibit 2: Resolution 2020-12

RESOLUTION NO. 2020-12 A RESOLUTION AMENDING THE PLANNING FEES PORTION OF THE CONSOLIDATED FEE SCHEDULE

NOW THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah that:

The Consolidated Fee Schedule for Planning Related Fees is updated as follows:

Application Type	Administrative Fee	Retainer*
Annexations	$3,500	$3,200
MDA & MDA Amendments	$4,700	$600
General Plan, Zoning Map Amendment, Zoning Text Amendment, General Plan Amendment, New Zone Adoption	$1,500	$2,300
Road Dedication or Vacation	$400	$400
Commercial Development	$1,600	$2,300
Subdivision Concept/Master Plan	$900	$2,100
Subdivision Preliminary, RV Park Preliminary	$1,400	$3,700
Subdivision Final, RV Park Final	$2,500	$5,000
Subdivision Final Plan Renewal	$900	$1,500
Small Subdivision	$1,000	$2,300
Multi-family Dwelling	$600	$1,200
Conditional Use	$500	$800
Telecommunication	$600	$600
Plat Amendment	$600	$1,700
Lot Line Adjustment	$300	$500
Predevelopment Conference or DRC (with no formal application)	$450	
Zoning Certification or Administrative Interpretation	$75.00	
Sign	$65	
Board of Adjustment	$200	$400
Appeal to City Council	$350	$400
Other Applications	$100 + Costs	

*Retainer is intended to cover costs for reviewing application and will increase if application review costs increase. Current costs are $160/hr.

This Resolution shall take effect and be in force from and after its adoption.

ADOPTED and PASSED by the City Council of Heber City, Utah, this _____day of _____, 2020, by the following vote:

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____

Wayne Hardman	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

APPROVED:

_____
Mayor Kelleen L. Potter

ATTEST:

_____ Date: _____
RECORDER