

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
Planning Commission Meeting  
Thursday, June 13, 2013

7:00 p.m.  
Regular Meeting

Present: Planning Commission: Harry Zane  
Craig Hansen  
Kieth Rawlings  
Darryl Glissmeyer  
Clayton Vance

Absent: Michael Thurber  
David Richards  
Mark Webb

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

Others Present: William Neil Muir, June Muir, Todd Cates, Farley Eskelson, Brian Watson, Mike Johnston, and Blake Allen.

Chairman Rawlings convened the meeting at 7:00 p.m. with a quorum present. Commissioners Webb, and Richards were not present. Commissioner Thurber was excused.

**Pledge of Allegiance: Clayton Vance**

**Minutes: April 11, 2013, Regular Meeting**

Commissioner Glissmeyer moved to approve the April 11, 2013 Regular Meeting minutes. Commissioner Zane seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Vance, and Rawlings. Commissioner Hansen arrived to the meeting at this time. Voting Nay: none. The motion passed.

**May 9, 2013, Regular Meeting**

Commissioner Hansen moved to approve the May 9, 2013 Regular Meeting Minutes. Commissioner Glissmeyer seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Vance, and Hansen. Voting Nay: none. Abstaining: Chairman Rawlings; he had not been present to the May 9, 2013 meeting. The motion passed.

**Item 1**            **Discussion on Beekeeping**

Anthony Kohler spoke regarding the reasons this ordinance was being proposed.

Kirk Butterfield, who is a beekeeper, was present to answer questions. Mr. Butterfield related his experience with bees. He showed a box the size of which usually contains 10,000 bees and one queen. He explained that bees have been dying and that 50% of the bees alive were lost last year. Mr. Butterfield showed the components of the box. He stressed that having enough room in the hive is vital; if not the bees will swarm to another location. Bees are necessary for pollination. Concern was expressed by Chairman Rawlings regarding safety issues relating to those who may wish to keep bees but have not educated themselves. Butterfield indicated he would be more concerned about the honey than the bees and discussed how honey can be contaminated by animal hair and other contaminants. Butterfield continued discussing numerous topics relating to keeping bees at length.

Chairman Rawlings asked what the Commission thought. Some Commissioners thought just to list beekeeping as a permitted use. Commissioner Glissmeyer felt there should be some regulations. Kohler discussed some of the elements of the model ordinance which were mainly there for safety reasons; providing water for the bees, protecting the opening to the hive, location and distance from homes, and for reasons of food safety if the honey will be for sale. Direction was given to Kohler from the Planning Commission to look at some other city's ordinances to compare with the model ordinance that was looked at last time and then to hold a public hearing to consider adoption of the ordinance.

**Item 2**            **McDonald's Corporation requests Final Commercial Development Approval for a restaurant at 610 South Main Street**

This had been on the agenda last month; there had been an unresolved issue regarding power lines. Anthony Kohler indicated there was a change on the site plan that Dominion Engineering had spoken to McDonald's about. McDonald's was saying they wanted to move the RV stalls from the center of the parking lot to the south to allow more regular vehicle parking stalls to the west of the building; this would increase the RV stalls from three to six and this also adds more regular parking stalls. The RVs would exit onto a driveway easement from MAC's Motel.

Farley Eskelson of Dominion Engineering spoke. He explained how the hotel easement would be used for RV exiting and mentioned that most RVs now park on the highway. Chairman Rawlings asked about the turn radius on the first stall. The stalls are 35 feet long; and there is 17.5 feet to drive out on. There are stalls for 30 cars and for six RVs with this plan. Mr. Eskelson had met also with Harold Wilson of Heber Light and Power regarding the power line and pole issues. He pointed out existing pole locations, discussed which utilities had lines on the poles and discussed options and the costs to McDonald's. Mr. Eskelson's proposal was for McDonald's to bury the lines on Main Street but not to bury the lines along 600 South. The Commissioners asked questions and costs to McDonalds and impact fees were discussed. Bart Mumford answered questions on impact fees. Mumford thought Eskelson's proposal was a good compromise; he indicated there needs to be a balance and he thought they had struck that.

Debate and discussion over the power burial/non-burial issue. Conduit should go in across 600 South so landscaping is not torn up later when these lines are permanently buried. Discussion of eliminating one pole on 600 South and discussion on the general topic of burial of power lines. Chairman Rawlings expressed he was okay with the compromise if they got Main Street done and they could worry about 600 South at another date. Commissioner Hansen confirmed what Eskelson had touched on earlier, that they would put the conduit in so they could fish it through later if that property develops. Mr. Eskelson answered that they would put them to the pole and bury and cap them. Commissioner Hansen agreed that this sounded reasonable to him.

Commissioner Zane motioned that we recommend final commercial development approval for a development at 610 South Main Street contingent upon they bury everything on, all of the power on Main Street, and that they place conduit on 6th South to accommodate future burial - to place the contents. There were questions and discussion from the Commission at this time. Commissioner Hansen asked if they were going to compromise what the engineering people had already worked out. Chairman Rawlings answered that they were not going to bury on 6<sup>th</sup> South; they were going to bury on Main Street; he also mentioned staff and engineering. Commissioner Zane continued his motion; "and contingent that they meet the requirements of staff and city engineering." Chairman Rawlings asked Anthony Kohler if that covered everything that they needed to do. Anthony Kohler mentioned referencing the minor site plan changes. There was discussion on burial of other utilities and removal of one of the poles on 600 South; the plan would be for the existing utility lines to be placed on the existing pole. Commissioner Zane considered adding this to his motion but Mr. Eskelson indicated he could work with this goal but that this was not something he could control. Bart Mumford indicated they he thought eventually this would happen but he could not guarantee with their project that this was going to happen. Commissioner Zane finished his motion by stating, "just amend it by adding the site adjustments for the rv parking and the other parking; site adjustments; parking adjustments".

The Commission asked the Secretary, Karen Tozier, to read the motion back. The motion and discussion was read back as far as it was completed. Commissioner Zane indicated he wanted to make a new motion; Commissioner Zane withdrew the first motion.

Commissioner Zane moved that we recommend approval for McDonald's Corporation's request for a Commercial Development for a restaurant at 610 South Main Street contingent upon they put all power and utilities that are on Main Street underground and that they provide conduit along 600 South for future utility burial and also that they, contingent upon they, properly assess the onsite parking changes and also contingent upon meeting staff and engineering requirements. Commissioner Hansen stated that he might add that they remove as many poles as possible along 600 South; he was afraid there was only one that anybody could get at. Chairman Rawlings noted this would cover the other pole if he did that; if possible. Commissioner Glissmeyer seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Vance, Rawlings, and Hansen. Voting Nay: none. The motion passed.

Brief discussion on the construction schedule and downtime for the current restaurant; construction would probably begin next spring.

**Item 3**      **Neil Muir requests a small subdivision / lot split of property located at 188 East 500 South**

Mike Johnston, the Engineer representing the Petitioner, addressed replacement of the existing water main which is 10 years old. Johnston asked about the recommendation in the engineers report regarding replacing the meter box and water service lateral because the existing water service and meter box are older than 10 years. Bart Mumford indicated that when you do a subdivision that this is the City's opportunity to bring things up to standard. He indicated the City does not use these water meters anymore and he does not know what condition it is in. There were questions and discussion from the Commission. Mr. Muir answered questions, the house was built in 1928. The lines from the meter to the house are new. Mike Johnston suggested that they look at it first and then decide. As discussion ensued there was consensus from the Commission to scratch this requirement because Mr. Muir had already replaced the line from the meter to the house. There was a question on whether to replace the existing line and meter box now or to wait until it leaked. Bart Mumford explained the policy; he agreed with Johnston's comments to check and see if there was a need to replace at this time.

Commissioner Glissmeyer motioned to approve the proposed subdivision as consistent with the applicable codes, Section 18.60 R-3 Residential Zone, and Chapter 17 Subdivisions, contingent upon a deed restriction being recorded for future curb, gutter, sidewalk, and asphalt improvements along the frontage of 200 East and 500 South East, water rights being turned over to the City in an amount determined by the City Engineer, water and sewer laterals constructed along 200 East; 10 foot public utility easements on Lot 2 along 500 South and along Lot 1 along 200 East, 10 foot utility easements along the west side of the subdivision, and five foot public utility easements along the side property lines; and the final plat showing the address of the new lot and also contingent upon review by the City Engineer with the City Engineer's decision being final concerning replacement of the meter to the old house. Commissioner Zane seconded the motion. Discussion: Commissioner Hansen expressed that he still did not think the owner should have to replace the meter in the line for the City part. Commissioner Zane replied that the owner did not. Commissioner Hansen clarified that how this motion is stated that if they (the engineers) go out and look at that matter and determine it needs to be replaced then the owner would have to eat the cost from the meter to the street. Commissioner Zane replied, no, that he thought the City should (pay for this) and Commissioner Hansen stated that Commissioner Glissmeyer's motion says otherwise. Commissioner Glissmeyer stated, "I will remove that portion of my motion then". Chairman Rawlings asked Commissioner Glissmeyer if he was removing the portion concerning the meter box and the city engineer approval. Commissioner Glissmeyer agreed. Commissioner Zane's second still stood. Voting Aye: Commissioners Zane, Glissmeyer, Vance, Rawlings, and Hansen. Voting Nay: none. The motion passed. Karen Tozier asked for clarification and asked if that meant that they were going to inspect the line or not. Chairman Rawlings explained that the Commission agreed that it is the City's responsibility from the water main to the meter and from the meter to the house is the owner's responsibility in this particular case.

**Item 4**      **Christopher Christensen requests a Plat Amendment to Red Ledges Phase 1K for Lots 405 and 406 located on Explorer Peak Drive**

The Commission asked questions on where the lots were located. Todd Cates showed them the location. Commissioner Hansen moved that we recommend to the City Council that the proposed plat amendment combining Lots 405 and 406 of the Red Ledges Phase 1; that meets the requirements of Section 18.61 of the Heber Code and the PC Planned Community Zone and Section 10-9a-608 of the Utah State Code be approved. Commissioner Glissmeyer seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Vance, Rawlings, and Hansen. Voting Nay: none. The motion passed.

**Item 5**      **Blake Allen requests a small subdivision / lot split of property located at 211 South 200 West, the southeast corner of the intersection of 200 West and 200 South**

There was discussion of the submittal and review process for new applications. Commissioner Zane asked questions regarding the developer's request for the public utility easement (PUE) to be reduced from five feet to four feet on the side setbacks that are set at four feet. Bart Mumford addressed this question; he indicated the utility companies can do their jobs in the four foot easement. Blake Allen indicated he would like to drop the waterline issue which he thought was the same issue as Neil Muir's (recommendation to replace the existing water meter box and water service lateral and upgrade to City standards). The Commission asked Mr. Allen what he thought the costs for replacement would be. Allen thought the cost would be a \$1,500 minimum if it is on the same side of the street; it could be more expensive if across the street and the line is buried deeper.

Commissioner Zane moved that we recommend approval for a small subdivision / lot split for property located at 211 South 200 West, the southeast corner of the intersection of 200 West and 200 South contingent upon they meet all the requirements of the Staff and the City Engineer. Chairman Rawlings asked Commissioner Zane if he wanted to make reference to the meter or if he wanted to leave it in there. Commissioner Zane answered, no, take it out, that is why he said contingent upon the Staff and the City Engineer; this meant they could discuss the four foot easements, etc. Chairman Rawlings asked him about the meter box on the existing lot. Commissioner Zane answered, no, leave it alone, if it is working don't mess with it. Commissioner Hansen seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Vance, Rawlings, and Hansen. Voting Nay: none. The motion passed.

Item 6 had been taken off the agenda.

**Administrative Items:**

Discussion on future discussion for housing types and ordinance. Clayton Vance indicated he had a presentation to give at some point on the ideas for the proposed public safety building. There was brief discussion on concern over development proposals changing once they have approval. The significance was stressed of annexation agreements and development agreements.

Commissioner Glissmeyer moved to adjourn the meeting. Commissioner Vance seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Vance, Rawlings, and Hansen. Voting Nay: none. The motion passed. The meeting adjourned at 9:08 p.m.

Approved 7/11/2013