

HEBER CITY CORPORATION

75 North Main Street

Heber City, UT 84032

City Council Meeting Minutes

March 2, 2021

4:30 p.m. Work Meeting

6:00 p.m. Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 2, 2021, in the City Council Chambers in Heber City, Utah.

Due to the Wasatch County COVID-19 high-level transmission index, this meeting was held virtually.

I. WORK MEETING-4:30 P.M.

3.2.2021 Complete Meeting Slidedeck

Present: Mayor Kelleen Potter
Council Member Wayne Hardman

Participating Remotely: Council Member Heidi Franco
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Planning Director Tony Kohler
Planning Secretary Meshelle Kijanen
City Recorder Trina Cooke

Staff Participating Remotely: City Attorney Mark Smedley
City Engineer Bart Mumford
City Planner Jamie Baron
IT Specialist Anthon Beales
Chief of Police Dave Booth
Public Works Director Matthew Kennard

Also Present: Kent Spittler

Also Joining Remotely: (names are shown as they appeared in the virtual meeting) Maxx Cohen, Marian, Marianne B Allen, Megan Gummersall, Tamara, Willie Holdman, Adam Long, Bryon Prince, Carolyn Murray, Rick Lloyd, Samm, Trevor Seal, Erin, Iliana Anderson, Kent Buie, D. Scott Phillips, Ken Puncerelli, S Matthews, Kent Buie, Terry Deihl, Armand Johansen, Laren Gertsch, Trudy Bisel, Kelli G, Lisa Orme, Justin Crail, Johannes Kollman, Jeffrey Kuhn, David Belz, Zach Bitner, Dan and Trudy Simmons, Michael, Drew Jex, Zach Karl, Suzanne Spence, Bo Landin, Barre, Paul, Dennis Roberts, Kevin Winterrose, Sadie Andreasen, Deise, Bruce Barrett, Barb Boss, Lynn Baum, Vicky Roberts, Jason Norlen, Cygrymus, John Janson, Sandi Brower, Benj Becker, James Doolin, Judd, Shawn, Christi Judd, and Mark Halberg.

Mayor Potter called the meeting to order at 4:32 p.m. and welcomed everyone present.

1. Discussion Regarding Ordinance 2021-04 Master Development Agreement for Old Mill Village (aka Kollman Farms) (Baron) – 45 min

Staff Report Old Mill Village

City Planner Jamie Baron reviewed the list of additions incorporated into the Master Development Agreement (MDA) at the direction of Council during the previous City Council meeting.

Council Member Franco requested to include specific language in the agreement regarding a deadline for the completion and connection of Sawmill Boulevard. Council Member Stack agreed. Mr. John Kollman, applicant, agreed to include language in the agreement to state the road would be completed within three years.

Consensus of Council was to include the following language in the agreement:

- Sawmill Boulevard should be completed with the first phase of development
- The term of the MDA should be reduced from 20 years to 5 years
- Detention pond slope would be approved by engineering and could be within a park

Council Member Franco felt the agreement needed more fine-tuning on the language. She wished to see tighter language in reference to a land swap otherwise nullifying the agreement. She felt approval of the agenda item should be postponed due to the additional language modifications requested. Council Member Kahler agreed. Council Member Stack proposed additional visual accents on the rear of the buildings.

2. Discussion Regarding Proposed Amendment to Minimum Lot Sizes on Corner Lots and Residential Setbacks in the R-1, R-2, and R-3 Zones (Baron) – 30 min

Staff Report - Setbacks and lot size

City Planner Jamie Baron explained the proposal to amend minimum lot sizes for corner lots and the setback requirement of homes in residential zones one, two, and three. He stated the purpose of the proposed setbacks was to allow space for motor vehicle access to rear yards. He explained the larger corner lot sizes would allow the corner lots to better accommodate setback requirements.

Direction of Council was to not amend the setback requirements for homes but to move forward with the amendment to minimum corner lot size.

3. Discuss Potential Update to City Alcohol License Code (Kohler) – 15 min

Staff Report Alcohol License Code

City Planning Director Tony Kohler explained that social bars were currently not addressed in the City Code. The City Code was out of date in relation to State Code and he was asking for Council direction in order to proceed with a code update. He asked Council to consider how the City should address the following three points:

1. Sacramental Wine within Religious Organizations
2. Bar Establishments
3. Alcohol Establishments within the proposed NVOZ

Mr. Kohler noted the subject was being addressed now because the existing brewery wished to relocate. Detailed code amendments can be found in the associated Staff report as attached. Council supported the proposed amendments in order to update City Code 5.08.

4. Discuss Revisions to the North Village Overlay Zone (NVOZ) (Kohler) – 60 min

Staff Report NVOZ

Wasatch County - NVOZ ERU Chart

City Planning Director Tony Kohler reviewed the steps of Envision Heber Phase 3. He reminded everyone the adoption of the North Village Overlay Zone (NVOZ) was not the final legislative decision. Mr. Kohler addressed the recent Council concerns with regard to the provision of power, storm water, parks standards, and the ERU (equivalent residential units) chart. Council discussion regarding the list of recent concerns proceeded as follows:

Storm Water:

Council Member Johnston proposed striking number 14 on page 47 regarding retention ponds not to count toward open space if deeper than two feet. People + Place consultant John Janson explained the intent had been to avoid the fenced in, rock and weed filled, engineered basins. Council Member Johnston proposed removing number 14 and addressing retention basins clearly in the storm water plan. Council Members Hardman and Stack agreed.

Parks Standards:

Council Member Johnston proposed the minimum neighborhood park size be set at one acre and the community park size at five acres rather than ten. He did not feel neighborhood parks should be required to offer all the amenities of a community park. Council Member Franco expressed concern with reconciling the parks level of service for the increased population. Council Member Kahler felt the amenities should apply to all parks and the standard should be set higher. Council Member Franco asked to include in the amenities chart on page 49: minimum one water station per urban gathering place and all parks, and two watering stations per neighborhood and community parks. Council Member Kahler felt the Trail-side Park in Park City should be the example for Heber to follow with year round bathroom access, water stations, and parking. Council Member Johnston requested language added “the parks and open space requirement average for properties with two or more districts, per MDA”.

ERU Chart:

Council Member Johnston stated ERU’s should be measured by bedrooms. He proposed bathrooms be omitted from the City ERU chart. He explained his proposed ERU chart did not increase density. Council Member Franco felt the City ERU chart should mirror the County chart in order to uphold the annexation memorandum of understanding (MOU) between the City and County. She suggested not doing so would result in hidden density. Council Member Stack agreed with Council Member Johnston points but supported adopting the County ERU chart with the commercial units not included in the measurement and would make a motion to include the line “as part of the overall residential calculation, commercial ERU’s (.86 ERU for every 2,000 square feet) shall be included in the residential density calculation”. He explained the addition of said line would prevent back-doored residential density. Council Member Stack pointed out the MOU with the County was applicable during the annexation processes and did not necessarily apply to the NVOZ. Council Member Hardman felt the City should follow the County ERU chart with the exclusion of commercial. Council Member Johnston felt developers would remain with the County if the City were to adopt the County ERU chart as there would be no reason to annex in to the City. Council Members Franco and Kahler felt the City should adopt the County’s ERU chart unchanged. Council Member Kahler expressed concern with the number of high-density apartment buildings proposed for the area. She felt controlling the ERU’s would reduce the density in the North Village. Council Member Johnston felt the zone restrictions would control the density.

Council Member Franco wished to see the North Village remain rural residential. Council Member Johnston pointed out the area was currently in a zone within the County designated as a town center and it was not an option for the City to otherwise restrict.

II. REGULAR MEETING-7:00 P.M.

1. Call to Order

Mayor Potter called the meeting to order at 7:13 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Mayor Potter)

Mayor Potter led the recitation of the Pledge of Allegiance.

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

Council Member Franco shared a prayer.

III. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

IV. CONSENT AGENDA:

1. Approval of February 16, 2021 City Council Meeting Minutes and February 18, 2021 Special City Council Meeting Minutes (Cooke)

2.16.2021 DRAFT Minutes

2.18.2021 DRAFT Minutes

Motion: Council Member Franco made the motion to accept the February 16 and February 18, 2021 minutes as presented agenda. Council Member Hardman made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler and Stack.

V. PUBLIC COMMENTS:

All public comments received via email are attached for the record.

VI. ACTION ITEMS:

1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower) - 5 min

City Manager Matt Brower provided an update regarding the ongoing COVID-19 pandemic. He advised the primary source of information was the County Health Department website. Wasatch County was still designated as a high-transmission area and Heber City was still adhering to the State-wide mask mandate. He reviewed the vaccine eligibility requirements and how eligible residents could obtain vaccination information and vaccines.

2. Presentation and Discussion of Ivory Homes Tree Contribution to Heber City (Bryon Prince) – 15 min

Ivory Homes representative Bryon Prince described the company's tree initiative program and their wish to work with Heber City to plant trees in the community. He added the Ivory Homes community service project intended to plant 50,000 trees throughout Utah and 10,000 trees had already been planted. He indicated Ivory homes intent to source the trees from a local nursery and work with the City to plant the trees dedicated to the City.

3. Consider Approval to Grant Utility Easements to Heber Light & Power and Rocky Mountain Power (Smedley) - 20 min

Staff Report HL&P Utility Easements

City Attorney Mark Smedley presented the information and reviewed the agreement drafted between the City and Heber Light and Power and Rocky Mountain Power to grant utility easements. He explained the concerns addressed within the document and noted he had worked closely with City Engineer Bart Mumford in order to protect the City's best interests. He shared the land purchase price had been based upon appraisals at fair market value. Transmission line construction was to begin the following week.

Council Member Franco requested the language regarding damage and repair to the land be strengthened and include a deadline. She asked to include a sentence to state long-term access points needed to be negotiated separately. Attorney for the power companies, Adam Long, felt it would not be possible to address every potential situation at that point. He said the utility companies would repair any damages resulting from accessing the transmission lines. City Engineer Bart Mumford ensured that the established language would protect the City.

Council Member Franco inquired if the wetlands would be replaced if damaged. Mr. Mumford advised there were no wetlands in the easement area. She inquired why the City would waive its right to a trial by jury. Mr. Smedley explained trial by jury was a long laborious process and the waiver went both ways. He explained the City would have alternate recourses if needed such as mediation, district court, or bench trial. Council Member Franco asked to have the language added to indicate the aforementioned options were permitted.

Motion: Council Member Hardman made the motion to approve the grant of easements and proposed compensation to the City for Heber Light and Power and Rocky Mountain Power. Council Member Johnston made the second.

Council Member Kahler asked whether the City was receiving the best value for the land. It was noted the City would receive market value.

Council Member Franco asked Council Member Hardman to amend his motion as follows.

Amended Motion: Council Member Hardman made the motion to approve the grant of easements and proposed compensation to the City for Heber Light and Power and Rocky Mountain Power with the inclusion of language on page four stating the power companies would return the land to original condition prior to access within one building season. Council Member Johnston's second stood. **Voting Aye:** Council Members Hardman, Johnston, Kahler, and Stack. **Voting Nay:** Council Member Franco. The motion **Passed 4-1.**

4. Consider Adoption of Ordinance 2020-42 for the Revised North Village Overlay Zone (NVOZ) (Kohler) – 10 min

Staff Report NVOZ

Wasatch County - NVOZ ERU Chart

Motion: Council Member Kahler moved to continue the NVOZ agenda item. Council Member Franco made the second. **Voting Aye:** Council Members Franco, Hardman, and Kahler. **Voting Nay:** Council Members Johnston and Stack. The motion **Passed 3-2**.

Council Member Franco asked to have the public comments submitted by email read into the record. Mayor Potter indicated the agenda item had been continued therefore she would not read the emails but would have the minutes include in the record.

Council Member Stack requested that the agenda item be placed on the next Work Meeting and as an action item on the next Regular Meeting. He asked the members of Council who had voted to continue the agenda item to circulate concrete, specific proposals before the next Council Meeting in order to hold a meaningful Work Meeting to be followed by a vote.

Council Member Franco asked if the members of the public in attendance virtually would be permitted to speak. Mayor Potter stated that as the agenda item had been continued, there could be no further discussion.

5. Consideration of Adoption of Ordinance 2021-04 Master Development Agreement Old Mill Village (aka Kollman Farms) (Baron) – 15 min

Staff Report Old Mill Village

City Planner Jamie Baron reviewed the updated agreement with the inclusion of Council's requested amendments as proposed during the preceding Work Meeting. Council Member Johnston commended Staff for a great job negotiating with the developer for things that were important to the City: the extension of Sawmill Boulevard, the intersection, the commercial projects, and the affordable housing component.

Motion: Council Member Johnston made the motion to approve Ordinance 2021-04 and the Master Development Agreement as presented. Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members Hardman, Stack, and Johnston. **Voting Nay:** Council Members Franco and Kahler. The motion **Passed 3-2**.

6. Consideration to Approve a Setback Reduction on Lot 117 and 124 of the Brookside Phase 5 Subdivision (Baron) – 15 min

Staff Report Brookside Lot Setbacks

City Planner Jamie Baron explained the subdivision had previously been granted a zone change from R1 to R3. The zone change conditions were (a) the larger lots in the development (i.e. non-patio lots) were required to provide a total combined minimum 20-foot side yard setback with no side less than seven feet and (b) to provide 30-foot minimum rear setbacks, 20-foot minimum for corner lots. He shared a subdivision plat map and explained the two lots at the end of two culs-de-sac were not large enough to meet the setback requirement for the developer's smallest home footprint. The applicant was requesting Council approve a setback reduction for the two lots.

Council Member Kahler requested the applicant eliminate the two small lots from the plan, enlarge the four adjoining lots, and install a pass-through sidewalk. She noted there was very little open space and felt it could create a walkable selling point for the development. Development representative Rick Lloyd responded her proposal would not be economically viable for the developer. He added the four adjoining lots were sold therefore modifying the lot size would be difficult. Mr. Lloyd reiterated the development's smallest home design footprint could not meet the setback requirements on the two lots and the zone did not permit a smaller home to be built.

Council Member Stack felt the developer knew what they were getting into when they purchased the land from the previous developer and had waited until the last moment to present the request, thereby making Council reluctant to allow the requested accommodation. Mr. Lloyd acknowledged that if Council would not approve the request, the developer would have to return to the drawing board. He was skeptical the neighbors or Council would be happy with the result. Council Member Kahler inquired whether the developer would consider selling the land to the City for pocket parks. Mr. Lloyd indicated they would.

Motion: Council Member Kahler made a motion to continue the agenda item for further discussion. She would like to address the possibility of parks. Council Member Franco made the second. **Voting Aye:** Council Members Franco, Johnston, Kahler, and Stack. **Voting Nay:** Council Member Hardman. The motion **Passed 4-1**.

7. Consider Approval of Ordinance 2021-11 to Amend Commercial Building Design Standards in the C-2, C-3, C-4, and Mixed Use Residential Commercial (MURCZ) Zones (Baron)

Staff Report Commercial Building Design Standards

City Planner Jamie Baron presented the updates included in the proposed Building Design Standards. Council Member Stack indicated he would not support allowing 50% metal on buildings exterior.

Motion: Council Member Franco moved to change the metal allowance to a maximum 25% after the masonry and other basic requirements were met. Council Member Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Kahler, and Stack. **Voting Nay:** Council Member Johnston. The motion **Passed 4-1**.

Mr. Baron clarified that the motion made would take the metal allowance down to 17.5% of the entire building if calculated after the other exterior requirements were met.

Motion: Council Member Franco moved to approve Ordinance 2021-11 for the C1, C2, C3 and MURCZ zones design standards as amended. Council Member Stack made the second. **Rollcall Vote: Voting Aye:** Council Member Kahler, Franco Johnston, Stack, and Hardman. The motion **Passed unanimously**.

8. Consider Approval of Ordinance 2021-12 Establishing a Community Reinvestment Agency (Brower) - 15min

Staff Report CRA Ordinance

City Manager Matt Brower reminded Council of their top policy priority to revitalize the downtown area as a tourism and recreation district. He explained approval of Ordinance 2021-12 to establish a Community Reinvestment Agency (CRA) was the first formal step in that process.

Consultant Adam Long clarified the action of adopting the ordinance was to create the legal entity of the CRA. The establishment of the boundary would follow. Approval from the Lieutenant Governor's office for an impending boundary change was needed and notices would then be sent to affected entities.

Motion: Council Member Kahler made the motion to approve Ordinance 2021-21 and instruct Staff to submit Notice of Impending Boundary Action to the Lieutenant Governor's Office. Council Member Johnston made the second. **Rollcall Vote: Voting Aye:** Council Members Johnston, Franco, Stack, Kahler, and Hardman. The motion **Passed unanimously**.

9. Consideration to Approve Resolution 2020-10 Implementing Ranked Choice Voting for the 2021 Municipal Election (Mayor Potter, Smedley) - 15 min

Staff Report RCV

Mayor Potter advised there was a bill regarding the election process currently before the legislature and stated she felt the Council should wait until the legislative session was complete before addressing this agenda item. The agenda item was postponed until the next meeting, March 16, 2021.

VII. COMMUNICATION:

1. Staff Follow-Up Reports from City Council Requests

VIII. CLOSED EXECUTIVE SESSION

1. Personnel
2. Purchase, Lease, or Sale of Real Property

Motion: Council Member Wayne Hardman move to enter Closed Executive Session for the purpose of discussing personnel and the possible purchase, lease, or sale of real property. Council Member Stack made the second. **Rollcall Vote: Voting Aye:** Council Members Franco, Hardman, Johnston, Kahler, and Stack.

The meeting entered Closed Executive Session at 8:41 p.m.

Present:	Mayor Kelleen Potter Council Member Wayne Hardman
Participating Remotely:	Council Member Heidi Franco Council Member Mike Johnston Council Member Rachel Kahler Council Member Ryan Stack
Staff Present:	City Manager Matt Brower Chief of Police Dave Booth City Recorder Trina Cooke

IX. ADJOURNMENT

Motion: Council Member Kahler moved to adjourn. Council Member Hardman made the second. The meeting adjourned at 9:50 p.m.




Trina Cooke, City Recorder

• **The following public comments were received via email:**

-----Original Message-----

From: Seversonb

Sent: Monday, March 1, 2021 9:43 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Nvoz — please preserve the river!

I agree with the statement below, but also want to highlight how close this development is to the river—a blue ribbon trout stream. Utah has only a few blue ribbon trout streams. Many states have none. To build so close to one would be to ruin it, and that would be a true shame. Please protect the north fields, and especially the Provo river.

Sincerely,

Ben Severson

Heber Valley resident

A STATEMENT FROM FRIENDS OF HEBER VALLEY TO HEBER CITY COUNCIL AND STAFF:

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later

stages.” The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Neighbors, if this resonates with you, you are welcome to copy and paste into an email to the City Council on or before March 2. If you add your own words at the beginning there will be a better chance of it being read at the meeting. Send your email to CCPublic@heberut.gov.

From: Shar Cracroft

Sent: Monday, March 1, 2021 7:23 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) After wanting to move to Heber fire many years, my husband and I were finally able to do just that. That was 3 years ago. So much had changed just in that short time Susan. But what's being proposed now it's quite disusing to it's as well as...

-----Original Message-----

From: Bambi Mosenthal Wood

Sent: Monday, March 1, 2021 4:22 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) I totally agree with the lower post, my thoughts are in the first paragraph

Please protect our open space and rethink the NVOZ CODE as what you are planning flawed and not in keeping with citizen's wishes and it violates the Memorandum of Understanding signed in 2019. It also fails to properly address traffic issues, does not take into account environmental issues and perpetuates the worst possible outcome concerning the Highway 40 corridor. We can and must do better. Please Do not be swayed by greed or the mistaken impression that your hands are tied. You and We have the power and responsibility to do the right thing. Thank you.

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This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed “at later stages.” The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Neighbors, if this resonates with you, you are welcome to copy and paste into an email to the City Council on or before March 2. If you add your own words at the beginning there will be a better chance of it being read at the meeting. Send your email to CCPublic@heberut.gov.

From: Barrett Burghard
Sent: Tuesday, March 2, 2021 8:52 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) NVOZ Vote

I urge the council to vote against the NVOZ. A vote for this is a vote against the citizens of the Heber Valley. Nobody in their right mind would vote for this unless they have some type of vested financial ties to this project. This development will ruin the entire Heber Valley. Traffic congestion is something we will deal with every day. Wildlife will have nowhere to go anymore and roadkill will increase dramatically. Crime rates will soar, we will have homeless people roaming the streets asking for handouts. It won't be long until the gangs come in and settle down and drug addiction will be a very common thing throughout the valley. Water shortages will be a common occurrence. If this type of life sounds appealing to you, then you should move to South Salt Lake City as that is what Heber City will become.

Sincerely,

Barrett Burghard

From: Ron Dull
Sent: Saturday, February 27, 2021 2:03 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Public Comment on NVOZ

Please read into the minutes.

2/27/2021

Dear Sirs and Madams,

My name is Ronald Dull and I am a full-time resident of Heber City. I am originally from Woodstock, Vermont, a State which continues to prosper in tourism because of its dedication to remain uniquely rural.

I find that the bucolic nature of Heber is what attracted me in the first place. It gives this City its distinctive appeal. This is what should be marketed and capitalized on in order to attract long term tourism and shopping opportunities. Do NOT become another overblown and over-developed commercial center for short term profit.

The increased traffic, water issues and deteriorating air quality associated with such development is well documented and visible before our own eyes. It is not theory. It cannot be ignored. And yet, some on the

Council continue to stumble blindly down that path, convinced that monetary and personal profit is the only worthy goal. That is near-sighted.

Unless caution is now exercised, Heber City will soon find itself in need of more and bigger schools at a huge cost to the citizens. It will find itself buried into a canyon of high story condos ruining the visual appeal of the surrounding countryside. It will be destroyed.

The Council is supposedly representative of the Citizens, working for their long-term benefit, and yet we see a few members whose blatant self-interest is first and foremost in their minds and actions. They have no vision for the future and need to be removed from this office of public trust.

I believe that by preserving as much of the rural nature as feasibly possible at this critical time will be a positive move towards assuring that Heber City remains a unique area where people will wish to live, visit and spend tourism dollars.

I caution you all to act carefully and slowly because once this valley is gone, it is gone forever.

Respectfully submitted,

Ron Dull

From: Richard Getz Gmail

Sent: Saturday, February 27, 2021 2:55 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Public Comment on NVOZ

Dear Council:

The proposed developments at the four corners of River Road and Highway 40 are simply incompatible with the Heber Valley.

Whether these parcels are incorporated into Heber City or not, they simply must NOT be allowed to be built as proposed.

I understand property rights are sacred, but our Heber Valley is more sacred and once it is destroyed, and these projects definitely will impact in such a negative way, there is no getting it back. Ever.

Do not allow this area to become Kimball Junction. It will be forever in your legacy if you do.

--

Regards,

Richard Getz

From: Camping Adventures

Sent: Saturday, February 27, 2021 5:28 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) NVOZ - concerns

Heber City Council,

I am concerned about the massive development plans for Heber City.

I moved to Heber City because I did not want to live in Salt Lake City, Park City, Provo, Orem etc. I love Heber City because of the small town feel and all the open space.

My concerns are not just the sheer number of construction that is slated but what that impact will be:

- * Water issues
- * Traffic on the 189 and surrounding area (Center St, 6th St etc)
- * With all those homes going in where will the kids go to school?
- * Impact on wildlife

Those are my main concerns but it always seems when something is implemented that issues come up that are not known about until it is too late to handle them appropriately.

--

April Hoff

From: Eric & Pauline

Sent: Sunday, February 28, 2021 8:01 AM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Input for March 2 meeting

Heber City Councillors and Mayor—.

Please consider all the following points in your deliberations! Existing approved developments will already bring the Valley population close to the 50000 residents forecasted in Envision 2050 so it is imperative that any future approvals, including the NVOL, contemplate all of the issues below- density, infrastructure, environment, services, education etc. It would be irresponsible for the City or County to approve any further growth plans without firstly ensuring that solutions for these issues are secured and paid for by developers and future residents, rather than further burdening us (the existing tax base) with costs that we don't need or want.....)

1-The NVOZ code in its current form should not be passed. The issues described in 2 -6, below, should be addressed and rectified. And given the changes that were introduced into the NVOZ code by Mike Johnston at the February 2nd meeting, another public hearing should be held before this code is approved.

2-Lower density. All residential AND COMMERCIAL buildings in the NVOZ must be accounted for by assigning them density units (ERUs) that are exactly commensurate with, or more stringent than, the County's density ERU designations. The Memorandum of Understanding with the County (signed 2/4/19) promised that the City would honor the County's densities.

3) More environmental/traffic studies must be done on the entire NVOZ before granting levels of density. It is inappropriate to propose densities that will not be doable. This is particularly true of the large commercial area (referred to in the code as the "North Village," but which here we call the "Commercial

Corners” at the junction of Highway 40 and River Road/Hwy32. Acknowledge past traffic studies, which were required by the County, that showed huge and unacceptable impacts of traffic at this site.

Ensure better integration of NVOZ planning with the work being done on the western bypass. (As it is, with 5 or more traffic lights between Smiths and River road proposed in NVOZ, the bypass currently proposed to cut off to the west near Smiths is a waste- it will need to cut off to the west at River Road to bypass the mess at the intersection, NVOZ, and the existing Heber City)

4) Impacts on the existing Heber City downtown by the proposed “commercial corners” and the University Village should be assessed prior to approval of these commercial centers in the NVOZ. Otherwise, the “commercial corners” should be rezoned or eliminated.

5) Full sign-off by Wasatch County on the NVOZ code with its allowed ERUs and other features, including the proposed commercial center, should be obtained prior to approving the NVOZ. It is important that Heber City is in full compliance with the Memorandum of Understanding signed with the County, regarding the City getting the County’s approval of any changes from County code in this area.

6) The City must take into account all failure-to-perform actions by developers as well as “conditions” placed on developer agreements by Wasatch County before granting such developers ERUs.

7) Environmental protection language must be strengthened. For example, change “may” to “shall” for requirement of preservation fees. Better define air and water goals and standards that must be adhered to. Assess the serious issues of stormwater impacts on surface and groundwater quality. Stop all targeting of the Middle Provo River system, including Rock Creek, for discharge of stormwater from the NVOZ.

The current NVOZ Code should be modified in the following areas before any vote on potential approval-

1) Mike Johnston inflated most of the sizes of dwellings such as apartments, condos, some hotel rooms, and town homes relative to what the County allows for the same ERU value. The current code posted by the City contains apparent typographical errors in their ERU chart, making it difficult to interpret. Here, we refer to the original Johnston proposal. Bruce Parker, a land use consultant, calculated the following increases (his full report can be found at website, friendsofhebervalley.com): Hotel suites and one-bedroom apartments are inflated 14.3%, one to two-bedroom bedroom apartments are inflated 20%, Apartment/condos and similar buildings are inflated 6.6% above what the County would allow. Together, this increases the footprints of buildings, their accommodation potential, and creates negative environmental/visual and population impacts.

2) In addition to inflating the square footage allowance of dwellings under the City plan, Mike Johnston also eliminates restrictions on the number of bathrooms a dwelling can have. The more bathrooms, the more water use and sewage and the potential to house more occupants, particularly unrelated ones.

3) Mike Johnston also changes the categories of dwellings. This change is so large it will take more time to sort out potential impacts.

4) Finally, and perhaps most importantly, the Mike Johnston plan gives no ERUs to commercial buildings. Instead, the City proposes a confusing plan that can not realistically be used or enforced. Outside of the City’s ERU chart on page 9 in the most recent NVOZ code, it is stated: “As part of the

overall residential density calculation, commercial ERU's (.86 ERU per every 2000 sq ft) shall be included in the residential density calculation." Disregarding that this amount is less than the County's, ERU value for commercial, which requires .86 ERUs per every 2000 sq ft, or each Part of 2000 sq ft, this approach is undoable, unenforceable, and unverifiable. Residential and commercial will not be built at the same time by the same people. Typically, residential is built first, then commercial. How would already built residential be reduced to account for subsequent commercial? Raze buildings? Similarly, how would the City choose which residential developer to ding for fewer ERUs because of commercial development being done elsewhere in the NVOZ?

5) The truth is that the City is not assigning any ERUs to commercial developers. Moreover, Mike Johnston's proposal seeks to make the intersection of Highway 40 and River Road a high-density commercial development on all 4 corners. We see nothing in the code to govern that density. On page 9, the City code limits density in the North Village (ie: the region around the Hwy 40/River

Road intersection) to 4.5 ERUs per acre, but since only residential is given ERUs, if developers put in solely commercial, there is nothing to limit their density. The negative impact of this high commercial density with 0 ERUs has been clearly stated by Bruce Parker as impacting infrastructure, but most importantly, increasing residential density to the "worst case scenario" as defined by the City itself, and killing the commercial viability of downtown Heber City. It should be pointed out, specifically, that it will increase traffic along both Highway 40 and River Road/Highway 32 perhaps more than any other factor in the NVOZ code by creating a commercial magnet at this intersection.

6) The NVOZ code pays lip service to preserving the quality of life in Heber Valley, as desired by citizens in "Envision Heber 2050," but the code itself is weak and equivocal in doing so. For example, some landowners whom the City seeks to annex into the NVOZ have old agreements with Wasatch County, but some of these have important "conditions" attached that the developers have not met. The City (page 9) implies they will honor "formal entitlements from approved plans" but does not reference nor require compliance with the "conditions" placed on the development agreements by Wasatch County. Thus, properties awarded County ERUs that are now undevelopable because of inability to comply with Wasatch County's "conditions", simply could be allowed to go forward with the same ERU values under the City's code with no "conditions."

7) Furthermore, the City claims it plans to help save the North Fields or other agricultural open space in the Valley by assessing "preservation fee(s)." But the two times this aim is addressed on page 9 it is so equivocal as to be meaningless: "Such agreements may include North Fields preservation requirements or the payment of fees for open space/agriculture land preservation." And "All development/ERUs may be subject to a negotiated preservation fee ..." [emphasis added]

In both cases, the "may" should be replaced by "will", and the reference to "negotiated" should be replaced by "mandatory assessments".

8) The larger the sizes of dwellings, the more they will cost. The inflation of dwelling sizes under the Mike Johnston plan makes those dwellings less affordable for citizens, rather than more affordable.

In summary, there is still much work to be done before any approved codes, versions, documents, regulations etc, can ensure that the clearly states wishes and vision of the citizens you all represent, are

ensured. I believe that the interests and visions of the 20000 or 30000 people who already live in this wonderful Valley MUST surely take precedence over the somewhat self serving plans of a few tens of developers, as well as over the “assumed” wishes of thousands of future residents-

Eric Stevens

Pauline Lambert

Sent from my iPhone

From: SUZZANE SPENCE

Sent: Sunday, February 28, 2021 12:21 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) North Village Overlay Zone

Dear Council Members;

I attended the Envision 2050 as my first involvement in the area. We had only lived here a month or so. I thought the Envision 2050 meeting was citizen centered and our input would be appreciated. Unfortunately that is not the case. Some members of City Council do not respect or acknowledge the input of the citizens. It seems they vote how they want with no thought to their constituents' wishes. I wonder if civic duty was really ever on their mind when they ran for office.

Promises of settling items "at later stages" down the road as the NVOZ is being developed is not the correct planning needed. As stated with need for changes by both City and County.

If an individual had submitted this plan as a project due for a college course they surely would not have received a passing grade. Why the urgent activity to pass everything? Does someone have another agenda for the urgency?

Are tax incentives being provided to developers? They should be paying us to come here. Most citizens do not approve of the plan but are being ignored.

The current approval of the NVOZ should be postponed, especially the annexing of the east side of Hwy. 40. Heber will definitely lose its charm if this were to occur.

I first moved here in December of 2019. We rented an apartment until we found a house to buy in Heber City. We had planned on moving here sooner but some medical emergencies did not allow that. We are retired high school teachers with family in the Heber City area. Visiting here often made us realize this is where we wanted to live.

Misleading people like this does not speak well for the Council Members involved. The recommendations made by Robert Parker, who is a professional land use expert, should be recognized for the postponing of this issue.

Sincerely,

Suzanne Spence

From: Karen Conley
Sent: Monday, March 1, 2021 10:45 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) NVOZ

**Please, please reconsider your plans to change the beauty and energy of our lovely Heber Valley.
A STATEMENT FROM FRIENDS OF HEBER VALLEY TO HEBER CITY COUNCIL AND
STAFF:**

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Neighbors, if this resonates with you, you are welcome to copy and paste into an email to the City Council on or before March 2. If you add your own words at the beginning there will be a better chance of it being read at the meeting. Send your email to **CCPublic@heberut.gov**.

From: Yvonne Barney
Sent: Monday, March 1, 2021 10:46 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL)

A STATEMENT FROM FRIENDS OF HEBER VALLEY TO HEBER CITY COUNCIL AND STAFF:

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current

NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed “at later stages.” The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Neighbors, if this resonates with you, you are welcome to copy and paste into an email to the City Council on or before March 2. If you add your own words at the beginning there will be a better chance of it being read at the meeting. Send your email to CCPublic@heberut.gov.

From: Kim Tolbert
Sent: Monday, March 1, 2021 10:53 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Heber Valley

I support the Friends of Heber Valley and how they are trying to save this town. I believe there should be a moratorium on all developments until a clear infrastructure plan has been established. Also, something has to be done with impact fees. Developers should be responsible for impact fees and not impose the fees on Heber and the residents.

The biggest threat in history to Heber Valley’s future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that **the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.**

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed “at later stages.” The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Best,

Kim Tolbert

From: blandin
Sent: Monday, March 1, 2021 10:54 AM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) NVOZ

Dear City Council,

My own concern is well summarized in the statement from the Facebook Group Friends of Heber Valley, quoted below. I strongly urge you to halt further progress of the NV development until all relevant issues have been thoroughly investigated and discussed with appropriate authorities and the citizens of Heber valley, i.e. Wasatch county. What has been done wrongly in the past, when this explosive development in the valley could not be foreseen, cannot be the argument for continuing the misguided development based of faulty premises. The vision of the citizenry was clearly expressed in the Envision 2050 process. What is proposed now, and especially what has recently been added to plans by council member Mike Johnston, is not in line with the expressed feelings of us living here. The North Fields, to start with, and the Provo River ecological corridor are national treasures and should be kept intact and protected by all means available to the council. Please!

And in addition I support the following statement by Friends of Heber Valley:

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that **the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.**

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Thanks you for caring!

As always,

KEEP YOUR BOOTS MUDDY!!

bo

-----Original Message-----

From: Janell

Sent: Monday, March 1, 2021 10:58 AM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Stop

Please read before March 2 mtg. We must be able to change, even though you have told the public it's too late. It's never too late. Please add my concerns to the list of constituents.

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Janell

From: Robyn Liu

Sent: Monday, March 1, 2021 11:07 AM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Proposed development of NVOZ

Heber Valley City Council, I am writing this email in regards to the proposed development of NVOZ. My great, great, grandfather homesteaded in the Heber Valley because the area offered a safe family environment. Generations later, I have brought my family back to the area for the same reasons.

I feel that this development would be a sad, detrimental addition to this valley. It would congest traffic, add unwanted pollution and take the landscape from a rural one, to a populated cement infrastructure.

This development will only change Heber into a playground for the rich. Disregarding the beautiful nature, and the people of this valley.

Please do the right thing for the growth of this valley, and keep Heber Valley the wonderful community it is. A place where kids can grow up safe and neighbors can get to know one another.

The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

--

Robyn Liu

From: Kellicia Gomez
Sent: Monday, March 1, 2021 11:13 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) NVOZ

Heber City Council,

Please listen to residents here and the many visitors who come here to enjoy our town and the open country feel. Once the open space is gone it can never come back. Growth and development is expected- we need a plan that will blend into our beautiful landscape not take away from it.

Please don't sell out our precious open space to the highest bidder and turn a blind eye to the monstrosities they plan to build. This only benefits a few at the expense and detriment of the thousands who live here and oppose it.

Thank you

Kelli Gomez

A STATEMENT FROM FRIENDS OF HEBER VALLEY TO HEBER CITY COUNCIL AND STAFF:

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Neighbors, if this resonates with you, you are welcome to copy and paste into an email to the City Council on or before March 2. If you add your own words at the beginning there will be a better chance of it being read at the meeting. Send your email to CCPublic@heberut.gov.

-----Original Message-----

From: Nonih
Sent: Monday, March 1, 2021 11:23 AM
To: ccpublic@heberut.gov.
Subject: (EXTERNAL) NVOZ

Friends,

As a resident that moved here for the quality of small town life, I am appalled that this NVOZ is even being considered. I am a transplant from years ago and I am more than happy to drive to other places to get things I need because of it helps keep our town clean and unspoiled I will do it. There are so many concerns with water, air quality, and even traffic that I don't think have been addressed enough. Please don't bring this to our beautiful valley. I know growth is inevitable, but if we must grow, let's be a lot more concerned with our future and taking care of what we have now and less about everyone trying to make money while they can. We are trusting you to help make educated decisions.

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of a local resident, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

A very concerned resident that loves this special valley, Naomi Henderson

From: Cristina Aguirre

Sent: Monday, March 1, 2021 11:33 AM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) regarding the NVOZ vote

On March 2, PLEASE do not approve the current draft of the NVOZ as it is written today. This is not what I, as a citizen and homeowner of Heber City, want for my city. The plan lacks quality traffic studies and I would like to see a more robust environmental study done that assures the preservation of the Provo River and of our natural resources. This plan also reduces some of the rural feel that so many of us want to keep.

This development will bring more traffic into Heber Valley, more pollution, and many more people into an already crowded valley. We have yet to come up with a plan to solve the traffic issues, and before approving any more development, a traffic plan should be in place.

These issues governing the entire NVOZ must be addressed NOW. Density and any other deficiencies within the code cannot be addressed at later stages. Do not let the developers pressure you into believing that things can be handled "down the road." It must be now. Please do not approve the current draft.

Thank you for your consideration.

Cristina Aguirre

-----Original Message-----

From: Barbara Games

Sent: Monday, March 1, 2021 11:51 AM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Nvoz

A STATEMENT FROM FRIENDS OF HEBER VALLEY TO HEBER CITY COUNCIL AND STAFF:

I could not have said my feels better so even though this is copied & pasted, please consider it my true feelings Barbara Games The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Neighbors, if this resonates with you, you are welcome to copy and paste into an email to the City Council on or before March 2. If you add your own words at the beginning there will be a better chance of it being read at the meeting. Send your email to CCPublic@heberut.gov.

Sent from my iPhone

From: Daniel Cygrymus

Sent: Monday, March 1, 2021 12:34 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) North Village Overlay Zone

To the Heber City Council (and County as well)

As a member of the Friends of Heber Valley Facebook Group, I wholeheartedly agree with the text following below. Additionally, I strongly feel that a member of the council both openly (as well as behind the scenes) representing individual developers within Heber Valley is a grievous abuse of their council position. Council members are placed in their seats to represent the entire community, and just because an area might exist technically beyond the city boundaries, that does not excuse such activity, especially when it flies in the face of what the constituents have clearly voiced.

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that **the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.**

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must **NOT** buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." **The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.**

Warm Regards,

Daniel Cygrymus

-----Original Message-----

From: Heather

Sent: Monday, March 1, 2021 12:41 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Development

Dear council members.

I am writing to express our deep concern about the explosive development taking place around our beautiful valley.

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must **NOT** buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

Thank you for your attention.

Heather & Francis Stoll

From: Annette Anderson
Sent: Monday, March 1, 2021 1:25 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) Development in the Heber Valley

PLEASE consider the future of this valley and do NOT approve this! If the growth rate continues as it is currently, we will not have clean air to breathe, so much more traffic than we have now, and other serious issues with the current infrastructure. Is the current sewer treatment plant going to be able to handle this much growth? Also, what a terrible first impression for people driving into the Heber Valley, this plan is so unsightly.

Thank you for your consideration, Annette and David Anderson, Charleston

A STATEMENT FROM FRIENDS OF HEBER VALLEY TO HEBER CITY COUNCIL AND STAFF:

The biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). This area extends north of Heber City, East of Highway 40 (mostly) and past the junction of Highway 40 and Highway 32/River road. The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

It is the opinion of Friends of Heber Valley, after receiving extensive input from the citizenry and consulting with an independent land use and planning expert from the University of Utah that the current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

From: Ron Dull
Sent: Monday, March 1, 2021 3:13 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) public comment on NVOZ proposal

Sirs,

I am shocked in the almost cavalier way that the biggest threat in history to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the North Village Overlay Zone (NVOZ). The current draft of the NVOZ should not be approved at the March 2nd Heber City Council Meeting.

The current NVOZ is not what the citizens wanted for Envision 2050, violates the Memorandum of Understanding with the County signed in 2019, lacks quality traffic and environmental studies and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor.

This is the only time that these issues governing the entire NVOZ code can be addressed. The City must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.

There are member(s) of the Council who represent the developers and their own self-interest, not the citizens, and these member(s) should recuse themselves from further discussion.

Ron Dull

From: Kris Frisby

Sent: Monday, March 1, 2021 4:16 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Development in the valley

To whom it may concern,

First I recognize that there are probably many components of this situation that I don't understand. There are probably rules and regulations you have to follow when approached for a development opportunity. I am only viewing this from a citizens perspective. However, the growth that is proposed along the highway 40 corridor is concerning to me for multiple reasons. I know there is going to be an important vote tomorrow and I would like to share my thoughts.

1) There are complaints constantly about the traffic on main street, especially during the summer months. What is being done to alleviate this without adding thousands more cars to the problem. Every time I hear about another development, I always ask why we are building before the infrastructure is in place. Mainly the roads. It needs to be considered and thought out long before we just start building more in the valley with a system that can't sustain.

2) Have studies been done to make sure there are sufficient natural resources for all of this growth like water. I realize sewer systems can be increased, but the wasatch front is already dealing with water issues and soon we are going to be in the same situation. Make sure that this isn't the case, please! Complete the studies before you approve the growth.

3) Schools. I really don't need to go into this one. Enough said.

4) This is part that you probably can't fix. People move to a small town because it is a small town. Then people from big cities move here because they want to live in a small town. They get here and realize that they have to drive back to the city for many things and the complaints start. I hear all the time on Facebook groups about how they wish that we had a Costco or a Target. Well, are you really ready for those to be built in town as well with all of the impact they will have? They will come and I don't think we have the work force to sustain them. Most people drive back to the city to work, not stay here. Keep that in mind. Try to remind people they are moving to a small town and we don't want all of the box stores here. If they want that, stay where they are.

Really the majority of the town probably doesn't want to see the growth. We realize what we have here and know that it will disappear if the growth continues at this rate. I know we discuss often how much will be too much before we leave. My husband's family has been in this valley for over 100 years and this isn't what any of them want. It changes the peace and quiet of the valley that we all love so much. Crime will increase and our kids will no longer be safe on the streets to just enjoy being kids. I would love for my kids to be able to live here when they are adults but right now we are creating a society for only the wealthy or a town that is crammed with houses wall to wall. That isn't how we want this town to grow. If you would consider taking the time to actually ASK the citizens what they want, it would certainly make for a better growth pattern in the future. Heber has enough money, don't let the developers decide just by throwing money on the table. You can delay the growth if you want. You just have to decide if you want Heber to be the Heber we all know and love or the Heber that is basically just a suburb of Salt Lake and Provo that many people left for very good reasons. Thanks for considering.

Kris Frisby

Citizen of Wasatch County

From: Maxx Cohen

Sent: Tuesday, March 2, 2021 1:44 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) NVOZ

Dear City Council,

The new NVOZ proposal brought up by Mike Johnston threatens to destroy the charm, character, and unique beauty of Heber. As a homeowner on Moulton lane, I do not want to see dense commercial zoning bordering my property. I bought my home in Wasatch county to enjoy the open space, beautiful views, and rural lifestyle. I understand that as Heber grows, we could utilize additional commercial infrastructure. This should continue to be built near the existing highly developed commercial zone by Walmart. If we choose to grant developers the unlimited opportunity to create new dense commercial zones on the north side of town, I fear our town will become another West Valley, filled with strip malls, and endless sprawl that will increase air and water pollution.

I urge the City council to listen to the citizens. We do not want to lose the North fields to development! We do not want to turn our town into another sprawling suburbia. Even the city council claims you do not want this new development. What will it take to stand up for the unique beauty of our community? I hope we can figure it out before it's all paved over.

Please do not approve the current draft of the NVOZ. It is not in line with Envision 2050. We need more environmental studies on our pristine Blue Ribbon Provo River fishery and how this will impact our drinking water quality. We need more traffic studies before we start approving these massive developments. Traffic in Heber is already crazy enough! Please take the time to really study and consider how this NVOZ development will impact our way of life. Please plan this thoughtfully and consider what a rush to approval will do for our future. Rushing this approval does a disservice to our community and helps only those who will benefit financially, especially those developers and landowners who do not actually live in our community.

If we're going to preserve the North fields by utilizing a development/ ERU fee let's use stronger language and higher fees. It's sad to see the city council caving to the developers density desires and not standing up for the beauty of the land and open space we have here in Heber.

Sincerely,

Maxx Cohen

Moulton Lane

Ileana Anderson

Dear City Council,

I am very concerned about the new changes Mike proposed in his version of the NVOZ zoning map. The commercial zoning proposed in this version does not fit with Envision 2050. I thought that the plans proposed by Rachel, Heidi, and Ryan were more in line with Envision 2050.

I am very concerned about how this new map proposal would impact the current residents on Moulton Lane if approved. The previous map/s compromised between meeting the community's growing housing needs, respecting the current residents, and meeting the developers' needs. The new map proposal seems to benefit only those who want to develop and does not respect current residents' needs or how commercial development of this scale would impact water/air quality, noise levels, etc.

I want to know how the new map's proposed changes will impact building height restrictions, number of ERUs, setbacks, green buffers, etc. I am concerned that the proposed changes could allow massive buildings that would block our view and decrease our property value. I am also concerned that increasing ERUs will negatively impact our drinking water. I do not want to see highrises, multistory parking garages, and strip malls, essentially another Kimball Junction as my neighbor.

I hope you consider these concerns.

Thank you for all the hard work you have done and continue to do for our community's benefit.

Ileana Anderson

A Moulton Lane Resident

-----Original Message-----

From: laurawardle

Sent: Tuesday, March 2, 2021 4:11 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Development on Highway 40 and River Rd

I would like to voice my concern regarding the proposed development at the intersection of River Road and Highway 40 Please do not approve high density housing, a water park or any of the other ideas floating around. The beauty of the valley is fading with each new development. We are counting on you to serve the public and not the developers.

Thank you for you service.

Regards,

Laura Wardle

Sent from my iPhone

From: Tracy Taylor

Sent: Tuesday, March 2, 2021 4:33 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) NVOZ comments

Hi City Council and Mayor-

Over the last few months, the citizens have been trying to relay their concerns about the NVOZ.

There are still unresolved issues that are deal breakers to me. We all can create a better plan than the current draft, something that the community can support and get behind.

1) Heber City is still not in compliance with the MOU signed by you and Wasatch County. The density cannot be higher than the Wasatch County density in that area, as per the MOU. I would like to see you adopt the exact densities that the County approved.

2) The storm water runoff, and other environmental impacts that the citizens conveyed, still have not been taken seriously enough. There are REAL issues with the quality of the Provo, Rock Creek, and the aquifer below us. They must be kept in pristine condition.

3) The City Council voted to remove the "Resort Corner" from the annexation map, yet it is STILL in the map and being discussed with even more density. Since the Council voted to start the removal process, and also mentioned that they did NOT want that corner in the City at all, that process should be honored and followed through with first before a NVOZ is approved.

We can discuss a viable compromise to the NVOZ to have a win/win for the community, and still have enough development for our rapidly growing Valley.

Thank you for your time, and service.

Tracy Taylor

From: Trudy Simmons

Sent: Tuesday, March 2, 2021 4:34 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Public Comment on NVOZ

Dear Council Members:

As you can see, this addresses the major flaw in the current NVOZ, which is the high densities it is giving, as well as the way it will allow developers to receive hidden densities in both residential and particularly commercial developments. Since then, we have sent each Council member and the Mayor more detailed suggestions, which we hope will be read and considered. Thank you.

First: City planning shouldn't exceed population increase contemplated in the general plan. This requires accurate, verifiable bookkeeping by the City, resistance to pressure from developers to exceed that number and staying strictly within the vision the citizenry approved. The 2050 plan was just that, growth to be achieved by 2050. Approval of the NVOZ should require auditing projected growth, taking into account **all developments approved since 2017, the proposed NVOZ and all pending projects.** Growth should fall along the population trajectory approved by the General Plan.

Second: Publicly state exactly what entitlements were given by the County, and if they are still valid. Transparency and accuracy are still needed in regard to entitlements given by the County and their current validity.

Third: ERUs must be assigned to commercial developments. The City claims pressure to annex to prevent the County from giving higher densities, but has been lax at creating a clear and consistent definition of ERUs. Council Member Johnston stated at the February 2nd meeting *"I don't think commercial at all is ever considered an ERU. We don't assign ERUs to industry or churches or schools or to movie theatres. We just don't do that. ERUs are residential units. But I do want to match what the County has for the most part."* **The County assigns ERUs to commercial. Not assigning ERUs to commercial is inconsistent with practices in other Utah cities.** A survey of some similar cities reveals that Park City, Murray, Moab, Tooele, Riverton City, Vineyard, Spanish Fork, Saratoga Springs, West Valley City and Midway all assign ERUs to commercial buildings.

Fourth: The City's plan for the NVOZ is only better than the County's if it really does make quality of life better in the Valley, with significantly better aesthetics along Highway 40. The City has had some good ideas, but with pressure for high density from developers, the NVOZ plan has degenerated recently. There is very little true "open space" along Highway 40 in the City's NVOZ plan. We agree with Councilwoman Franco, that the current plan is now sprawl with areas of high density. This is also contrary to what citizens were "envisioning" when they made preservation of open space their number one priority in "Envision Heber 2050"

Fifth: Accurately adjust upward the City's ERU values to account for Councilman Johnston's desire for larger apartments, condos and townhomes with unlimited bathrooms, or deny his

proposal and keep the County's sizes. These adjustments have been called "not much," by Council members Stack and Johnston, but please realize that just increasing "Townhomes" from 1000 to 1200 Sq ft will allow twelve such units to be built in the City rather than ten in the County.

Thank you.

Dan Simmons

-----Original Message-----

From: Deb STENGER

Sent: Tuesday, March 2, 2021 4:42 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Meeting 3/2

I am a Heber resident.

4 years. Newbie by all standards. Bought an existing home built in 2004.

I came to this valley for its quiet and beautiful lifestyle. Park City was crowded and the traffic undesirable.

My adult kids also moved here. Into existing homes built years ago.

The 4 years I have lived here I have become quite alarmed at the rate of building / growth. Growth is inevitable where ever you go. However I feel like Heber is becoming the poster child for what NOT To do to a valley. Traffic : huge increase.

Both auto and air traffic have increased to the point of standstill traffic on 40 in the summer.

Building out of control with no real vision.

I am concerned the county/city is rubber stamping development with no cohesive aesthetics. It appear land is sold - developers load it up with max housing units and move on.

I would ask the Heber City Council to pause on all of the huge developments until roads and infrastructure can be evaluated. We are quickly becoming the very place people flee. Salt Lake City, Provo and California.

Deb Stenger

Sent from my mini secretary, iPhone

From: Trudy Simmons

Sent: Tuesday, March 2, 2021 5:41 PM

To: CC Public Comments <ccpublic@heberut.gov>

Subject: (EXTERNAL) Public Comment on NVOZ

"What Should Heber Do?"

First of all, Heber should hold fast to its own legacy. Listening to discussion about development and seeing images proposed by developers, one gets the impression that the "powers that be" have heaved a sigh, shaken their heads and resigned themselves to letting Heber become just like every other Utah town on the Wasatch Front or Back. But Heber is not like every other town! One very obvious reason is because of its unique setting in a small valley with the cold, clear Provo River running through it.

Heber simply doesn't have room for another Kimball Junction or Traverse Mountain, with their chain restaurants and "Mountain Modern" architecture. Yet, it seems like that's what's being forced upon us. So what's the solution?

The organization Friends of Heber Valley, a non-profit registered with the State, was created to celebrate the unique qualities of Heber Valley and discuss ways to preserve it. Friends of Heber Valley now has over 700 members and is growing daily. If you don't realize it already, you should know that the citizens participating in our discussions are strongly concerned about what they see being proposed! But please, before you dismiss this letter by remarking that "people just don't want there to be **any** development at all, and that's not going to happen," please understand that the position of FOHV is "We get it. The situation is complicated because of old deals made by the County. The City needs to grow and people need homes. There is going to be development." We are just asking you to **think really hard, think outside the box and think about the needs and desires of those who live here.** We are tired of hearing "**The County made us do it.**" FOHV has been pushing hard for transparent, accurate information about the County deals, especially on issues of density, and we still do not see it.

We suggest that Heber should **TAKE ITS TIME.** There is a feeling that some Council members want to vote on the NVOZ just because they are tired of dealing with it, tired of talking about it, and tired of thinking about it.

The General Plan "Envision Heber 2050" looks into the future. 2050 is still a ways off! Yet it seems like the City is ready to catapult itself into 2050 right now, in 2021, with plans that will overshoot population and ignore other priorities of "Envision."

So please keep thinking long and hard about this all-important decision! Don't vote now!

And here is something to think about - as mentioned, citizens have strong feelings against the plans that have been presented so far. One of the most-disliked projects is the "North Village Resort" with the high density and Cambodian Jungle water park. What if, instead of such a "monstrosity," (as one citizen described it) people entered Heber Valley to the view of a "**Heber Valley Heritage Park?**" This would be a place that celebrates what Heber is - a celebration of the rural heritage, where residents and visitors alike could learn about farming and animals, go on pony rides and hay rides, visit a pumpkin patch, eat goat milk ice cream and shop at a farmers' market and Christmas market!? Maybe there could be a Sundance-style theatre with plays and concerts by both local and visiting artists. How about shows by local artists? Summer camps and classes? The ideas go on! Similar projects could help revitalize downtown Heber, another priority in Envision which seems like it's being ignored. This seems like so much a better way to celebrate and keep Heber unique than to create a "tourist destination" that doesn't welcome locals, or a large commercial area just like ones that you can find everywhere else. **By putting some thought and heart into this decision, we believe that there are ways that citizens and donors would enthusiastically embrace this one chance to get it right and keep Heber a really special place.**

Trudy Simmons

for Friends of Heber Valley
