

HEBER CITY CORPORATION

75 North Main Street

Heber City, UT 84032

April 6, 2021

AMENDED AGENDA

5:00 p.m. Work Meeting

7:00 p.m. Regular Meeting

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

ATTENTION: DUE TO THE CURRENT WASATCH COUNTY COVID-19 MODERATE-LEVEL TRANSMISSION INDEX, THIS MEETING WILL BE HELD VIRTUALLY. Please visit <https://www.heberut.gov/256/Agendas-and-Minutes> in order to attend and/or submit comments. Comments can also be emailed to CCPublic@heberut.gov.

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

1. Discussion Regarding Unintended Consequences and High Costs Resulting from New Commercial Design Requirements (Johnston) – 30 min
2. Discuss Proposed Process Amendment for Land Use Authority (LUA) Title 17 Subdivisions (Baron) – 45 min
3. Consider Approval of Proposed Setback Reduction on Lot 117 and 124 of the Brookside Phase 5 Subdivision (Baron) - 30 min – refer to action item 7

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

1. Call to Order
2. Pledge of Allegiance (Council Member Hardman)
3. Prayer/Thought by Invitation (Default: Council Member Johnston)

III. CONFLICT OF INTEREST DISCLOSURE:

IV. CONSENT AGENDA:

1. Approval of March 16, 2021 City Council Meeting Minutes (Cooke)
2. Approval of Vehicle Surplus Liquidation for a Police Department HMMWV Vehicle, an Animal Control Vehicle, and a Public Works Vehicle (Anderson)
3. Approval of Power Industrial Park Condominium Plat Modification (Baron)

V. PUBLIC COMMENTS:

VI. ACTION ITEMS:

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

2. Presentation by Wasatch County School District Superintendent Sweat (Paul Sweat) – 10 min
3. Presentations by Peoples Health Clinic Outlining the use of CARES Funding (Beth Armstrong) – 5 min
4. Presentations by the Children’s Justice Center Outlining the use of CARES Funding (Kenna Jones) – 5 min

RECESS AS HEBER CITY COUNCIL

CONVENE AS HEBER CITY COMMUNITY REINVESTMENT AGENCY BOARD

5. Consider Approval of Resolution 2021-03 Designating a Survey Area and Authorizing Related Actions for the Community Reinvestment Project Area (Brower) – 10 min
6. Consider Approval of Resolution 2021-04 Adopting Heber City Community Reinvestment Agency Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings (Brower) – 20 min

ADJOURN AS HEBER CITY COMMUNITY REINVESTMENT AGENCY BOARD

RECONVENE AS HEBER CITY COUNCIL

7. Consider Approval of Proposed Setback Reduction on Lot 117 and 124 of the Brookside Phase 5 Subdivision (Baron) -10 min
8. Approval of Ordinance 2021-09 to Amend Chapter 18.72 Parking Regulations (Kohler) - 15 min
9. Discussion to Consider Amending the Code of Conduct and Ethics for Public Officials of Heber City (Kahler) - 10 min

VII. COMMUNICATION:

VIII. CLOSED EXECUTIVE SESSION

1. Personnel

IX. ADJOURNMENT

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

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

Posted on March 30, 2021, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

WORK MEETING

TAB 2

City Council Staff Report



MEETING DATE: April 6, 2021

SUBJECT: Land Use Authority Revisions Discussion

RESPONSIBLE: Jamie Baron, Planner

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community and Economic Development

SUMMARY

This is a continuation of the discussion from the March 16, 2021 work meeting. The purpose of this agenda item is to identify which land use applications/processes are most important for the Council in the use of their time and legislative authority.

The Policy questions are as follows:

1. What land use processes are most worth the council's time and legislative authority?
2. Should the council be reviewing administrative planning items?

RECOMMENDATION

Staff is seeking input from the council on land use process management in anticipation of consideration of an ordinance at a future council meeting.

BACKGROUND

In the fall of 2018 the City Council and Planning Commission attended a training with the State Property Rights Ombudsmen who indicated that administrative approvals should be done at a staff level.

Following the training, the Council approved an amendment that allows staff to approve final plats for single use zones, lot line adjustments, and plat amendments that don't require a public hearing. This amendment addressed the top 5 issues with a two track process for mixed use zones and single use zones as outlined below.

Top 5 Issues Amendment Summary Table (Two Track Process)

	Process	Current Land Use Authority	Proposed Land Use Authority
1	Lot Line Adjustments and Plat Amendments	City Council	Staff; City Council when public hearing is required or open space, road or easement vacation or 3 rd party lot
2	Small Subdivision	City Council	Staff
3	Concept Subdivision	Planning Commission	Staff for single use zones; Planning Commission for mixed use zones
4	Preliminary Subdivision	Planning Commission	Planning Commission
5	Final Subdivision	City Council, upon recommendation of Planning Commission	Staff for single use zones; City Council as recommended by Planning Commission for mixed use zones

Earlier this year, the Council was reviewing an administrative item for a mixed use zone when concern about reviewing administrative items was expressed.

The Planning Commission forwarded a proposed amendment to move administrative items to the Planning Commission or staff. The Council continued the item and discussed this issue at the January Council Retreat.

The purpose of this agenda item is determine what the Council priorities are how the Council can make the most of their legislative discretion and time.

DISCUSSION

In Stephen R. Covey's book "The 7 Habits of Highly Effective People", Cove discusses time management by using 4 quadrants of how to spend time.

Quadrant 1 – DO, these are the items that are important and demand your attention.

Quadrant 2 – Plan, these are the item that are important, but are not tied to urgent timelines.

	URGENT	NOT URGENT
IMPORTANT	<u>Quadrant I</u> <i>urgent and important</i> DO	<u>Quadrant II</u> <i>not urgent but important</i> PLAN
NOT IMPORTANT	<u>Quadrant III</u> <i>urgent but not important</i> DELEGATE	<u>Quadrant IV</u> <i>not urgent and not important</i> ELIMINATE

Quadrant 3 – Delegate, these are items that are time sensitive, but are not important or the best use of time.

Quadrant 4 – Eliminate, these item are neither important nor time sensitive.

Cove indicates that most of the time should be spent in quadrants 1 and 2, suggesting to delegate or eliminate tasks in quadrants 3 and 4.

Staff has initially outlined the quadrants with development processes based on council priorities.

Covey Quadrants: City Council Time Management	
Q1: DO - Annexations - Zone Changes and General Plan Amendments - Code Amendments to address an urgent need - Street Vacations - Master Plans/Concept plans w/zone change or annexation - Master Plans, non legislative	Q2: PLAN - Annexation Policy Plan - Code Amendments that achieve a strategic priority, (i.e. Downtown Code, Sign Code, etc.) - Large General Plan Updates
Q3: Delegate - Concept, administrative - Preliminary Plat - COSZ Preliminary Plat - Final Plats, mixed use - Final Plats, single use - Plat Amendments - Lot Line Adjustments - Commercial Development Approval (Site Plans) - Conditional Use Permit - Telecommunication Permit - Sign Permit	Q4: Eliminate - Fence Permits – Already Eliminated
Green – Legislative, only the council can act. Orange – Administrative, important to council priorities. Red – Administrative, not important to council priorities. Black – Currently PC or staff action, administrative	

Quadrant 1 Criteria

- Time Sensitive

- Legislative Discretion
- Most Administrative Discretion
- Flexibility in Council Priorities
 - o Open Space
 - o Trails
 - o Parks
 - o Sensitive Lands
 - o Traffic
 - o Architectural Standards
 - o Affordable Housing

Quadrant 2 Criteria

- Not Time Sensitive, no pending development or timelines
- Legislative Discretion
- Address Strategic Priorities

Quadrant 3 Criteria

- Time Sensitive
- Little to no discretion
- Little to no flexibility in Council Priorities from quadrant 1

Quadrant 4 Criteria

- Processes that are not necessary to carry out the code or priorities

FISCAL IMPACT

N/A

CONCLUSION

Staff is requesting feedback from the Council on the approach to land use application and their time management so staff can propose an amendment that reflects the time management strategy of the Council.

ALTERNATIVES

Not an Action Item.

POTENTIAL MOTIONS

Not an Action Item

CONTRACT ACCOUNTABILITY

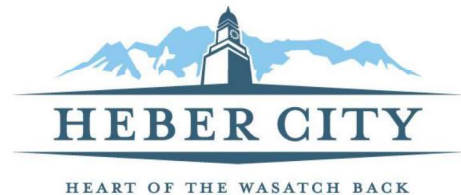
N/A

EXHIBITS

None

TAB 3

City Council Staff Report



MEETING DATE: April 6, 2021
SUBJECT: Setbacks on Brookside lots
117 and 124
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community and Economic
Development

SUMMARY

Regal Homes purchased the Brookside Phase 5 and 6 subdivision and is seeking approval to modify the setbacks on lots 117 and 124, to fit homes on the lots. Regal is proposing a tree voucher program for the home buys of their development to mitigate the impact to the community.

The policy questions include the following:

1. Should the Council modify the setbacks on lots 117 and 124

RECOMMENDATION

Staff recommends the Council approve the proposed setback modifications with a minimum 20' front or 20' garage setback.

BACKGROUND

At the March 16, 2021 council meeting, the council indicated that they would entertain a street tree program for the residents of the subdivision and directed staff to work with the applicant to propose the tree program.

The proposed agreement would provide for 1 tree for interior lots, 2 trees for corner lots, and 3 trees for the corner lots on Becca Rd (main thoroughfare of the phases). The result would be approximately 60 street trees. Each tree would be a 1.5" caliper Autumn Blaze Maple.

DISCUSSION

SETBACK REDUCTIONS

The request has been 20' front and 19' rear on lot 124. The builder is currently looking at possibilities of home designs. If the council is not willing to reduce the setbacks to 20', would the council consider a different reduction, like 20' and 25' rear, this would be 5' in each direction, or just a 25' in the rear?

FISCAL IMPACT

N/A

CONCLUSION

Regal Homes is requesting a modification to the setbacks for lots 117 and 124 in Brookside Phase 5. The home meet the minimum lot size, however are very shallow with building pad depths of 20' to 27' deep. Staff recommends approving a setback modification with a minimum 20' garage setback.

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** the Setback Modification Agreement for lots 117 and 124 of Brookside Phase 5, with the findings and conditions as presented in the conclusion of the staff report.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Proposed Agreement
2. 3.16.21 Staff Report

Exhibit 1

SUBDIVISION AGREEMENT
AND
COVENANT RUNNING WITH THE LAND

(Brookside Subdivision Phase 5 lots 117 and 124 Setbacks and Tree Vouchers)

THIS AGREEMENT entered into this _____ day of _____, 2021 by and between Heber City, hereinafter referred to as “City” and the undersigned as “Developer”.

WHEREAS, the Developer/petitioner has requested a modification of the setbacks on lots 117 and 124, from the zone change agreement;

WHEREAS, the City Council find it necessary to grant the setback modification for the construction of a single family home on the said lots.

WHEREAS, the Zone Change Agreement, entry no. 447068, addresses, among other things, setbacks, which creates two (2) building lots with very small building pads.

WHEREAS, the City and Developer desire to promote quality housing for the development.

WHEREAS, the City Council finds that the implementation of street trees improve the neighborhood and provide mitigation of the impact of the adjusted setbacks.

WHEREAS, unique circumstances warrant an agreement between the parties.

NOW, THEREFORE, the parties hereby agree as follows:

1. This agreement modifies the setback requirements of the recorded Zone Change Agreement, entry no. 447068.
2. The setbacks for lots 117 and 124 of the Brookside Phase 5 subdivision shall be as follows:
 - a. 20’ front
 - b. 20’ rear
3. The Developer shall provide tree vouchers to the home buyers within phases 5 and 6 of the Brookside Subdivision as follows:
 - a. Three vouchers for lots 111, 135, 136, 147, and 148, with 2 trees to be planted on Becca Road.
 - b. Two vouchers for all other corner lots.
 - c. One voucher for each interior lot and lot 113.
 - d. Each voucher shall be good for one 1.5” caliper or larger Autumn Blaze Maple.
 - e. Frontages on Sawmill Blvd are not subject to this requirement.
 - f. Planting of said trees shall be consistent with the spacing and locations outlined in the Street Tree Ordinance, Chapter 12.20 of the Heber City Municipal Code.
 - g. Vouchers shall be provided with the closing of the home or planted by the developer, if the landscaping is being completed by the developer or their contractor.
4. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained

in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.

5. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this _____ day of _____, 2021.

HEBER CITY:

By: _____
Kelleen Potter, Mayor

ATTEST:

Heber City Recorder

Developer, _____

By: _____
Owner/Manager

STATE OF UTAH)

: ss.

COUNTY OF WASATCH)

On this _____ day of _____, 2021, personally appeared before me the above
named Owner, who duly acknowledged to me that he is the owner in fee and executed the same
as such.

NOTARY PUBLIC

EXHIBIT A: LEGAL DESCRIPTION

Parcel ID: 00-0021-4948

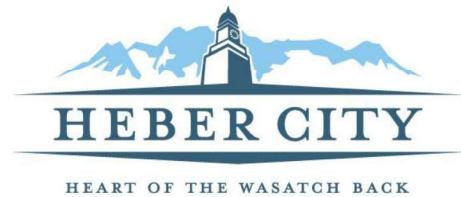
Legal Discription: Lot 117, Brookside Subdivision, Phase 5

Parcel ID: 00-0021-4955

Legal Description: Lot 124, Brookside Subdivision, Phase 5

Exhibit 2

City Council Staff Report



MEETING DATE: March 16, 2021
SUBJECT: Setbacks on Brookside lots
117 and 124
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community and Economic
Development

SUMMARY

Regal Homes purchased the Brookside Phase 5 and 6 subdivision and is seeking approval to modify the setbacks on lots 117 and 124, to fit homes on the lots.

The policy questions include the following:

1. Should the Council modify the setbacks on lots 117 and 124

RECOMMENDATION

Staff recommends the Council approve the proposed setback modifications with a minimum 20' front or 20' garage setback.

BACKGROUND

The Council continued the setback request from the March 2, 2021 council meeting. There are 3 options for the lots, pursuant to the council discussion.

- Consider selling the lots to the adjoining lots.
- City could buy the lots for pocket parks.
- The home builder would have to custom design homes to work with the building pads.

The home builder has approached the adjacent property owners about the purchase of the lots, however, only one of the four lot owners has expressed interest in half of a lot. This option is not feasible unless both adjacent owners commit to it.

The home builder has provided the City with some figures on potential costs to buy the lots. The Council would need to provide further direction on this option if the City is to pursue this option.

The last option is that the builder design a home to fit within the foot print.

DISCUSSION

SETBACK REDUCTIONS

The request has been 20' front and 19' rear on lot 124. The builder is currently looking at possibilities of home designs. If the council is not willing to reduce the setbacks to 20', would the council consider a different reduction, like 20' and 25' rear, this would be 5' in each direction, or just a 25' in the rear?

FISCAL IMPACT

N/A

CONCLUSION

Regal Homes is requesting a modification to the setbacks for lots 117 and 124 in Brookside Phase 5. The home meet the minimum lot size, however are very shallow with building pad depths of 20' to 27' deep. Staff recommends approving a setback modification with a minimum 20' garage setback.

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** the Setback Modification Agreement for lots 117 and 124 of Brookside Phase 5, with the findings and conditions as presented in the conclusion of the staff report.

ACCOUNTABILITY

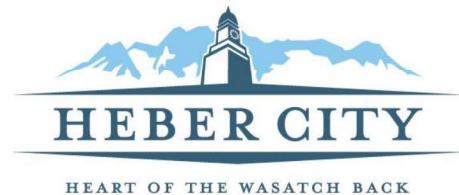
Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. 3.2.21 Staff Report

Exhibit 1

City Council Staff Report



MEETING DATE: March 2, 2021
SUBJECT: Setbacks on Brookside lots
117 and 124
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Necessary Administrative
Action

SUMMARY

Regal Homes purchased the Brookside Phase 5 and 6 subdivision and is seeking approval to modify the setbacks on lots 117 and 124, to fit homes on the lots.

The policy questions include the following:

1. Should the Council modify the setbacks on lots 117 and 124

RECOMMENDATION

Staff recommends the Council approve the proposed setback modifications with a minimum 20' front or 20' garage setback.

BACKGROUND

When Millhaven Homes perused a zone change from the Council from R-1 to R-3, the council approved the zone change with a requirement that the rear setback on the lots (other than the cottage/patio lots) is to be 30'. Since the approval of the development, Regal Homes has purchased the lots and is not able to place a home on lots 117 and 124 as the building pad is very shallow. The lots do meet the minimum lot sizes of the zone.

As the setback is included in the zone change agreement, the requested change has to be approved by the Council.

DISCUSSION

LOT CONFIGURATION

The two lots are at the end of the cul-de-sacs and are wide, with a shallow depth.

Lot 124 has a diminished building pad as the Sawmill Blvd curves to the east, causing the building pad to curve as well.

The building pad depth on lot 117 is 27' deep. The building pad depth on lot 124 is only 20' to 22' deep.

SETBACKS

The current setbacks are 30' on the rear and 25' on the front. The applicant is seeking a 20' rear and 15' front.

A 15' front setback may lead to a 15' driveway. Staff would recommend a 20' front or a 20' driveway minimum, so the building could be closer than the garage to preserve the driveway.

FISCAL IMPACT

N/A

CONCLUSION

Regal Homes is requesting a modification to the setbacks for lots 117 and 124 in Brookside Phase 5. The home meets the minimum lot size, however are very shallow with building pad depths of 20' to 27' deep. Staff recommends approving a setback modification with a minimum 20' garage setback.

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** the Setback Modification Agreement for lots 117 and 124 of Brookside Phase 5, with the findings and conditions as presented in the conclusion of the staff report.

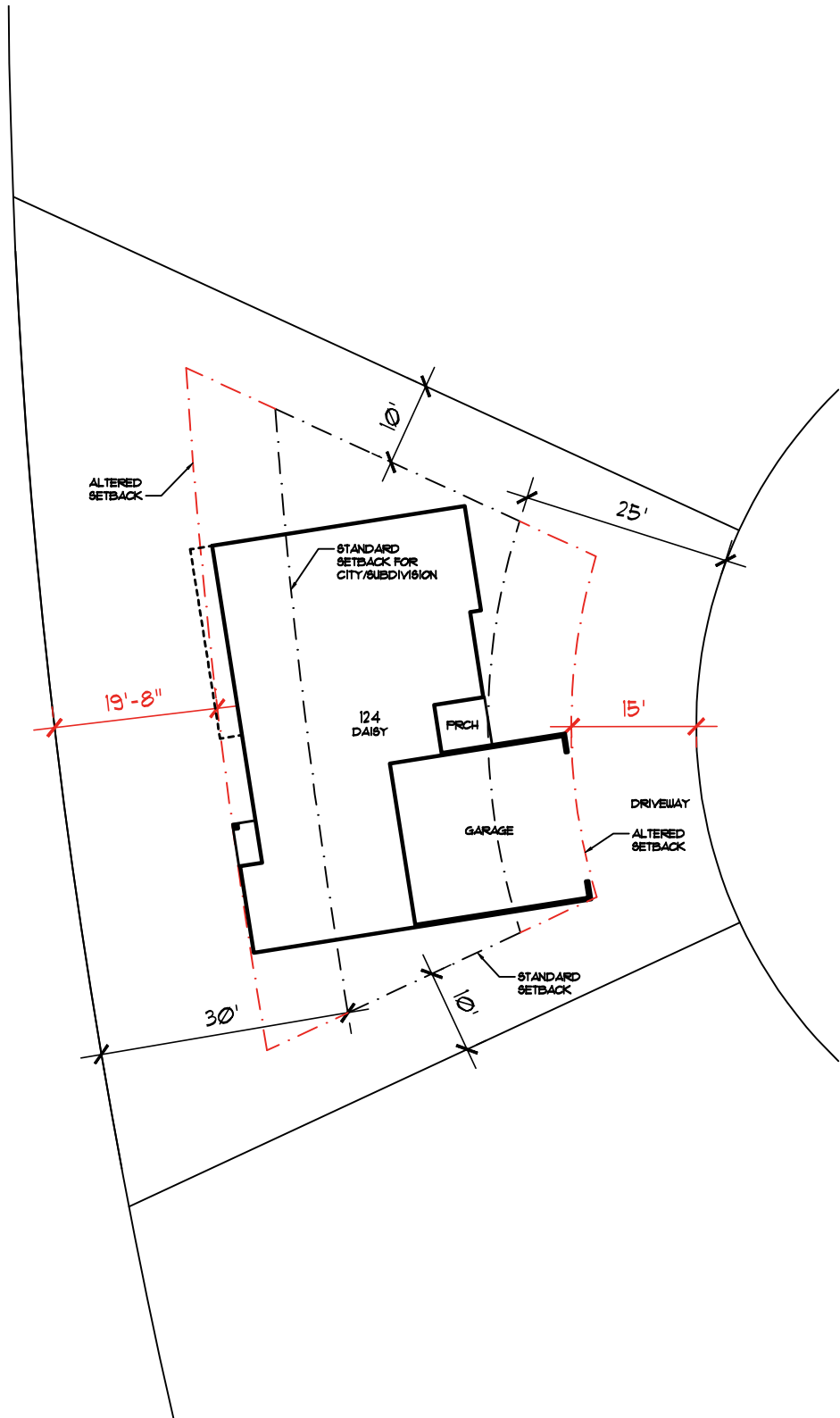
ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Lot layout
2. Proposed Agreement
3. Zone Change Agreement

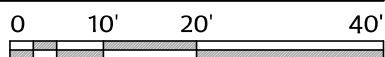
Exhibit 1



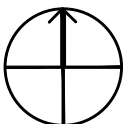
A1

124 SITE PLAN

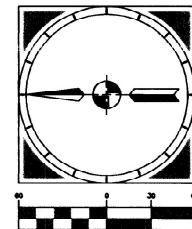
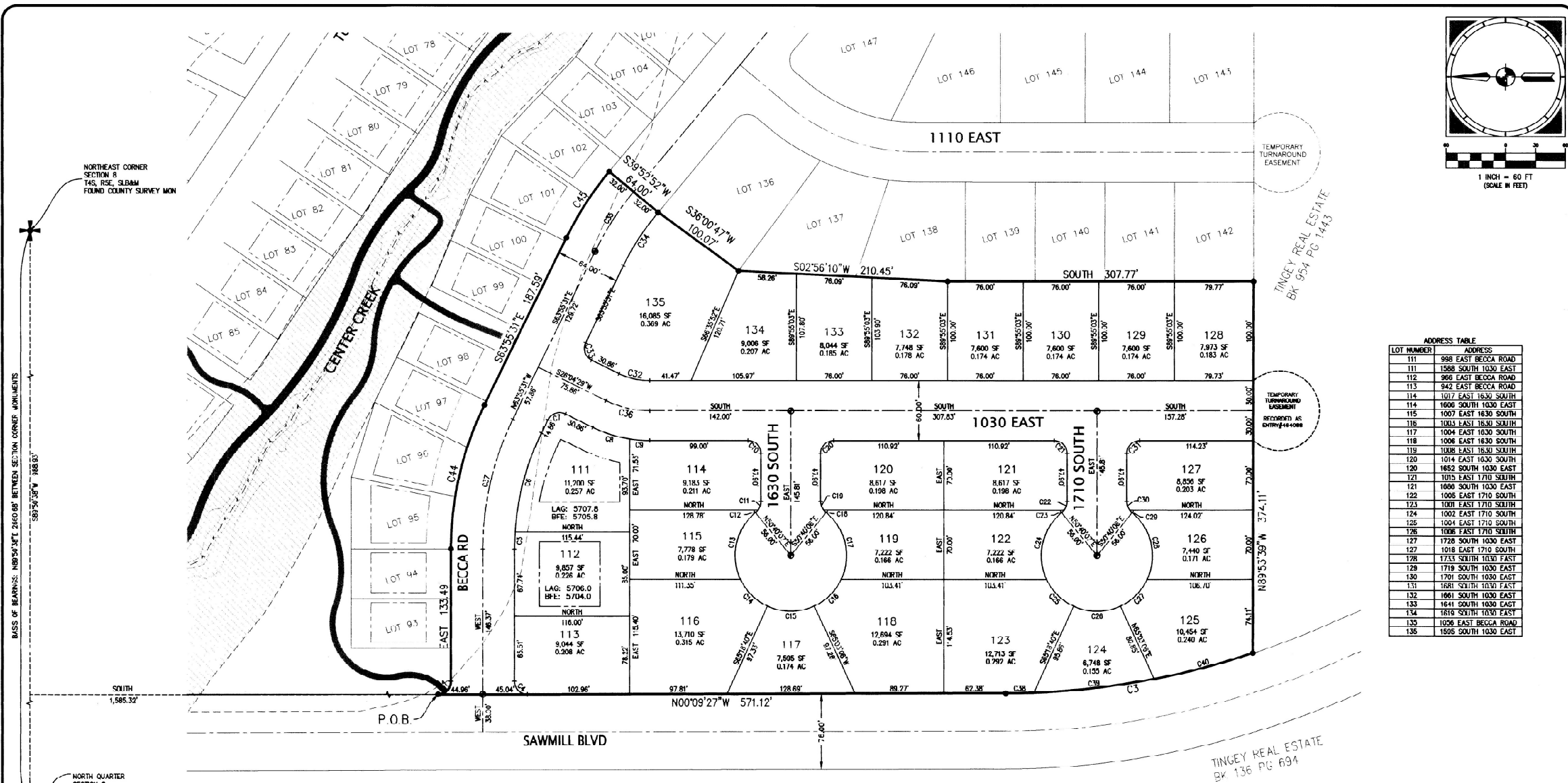
SCALE: 1" = 20'



North





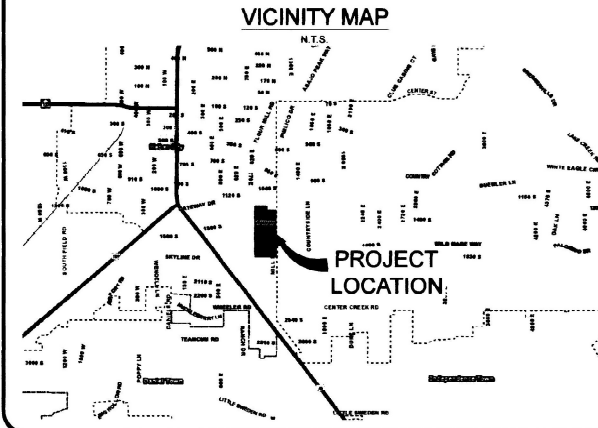


ADDRESS TABLE	
LOT NUMBER	ADDRESS
111	988 EAST BECCA ROAD
112	1588 SOUTH 1030 EAST
113	988 EAST BECCA ROAD
114	942 EAST BECCA ROAD
115	1017 EAST 1630 SOUTH
116	1606 SOUTH 1030 EAST
117	1007 EAST 1630 SOUTH
118	1004 EAST 1630 SOUTH
119	1006 EAST 1630 SOUTH
120	1014 EAST 1630 SOUTH
121	1015 EAST 1710 SOUTH
122	1000 SOUTH 1030 EAST
123	1000 EAST 1710 SOUTH
124	1002 EAST 1710 SOUTH
125	1004 EAST 1710 SOUTH
126	1006 EAST 1710 SOUTH
127	1728 SOUTH 1030 EAST
128	1601 SOUTH 1030 EAST
129	1701 SOUTH 1030 EAST
130	1641 SOUTH 1030 EAST
131	1615 SOUTH 1030 EAST
132	1641 SOUTH 1030 EAST
133	1641 SOUTH 1030 EAST
134	1615 SOUTH 1030 EAST
135	1606 EAST BECCA ROAD
136	1505 SOUTH 1030 EAST

NOTES TO PURCHASERS

1. AREA IS WITHIN THE TIMPANOOGS IRRIGATION SERVICE AREA, IRRIGATION WATER IS SUBJECT TO ADDITIONAL MUNICIPAL USE FEE.

2. PORTIONS OF LOTS 111 AND 112 ARE LOCATED WITHIN THE FEMA 1% ANNUAL CHANCE FLOOD AREA. THE POTENTIAL EXISTS THAT FLOOD INSURANCE MAY BE REQUIRED BY A MORTGAGE LENDER, OR OTHER AGENCY, EVEN IF ALL BUILDING HAPPENS OUTSIDE OF THE FLOOD AREA. CARE SHOULD BE TAKEN IN DETERMINING THE FINAL ELEVATION OF BUILDINGS ON THESE LOTS. AS THE FINAL ELEVATION MAY VARY, DETERMINING WHETHER THE LOT, OR STRUCTURE, IS ELIGIBLE TO BE REMOVED FROM THE FLOOD AREA BASED ON A LETTER OF MAP REVISION FROM FEMA (LOMR-F). IT IS THE DEVELOPER'S OR THE LOT OWNER'S RESPONSIBILITY TO PETITION FEMA TO BE REMOVED FROM THE FLOOD AREA.



PLAT NOTES

1. NO DRIVEWAY ACCESS WILL BE ALLOWED OFF OF SAWMILL BLVD.

2. ACTIVE FARMS AND KENNELS EXIST ON NEARBY PROPERTIES THAT MAY CREATE NOISE AND ODORS ASSOCIATED WITH THOSE USES.

3. LAG AS SHOWN ON LOTS 111 AND 112 STANDS FOR LOWEST ADJACENT GRADE. LAG IS A TERM USED BY FEMA THAT REFERS TO THE LOWEST POINT OF GRADING AROUND A STRUCTURE. THE LAG IS USED TO DETERMINE ELIGIBILITY TO POTENTIALLY BE REMOVED FROM A FLOOD HAZARD AREA. THE LAG ELEVATION SHOWN ON LOTS 111 AND 112 IS 2 FEET HIGHER THAN THE BASE FLOOD ELEVATION (BFE) ESTABLISHED FOR EACH RESPECTIVE LOT, AS SHOWN ON THE LATEST FEMA FLOOD INSURANCE RATE MAP DATED 2012.

4. FENCES CONSTRUCTED ALONG DOUBLE FRONTAGE LOTS ALONG SAWMILL BLVD SHALL BE OF CONSISTENT MATERIAL AND COLOR. RESTRICTIVE COVENANTS APPLY THROUGH THE HOME OWNER'S ASSOCIATION REGARDING THIS RESTRICTION.

PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:

FRONT: 10 FEET
REAR: 10 FEET
SIDE: 5 FEET

ZONING INFORMATION

APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:

FRONT: 25 FEET
REAR: 30 FEET
SIDE: SEE NOTE BELOW

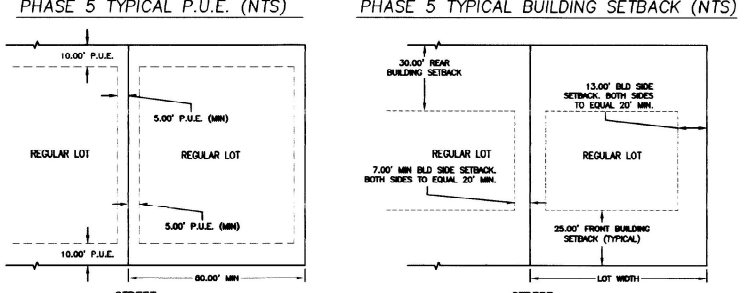
CORNER LOTS ARE SUBJECT TO A 20 FOOT BUILDING SETBACK ON THE STREET. LOTS THAT ARE NOT BEING FRONTED ON ALL SIDES ARE SUBJECT TO HEBER CITY ZONING ORDINANCE REQUIREMENTS AT THE TIME A BUILDING PERMIT IS ISSUED. THE "RDP" SET BACK IS SUBJECT TO A COMBINED 20' MINIMUM AND NO LESS THAN A 7' SET BACK ON EACH SIDE.

PROPERTY CORNER NOTES

1. 5/8" REBAR AND PLASTIC CAP STAMPED "SUMMIT ENG 435-654-9229" TO BE SET AT SUBDIVISION CORNERS AND REAR LOT CORNERS.

2. 1/12" COPPER PLUG STAMPED "WP-RP 145796 TO BE SET AT POINTS WHERE EXTENSION OF SIDE LOT LINES INTERSECT CENTER OF CONCRETE STREET CURB.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C2	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C3	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C4	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C5	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C6	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C7	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C8	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C9	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C10	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C11	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C12	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C13	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C14	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C15	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C16	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C17	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C18	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C19	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C20	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C21	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C22	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C23	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C24	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C25	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C26	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C27	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C28	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C29	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C30	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C31	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C32	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C33	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C34	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C35	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C36	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C37	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C38	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C39	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C40	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C41	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C42	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C43	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C44	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C45	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W



PROJECT: C17-029
SHEET: 1 OF 1
ISSUE DATE: 04/30/2019

Summit Engineering Group Inc.
Structural • Civil • Surveying
55 WEST CENTER • P.O. BOX 178
HEBER CITY, UTAH 84002
P: 435-654-9229 • F: 435-654-9231

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SUMMIT ENGINEERING GROUP, INC.
DRAWING ALTERNATION
IT IS A VIOLATION OF LAW FOR ANY PERSON, OTHER THAN THE DESIGNER, TO ALTER OR MODIFY THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. ANY SUCH ALTERATION SHALL BE AT THE ALTERER'S SOLE RISK AND WITHOUT LIABILITY TO THE DESIGNER.

BROOKSIDE SUBDIVISION PHASE 5

SUBDIVISION PLAT

LOCATED IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SLB&M, HEBER CITY, WASATCH COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, BRIAN BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 334532 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS.

Brian Balls
BRIAN BALLS
5/31/2019
DATE: 5/31/2019

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED SOUTH 89°50'38" WEST 988.95 FEET AND SOUTH 1,585.32 FEET FROM THE WASATCH COUNTY SURVEY MONUMENT FOR THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT OF BEGINNING BEING CONSIDERED WITH THE EASTERN RIGHT OF WAY LINE FOR SAWMILL BLVD., SAID POINT OF BEGINNING BEING LOCATED AT THE CLIP OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 13.00 FEET, AND TO WHICH POINT A RADIAL LINE BEARS N89°50'33"E.

THENCE 20.38 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'38", WITH A CHORD BEARING AND DISTANCE OF S45°04'43"E 18.36 FEET; THENCE EAST 133.49 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 330.00 FEET; THENCE 150.18 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°04'29", WITH A CHORD BEARING AND DISTANCE OF S76°57'48"E 148.89 FEET; THENCE S67°55'31"E 187.59 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 330.00 FEET; THENCE 79.52 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'23", WITH A CHORD BEARING AND DISTANCE OF S57°01'19"E 79.33 FEET; THENCE S39°52'52"W 64.00 FEET; THENCE S36°00'47"W 100.07 FEET; THENCE S02°56'10"W 210.45 FEET; THENCE SOUTH 307.77 FEET; THENCE N89°53'39"W 374.11 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 800.00 FEET; AND TO WHICH POINT A RADIAL LINE BEARS N71°45'07"E THENCE 332.85 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°05'42", WITH A CHORD BEARING AND DISTANCE OF N09°12'17"W 251.61 FEET; THENCE N00°09'27"W 571.12 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 7.683 ACRES, OR 334,661 SQUARE FEET.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°50'38" EAST BETWEEN FOUND WASATCH COUNTY SURVEY MONUMENTS FOR THE NORTH 1/4 CORNER AND THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

OWNER'S DEDICATION AND CONSENT TO RECORD

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THIS PLAT AND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, STREETS, PARKS, OPEN SPACES, EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO HEBER CITY, UTAH, ALL STREETS, WATER, SEWER, AND OTHER UTILITY IMPROVEMENTS, PUBLIC OPEN SPACES, PARKS, EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

Regal Windflower, LLC
Brianna P. Fox, Manager
NAME: Brianna P. Fox, Manager
DATE: June 5, 2020

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH: COUNTY OF WASATCH

ON THE 5 DAY OF June, A.D. 2020, I, Wendy McKnight, A.D. 2020 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

Wendy McKnight
Wendy McKnight
NOTARY PUBLIC

Wendy McKnight
Wendy McKnight
NOTARY PUBLIC

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HEBER CITY, WASATCH COUNTY, UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 11th DAY OF June, 2019.

Kellean Potter
Kellean Potter
MAYOR

Jenna W. Cooke
Jenna W. Cooke
CLERK-RECORDER

HEBER CITY ENGINEER APPROVAL

Burt L. Mumford
Burt L. Mumford
CITY ENGINEER

PLANNING COMMISSION APPROVAL

APPROVED THIS 8 DAY OF June, 2019, A.D. 2019, BY THE PLANNING COMMISSION OF HEBER CITY.

Kirk Lambie
Kirk Lambie
CHAIRMAN, PLANNING COMMISSION

WASATCH COUNTY SURVEYOR

APPROVED AS TO FORM THIS 6th DAY OF June, 2019.

Tom C. Hansen
Tom C. Hansen
COUNTY SURVEYOR

WASATCH COUNTY RECORDER

ENTRY # 479037 BOOK 129 PAGE 224-233
DATE 06-09-2020 TIME 8:13 AM FEE \$100.00
FOR REGAL WINDFLOWER LLC
BY TC WASATCH COUNTY RECORDER PEGGY FOY SULLER

Exhibit 2

SUBDIVISION AGREEMENT
AND
COVENANT RUNNING WITH THE LAND

(Brookside Subdivision Phase 5 lots 117 and 124)

THIS AGREEMENT entered into this _____ day of _____, 2021 by and between Heber City, hereinafter referred to as “City” and the undersigned as “Developer”.

WHEREAS, the Developer/petitioner has requested a modification of the setbacks on lots 117 and 124, from the zone change agreement;

WHEREAS, the City Council find it necessary to grant the setback modification for the construction of a single family home on the said lots.

WHEREAS, the Zone Change Agreement, entry no. 447068, addresses, among other things, setbacks, which creates two (2) building lots with very small building pads.

WHEREAS, the City and Developer desire to promote quality housing for the development.

WHEREAS, unique circumstances warrant an agreement between the parties.

NOW, THEREFORE, the parties hereby agree as follows:

1. This agreement modifies the setback requirements of the recorded Zone Change Agreement, entry no. 447068.
2. The setbacks for lots 117 and 124 of the Brookside Phase 5 subdivision shall be as follows:
 - a. 20’ front
 - b. 20’ rear
3. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.
4. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this _____ day of _____, 2021.

HEBER CITY:

By: _____
Kelleen Potter, Mayor

ATTEST:

Heber City Recorder

OWNER, _____

By: _____
Owner/Manager

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

On this _____ day of _____, 2018, personally appeared before me the above
named Owner, who duly acknowledged to me that he is the owner in fee and executed the same
as such.

NOTARY PUBLIC

EXHIBIT A: LEGAL DESCRIPTION

Parcel ID: 00-0021-4948

Legal Discription: Lot 117, Brookside Subdivision, Phase 5

Parcel ID: 00-0021-4955

Legal Description: Lot 124, Brookside Subdivision, Phase 5

Exhibit 3

ZONE CHANGE
AGREEMENT AND
COVENANT RUNNING WITH THE
LAND

(MILLHAVEN HOMES)

THIS AGREEMENT entered into this 19 day of December, 2017, by and between Heber City, hereinafter referred to as "City" and the undersigned as "Developer".

WHEREAS, the Developer/petitioner has proposed a zone change from R-1 and PCMU to R-3 and PCMU;

WHEREAS, the Developer/petitioner desires the proposed zone change not for more density than what exists in the current zoning, but for more flexibility in subdivision design;

NOW, THEREFORE, the parties hereby agree as follows:

Developer shall:

1. Streets

- a. Provide 10-foot-wide planter strips in cul-de-sac bulbs or replace the cul-de-sacs with through streets.
- b. Provide a continuous street connection from 1200 East to 800 East that aligns with the planned street network to the west in the Sawmill development as illustrated in Exhibit C. This street is part of the city's master street plan that connects Mill Road to Highway 40.
- c. Avoid centering streets on existing houses along Mill Road.
- d. Provide landscaped 8-foot planter strips with landscaping and trees along 800 East.
- e. Prohibit driveway access to Mill Road, 1200 South, or 800 East
- f. Assist in paying for a school crossing at a location yet to be determined.

2. Density

- a. Cap gross density at the current permitted density of 3.35 units per acre (R-1 Density 48.28 acres = 161 lots max).
- b. Within 400 Feet of Mill Road, establish a maximum density of 3.35 units per acre as shown in Exhibit A.

3. Mill Road Open Space

- a. Dedicate and construct an 8-foot minimum width public trail within a bermed open space area with landscaping and trees at least 30 feet in width beyond the Mill Road right of way as illustrated in Exhibit B.1 and B.2. The trail would replace the sidewalk along Mill Road. The berm and other improvements shall be installed as per the construction detail as shown in Exhibit E, as high as grading will allow at a minimum 3:1 slope, but its

- height may fluctuate as the trail and berm meander in a natural manner.
- b. The Developer shall establish CCR's requiring that fences along double frontage lots maintain with consistent materials and colors. The fence shall be a 6-foot-tall sight obscuring fence along Mill Road, 1200 South and 800 East.
- c. Establish a home owner's association for the maintenance of common area along Mill Road and 800 East.

4. Center Creek

- a. Provide open space along Center Creek, no less than 50 feet wide, along Center Creek.
- b. Keep Center Creek open, not in culvert.
- c. Landscape and maintain open space along creek.
- d. Provide an 8-foot minimum width public trail along creek from 800 East to Mill Road within the open space along Center Creek.
- e. Provide intermittent open space and trail connectivity from Center Creek to the streets paralleling the creek.

5. Setbacks

- a. For the larger lots in the development (i.e., the non-patio lots), each lot is required to provide a minimum of 20 feet of total combined side yard setback, with no side less than 7 feet.
- b. Provide 30-foot minimum rear setbacks and 20-foot minimum rear setbacks on corners.

6. Right to Farm

- a. Provide a right to farm notice on the subdivision plats that notify future buyers about the right of neighboring properties to farm and operate kennels on adjoining properties to the east.

- 7. In the event there is a Failure to Perform under this Agreement and it becomes reasonably necessary for any party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the losing party to the controversy shall pay to the successful party reasonable attorney's fees incurred by such party and, in addition, such costs and expenses as are incurred in enforcing this Agreement.
- 8. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.
- 9. Time is of the essence of this Agreement. In case any party shall fail to perform the obligations on its part at the time fixed for the performance of such obligations by the terms of this Agreement, the other party or parties may pursue any and all remedies available in equity, at law, and/or pursuant to the terms of this Agreement.

10. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this 19 day of

DEC 2017. HEBER CITY:

By: Alan McDonald
Alan McDonald, Mayor

ATTEST:

Jodi Ann Bates
Heber City Recorder



OWNER, MILLHAVEN HOMES

By: [Signature]
Owner/Manager

STATE OF UTAH)

: ss.

COUNTY OF WASATCH)

On this 12th day of December, 2017, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

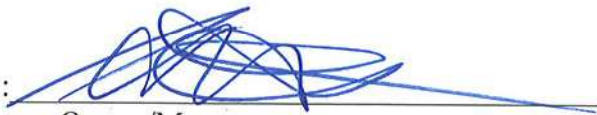
Maria Robison
NOTARY PUBLIC

Maria Robison

Commission number - 688244



OWNER, TIOGA FUNDING REAL ESTATE GROUP, LLC

By: 
Owner/Manager

STATE OF UTAH)

:ss.

COUNTY OF WASATCH)

On this 13 day of December, 2017, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

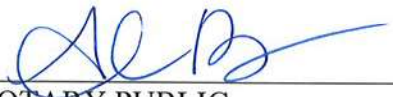
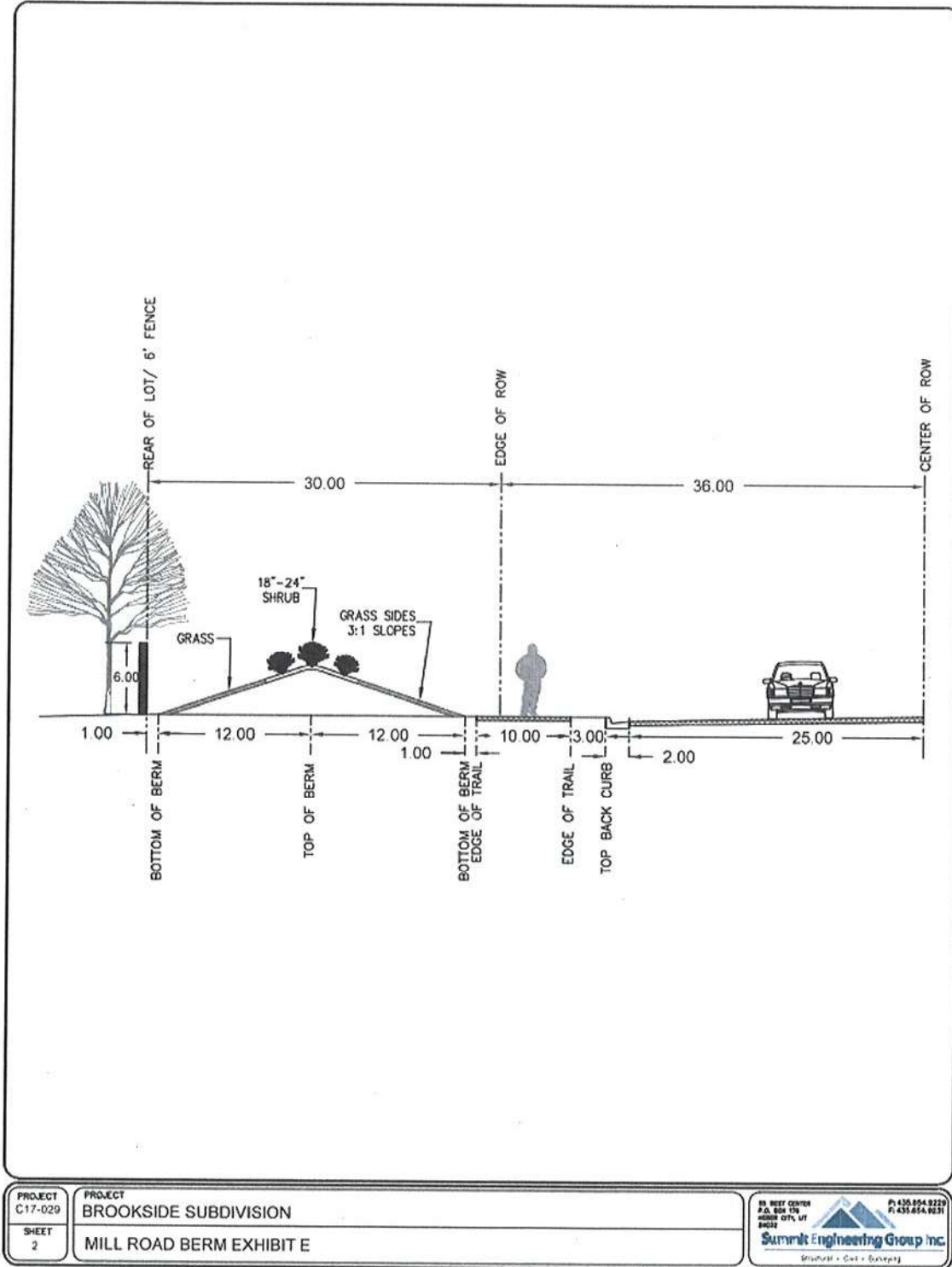

NOTARY PUBLIC



EXHIBIT A: SUBDIVISION CONCEPT

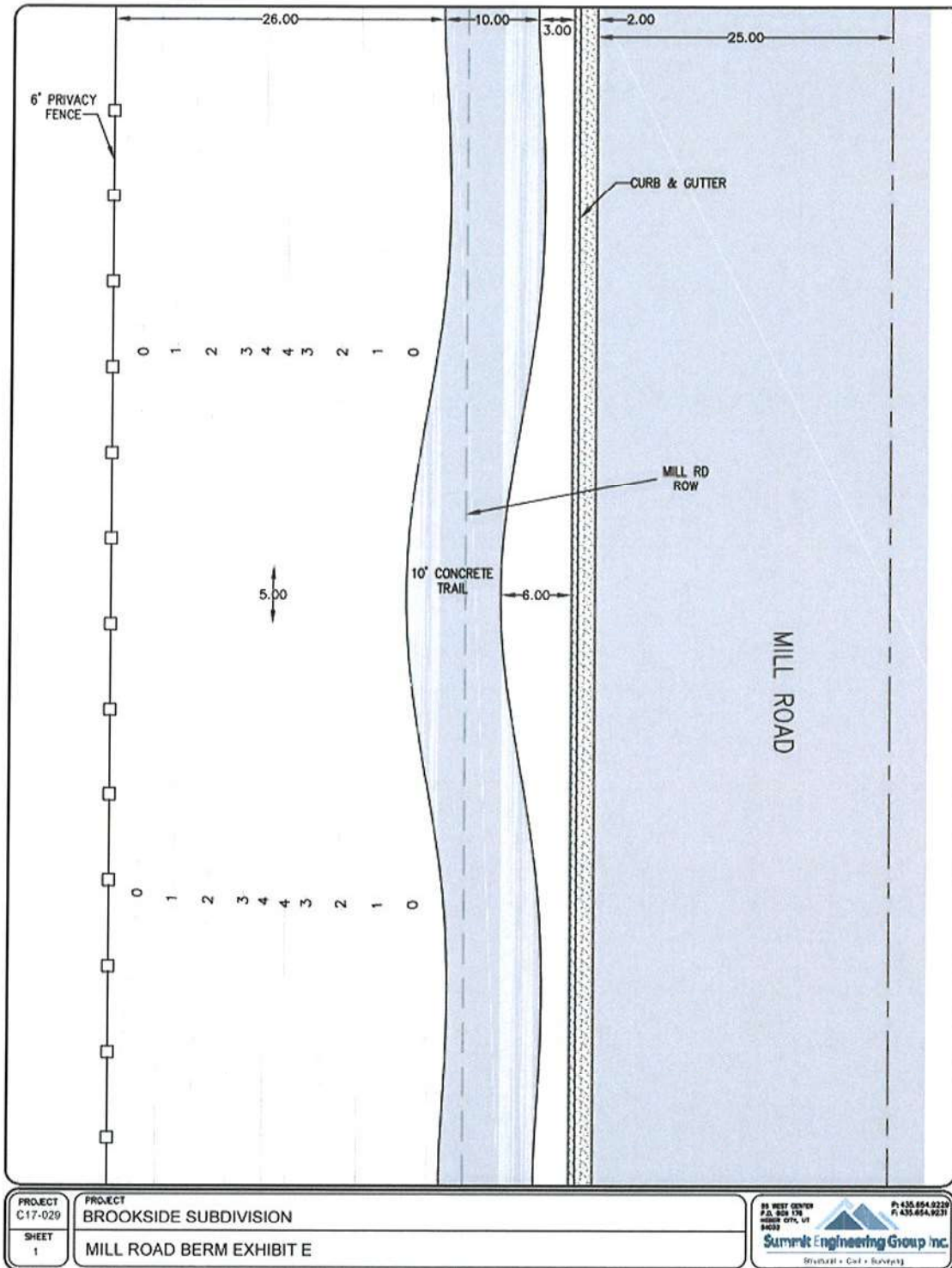


EXHIBIT B.1: MILL ROAD LANDSCAPED BERM



PROJECT C17-029	PROJECT BROOKSIDE SUBDIVISION	 20 WEST CENTER P.O. BOX 175 JORDAN CITY, UT 84041 P: 435.894.8229 F: 435.894.8231 Summit Engineering Group Inc. Grading • Civil • Surveying
SHEET 2	MILL ROAD BERM EXHIBIT E	

EXHIBIT B.2: MILL ROAD LANDSCAPED BERM





PARCEL 1:

BEGINNING AT A POINT THAT IS SOUTH 33 FEET AND WEST 437.10 FEET FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 217.28 FEET, THENCE WEST 594.15 FEET, THENCE NORTH 217.28 FEET, THENCE NORTH 89° 50' 43" EAST 594.15 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

BEGINNING 250.285 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE MERIDIAN AND RUNNING THENCE WEST 1031.25 FEET; THENCE SOUTH 233.785 FEET; THENCE EAST 1031.25 FEET; THENCE NORTH 233.785 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

BEGINNING 484.06 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, OF THE SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 844.19 FEET; THENCE WEST 1031.25 FEET; THENCE NORTH 844.19 FEET; AND EAST 1031.25 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

LESS AND EXCEPTING:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE WEST 1031.25 FEET; THENCE WEST 1031.25 FEET; THENCE SOUTH 16.5 FEET; THENCE EAST 1031.25 FEET; THENCE NORTH 16.5 FEET TO THE POINT OF BEGINNING.

Parcel 4:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE WEST 62.5 RODS; THENCE NORTH 79.5 RODS; THENCE EAST 62.5 RODS; THENCE SOUTH 79.5 RODS TO THE PLACE OF BEGINNING;

LESS AND EXCEPTING THE FOLLOWING PARCELS, WHICH ARE NOT OWNED BY THE ELLA E. THOMPSON ESTATE:

PARCEL 1: BEGINNING AT A POINT WHICH IS NORTH 0°25'29" WEST 1164.21 FEET FROM THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°51'48" WEST 1016.65 FEET; THENCE NORTH 0°14'09" WEST 160.0 FEET ALONG A FENCE LINE; THENCE NORTH 89°15'48" EAST 1016.122 FEET ALONG A SECOND FENCE LINE; THENCE SOUTH 0°25'29" EAST ALONG A THIRD FENCE LINE TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°55'02" WEST 1020.50 FEET ALONG A FENCE LINE; THENCE NORTH 0°14'09" WEST 263.5 FEET ALONG A SECOND FENCE LINE; THENCE SOUTH 89°55'03" EAST 1019.63 FEET; THENCE SOUTH 0°25'29" EAST 263.5 FEET ALONG A THIRD FENCE LINE TO THE POINT OF BEGINNING.

PARCEL 1: BEGINNING at a point which is North 0°25'29" West 1164.21 feet from the East Quarter Corner of Section 8, Township 4 South, Range 5 East of the Salt Lake Base and Meridian; thence South 89°51'48" West 1016.65 feet; thence North 0°14'09" West 160.0 feet along a fence line; thence North 89°15'48" East 1016.122 feet along a second fence line; thence South 0°25'29" East 160.0 feet along a third fence line to the point of beginning. Contains 3.733 acres.

Parcel Serial Numbers:

OHE-2008-0-008-045
OHE-2006-0-008-045
OHE-2005-0-008-045
OHE-2004-0-008-045
OHE-2009-0-008-045

REGULAR MEETING

CONSENT

AGENDA

TAB 1

MINUTES

Heber City Corporation
City Council Meeting
March 16, 2021

5:00 p.m. Work Meeting
7:00 p.m. Regular Meeting

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on March 16, 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-5:00 P.M.

3.16.2021 Meeting Slidedeck

Present: Mayor Kelleen Potter
Council Member Wayne Hardman
Participating Remotely: Council Member Heidi Franco
Council Member Mike Johnston
Council Member Rachel Kahler – departed 7:05 p.m.
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Planning Director Tony Kohler
City Attorney Mark Smedley
City Recorder Trina Cooke

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

Also Present: Brent and Mary Kelly, Ted Caldwell, Tom Fowler, and Diane Pope.

Also Joining Remotely: (names are shown as they appeared in the virtual meeting) Jeffrey Kuhn, Christi Judd, Benj Becker, Debbie Whiting, Terry Diehl, Barb Boss, Drew Jex, David Belz, Lynn Baum, Mary Schneider, Paul, Tracy Taylor, Trevor Seal, Bo Landin, Marian, John, Neil Mahoney, Mark Halberg, Rick Lloyd, John Janson, Philip Jordan, Howard Saldarini, Di Ann Turner, Richard Losee, Todd Anderson, John W. Buckley, Todd Cates, Daniel Cygrymus, Justin Crail, Armand Johansen, Trudy and Dan Simmons, Jeff Peterson, Bruce Barrett, and Steve Farrell.

Mayor Potter called the meeting to order at 5:04 p.m. and welcomed everyone present.

1. Discussion Regarding Public Improvement District (PID), Transfer Development Rights (TDR), and Parking Authorities (Brower, Becker) – 60 min

Heber Tools Presentation March 2021

City Manager Matt Brower reminded Council that this agenda item had been established as a priority at the City Council retreat in January 2021. Mr. Brower introduced Benj Becker, consultant with Zions Public Finance, to present the information.

Mr. Becker described the economic development tools provided through the following:

- Tax Increment Financing (TIF) or Community Reinvestment Agency (CRA)
- Public Infrastructure Districts (PIDs)
- Transferrable Development Rights (TDRs)

He explained benefits of a PID included better cohesion when there was significant vacant land between developments. A PID would help a city or county with infrastructure costs and public amenities such as parks and trails. It allowed an entity to bond for much lower interest rates. He provided greater details of the uses of a PID and offered specific examples of how PIDs had been utilized in other cities. The bond would be repaid through property taxes with the amount of tax capping at .015. Mr. Becker explained the governing document was enforced contractually through an Interlocal Agreement between the creating entity and the PID. The city or county would dictate board terms and processes; set tax levy limits; limit amount, timing, terms, frequency of debt authorized; dictate PID lifespan; and allow combination with TIF or other tools. He recommended the City adopt a policy and identify key areas for development.

Mr. Becker stated the key desired results of a TDR was to protect open space and allow for density in supportive areas such as town centers. Mr. Becker reviewed key considerations for TDRs sending and receiving areas. Discussion regarding potential receiving and sending locations for the City followed. It was determined that while the City could designate some receiving areas, the majority of potential sending land was located in the County.

Mr. Becker reviewed considerations for Parking Authorities and steps:

Considerations

- Boundary designation
- Board creation
- Bylaws and guidance document preparation
- Authority income projections

Steps

- Consider shared lots and how agreements would be structured
- Identify parking capacity and “hot spot” areas
- Begin discussions with key property owners

Council Member Franco inquired whether it would cost the City more to have Zion’s Public Finance look into the assessment values for potential TDRs and possible sending and receiving locations. Mr. Brower agreed to review the contract. Mayor Potter noted the need to speak with the County to determine their willingness to work with the City before proceeding with a study.

1 2. Discuss Proposed Setback Reduction on Lot 117 and 124 of the Brookside Phase 5
2 Subdivision (Baron) -10 min
3

4 Staff Report Brookside Phase 5 Setback Reduction
5

6 City Planner Jamie Baron presented the applicants proposed solution for the setback requirement.
7 Council Member Johnston clarified the setback requirement was based upon an agreement rather
8 than the zone. Council Member Franco pointed out the setback had been put in the agreement due
9 to a zone change. Council Member Stack noted the developer had purchased the lots with the
10 knowledge they would not be able to meet the established setbacks. He felt the developer should
11 offer something in return to the City in exchange for the exception. Council Member Kahler
12 proposed the homes needing the setback exception be deed restricted in order to help the City meet
13 their affordable housing requirement. Council expressed support for the proposed deed restriction.
14 Mr. Baron agreed to present the proposal to the developer.
15

16 3. Discuss Proposed Process Amendment to Title 17 Subdivisions (Baron) – 20 min
17

18 Staff Report Title 17 LAU
19

20 City Planner Jamie Baron presented the information regarding the proposed update to the Heber
21 City Code Title 17 Subdivisions amending the Land Use Authority. He provided the difference
22 between Legislative and Administrative actions. He stated Staff wished to streamline the process
23 for better time-management.
24

25 Council Member Hardman shared past advice from a League of Cities and Towns lawyer who had
26 spoken at a conference regarding land-use advising that legislators should legislate and let the
27 administrators administrate. He stated that if an administrative item met all aspects of the Code,
28 the legislators should not get involved.
29

30 Council Member Johnston felt the Planning Staff was taking the Council in the appropriate
31 direction. He recommended the subdivision approval in the MURCZ (Mixed Use Residential
32 Commercial Zone) be presented to Council at the preliminary approval stage rather than final. He
33 believed Council could address issues better during preliminary approval.
34

35 Council Member Franco expressed concern with preliminary plats being delegated. She felt the
36 developers designs changed between concept approval and preliminary approval and wished to
37 see the process implement stricter requirements or standards to prevent.
38

39 Council Member Kahler felt it was important for Council to have the opportunity to negotiate with
40 developers for City needs such as affordable housing. She did not wish to relegate approvals
41 because they were time consuming.
42

43 Council Member Stack agreed it was important for the Council to negotiate for benefits to the City.
44 He pointed out administrative items were not items with which Council had authority to negotiate.
45 Council Member Stack stated Staff ensured administration items adhered to Code before
46 approving.

1 Council Member Franco proposed clarification by added language to indicate Council would
2 review preliminaries based on a zone change, annexation, or an MDA. Council Members Stack
3 stated he was comfortable with that for projects of a certain size. Council Member Johnston agreed
4 for the approval of an MDA but felt the other two were administrative. City Attorney Mark
5 Smedley felt there was wisdom in Council Member Franco's proposal.

6
7 Mayor Potter stated time was up for the agenda item and it would need to be continued to the next
8 meeting for further discussion.

9
10 4. Discuss Revisions to the North Village Overlay Zone (NVOZ) (Kohler) – 30 min

11
12 Staff Report Revised NVOZ Ordinance 2020-42

13
14 City Manager Matt Brower shared that City Staff had issued an invitation to concerned citizens to
15 join in a Q and A session the previous evening. He addressed the recurring concerns as follows:

16 Q. What was the NVOZ and why was it important?

17 A. The NVOZ was a land use ordinance. It would provide guidelines for the use of the
18 property in the zone.

19 Q. Would the NVOZ be for the entire City or only a specific area?

20 A. A specific area East of Highway 40, South of the intersection at Highway 32, West of
21 the Wasatch Canal, and North of Coyote Lane.

22 Q. What happened when the City adopted the NVOZ?

23 A. Nothing. Until the City Council approved an annexation petition and negotiated an
24 MDA (master development agreement). Currently, the area within the NVOZ was still
25 located in the County.

26 Q. Can the NVOZ be amended?

27 A. Yes.

28 Q. Did the City have ordinances to protect the environment?

29 A. Yes. The City had many ordinances as well as elements within the NVOZ ordinance
30 specifically directed towards protecting the environment. Council had also directed Staff
31 to reevaluate the City storm-water standards.

32 Q. Had the City's process for considering the NVOZ been transparent?

33 A. Yes. The City had held four public hearings and Mayor Potter had read the majority of
34 public comments received into the record.

35
36 Council Member Franco asked to have language on page four 1.6-3 indicating the Planning
37 Commission could provide preliminary approval only when there were no changes from concept
38 approval. Developments with changes needed to be approved by Council. Council Members
39 Johnston and Stack agreed with requiring Council approval at the preliminary stage. It was
40 determined to remove the last two sentences from 1.6-5. Council Member Franco wished to see
41 phasing approval included with concept and preliminary approval. Council Member Johnston
42 wished to see 5.0-3(3) rewritten to read "Where development project boundaries include two sub-
43 districts, park and open space requirements may be arranged within the project in a flexible manner
44 as long as the total requirements for each sub-district are met in the overall development and are
45 approved in a Master development agreement". Consensus of Council agreed.

1 Council Member Johnston expressed his belief that the alternate ERU (equivalent residential unit)
2 table presented in the packet was much better. He detailed reasons; the configuration table was
3 more comprehensive, the commercial density calculation was included, and bathrooms should not
4 be in the calculation. He stated the ERU table presented calculated people based on bedrooms
5 rather than the size of home. Council Member Hardman agreed. Council Member Franco did not
6 agree and felt the City needed to follow the County ERU chart to honor the MOU (memorandum
7 of understanding) with the County. Council Member Stack stated no decision by the Council with
8 regard to the NVOZ implicated the MOU with the County. He explained the MOU was in effect
9 when negotiating specific annexation and development agreements. He said the MOU was written,
10 and entered into by the City and County, under the then-existing development agreements, of
11 which all but one had lapsed. Council Member Stack agreed with the alternate ERU chart
12 proposed. Council Member Kahler's preference was to use the County's ERU chart.

13 14 II. REGULAR MEETING-7:00 P.M.

15 16 1. Call to Order

17
18 Mayor Potter called the meeting to order at 7:05 p.m. and welcomed everyone present.

19 20 2. Pledge of Allegiance (Council Member Franco)

21
22 Council Member Franco led the recitation of the Pledge of Allegiance.

23 24 3. Prayer/Thought by Invitation (Default: Council Member Hardman)

25
26 Council Member Hardman shared a prayer.

27 28 III. CONFLICT OF INTEREST DISCLOSURE:

29
30 There was no conflict of interest disclosed.

31 32 IV. CONSENT AGENDA:

33 34 1. Approval of March 2, 2021 City Council Meeting Minutes (Cooke)

35
36 DRAFT Minutes

37 38 2. Approval of Ordinance 2021-13 to Amend Minimum Lot Sizes for Corner Lots (Baron)

39
40 Staff Report Corner Lot Size

41 42 3. Approval of Subdivision Final for Red Ledges Phase 3L, Located at 205 N Red Ledges 43 Boulevard (Vlastic)

44 PowerPoint

45
46 Staff Report - Red Ledges Phase 3L - SUBDIVISION FINAL - CC 03162021

1 4. Consider Approval of Ordinance 2021-14 to Amend Chapter 5.08 Beer, Wine and Liquor
2 Establishments Regarding Bars, Religious Uses and the NVOZ (Kohler)

3
4 Ordinance 2021-14 Alcohol Code Revisions

5
6 **Motion:** Council Member Hardman made the motion to approve the items on the consent agenda.
7 Council Member Stack made the second. **Rollcall Vote: Voting Aye:** Council Members Hardman,
8 Johnston, and Stack. **Voting Nay:** Council Members Franco and Kahler. The motion **Passed 3-2.**

9
10
11 V. PUBLIC COMMENTS:

12
13 Mayor Potter explained, during the ongoing pandemic, the City had made the decision to take
14 public comment via email and she had read them aloud during the Council Meetings. She stated,
15 while citizens were still encouraged to comment via email, emailed comments would no longer be
16 read aloud during Council Meetings. If the public wished to comment during a Council Meeting,
17 they would need to do so either in person, or by raising their hand in the virtual meeting, and be
18 recognized by the Mayor. No public comments were received for the evening's City Council
19 Meeting that were not associated with a specific agenda item.

20
21 VI. ACTION ITEMS:

22
23 1. Update Regarding Heber City's Ongoing Response to COVID-19 (Brower) - 5 min

24
25 City Manager Matt Brower provided the County Health Department website address for access to
26 the most up-to-date information regarding COVID-19. He noted the transmission-level in the
27 County had been lowered from high to moderate, but the health guidelines essentially remained
28 the same. He reviewed vaccine eligibility requirements and noted the minimum eligibility age had
29 been lowered to 50. He provided information to sign up for the vaccine.

30
31 Council Member Franco inquired when the Council would be able to meet in person again. Mr.
32 Brower explained that due to the current restrictions remaining in place, he and the Mayor
33 recommended waiting to meet in person.

34
35 2. Request by Heber Valley Western Music & Cowboy Poetry Gathering of Contribution
36 for Promotions and Operations (Tom Fowler and Diana Pope) – 10 min

37
38 Diana Pope, representing Cowboy Poetry, introduced the board members present and stated the
39 event would take place in 2021. She expressed the boards sadness at having to cancel the previous
40 year due to the pandemic. She thanked the City for past support and hoped the City would continue
41 to support the program. Tom Fowler shared progress being made for the 2021 event and the
42 difficulties faced. The music group Shenandoah would be the main attraction. Past main attraction,
43 Bar J Wranglers planned to retire and their participation in 2021 was unsure. He provided the 2019
44 financial summary and asked for Heber City's continued support of a \$10,000 contribution.

1 **Motion:** Council Member Hardman moved to grant a \$10,000 donation from the City. Council
2 Member Johnston made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston,
3 Kahler, and Stack. The motion **Passed unanimously**.

4
5 3. Consider Appointment of New Airport Advisory Board Members as recommended by
6 Mayor Potter (Mayor Potter) – 5 min
7

8 Staff Report AAB Member Recommendation
9

10 Mayor Potter shared the recommendation of Scott Phillips and Jeff Peterson to the Airport
11 Advisory Board (AAB). She had been impressed by the two of them and felt they would both bring
12 experience and talent to the AAB.
13

14 **Motion:** Council Member Johnston made the motion to approve the Mayor's two nominations to
15 the Airport Board. Council Member Johnston made the second. **Voting Aye:** Council Members
16 Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The motion **Passed**
17 **4-0**.
18

19 4. Consider Adoption of Ordinance 2020-42 for the Revised North Village Overlay Zone
20 (NVOZ) (Kohler) – 20 min
21

22 Staff Report Revised NVOZ Ordinance 2020-42
23

24 Mayor Potter read the emails received for public comment. [attached] She responded to a comment
25 regarding entitlements stating that the City had found nothing to indicate the developer's
26 entitlements were no longer in place with the County.
27

28 Council Member Johnston stated the City had held 18 public meetings and four to five public
29 hearings over the past year and a half. The process had not been rushed and did not violate the
30 MOU with the County in any way. The NVOZ did not annex any property nor did it offer any
31 support to the proposed North Village resort plan. He felt the NVOZ was an exceptional zoning
32 code. Better than any the City had done previously. He believed it was better than the County
33 zoning code. The Staff recommended it, the Planning Commission recommended it, the hired City
34 consultant recommended it and Council Member Johnston recommended adopting the NVOZ as
35 well.
36

37 **Motion:** Council Member Johnston moved to approve Ordinance 2020-42 adopting the North
38 Village Overlay Zone (NVOZ) as currently proposed, with the following edits and amendments:
39 Number 1, section 1.6.3: Preliminary plats; include the language "for recommendation to the City
40 Council for preliminary approval". Number 2, in section 1.6.5: strike the last two sentences about
41 City Council approval and phasing approval. Number 3, page nine; use alternate ERU definition
42 table as included in the Staff Report and discussed in the Work Meeting. Number 4, page 48,
43 number 3, regarding Parks; revised to read, "where development project boundaries include
44 two sub-districts; park and open space requirements may be arranged within the project in a
45 flexible manner, as long as the total requirements of each sub-district are met with the overall
46 development, and when approved in a master development agreement".

1 Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council Members
2 Johnston, Stack, and Hardman. **Voting Nay:** Council Member Franco. Council Member Kahler
3 was absent. The motion **Passed 3-1**.
4

5 **Motion:** Council Member Franco moved to amend the Code on page seven, that part of the
6 conditional use include climate controlled storage buildings be prohibited only within a 1,000 foot
7 perimeter of UVU (Utah Valley University). On page 33, corrugated galvanized metal siding
8 accents be limited to 25%. On page nine to include the words “entitlements and conditions from
9 the County”, whichever was stricter. On the second sentence to change, on the payment of fees,
10 the word from “may” to “shall”. The motion **Failed** for lack of a second.
11

12 5. Consider Approval of Proposed Setback Reduction on Lot 117 and 124 of the Brookside
13 Phase 5 Subdivision (Baron) -10 min
14

15 Staff Report Brookside Phase 5
16

17 City Planner Jamie Baron reviewed the setback reduction request as discussed in the preceding
18 Work Meeting and introduced petitioner Rick Lloyd. Mr. Lloyd explained the Council’s proposed
19 dedication of deed restricting the lots was not an economically viable option for the developer. He
20 noted the immense increase in building material costs since the beginning of the pandemic. Mr.
21 Lloyd pointed out the Sawmill Development met the affordable housing criteria for the area.
22

23 Council Member Johnston disclosed that his firm sometimes worked with Regal Homes but had
24 done no work on the proposed development. He wished to participate in the discussion with
25 Council to work towards a viable solution in the best interest of the City.
26

27 Council Member Stack explained that while he was sensitive to the developers concern of having
28 two displaced looking homes in the subdivision in order to meet the setback requirement, the
29 developer had been aware of the setback requirements when purchasing the subdivision. He felt
30 that, in exchange for the setback exception, the developer should offer something of value to the
31 City.
32

33 Mr. Lloyd asked for suggestions from the Council. Council Member Johnston thought the Council
34 could possibly meet the developer halfway. He proposed the developer offer to plant trees along
35 Sawmill Boulevard for beautification. Council Member Franco asked whether the developer would
36 consider building out the trail before the development began rather than after. Council Member
37 Stack proposed planting one tree per lot in the park-strip. Mr. Lloyd agreed to consider the
38 proposals. Council directed Staff to work with Mr. Lloyd in order to reach a mutually agreeable
39 arrangement.
40

41 6. Approval of Ordinance 2021-09 to Amend Chapter 18.72 Parking Regulations (Kohler) –
42 15 min
43

44 Staff Report Ordinance 2021-09 Parking Code
45

1 Mayor Potter read a public comment submitted by Nick Lopez via email regarding the lack of
2 designated disabled parking in the proposed ordinance. [attached] City Planning Director Tony
3 Kohler shared that he had been in contact with Mr. Lopez. Mr. Lopez worked for Salt Lake City
4 and agreed to reach out to their planning department to discover how SLC had planned their
5 disabled parking. Mr. Kohler and Mr. Lopez had agreed to work together towards a solution. He
6 indicated he would report back to Council once the information had been gathered.

7
8 Mr. Kohler stated City consultant John Janson had been working with Staff to update the City
9 Code. He reviewed the proposed changes to the parking regulations and the conclusion was
10 consistent with the General Plan. The recommendation was approval of the Ordinance.

11
12 Council Member Franco referred to 18.72.030-A.26 allowing on street angled parking to account
13 for one-half of the required off-street parking requirement. She proposed the on street angled
14 parking account for no more than one-third of the off-street parking requirement. Council Member
15 Johnston approved of the one-half as written. Council Member Franco referred to 18.72.030-H
16 regarding snow storage and proposed adding the word “private” before parking lots.

17
18 **Motion:** Council Member Franco made the motion that the proposed Ordinance 2021-09 Chapter
19 18.72.030-H, the snow storage sentence read: “uncovered *private* parking lots”. Council Member
20 Stack made the second. **Voting Aye:** Council Members Franco, Hardman, Johnston, and Stack.
21 Council Member Kahler was absent. The motion **Passed 4-0.**

22
23 Council Member Johnston questioned why parking lot light poles were to be excluded in G of
24 18.72.030. He felt parking lot lights should direct light inwards toward the parking lot and light-
25 posts did not need to be so high. He felt the Council would benefit from driving around town to
26 look at light poles in parking lots and proposed returning the agenda item discussion to the next
27 Council Meeting. It was agreed for Council to do so and the agenda item would be returned to the
28 next meeting.

29
30 7. Consider Approval of the Richard and Boni Losee Family Estate Right to Burial
31 Agreement (Brower) – 20 min

32
33 Staff Report Losee Family Estate

34
35 City Manager Matt Brower reviewed the Cemetery Master Plan, the estate location, site plan, and
36 shared illustrations of the proposed burial estate design. The design included benches, pedestals, a
37 gazebo, and cremation niches.

38
39 Richard Losee shared that his wife had been raised in Heber City and they had chosen to have their
40 family’s final resting place in Heber. He stated he had hired the same company who had consulted
41 with Heber City on the Cemetery Master Plan to design the burial estate.

42
43 Mr. Brower reviewed the salient points of the Burial Estate Agreement. Council Member Stack
44 asked for clarification of the language in section ten regarding indemnification. City Attorney
45 Mark Smedley agreed to review the language to ensure third parties were included.

1 Council Member Franco inquired whether the City or the Losee family controlled the sale of lots
2 in the estate. Mr. Smedley clarified the Losee Trust would own all the lots in the estate. Council
3 Member Franco expressed concern with the maintenance vehicles ability to navigate the spaces
4 within the estate structures. Mr. Smedley stated Parks and Cemetery Director, Mark Rounds, had
5 ensured the maintenance equipment's ability to navigate the narrower spaces. Council Member
6 Franco inquired how the City would ensure the transfer of lots by the Losees would comply with
7 the City's Consolidated Fee Schedule. Mr. Smedley explained it was ensured by existing City
8 processes. Council Member Johnston expressed his pleasure with the proposal.

9
10 **Motion:** Council Member Hardman moved to approve the Richard and Boni Losee Estate Right
11 to Burial Agreement. Council Member Johnston made the second. **Voting Aye:** Council Members
12 Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The motion **Passed**
13 **4-0.**

14
15 8. Consider Approval of Resolution 2020-10 Implementing Ranked Choice Voting for the
16 2021 Municipal Election (Mayor Potter, Smedley) - 15 min
17

18 Staff Report Ordinance 2020-10 Ranked Choice Voting
19

20 Mayor Potter explained the Council had until the second Tuesday in May to opt to implement the
21 Ranked Choice Voting (RCV) system. Council Member Johnston expressed his approval of the
22 Ranked Choice Voting system. He expressed support of the elimination of a primary election, and
23 the overall concept.

24
25 Council Member Franco expressed concern with ability of the City to educate the voters in time
26 for the upcoming election. She felt implementation of RCV should be postponed in order to allow
27 the City adequate time to educate and inform the public.

28
29 Council Member Stack felt the City had done its due diligence to make the information available.
30 He felt the City should move forward with Ranked Choice Voting and if the public decided they
31 did not care for the system, the City could revert to the previous election process thereafter. He
32 stated the majority of feedback he had heard was positive.

33
34 **Motion:** Council Member Stack moved to adopt Resolution 2020-20 to implement Ranked Choice
35 Voting. Council Member Hardman made the second. **Rollcall Vote: Voting Aye:** Council
36 Members Stack, Johnston, and Hardman. **Voting Nay:** Council Member Franco. Council Member
37 Kahler was absent. The motion **Passed 3-1.**

38
39 9. Discussion and Action of Open House for Airport Flightpath Meeting Held April 1, 2021
40 (Franco, Kahler)
41

42 City Manager Matt Brower presented a PowerPoint regarding the Airport Master Plan process.
43 He shared the multiple platforms utilized by the City in order to share the information with the
44 public regarding dates for open houses and allowing the public the opportunity to participate in
45 the process. He described the next steps in the process including a community conversation panel
46 to address any questions or concerns presented by the public.

1 Mr. Brower shared that the April 8, 2021 Open House would be virtual in order to comply with
2 the ongoing Wasatch County COVID-19 health mandate. He outlined the 2021-2022 Airport
3 Master Plan timeline and meeting schedule.

4
5 Council Member Franco asked to have the calendar on the Flightpath website updated to include
6 all the dates provided by Mr. Brower. She wished to have all the public comments submitted and
7 answers posted on the website as well. She asked when the public would vote on the final Master
8 Plan. Mr. Brower clarified the public feedback throughout the process would help guide the Plan
9 but it was the City Council that would vote. Council Member Stack asked to have the schedule
10 posted to social media as well.

11
12 **Motion:** Council Member Franco moved to have the 2021 Airport Master Plan Schedule posted
13 along with all the other information as mentioned by Mr. Brower on social media and radio
14 interviews and so forth; update the calendar on the Flightpath website to include the March 31st
15 meeting and the master plan schedule; have all the public comments submitted from all the
16 meetings and emails put in one file to read "Public Comment to Date", so it was unfiltered and
17 available for public review on the website. Council Member Johnston made the second. **Voting**
18 **Aye:** Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was
19 absent. The motion **Passed 4-0.**

20 21 VII. COMMUNICATION:

22 23 1. Establish Budget Workshop Dates (Bingham, Brower)

24
25 Mr. Brower stated Staff would present a tentative budget to Council during the April 20, 2021
26 Council Meeting. He asked Council to determine a Budget Workshop meeting date. It was
27 determined to hold the meeting on Saturday, May 1, 2021.

28
29 Council Member Johnston shared that he and Council Member Franco had attended a meeting and
30 discovered the County intended to propose a RAP (Recreation, Arts, and Parks) tax during the next
31 Interlocal meeting. The County wished to emphasize County-wide trails and maintenance. Council
32 Member Franco explained there was concern expressed by some of the County Council Members
33 with regard to allowing affected cities a certain percentage of the money collected through the tax.
34 Said County Council Members wished to create a separate board to oversee the RAP tax.

35
36 Mr. Brower pointed out, if implemented, the majority of the tax collected would be from Heber
37 City residents. He felt, if the City did partner with the County, it was important Heber City
38 residents benefit from the large portion of the taxes generated. Council was asked to consider
39 discussion points for the next Interlocal meeting to be held the following Wednesday.

40 41 VIII. CLOSED EXECUTIVE SESSION

42 43 1. Personnel

44
45 **Motion:** Council Member Wayne Hardman moved to enter Closed Executive Session for the
46 purpose of discussing personnel. Council Member Stack made the second.

Rollcall Vote: Voting Aye: Council Members Franco, Hardman, Johnston, and Stack. Council Member Kahler was absent. The meeting entered Closed Executive Session at 9:11 p.m.

Present: Mayor Kelleen Potter
Council Member Wayne Hardman
Participating Remotely: Council Member Heidi Franco
Council Member Mike Johnston
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
City Recorder Trina Cooke

IX. ADJOURNMENT

Motion: Council Member Hardman made the motion to adjourn. Council Member Franco made the second. The meeting adjourned at 9:52 p.m.

Trina Cooke, City Recorder

- **The following public comments were received via email for the agenda item specified:**

4. Consider Adoption of Ordinance 2020-42 for the Revised North Village Overlay Zone (NVOZ) (Kohler) – 20 min

From: Eric & Pauline

Sent: Thursday, March 4, 2021 1:50 PM

To: Rachel Kahler <rkahler@heberut.gov>; CC Public Comments <ccpublic@heberut.gov>

Cc: Ryan Stack <rstack@heberut.gov>; Mike Johnston <mjohnston@heberut.gov>; Heidi Franco <hfranco@Heberut.gov>; Kelleen Potter <kpotter@Heberut.gov>; Wayne Hardman

1 <whardman@Heberut.gov>

2 **Subject:** (EXTERNAL) Public Comment for March 16 meeting NVOZ item

3 Good afternoon Rachel- I saw the KPCW report on last night's Council meeting where you were
4 quoted as saying-

5 "What I'm finding with the public though, is a lot of people are saying no development--we
6 don't want development. And I can understand and appreciate that but what they don't
7 understand is the land use already entitles developers to build."

8 While I am not against development in some guise, I would challenge you and your colleagues
9 to think out of the box on the issue of the entitlements themselves. I Do understand that "the
10 land use already entitles developers to build", but there is a growing sentiment among the
11 citizens of Heber that these need to be challenged, re-opened, revised and perhaps even on some
12 cases, invalidated.

13 I attach here my recent post to the Friends of Heber Valley Facebook group-

14 "Trudy Simmons you are right- this should be a priority - things change in 20 Years- context is
15 totally different- all entitlements should be reviewed for validity today and also, frankly, if they
16 can/should be revoked, even if still "valid"—. And the developers should NOT be allowed to

17 Blindly argue to keep the content of the entitlements of two decades ago when they have chosen
18 to do NOTHING for that long period of time....."

19 I also note that Mayor Potter has requested several times whether this item of any legal
20 challenges to the entitlements could be initiated.

21 I don't believe there has been any clear reply to her on this yet. Can you please let me know
22 where the Council stands on this item?

23 -is there a desire to initiate a thorough review of these existing entitlements?

24 -does the Council propose to initiate a full review, including sufficient professional third party
25 legal experts?

26 -if not, why not?

27 -has the Council, or will the Council initiate any similar activities to determine the "true" starting
28 point for the numerous zoning debates going on currently?

29 In closing, I fully support annexation of the lands being debated. However, any annexation
30 should be completed only

31 **after** the thorough review of the current Status quo is completed.

1 Eric Stevens
2 Pauline Lambert
3 Sent from my iPhone
4

5 **From:** Maxx Cohen
6 **Sent:** Tuesday, March 9, 2021 8:30 PM
7 **To:** CC Public Comments <ccpublic@heberut.gov>
8 **Subject:** (EXTERNAL) NVOZ



9 Dear Planning Commission,

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

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

23

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

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

1 Sincerely,
2 Maxx Cohen
3 Moulton Lane

5
6 -----Original Message-----
7 From: Trudy Simmons
8 Sent: Monday, March 15, 2021 2:17 PM
9 To: CC Public Comments <ccpublic@heberut.gov>
10 Subject: (EXTERNAL) Public Comment on NVOZ - from Dan Simmons

11
12 Dear City Council:

13
14 We have downloaded and read the latest NVOZ that is presented with March 16th's agenda.
15 There are many changes in it, and some of the changes seem contradictory. For example, there
16 are various versions of the ERU/density charts. Because of this, we still do not really know what
17 is being contemplated in this code, particularly in regard to hidden density (eg: increased
18 domicile sizes without commensurate increase in ERU value, and whether or not ERU is being
19 assigned to commercial).

20
21 The City Planning Commission Meeting on March 9th showed very clearly how developers will
22 manipulate, to their own advantage, every loophole, weakness or instance of loose language (in
23 this case, no clear definition of what comprises a "single family home"). The current NVOZ is
24 still inconsistent, unclear and flawed, and should not yet be approved. To say you will approve it
25 now and then "fix it" later with ordinances and development agreements is like letting the horses
26 out of the barn too soon.

27
28 Sincerely,
29 Dan Simmons

31
32 -----Original Message-----
33 From: Trudy Simmons
34 Sent: Monday, March 15, 2021 3:05 PM
35 To: CC Public Comments <ccpublic@heberut.gov>
36 Subject: (EXTERNAL) Public Input on NVOZ - from Trudy Simmons

37
38 > Dear Mayor Potter and City Council:

39 >

40 > We have heard from an overwhelming number of citizens that they very much oppose the
41 plans for the "North Village Resort" as they are currently being presented to the public.

42 >

1 > Especially in light of the recently released Wasatch County Groundwater Report showing that
2 this area is the most sensitive and vulnerable land in the County, the utmost care and caution
3 should be used in planning for its future.

4
5 > For this and other reasons, it appears unlikely that the developers would be able to honor every
6 aspect of the original agreement they made with the County, and would thus have to start over
7 with the County's newer, stricter requirements.

8 >

9 > The City's proposal for turning this area, which is the gateway to our Valley, into a location for
10 commercial development, hotels and high density workforce and tourist housing seems very
11 incompatible with not only the environmental concerns mentioned above, but also with the
12 unique legacy of Heber Valley.

13 >

14 Until measurably better plans are brought forward by the City, we feel that it would be a mistake
15 for this area to be annexed.

16
17 Wouldn't it be amazing, though, if something could be created in this area that would really put
18 Heber on the map for its unique heritage and legacy that could be enjoyed by visitors AND
19 LOCALS alike, and wouldn't just be another conglomeration of shops, condos and hotels like
20 you can find anywhere else? Let's brainstorm!

21
22 Trudy Simmons
23 Friends of Heber Valey
24

25
26 **From:** Molly Schneider

27 **Sent:** Tuesday, March 16, 2021 7:36 PM

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

29 **Subject:** (EXTERNAL) Fwd: Regarding North Village Overlay Zone

30 I was heartbroken and astonished to learn about the proposed North Village Overlay Zone. The
31 vista heading down from Park City to Heber is one of the few remaining uncluttered vistas in the
32 area, and in my opinion, is such an advantage and an asset to Heber City. The more
33 development there is in Park City the more attractive Heber is to people who value natural vistas
34 and access to the Provo River. With all of the effort that went into restoring the Provo River, and
35 establishing access points and pathways, it is shocking to imagine the views and access points
36 blocked by yet another development. Heber still can establish itself as a community devoted to
37 nature and beauty, while still allowing for large scale development. This will enhance the
38 community for everyone. Additionally, with the amount of money and energy devoted to
39 restoring the Provo River in the valley, I just cannot believe that this development would be
40 approved. Hoping and praying for something to change, and for this exceptionally beautiful area
41 to be preserved.

42 Sincerely Molly and David Schneider

6. Approval of Ordinance 2021-09 to Amend Chapter 18.72 Parking Regulations (Kohler) – 15 min

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

From: Nick Lopez

Sent: Tuesday, March 16, 2021 10:53 AM

To: CC Public Comments <ccpublic@heberut.gov>; Kelleen Potter <kpotter@Heberut.gov>; Kelleen Potter <kpotter@Heberut.gov>; Matt Brower <mbrower@Heberut.gov>; Matt Brower <mbrower@Heberut.gov>

Subject: (EXTERNAL) Opening Public Comment, Disabled Parking

Mayor, Council, City Manager,

Tonight you are addressing parking. I have read through the Heber City Parking Ordinance and the proposed items on the agenda and although very detailed nothing is mentioned about Disabled Parking.

Over the last few years, my father a Disabled Army Veteran has come to Heber City for events and visits. While stopping at his favorite restaurants, and other locations he has unfortunately discovered the lack of properly marked Disabled Parking, not only in Heber City but throughout Wasatch County. He also discovered that many business have no Disabled Parking or allow vehicles not displaying Disabled Parking tags or bearing Handicap License Plates to park in the Disabled Parking stall at those locations.

My father is 83 years old, he has mobility issues due to an artificial artery in his leg. Many Disabled Individuals, like my father need and depend on having a safe and adequate Disabled Parking Stall to enter and exit their vehicles.

Heber City does not have an ordinance in place to insure full compliance to the law. There is no enforcement being done, no requirement to have all business, public housing, churches, restaurants, public streets to have the required Disabled Parking Stalls.

I am asking for the City to review its ordinance's, reevaluate and take in consideration the special needs of those disabled individuals and their caretakers. I am requesting that Heber City put into place an ordinance that fully complies with the law, that this ordinance will be enforced by local Code Enforcement /Law Enforcement and Building Inspectors. That the ordinance clearly states the requirements of the number of Disabled Parking Stalls per the total number of parking stalls in their parking lots. That the Disabled Parking Stalls meet all of the dimensions, ramps, painting and sign requirements for each stall, and the require those stall to be keep clear of snow, debris and vehicles that are not clearly marked as disabled.

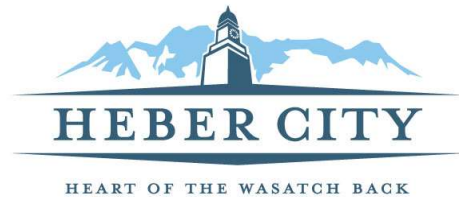
For those of us who are still mobile and healthy, who have healthy children and family members, I wish you many more healthy years. Time will eventually catch up to all of us, fate may place unfortunate circumstances or challenges which will change our own ability to get around. Let just hope awareness, and priorities will change how we plan and enforced the parking needs of those that need it most.

1 Respectfully Submitted,
2 Nick López
3 Heber City
4
5 Sent from my iPhone

DRAFT

TAB 2

City Council Staff Report



MEETING DATE: 04/06/2021
SUBJECT: Liquidation of Fleet
Equipment
RESPONSIBLE: Derrick Anderson
DEPARTMENT: Public Works Department
and Police Department
STRATEGIC RELEVANCE: Infrastructure
Sustainability

SUMMARY

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

RECOMMENDATION

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

BACKGROUND

Police

1986 Hummer

The Police Department no longer has a need for this vehicle. This vehicle will not be replaced. The motor on this vehicle was replaced with a crated used motor that doesn't match this vehicle. It doesn't run well and is a risk to keep in use.

Animal Control

14-02 2014 Dodge Ram 1500

This vehicle was replaced in the last fiscal year. It is no longer a required unit for Animal Control.

Public Works

05-04 2005 F-250 Maintainer

This maintainer has high engine hours and is 16 years old. I would like to liquidate this before we have high repair costs and the vehicle becomes more unreliable. We have replaced this vehicle with a new F-150.

DISCUSSION

The Hummer is no longer needed.

05-04 is a high demand vehicle. It idles all day because of the computer equipment inside. This puts heavy use on the engine. This is why Technology maintainers have a five year rotation. This was approved for replacement in the 2020-2021 budget.

14-02 is a high mileage and heavily used vehicle. I believe it to be a liability to the City.

FISCAL IMPACT

The F-250 and Dodge Ram have already been replaced. The Hummer doesn't need to be replaced, just liquidated.

CONCLUSION

I am requesting permission to liquidate these vehicles at TNT auction and return the money to the applicable funds.

ALTERNATIVES

We could keep the vehicles and use them in another field.

POTENTIAL MOTIONS

Staff Recommended Option- Approval

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

Alternative 2 – Continuance

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

Alternative 3 – DENIAL

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

ACCOUNTABILITY

Department: Public Works—Fleet Division
Staff Member: Derek Anderson, Fleet Manager

EXHIBITS

N/A

TAB 3

March 25, 2021

Heber City Corporation
Attn: Jamie Baron
75 North Main
Heber City, Utah 84032



Landmark Design

LANDSCAPE ARCHITECTURE & PLANNING

Artspace Solar Gardens
850 South 400 West | Studio 104
Salt Lake City, Utah 84101
801.474.3300
www.lidi-ut.com

Subject: Amending Lot 12 Condominium Plat, Power Industrial Park

Dear Jamie:

Landmark Design has reviewed the application **Amend Lot 12 Condominium Plat, Power Industrial Park**. The applicant had previously intended to record individual condominium units in phases, but would instead like to record them as a single plat. The project is composed of three buildings composed of thirteen individual condominium units, laid out on a 1.47 acres lot. There are no changes to the previously approved site plan or site details.

Staff recommends that the application to amend Lot 12 Condominium Plat, Power Industrial Park is approved by the Planning Commission with the following findings and conditions:

Findings

1. The application is consistent with the Municipal Zoning Code.
2. The application is consistent with the General Plan.

Conditions:

1. All requirements of the City Engineer and Fire Department shall be met.
2. All other Code Requirements shall be met.
3. Any other conditions or changes as articulated by the Planning Commission.

POTENTIAL MOTIONS

1. Approve
2. Continue
3. Deny

Staff Recommended Option – Approval with Conditions

Please call our office with any questions or concerns regarding this project.

Sincerely

A handwritten signature in dark ink, appearing to read 'Mark Vlastic'.

Mark Vlastic, PLA, ASLA, AICP
Principal and President
Landmark Design
850 South 400 West #104
Salt Lake City, Utah 84101

cc: file
Tony Kohler, Heber Planning Department

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve Amendment to Lot 12 Condominium Plat, Power Industrial Park** with the Findings and Conditions in the conclusions of the Staff Report as follows:

Alternative 2 – Continuance

I move to **continue Amendment to Lot 12 Condominium Plat, Power Industrial Park** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 3 – DENIAL

I move to **deny Amendment to Lot 12 Condominium Plat, Power Industrial Park** with the following findings:

ACCOUNTABILITY

Department:

Planning Department

Staff Member:

Jamie Baron

EXHIBITS

1. Code Review
2. Amendment to Lot 12 Condominium Plat, Power Industrial Park
3. Approved Power Industrial Park Subdivision Plat Staff Report (March 30, 2017)
4. Amended Power Industrial Park Plat Staff Report (July x, 2017)

Exhibit 1

Code Review

17.19 Condominiums

17.19.010 Purpose

Utah State Code establishes condominiums as a form of subdivision and requires that all condominium projects be reviewed by the Planning Commission and the City Council. Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit residential condominium dwelling units of for legal non-conforming multi-family dwellings.

17.19.020 Definitions

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

"Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

"Condominium or Condominium Projects" shall mean a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed buildings or structures, or otherwise are separately offered or proposed to be offered for sale. Condominium Project shall also mean the property when the context so requires.

"Condominium Unit" shall mean a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference to a condominium unit includes both physical unit together with its appurtenant individual interest.

"Conversion" shall mean a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership into a "condominium project" as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.

"Declaration" shall mean a recorded declaration containing covenants, conditions, and restrictions relating to the condominium project, which shall be prepared in conformance with provisions of Section 57-8-10, Utah Code, as amended.

17.19.030 Approval Required

Prior to the construction or conversion of any building or use as determined as a condominium, a survey map or project plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained

within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

17.19.040 Submission of Application

The owner or developer of a proposed condominium project or conversion project shall file an application with the Planning Commission. Such application shall be accompanied by and be in accordance with the following:

1. The application or survey map shall be drawn to scale in accordance with the Heber City subdivision plan process and current Standards and Specifications as adopted by the City. Such survey map or application shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.
2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, present and proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.
3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or property owners organization.
4. Where conversions of existing buildings are proposed as part of the project, a property report containing information shall be submitted as part of the application together with a plan of all proposed improvements and repairs.
5. To assist the City in defraying the cost involved in the publication and review of a condominium project, a fee shall be submitted with the application in accordance with Heber City's fee schedule as adopted by the Heber City Council.

17.19.050 Review by The Planning Commission

The Planning Commission shall review the proposed application and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

If the Planning Commission finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all violations have been corrected.

1. The proposed project shall be consistent with the International Fire Code and Adopted Building Codes.
2. The Planning Commission may require additional parking that shall be based on occupancy levels and proposed customer demand. But in no way shall it be less than what is required under the zoning district in which the project is proposed.

3. The Planning Commission may also require additional exits or driveways including the approval of shared driveways.
4. The Planning Commission may require additional open space and landscaping to assure appropriate buffering and compatibility with adjacent uses.
5. Utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility .
6. Water meters shall be installed according to City Standards and Specifications at street right-of-ways.
7. All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the Planning Commission deems them essential for the feasibility of the project and the City Council approves said easement.
8. Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.
9. The Planning Commission may recommend to the City Council any condition which they deem appropriate. Such conditions may include corrections of violation of building, zoning, health, fire, or similar codes, appropriate amendments to declaration, bylaws or amendments to the record of survey map and project plan which may enhance or protect the environment of the project and the neighborhood in which it is located.

17.19.060 City Council Final Approval

Upon receipt of the recommendations and findings of the Planning Commission, the City Council shall consider approval or denial of the proposed project. Approval of a condominium project shall remain in effect and expire pursuant to Section 17.16.010(I).

17.19.070 Unlawful To Sell Or Lease

It is unlawful for any person, firm, corporation, partnership, or association to sell, contract to sell, or to lease any unit of any condominium or any other portion thereof until final record of survey plats, in full compliance with the provisions of this Ordinance, have been certified and signed by the Mayor, the Planning Commission Chair, City Engineer and City Attorney, attested by the City Recorder and duly recorded in the Office of the County Recorder.

Exhibit 2

POWER INDUSTRIAL PARK - AMENDING LOT 12 CONDOMINIUM PLAT

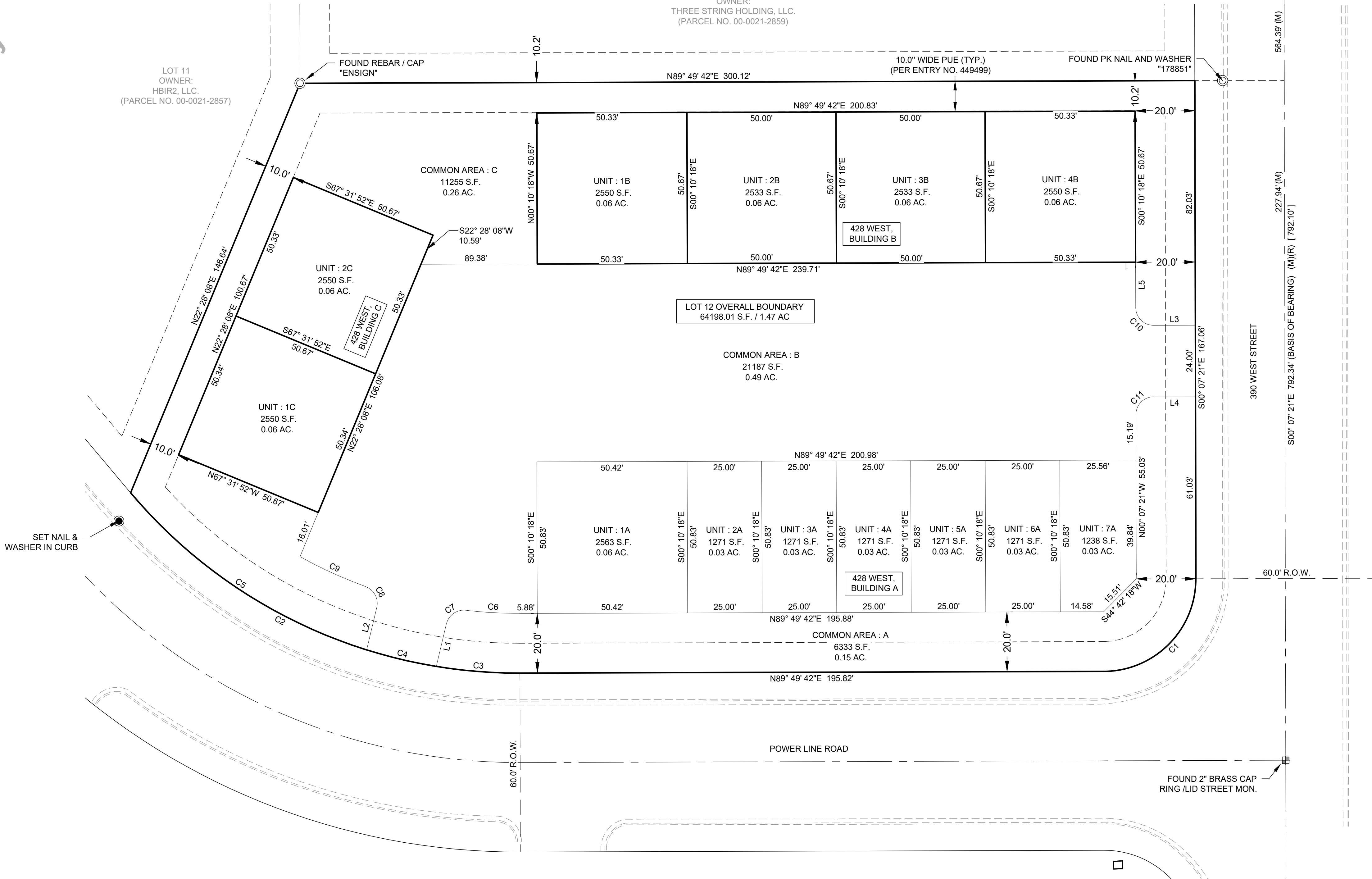
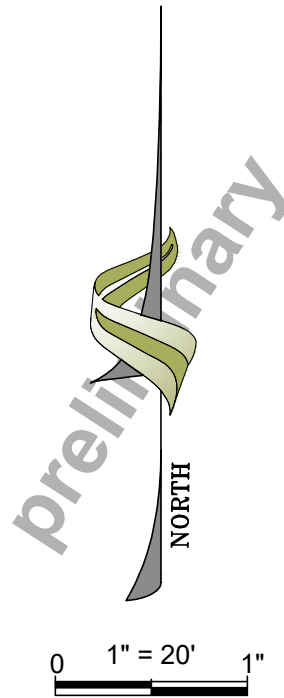
LOCATED IN THE
SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 6 EAST
SALT LAKE BASE AND MERIDIAN,
HEBER CITY, WASATCH COUNTY, UTAH

FOUND 2" BRASS CAP
RING /LID STREET MON.
(AIRPORT RD. AND 390 W. ST.

AMENDED POWER INDUSTRIAL PARK
ENTRY NO. 449499

LOT 13
OWNER:
THREE STRING HOLDING, LLC.
(PARCEL NO. 00-0021-2859)

LOT 11
OWNER:
HBIR2, LLC.
(PARCEL NO. 00-0021-2857)



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREFTER KNOWN AS POWER INDUSTRIAL PARK - AMENDING LOT 12 CONDOMINIUM PLAT, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

AS WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ DAY
OF ____, 2021, A.D.

BY: _____ DATE _____

NAME: _____
TITLE: _____ EXCEL BUSINESS SOLUTIONS, LLC.

ACKNOWLEDGMENT

ON THIS ____ DAY OF ____, 2021, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF ____, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES MENTIONED.

NOTARY PUBLIC IN AND FOR THE STATE OF UTAH

RESIDING IN _____, UTAH

STATE OF UTAH
COUNTY OF _____

MY COMMISSION EXPIRES: _____

SUBDIVISION BOUNDARY DESCRIPTION

LOT 12, POWER INDUSTRIAL PARK SUBDIVISION, AMENDED, AS SHOWN ON THE OFFICIAL RECORDS OF THE WASATCH COUNTY RECORDER'S OFFICE.

NOTES

- THIS PLAT AMENDMENT IS TO CREATE THREE (3) CONDOMINIUMS ON LOT 12 AND ESTABLISH THREE (3) COMMON AREAS.
- THE OWNER OF RECORD AT THE TIME THIS AMENDMENT WAS COMPLETED IS EXCEL BUSINESS SOLUTIONS, LLC., CORPORATE WARRANTY DEED, ENTRY NUMBER 463910, AS RECORDED WASATCH COUNTY RECORDER'S OFFICE.
- THE BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION, AS SHOWN ON AMENDED FINAL PLAT, AMENDED POWER INDUSTRIAL PARK SUBDIVISION, ENTRY NUMBER 449499, RECORDED IN THE WASATCH COUNTY RECORDER'S OFFICE.
- REFER TO SAID AMENDED PLAT FOR EASEMENTS, RESTRICTIONS AND REQUIREMENTS.
- THIS PLAT IS SUBJECT TO AND TOGETHER WITH ANY OTHER PREVIOUSLY DEDICATED, RECORDED OR IMPLIED EASEMENTS, AS DEPICTED ON THE POWER INDUSTRIAL PARK FINAL PLAT, ENTRY NUMBER 424118, OR ANY OTHER DOCUMENTS, AS RECORDED IN THE WASATCH COUNTY RECORDER'S OFFICE.
- THE DISTANCE SHOWN ON THIS PLAT ARE AT GROUND. PLEASE REFER TO SAID AMENDED FINAL PLAT, AMENDED POWER INDUSTRIAL PARK SUBDIVISION FOR THE GRID DISTANCES AND THE GRID TO GROUND SCALE FACTOR.

SURVEYOR'S CERTIFICATE

I, TRAVIS R. GOWER DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 6439364, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS POWER INDUSTRIAL PARK - AMENDING LOT 12 CONDOMINIUM PLAT AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

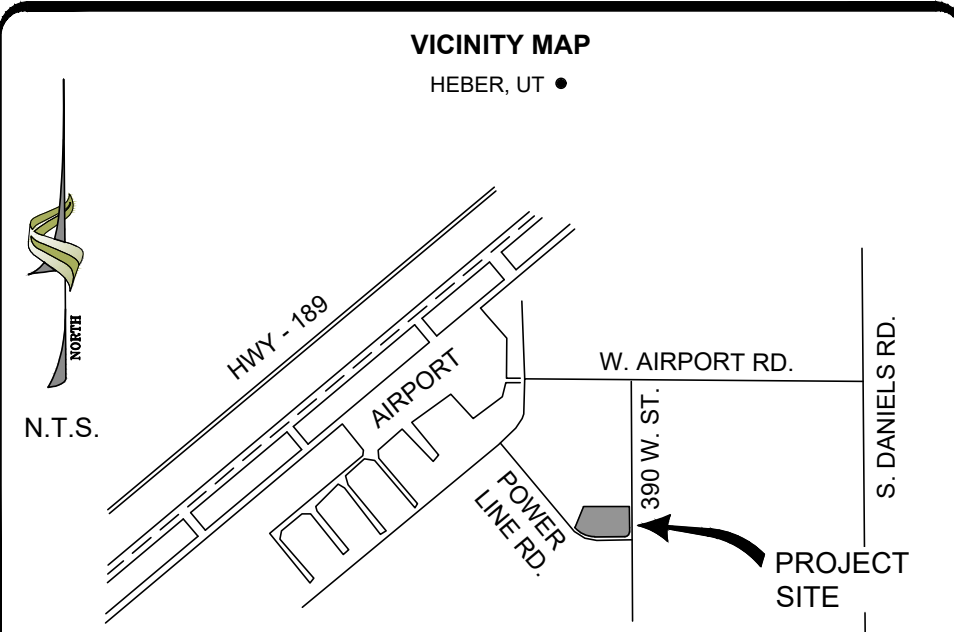


TRAVIS R. GOWER
P.L.S. 6439364

DATE

Parcel Line Table		
Line #	Length	Direction
L1	14.62	S13°23'08"W
L2	14.61	N13°23'08"E
L3	14.00	N89°51'33"E
L4	13.96	S89°51'31"W
L5	15.18	S00°07'21"E

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C1	48.67	31.00	89°57'03"	N44°51'11"E
C2	148.56	170.00	50°04'09"	S65°09'06"E
C3	28.17	170.00	9°29'38"	S85°26'21"E
C4	24.02	170.00	8°05'44"	S76°38'40"E
C5	96.37	170.00	32°28'47"	S56°21'25"E
C6	18.10	150.00	6°54'47"	S86°43'47"E
C7	8.73	6.00	83°20'28"	S55°03'22"W
C8	8.73	6.00	83°24'26"	N28°19'05"W
C9	24.16	153.14	9°02'26"	S65°24'18"E
C10	9.43	6.00	90°01'06"	S45°07'54"E
C11	9.46	6.00	90°22'49"	S45°03'59"W



LAND USE AUTHORITY
APPROVED AS TO FORM THIS ____ DAY OF ____
_____, 2021, A.D.

LAND USE AUTHORITY

WASATCH COUNTY SURVEYOR
APPROVED AS TO FORM ON THIS ____ DAY OF ____
_____, 2021 ROS# 2707

WASATCH COUNTY SURVEYOR

ACCEPTANCE BY HEBER CITY
THE CITY COUNCIL OF HEBER CITY, HEREBY APPROVES THIS AMENDED SUBDIVISION AND ACCEPTS THE DEDICATION OF PUBLIC UTILITIES HEREON SHOWN. THIS ____ DAY OF ____
_____, 2021 A.D.
APPROVED _____ ATTEST _____

MAYOR CLERK - RECORDER
APPROVED _____

CITY ENGINEER

LEGEND
PROPERTY LINE _____
LOT LINE _____
SET MONUMENT 
FOUND MONUMENT 
MEASURE / RECORD (M) / (R)

POWER INDUSTRIAL PARK - AMENDING LOT 12 CONDOMINIUM PLAT

SE1/4 SEC. 7, T4S, R5E, SLB & M,
HEBER CITY, WASATCH COUNTY, UTAH



1" = 20'
DRAWN: JF
CHECKED: TG
PROJECT #: 20SM3869
DATE: 03/01/2021
SHEET NO: 1 OF 1

WASATCH COUNTY RECORDER
NO. ____ BOOK ____ PAGE ____
DATE ____ STATE OF UTAH, RECORDED AND
FILED AT THE REQUEST OF ____
TIME ____ FEE \$ ____

COUNTY RECORDER

Exhibit 3



Planning Commission

Staff Report

Thursday, June 8, 2017

Power Industrial Park 2 Small Subdivision

Report Date:	June 5, 2017
Owner:	Three Strings Holdings LLC
Applicant:	Riley Probst
Developer:	Riley Probst
Location:	390 West Powerline Road
Parcel:	00:0021:1746 – 6.09 acres 00:0021:1747 – 10.52 acres Total: 16.61 acres
Zone:	I-2
General Plan:	Industrial
Land Use Authority:	City Council
Action Type:	Administrative
Planner:	Jamie Baron, Planner

Summary

The petitioner is requesting approval of a 9 lot Small Subdivision to split 2 of the existing lots in the Power Industrial Park Subdivision. The application is consistent with the development code.

Recommendation

Staff recommends that the Planning Commission forward a **positive recommendation** of the Power Industrial Park 2 Subdivision as outlined in the "Recommendation and Alternatives" section of the staff report.

Request

The petitioner is requesting approval of a 9 lot Small Subdivision to split 2 of the existing lots in the Power Industrial Park Subdivision.

Background

The application is to subdivide lots 7 and 8 of the existing Power Industrial Park. This will require the vacation of lots 7 and 8 from the existing plat. All the roads and utilities are in place, some lateral connections will have to be made.

Process

Section 17.48.040 indicates that Small Subdivisions are approved by the City Council following a recommendation from the Planning Commission.

Staff Finding: Consistent. *The application is before the Planning Commission for review.*

General Plan

The General Plan Map indicates that this area as Industrial.

Staff Finding: Consistent. *The I-2 is considered as Industrial.*

Code Requirements

The following is a summary of the code compliance of the application. See Planning Review Checklist (Exhibit C) for full analysis.

The application **Complies** with Sections 17.12, 17.14, 17.20, 17.32, 18.45 of the development code.

The application Can Comply with the development code as follows:

17.40 Improvements

- **17.40.040 Requirements** – Some infrastructure improvements will need to be completed with the development. All conditions of the City Engineer shall be met.

17.48 General Subdivision Requirements

- **17.48.040 Small Subdivisions** – Some infrastructure improvements will need to be completed with the development. All conditions of the City Engineer shall be met.

Recommendation and Alternatives

Staff Recommended Option – Positive Recommendation

“I move to forward a **positive recommendation** for the Power Industrial Park 2 Subdivision with the Findings and Conditions in the Staff Report.”

Findings

1. The application complies with the Development Code.
2. The application is consistent with the General Plan.

Conditions:

1. All conditions of the City Engineer shall be met.
2. All other code requirements shall be met.
3. Any other conditions or changes as articulated by the Planning Commission:

_____.

Alternative 1 - Continuance

"I move to continue the Power Industrial Park 2 Subdivision to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____

Alternative 2 – Negative Recommendation

"I move to forward a **negative recommendation** of the Power Industrial Park 2 Subdivision with the Findings below:

1. The Power Industrial Park 2 Subdivision is not consistent with the General Plan, as articulated by the Planning Commission:

_____, and/or,

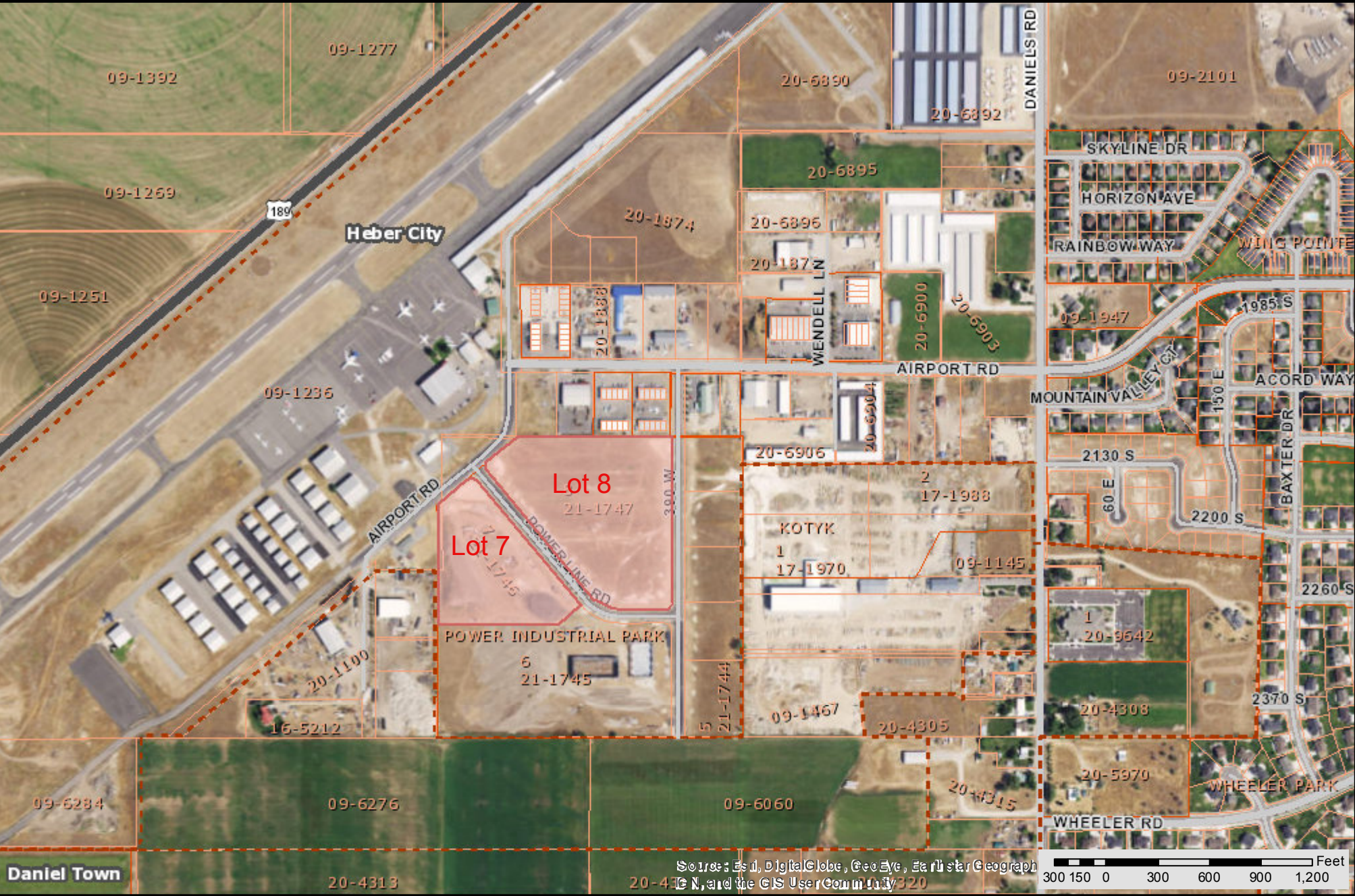
2. The Power Industrial Park 2 Subdivision is not consistent with Section [SECTION] of the Code, as articulated by the Planning Commission:

_____, and/or

Exhibits:

- | | |
|-----------------------|-------------|
| A. Map | [Page 4] |
| B. Development Images | [Pages 5-6] |
| C. Checklist | [Pages 7-9] |

Power Industrial Park 2



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR, and the GIS User Community

The boundary lines shown here have been generated for the internal use of Wasatch County and should only be used for general reference purposes.

Questions concerning ownership boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The end user of this information assumes all responsibility concerning this information's appropriate use.



POWER INDUSTRIAL PARK

HEBER CITY, UTAH SE 1/4, S 7, T4S, R5E, SLB#M

STORM DRAIN POND #1 EASEMENT

BEGINNING WEST 1630.34 FEET AND NORTH 1176.88 FEET FROM THE SOUTHEAST CORNER SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE N00°07'07"W 146.54 FEET;
THENCE S89°52'27"W 146.52 FEET;
THENCE S45°07'07"E 207.21 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.25 ACRES MORE OR LESS

An easement is granted to Heber City. A permanent easement of right-of-way for the purpose of storm drain main lines, retention and/or detention ponds, manholes and boxes, and surface structures, together with the right to construct, operate, maintain, repair and replace said facilities, and the right of ingress and egress for such purposes.

Property Owner shall not increase or decrease or permit to be increased or decreased the ground elevations of said easement existing at the time this document is executed, nor construct or permit to be constructed any permanent building, fences, structures, landscaping (other than grass), improvements or other encroachment upon said easement without prior written permission from the City. Any improvements not authorized in writing by City will be removed at the property owner's expense.

Property Owner shall install a 12 foot gate if fence is installed across the easement, with Heber City written approval.

Property Owner shall be responsible for landscape maintenance and weed control of the pond easement area.

STORM DRAIN POND #2 EASEMENT

BEGINNING WEST 2407.96 FEET AND NORTH 1028.15 FEET FROM THE SOUTHEAST CORNER SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE N40°07'54"W 130.15 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 31 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 48.67 FEET WITH A DELTA ANGLE OF 89.9530 (CHORD BEARING AND DISTANCE OF SAID CURVE BEING N85°06'30"W 43.82 FEET)
THENCE S49°54'55"W 130.02 FEET;
THENCE S85°05'05"E 227.87 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.29 ACRES MORE OR LESS

An easement is granted to Heber City. A permanent easement of right-of-way for the purpose of storm drain main lines, retention and/or detention ponds, manholes and boxes, and surface structures, together with the right to construct, operate, maintain, repair and replace said facilities, and the right of ingress and egress for such purposes.

Property Owner shall not increase or decrease or permit to be increased or decreased the ground elevations of said easement existing at the time this document is executed, nor construct or permit to be constructed any permanent building, fences, structures, landscaping (other than grass), improvements or other encroachment upon said easement without prior written permission from the City. Any improvements not authorized in writing by City will be removed at the property owner's expense.

Property Owner shall install a 12 foot gate if fence is installed across the easement, with Heber City written approval.

Property Owner shall be responsible for landscape maintenance and weed control of the pond easement area.

PIPELINE EASEMENT REQUIREMENTS:

ADDITIONAL RESTRICTIONS APPLY TO LOTS 5 & 9. THESE LOTS CONTAIN AN EASEMENT (SHOWN HEREON) IN FAVOR OF CENTRAL UTAH WATER CONSERVANCY DISTRICT (CUWCD). NO CUTS OR FILLS, OR ANY CHANGES TO THE TOPOGRAPHY ARE ALLOWED WITHIN THE CUWCD EASEMENT. NO STRUCTURES ABOVE GROUND OR BELOW GROUND, ARE ALLOWED ON THE EASEMENT. THIS INCLUDES, BUT IS NOT LIMITED TO, DECKS, SHEDS, OR FOOTINGS OF ANY KIND. FROM TIME TO TIME THE CUWCD, OR ITS AGENTS, MAY EXERCISE THEIR RIGHT OF ACCESS TO THE EASEMENT IN ORDER TO MAINTAIN THE IRRIGATION PIPELINE. ANY OBSTACLES ERECTED BY THE LOT OWNER, OR PREVIOUS LOT OWNERS, WILL BE REMOVED AT THE CURRENT LOT OWNER'S EXPENSE. IN ADDITION, THE FOLLOWING GUIDELINES APPLY:

A. ABSOLUTELY NO CONCRETE SURFACES, TREES OR SHRUBS WILL BE ALLOWED WITHIN THE PIPELINE EASEMENT.

B. HOMEOWNERS WILL ACCEPT RESPONSIBILITY TO MAINTAIN ACCESSIBLE EASEMENT AREAS AND WILL ALLOW FOR EQUIPMENT ACCESS THROUGH SAID EASEMENT. CUWCD WILL BE MAINTAINING THE PIPELINE AND MAY ACCESS EASEMENT WHEN NECESSARY.

TEMPORARY TURN-AROUND EASEMENT

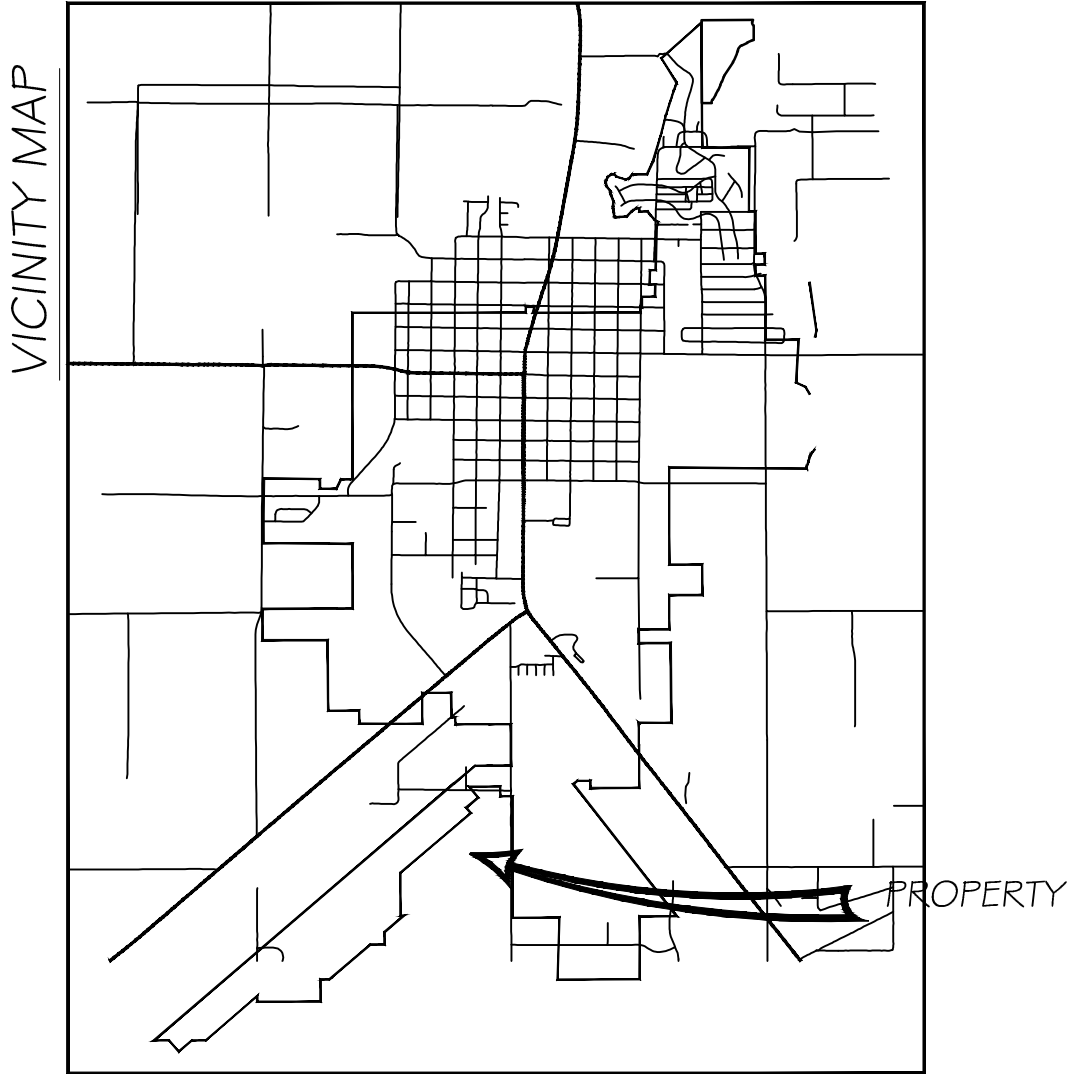
BEGINNING S89°50'01"W 1627.90 FEET FROM THE SOUTHEAST CORNER SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE N00°07'07"W 80.00 FEET;
THENCE S89°50'01"W 31.07 FEET;
THENCE S00°07'07"E 80.00 FEET;
THENCE N89°50'01"E 31.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.057 ACRES MORE OR LESS

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LOT OWNER TO ABANDON ANY SERVICES NOT USED BY LOT OWNERS AT TIME OF LOT CONSTRUCTION PER HEBER CITY SPECIFICATIONS.

LOT SUMMARY:

TOTAL LOTS: 15 TOTAL LOT ACREAGE: 36.59

DEVELOPER: THREE STRINGS HOLDINGS

LEGEND

MONUMENTS SET BY SURVEYOR

FOUND SECTION CORNER

10' PUE EASEMENT

ZONING INFORMATION:

THIS SUBDIVISION IS LOCATED IN THE I-2 INDUSTRIAL ZONE.

PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:

FRONT: 10 FEET
REAR: 10 FEET
SIDE: 10 FEET ON SIDE INDICATED. IN ADDITION TO THESE EASEMENTS ALL LOTS BORDERING THE CANAL HAVE AN EASEMENT ACROSS THEM AS SHOWN HEREON.

SURVEYOR'S CERTIFICATE

I, MELVIN C. MCQUARRIE, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 178851 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG THE SOUTH SECTION S89°49'58"W 21.80 FEET;
THENCE N00°16'15"W 1029.75 FEET;
THENCE N49°54'55"E 348.14 FEET;
THENCE N48°22'25"E 112.53 FEET;
THENCE N89°37'59"E 341.87 FEET;
THENCE N89°52'53"E 406.21 FEET;
THENCE N89°42'51"E 263.27 FEET;
THENCE S00°00'38"E 1329.04 FEET TO THE SOUTH SECTION LINE OF SAID SECTION;
THENCE S89°50'01"W 1325.41 FEET TO THE POINT OF BEGINNING.

CONTAINS 39.98 ACRES MORE OR LESS ** DESCRIPTION IS WRITTEN IN GROUND DISTANCES

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH SECTION LINE OF SECTION 7, T4S, R5E SLB#M; BEARING BEING N89°50'01"E 2639.21 FEET. (WHICH IS A NAD 83 STATE PLAIN BEARING AND GRID DISTANCE.) SURVEYOR HAS CONFIRMED NGS DATA FROM HEBER AIRPORT (36U)

MELVIN C. MCQUARRIE
REGISTERED LAND SURVEYOR

DATE

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO HEBER CITY, UTAH, ALL WATER, SEWER, AND OTHER UTILITY IMPROVEMENTS, OPEN SPACES SHOWN AS PUBLIC OPEN SPACES, EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

xxxxx

DATE

NOTARY PUBLIC SEAL

DATE

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HEBER CITY, APPROVES THIS SUBDIVISION SUBJECT OF THE CONDITIONS AND RESTRICTIONS STATED HOEREON AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 2017.

APPROVED BY MAYOR

ATTEST BY CLERK-RECORDER (SEE SEAL BELOW)

STATE OF UTAH
COUNTY OF WASATCH

ACKNOWLEDGMENT

ON THE _____ DAY OF _____, A.D. 2017, PERSONALLY APPEARED BEFORE ME THE PERSONS SIGNING THE FOREGOING OWNERS DEDICATION KNOWN TO ME TO BE AUTHORIZED TO EXECUTE THE FOREGOING OWNERS DEDICATION FOR AND ON BEHALF OF THE OWNERS WHO DULY ACKNOWLEDGED TO ME THAT THE OWNERS DEDICATION WAS EXECUTED BY THEM ON BEHALF OF THE OWNERS.

NOTARY PUBLIC (SEE SEAL BELOW)

ENGINEER/SURVEYOR:

MCM ENGINEERING, INC.
MEL MCQUARRIE
PO BOX 189
HEBER CITY, UTAH 84032
435-654-0939

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ DAY
OF _____, 2017
ROS# _____

COUNTY SURVEYOR

CITY ENGINEER APPROVAL

APPROVED THIS _____ DAY OF _____,
A.D. 2017, BY HEBER CITY'S ENGINEER.

ENGINEER:

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____,
A.D. 2017, BY THE PLANNING COMMISSION OF
HEBER CITY.

DIRECTOR-SECRETARY _____

CHAIRMAN, PLANNING COMMISSION

SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

ENGINEER'S SEAL

CLERK-RECORDER'S SEAL

MCM

ENGINEERING, INC.

CIVIL / STRUCTURAL / LAND SURVEYING

Customer: THREE STRINGS HOLDINGS

Drawn by: SKF Approved by: MCM Project no.: 14009

Z:\14009\PLATREVISED 5-10-17

REVISION DATE:

2-8-16

REVISED BY:

SKF

REVISION DESCRIPTION:

MINOR REDLINE CHANGES

3-8-16

SKF

LEGAL DESCRIPTION CHANGES

5-17-16; 5-10-17

SKF

TEMPORARY TURNAROUND EASEMENT; UPDATED FOR ADDED LOTS ON PG 2

PROJECT:

POWER INDUSTRIAL PARK
SE 1/4 SEC 7, T4S, R5E SLB#M WASATCH COUNTY

SHEET TITLE:

AMENDED FINAL PLAT

SHEET NO.:

1

ALL DISTANCES INSIDE () PARENTHESIS ARE GROUND DISTANCES AND SHOULD BE LABELED/FOUND AROUND THE BOUNDARY AND ON THE STREET WIDTH DIMENSIONS.

ALL OTHER LABELED DISTANCES ARE GRID DISTANCES AND SHOULD BE FOUND ON ALL INTERIOR DISTANCE LABELS.

THIS PLAT MAP IS DRAWN IN NAD 1983 STATE PLANE COORDINATES, IN US SURVEY FEET. SCALE FACTOR: GROUND TO GRID IS 0.999693184.

PLEASE SEE RECORD OF SURVEY NUMBER 0002707 AT THE WASATCH COUNTY RECORDERS OFFICE FOR ANY ADDITIONAL BOUNDARY INFORMATION YOU MAY NEED.

**NAD 83 STATE PLANE COORDINATES ARE IN US SURVEY FEET

Easting	Northing	Description
1661570.1230'	7342895.3570'	S 1/4 Corner (Aspen Monument) Section 7
1661544.3172'	7342895.2817'	S 1/4 Corner (BLM Field Notes) Section 7
1661548.3287'	7342895.2934'	PROP CRNR 1, IDENTIFIED WITH A: ①
1661543.4463'	7343928.1624'	PROP CRNR 2, IDENTIFIED WITH A: ②
1661893.8290'	7344223.5440'	PROP CRNR 3, IDENTIFIED WITH A: ③
1662894.8722'	7344227.8348'	PROP CRNR 4, IDENTIFIED WITH A: ④
1662895.1184'	7342899.2047'	PROP CRNR 5, IDENTIFIED WITH A: ⑤
1658893.9430'	7342887.5450'	SW Corner Section 7
1664204.5060'	7345571.5720'	E 1/4 Corner Section 7
1664209.3260'	7342903.0210'	SE Corner Section 7
1661699.1972'	7344098.9135'	STREET MONUMENT ①
1662610.3245'	7343434.4057'	STREET MONUMENT ②
1662608.6861'	7344226.5037'	STREET MONUMENT ③

LEGEND

- FOUND REBAR # CAP 7515
- FOUND REBAR # CAP WITH #174894
- SET REBAR # CAP
- FOUND REBAR # CAP WITH #501193 (HORROCKS ENGINEERING)
- FOUND REBAR AND CAP WITH #145796
- EXISTING FENCE
- IDENTIFIES PROPERTY CORNER FOR NORTHING & EASTING CHART ABOVE
- IRRIGATION PIPE LINE EASEMENT SEE BOOK 824 PAGE 498-508 AS RECORDED AT THE WASATCH COUNTY RECORDERS OFFICE
- STORM DRAIN EASEMENT
- TEMPORARY TURN AROUND EASEMENT
- STREET MONUMENT
- ORIGINAL LOTS THAT ARE NOT BEING AMENDED

ENGINEER/SURVEYOR:

MCM ENGINEERING, INC.
MEL MCQUARRIE
PO BOX 189
HEBER CITY, UTAH 84032
435-671-1489

ENGINEERING, INC.

CIVIL / STRUCTURAL / LAND SURVEYING

Customer: THREE STRINGS HOLDINGS, LLC
Drawn by: SKF
Z:\14009\PLATREVISED 5-31-17

Approved by: MCM
Project no.: 14009

REVISION DATE:	REVISED BY:	REVISION DESCRIPTION:
1-24-16	SKF	CHANGED THE NORTHING AND EASTING TABLE TO BE EASIER TO UNDERSTAND
2-8-16	SKF	MINOR REDLINE CHANGES
3-11-16;5-1-17	SKF	REDLINE CHANGES, LOT LAYOUT

PROJECT:

POWER INDUSTRIAL PARK
SE 1/4 SEC 7, T4S, R5E, SLB#M WASATCH COUNTY

SHEET TITLE:

AMENDED FINAL PLAT

SHEET NO.:

2

Planning Review Checklist

Project Name: Power Industrial Park 2 Subdivision
Project Type: Small Subdivision
Date Received: May 8, 2017
Date Reviewed: May 23, 2017
Planning Commission Date: June 8, 2017
City Council Date: N/A
Owner: Three Strings Holdings LLC
Applicant: Riley Probst
Developer: Riley Probst
Location: 200 West 600 South
Parcel(s): 00:0021:1746 – 6.09 acres
00:0021:1747 – 10.52 acres
Total: 16.61 acres
Zone: I-2 Industrial
General Plan Designation: Industrial
Current Use: Vacant
Adjacent Uses: Industrial
Land Use Authority: City Council
Action Type: Administrative
Planner: Jamie Baron, Planner

General Review

Previous Meetings:

Previous Approvals:

DRC:

Code Review

17.12 Recording

- **17.12.010 Procedures – Exemptions – Required Signatures**
 - Small Lot Subdivisions are approved by the Planning Commission when they meet the following criteria:
 - Less than 10 lots. **Complies.** The application is to create 9 building lots.
 - Plan approved by the Planning Commission.
 - The property is not traversed by a master planned road and does not required Right of Way dedication. **Complies.** There are no future planned roads shown through or near the property.

- Each lot meets the lot requirements of Title 18. **Complies.** Each lot meets the lot requirements of the zone as shown below in the review of Section 18.45.
- All requirements of 17.48.040 shall be met. **Complies.** All requirements are met as shown below in the review of Section 17.48.040.

17.14 Requirement of Adequate Public Facilities: Will connect to City Infrastructure. Will be reviewed by Engineering.

17.20 Plans

- **17.20.030 – Final Construction Plans and Final Plat:** All required information has been submitted.

17.32 Lot Design Standards

- **17.32.020 – Lot Sizes:** Shall conform to zoning regulations. See 18.45 below.
- **17.32.030 – Lots Must Abut on Public Streets: Complies.** All lots abut a public street.
- **17.32.050 – Parts of Lots: Complies.** There are no parts of lots that are being left out of the subdivision.

17.40 Improvements

- **17.40.010 – Requirements:** All required improvements shall be installed. **Can Comply.** Most of the required infrastructure to service the lots are in place, however there are some that will need to be done with the development. All the requirements of the City Engineer shall be met.

17.48 General Subdivision Requirements

- **17.48.040 – Small Subdivisions**
 - Whenever a small subdivision meeting the conditions as set forth in Section 17.12.010 of this chapter is proposed, a preliminary plan conforming to the requirements for preliminary plans as set forth in Section 17.20.020 shall be prepared and submitted to the planning commission for approval at least 28 (twenty-eight) days prior to the Planning Commission meeting. Before preparing and submitting the plans, the applicant shall meet with the Planning and Engineering departments to determine if any of the requirements set forth in 17.20.020 are not necessary to be submitted to the Planning Commission in order for it to make an educated decision. Staff will base its determination on the site conditions as well as surrounding conditions. **Complies.** The applicant has submitted the appropriate plans.
 - Before the planning commission shall approve any such plan, all improvements required under Section 17.40.010 shall have been installed or assurances given to the city that the improvements will be installed without cost to the City as set forth in Chapter 17.52. **Can Comply.** Some improvements will need to be made. All conditions of the City Engineer shall be met.

18.45 I-2 Industrial Zone

- **18.56.030 – Area Requirements:** There is no minimum lot area requirement
- **18.56.040 – Setbacks Requirements:** 20' from any public street. To be reviewed at time of Commercial Concept/Final

Exhibit 4



Planning Commission

Staff Report

Thursday, June 8, 2017

Power Industrial Park 2 Small Subdivision

Report Date:	June 5, 2017
Owner:	Three Strings Holdings LLC
Applicant:	Riley Probst
Developer:	Riley Probst
Location:	390 West Powerline Road
Parcel:	00:0021:1746 – 6.09 acres 00:0021:1747 – 10.52 acres Total: 16.61 acres
Zone:	I-2
General Plan:	Industrial
Land Use Authority:	City Council
Action Type:	Administrative
Planner:	Jamie Baron, Planner

Summary

The petitioner is requesting approval of a 9 lot Small Subdivision to split 2 of the existing lots in the Power Industrial Park Subdivision. The application is consistent with the development code.

Recommendation

Staff recommends that the Planning Commission forward a **positive recommendation** of the Power Industrial Park 2 Subdivision as outlined in the "Recommendation and Alternatives" section of the staff report.

Request

The petitioner is requesting approval of a 9 lot Small Subdivision to split 2 of the existing lots in the Power Industrial Park Subdivision.

Background

The application is to subdivide lots 7 and 8 of the existing Power Industrial Park. This will require the vacation of lots 7 and 8 from the existing plat. All the roads and utilities are in place, some lateral connections will have to be made.

Process

Section 17.48.040 indicates that Small Subdivisions are approved by the City Council following a recommendation from the Planning Commission.

Staff Finding: Consistent. *The application is before the Planning Commission for review.*

General Plan

The General Plan Map indicates that this area as Industrial.

Staff Finding: Consistent. *The I-2 is considered as Industrial.*

Code Requirements

The following is a summary of the code compliance of the application. See Planning Review Checklist (Exhibit C) for full analysis.

The application **Complies** with Sections 17.12, 17.14, 17.20, 17.32, 18.45 of the development code.

The application Can Comply with the development code as follows:

17.40 Improvements

- **17.40.040 Requirements** – Some infrastructure improvements will need to be completed with the development. All conditions of the City Engineer shall be met.

17.48 General Subdivision Requirements

- **17.48.040 Small Subdivisions** – Some infrastructure improvements will need to be completed with the development. All conditions of the City Engineer shall be met.

Recommendation and Alternatives

Staff Recommended Option – Positive Recommendation

“I move to forward a **positive recommendation** for the Power Industrial Park 2 Subdivision with the Findings and Conditions in the Staff Report.”

Findings

1. The application complies with the Development Code.
2. The application is consistent with the General Plan.

Conditions:

1. All conditions of the City Engineer shall be met.
2. All other code requirements shall be met.
3. Any other conditions or changes as articulated by the Planning Commission:

_____.

Alternative 1 - Continuance

"I move to continue the Power Industrial Park 2 Subdivision to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____

Alternative 2 – Negative Recommendation

"I move to forward a **negative recommendation** of the Power Industrial Park 2 Subdivision with the Findings below:

1. The Power Industrial Park 2 Subdivision is not consistent with the General Plan, as articulated by the Planning Commission:

_____, and/or,

2. The Power Industrial Park 2 Subdivision is not consistent with Section [SECTION] of the Code, as articulated by the Planning Commission:

_____, and/or

Exhibits:

- | | |
|-----------------------|-------------|
| A. Map | [Page 4] |
| B. Development Images | [Pages 5-6] |
| C. Checklist | [Pages 7-9] |

Power Industrial Park 2



The boundary lines shown here have been generated for the internal use of Wasatch County and should only be used for general reference purposes

Questions concerning ownership boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The end user of this information assumes all responsibility concerning this information's appropriate use.



POWER INDUSTRIAL PARK

HEBER CITY, UTAH SE 1/4, S 7, T4S, R5E, SLB#M

STORM DRAIN POND #1 EASEMENT

BEGINNING WEST 1630.34 FEET AND NORTH 1176.88 FEET FROM THE SOUTHEAST CORNER SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE N00°07'07"W 146.54 FEET;
THENCE S89°52'27"W 146.52 FEET;
THENCE S45°07'07"E 207.21 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.25 ACRES MORE OR LESS

An easement is granted to Heber City. A permanent easement of right-of-way for the purpose of storm drain main lines, retention and/or detention ponds, manholes and boxes, and surface structures, together with the right to construct, operate, maintain, repair and replace said facilities, and the right of ingress and egress for such purposes.

Property Owner shall not increase or decrease or permit to be increased or decreased the ground elevations of said easement existing at the time this document is executed, nor construct or permit to be constructed any permanent building, fences, structures, landscaping (other than grass), improvements or other encroachment upon said easement without prior written permission from the City. Any improvements not authorized in writing by City will be removed at the property owner's expense.

Property Owner shall install a 12 foot gate if fence is installed across the easement, with Heber City written approval.

Property Owner shall be responsible for landscape maintenance and weed control of the pond easement area.

STORM DRAIN POND #2 EASEMENT

BEGINNING WEST 2407.96 FEET AND NORTH 1028.15 FEET FROM THE SOUTHEAST CORNER SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE N40°07'54"W 130.15 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 31 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 48.67 FEET WITH A DELTA ANGLE OF 89.9530 (CHORD BEARING AND DISTANCE OF SAID CURVE BEING N85°06'30"W 43.82 FEET)
THENCE S49°54'55"W 130.02 FEET;
THENCE S85°05'05"E 227.87 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.29 ACRES MORE OR LESS

An easement is granted to Heber City. A permanent easement of right-of-way for the purpose of storm drain main lines, retention and/or detention ponds, manholes and boxes, and surface structures, together with the right to construct, operate, maintain, repair and replace said facilities, and the right of ingress and egress for such purposes.

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A. ABSOLUTELY NO CONCRETE SURFACES, TREES OR SHRUBS WILL BE ALLOWED WITHIN THE PIPELINE EASEMENT.

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TEMPORARY TURN-AROUND EASEMENT

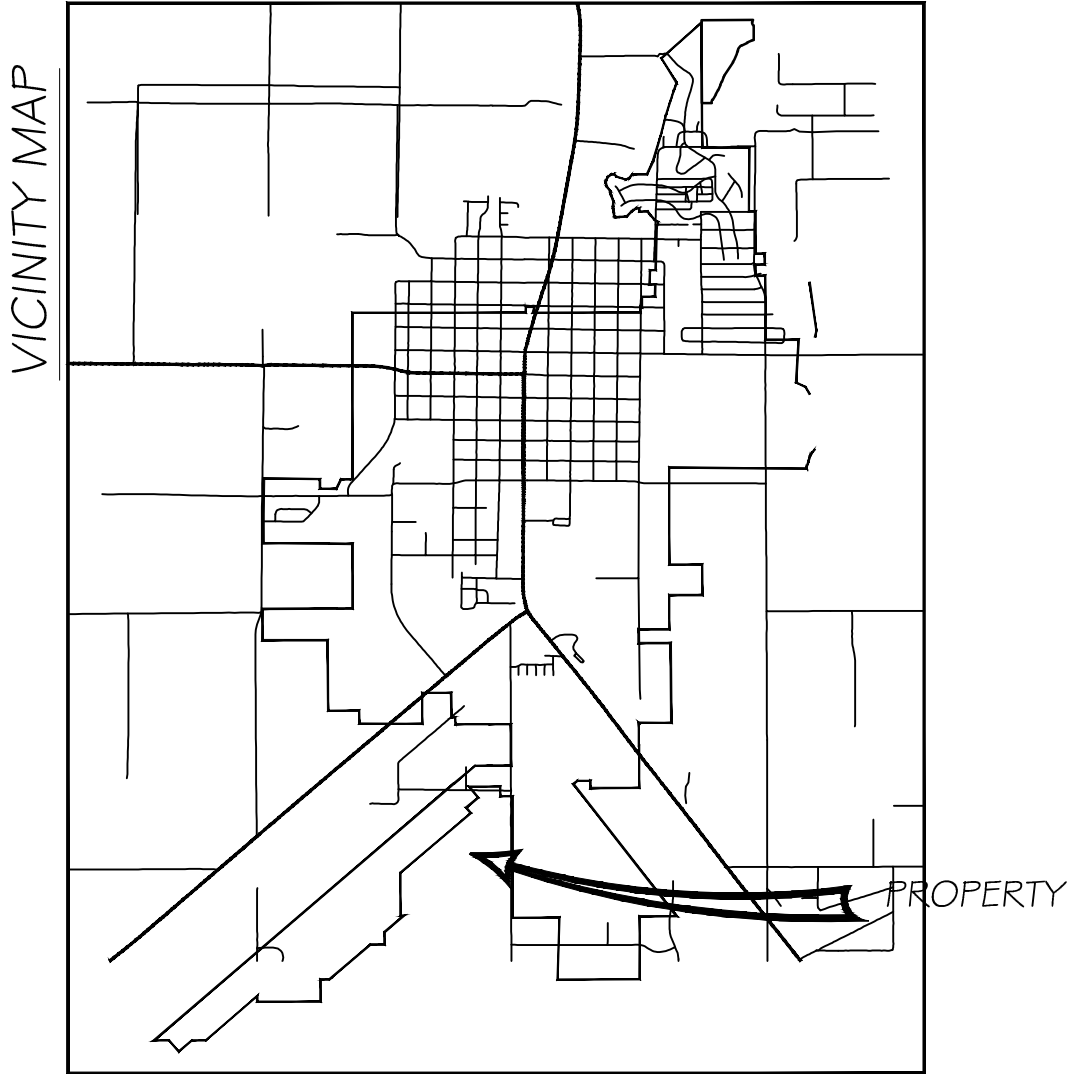
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LOT OWNER TO ABANDON ANY SERVICES NOT USED BY LOT OWNERS AT TIME OF LOT CONSTRUCTION PER HEBER CITY SPECIFICATIONS.

LOT SUMMARY:

TOTAL LOTS: 15 TOTAL LOT ACREAGE: 36.59

DEVELOPER: THREE STRINGS HOLDINGS

LEGEND

MONUMENTS SET BY SURVEYOR

FOUND SECTION CORNER

10' PUE EASEMENT

ZONING INFORMATION:

THIS SUBDIVISION IS LOCATED IN THE I-2 INDUSTRIAL ZONE.

PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:

FRONT: 10 FEET
REAR: 10 FEET
SIDE: 10 FEET ON SIDE INDICATED. IN ADDITION TO THESE EASEMENTS ALL LOTS BORDERING THE CANAL HAVE AN EASEMENT ACROSS THEM AS SHOWN HEREON.

SURVEYOR'S CERTIFICATE

I, MELVIN C. MCQUARRIE, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 178851 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

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THENCE N00°16'15"W 1029.75 FEET;
THENCE N49°54'55"E 348.14 FEET;
THENCE N48°22'25"E 112.53 FEET;
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THENCE N89°52'53"E 406.21 FEET;
THENCE N89°42'51"E 263.27 FEET;
THENCE S00°00'38"E 1329.04 FEET TO THE SOUTH SECTION LINE OF SAID SECTION;
THENCE S89°50'01"W 1325.41 FEET TO THE POINT OF BEGINNING.

CONTAINS 39.98 ACRES MORE OR LESS ** DESCRIPTION IS WRITTEN IN GROUND DISTANCES

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH SECTION LINE OF SECTION 7, T4S, R5E SLB#M; BEARING BEING N89°50'01"E 2639.21 FEET. (WHICH IS A NAD 83 STATE PLAIN BEARING AND GRID DISTANCE.) SURVEYOR HAS CONFIRMED NGS DATA FROM HEBER AIRPORT (36U)

MELVIN C. MCQUARRIE
REGISTERED LAND SURVEYOR

DATE

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO HEBER CITY, UTAH, ALL WATER, SEWER, AND OTHER UTILITY IMPROVEMENTS, OPEN SPACES SHOWN AS PUBLIC OPEN SPACES, EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

xxxxx

DATE

NOTARY PUBLIC SEAL

DATE

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HEBER CITY, APPROVES THIS SUBDIVISION SUBJECT OF THE CONDITIONS AND RESTRICTIONS STATED HOEREON AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 2017.

APPROVED BY MAYOR

ATTEST BY CLERK-RECORDER (SEE SEAL BELOW)

STATE OF UTAH
COUNTY OF WASATCH

ACKNOWLEDGMENT

ON THE _____ DAY OF _____, A.D. 2017, PERSONALLY APPEARED BEFORE ME THE PERSONS SIGNING THE FOREGOING OWNERS DEDICATION KNOWN TO ME TO BE AUTHORIZED TO EXECUTE THE FOREGOING OWNERS DEDICATION FOR AND ON BEHALF OF THE OWNERS WHO DULY ACKNOWLEDGED TO ME THAT THE OWNERS DEDICATION WAS EXECUTED BY THEM ON BEHALF OF THE OWNERS.

NOTARY PUBLIC (SEE SEAL BELOW)

ENGINEER/SURVEYOR:

MCM ENGINEERING, INC.
MEL MCQUARRIE
PO BOX 189
HEBER CITY, UTAH 84032
435-654-0939

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ DAY
OF _____, 2017
ROS# _____

COUNTY SURVEYOR

CITY ENGINEER APPROVAL

APPROVED THIS _____ DAY OF _____,
A.D. 2017, BY HEBER CITY'S ENGINEER.

ENGINEER:

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____,
A.D. 2017, BY THE PLANNING COMMISSION OF
HEBER CITY.

DIRECTOR-SECRETARY _____

CHAIRMAN, PLANNING COMMISSION

SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

ENGINEER'S SEAL

CLERK-RECORDER'S SEAL

MCM

ENGINEERING, INC.

CIVIL / STRUCTURAL / LAND SURVEYING

Customer: THREE STRINGS HOLDINGS

Drawn by: SKF Approved by: MCM Project no.: 14009

Z:\14009\PLATREVISED 5-10-17

REVISION DATE:

2-8-16

REVISED BY:

SKF

REVISION DESCRIPTION:

MINOR REDLINE CHANGES

3-8-16

SKF

LEGAL DESCRIPTION CHANGES

5-17-16; 5-10-17

SKF

TEMPORARY TURNAROUND EASEMENT; UPDATED FOR ADDED LOTS ON PG 2

PROJECT:

POWER INDUSTRIAL PARK
SE 1/4 SEC 7, T4S, R5E SLB#M WASATCH COUNTY

SHEET TITLE:

AMENDED FINAL PLAT

SHEET NO.:

1

ALL DISTANCES INSIDE () PARENTHESIS ARE GROUND DISTANCES AND SHOULD BE LABELED/FOUND AROUND THE BOUNDARY AND ON THE STREET WIDTH DIMENSIONS.

ALL OTHER LABELED DISTANCES ARE GRID DISTANCES AND SHOULD BE FOUND ON ALL INTERIOR DISTANCE LABELS.

THIS PLAT MAP IS DRAWN IN NAD 1983 STATE PLANE COORDINATES, IN US SURVEY FEET. SCALE FACTOR: GROUND TO GRID IS 0.999693184.

PLEASE SEE RECORD OF SURVEY NUMBER 0002707 AT THE WASATCH COUNTY RECORDERS OFFICE FOR ANY ADDITIONAL BOUNDARY INFORMATION YOU MAY NEED.

**NAD 83 STATE PLANE COORDINATES ARE IN US SURVEY FEET

Easting	Northing	Description
1661570.1230'	7342895.3570'	S 1/4 Corner (Aspen Monument) Section 7
1661544.3172'	7342895.2817'	S 1/4 Corner (BLM Field Notes) Section 7
1661548.3287'	7342895.2934'	PROP CRNR 1, IDENTIFIED WITH A: ①
1661543.4463'	7343928.1624'	PROP CRNR 2, IDENTIFIED WITH A: ②
1661893.8290'	7344223.5440'	PROP CRNR 3, IDENTIFIED WITH A: ③
1662894.8722'	7344227.8348'	PROP CRNR 4, IDENTIFIED WITH A: ④
1662895.1184'	7342899.2047'	PROP CRNR 5, IDENTIFIED WITH A: ⑤
1658893.9430'	7342887.5450'	SW Corner Section 7
1664204.5060'	7345571.5720'	E 1/4 Corner Section 7
1664209.3260'	7342903.0210'	SE Corner Section 7
1661699.1972'	7344098.9135'	STREET MONUMENT ①
1662610.3245'	7343434.4057'	STREET MONUMENT ②
1662608.6861'	7344226.5037'	STREET MONUMENT ③

LEGEND

- FOUND REBAR # CAP 7515
- FOUND REBAR # CAP WITH #174894
- SET REBAR # CAP
- FOUND REBAR # CAP WITH #501193 (HORROCKS ENGINEERING)
- FOUND REBAR AND CAP WITH #145796
- EXISTING FENCE
- IDENTIFIES PROPERTY CORNER FOR NORTHING & EASTING CHART ABOVE
- IRRIGATION PIPE LINE EASEMENT SEE BOOK 824 PAGE 498-508 AS RECORDED AT THE WASATCH COUNTY RECORDERS OFFICE
- STORM DRAIN EASEMENT
- TEMPORARY TURN AROUND EASEMENT
- STREET MONUMENT
- ORIGINAL LOTS THAT ARE NOT BEING AMENDED

ENGINEER/SURVEYOR:

MCM ENGINEERING, INC.
MEL MCQUARRIE
PO BOX 189
HEBER CITY, UTAH 84032
435-671-1489

ENGINEERING, INC.

Customer: THREE STRINGS HOLDINGS, LLC		
Drawn by: SKF	Approved by: MCM	Project no.: 14009
Z:\14009\PLATREVISED 5-31-17		

REVISION DATE:	REVISED BY:	REVISION DESCRIPTION:
1-24-16	SKF	CHANGED THE NORTHING AND EASTING TABLE TO BE EASIER TO UNDERSTAND
2-8-16	SKF	MINOR REDLINE CHANGES
3-11-16;5-1-17	SKF	REDLINE CHANGES, LOT LAYOUT

PROJECT:	POWER INDUSTRIAL PARK SE 1/4 SEC 7,T4S,R5E SLB#M WASATCH COUNTY
----------	--

SHEET TITLE:	AMENDED FINAL PLAT
SHEET NO.:	2

Planning Review Checklist

Project Name: Power Industrial Park 2 Subdivision
Project Type: Small Subdivision
Date Received: May 8, 2017
Date Reviewed: May 23, 2017
Planning Commission Date: June 8, 2017
City Council Date: N/A
Owner: Three Strings Holdings LLC
Applicant: Riley Probst
Developer: Riley Probst
Location: 200 West 600 South
Parcel(s): 00:0021:1746 – 6.09 acres
00:0021:1747 – 10.52 acres
Total: 16.61 acres
Zone: I-2 Industrial
General Plan Designation: Industrial
Current Use: Vacant
Adjacent Uses: Industrial
Land Use Authority: City Council
Action Type: Administrative
Planner: Jamie Baron, Planner

General Review

Previous Meetings:

Previous Approvals:

DRC:

Code Review

17.12 Recording

- **17.12.010 Procedures – Exemptions – Required Signatures**
 - Small Lot Subdivisions are approved by the Planning Commission when they meet the following criteria:
 - Less than 10 lots. **Complies.** The application is to create 9 building lots.
 - Plan approved by the Planning Commission.
 - The property is not traversed by a master planned road and does not required Right of Way dedication. **Complies.** There are no future planned roads shown through or near the property.

- Each lot meets the lot requirements of Title 18. **Complies.** Each lot meets the lot requirements of the zone as shown below in the review of Section 18.45.
- All requirements of 17.48.040 shall be met. **Complies.** All requirements are met as shown below in the review of Section 17.48.040.

17.14 Requirement of Adequate Public Facilities: Will connect to City Infrastructure. Will be reviewed by Engineering.

17.20 Plans

- **17.20.030 – Final Construction Plans and Final Plat:** All required information has been submitted.

17.32 Lot Design Standards

- **17.32.020 – Lot Sizes:** Shall conform to zoning regulations. See 18.45 below.
- **17.32.030 – Lots Must Abut on Public Streets: Complies.** All lots abut a public street.
- **17.32.050 – Parts of Lots: Complies.** There are no parts of lots that are being left out of the subdivision.

17.40 Improvements

- **17.40.010 – Requirements:** All required improvements shall be installed. **Can Comply.** Most of the required infrastructure to service the lots are in place, however there are some that will need to be done with the development. All the requirements of the City Engineer shall be met.

17.48 General Subdivision Requirements

- **17.48.040 – Small Subdivisions**
 - Whenever a small subdivision meeting the conditions as set forth in Section 17.12.010 of this chapter is proposed, a preliminary plan conforming to the requirements for preliminary plans as set forth in Section 17.20.020 shall be prepared and submitted to the planning commission for approval at least 28 (twenty-eight) days prior to the Planning Commission meeting. Before preparing and submitting the plans, the applicant shall meet with the Planning and Engineering departments to determine if any of the requirements set forth in 17.20.020 are not necessary to be submitted to the Planning Commission in order for it to make an educated decision. Staff will base its determination on the site conditions as well as surrounding conditions. **Complies.** The applicant has submitted the appropriate plans.
 - Before the planning commission shall approve any such plan, all improvements required under Section 17.40.010 shall have been installed or assurances given to the city that the improvements will be installed without cost to the City as set forth in Chapter 17.52. **Can Comply.** Some improvements will need to be made. All conditions of the City Engineer shall be met.

18.45 I-2 Industrial Zone

- **18.56.030 – Area Requirements:** There is no minimum lot area requirement
- **18.56.040 – Setbacks Requirements:** 20' from any public street. To be reviewed at time of Commercial Concept/Final

ACTION ITEMS

TAB 3

Heber City “Cares” Grant Report – March 2021

People’s Health Clinic

Despite the Covid-19 Pandemic, the Clinic has remained open and fully staffed to continue to provide services to our patients. The Clinic was in fact essential to Wasatch County’s response to the crisis. We worked to keep people out of the emergency rooms, reducing the burden and allowing local hospitals to deal with Covid related issues.

In addition, during these pandemic months, many individuals have been laid off or had their hours drastically reduced and we have already seen the increase in new patients. We also expect the number of uninsured Wasatch county residents to continue to rise.

In the early months of the pandemic, the Clinic migrated to a telehealth system which allowed providers to conduct patient examinations electronically. For those patients still being seen at the Clinic, the staff and volunteers were equipped with proper PPE. Although our patient volume was lower in the late spring/early summer, we have seen in recent months our return to full patient capacity. We are projecting that for 2021 we will provide services for a record high of over 10,500 patient encounters.

100% of The Heber Cares grant of \$5000 was utilized and helped to fund:

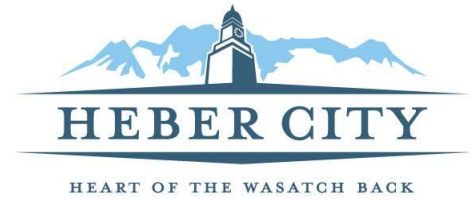
- * Costs directly related to COVID-19 such as professional protection equipment (e.g., masks, gloves, sanitizers);
- * Ongoing medical costs for chronic health care (e.g., medications, supplies, staff/provider time);
- * General operating expenses to continue to provide critical access to healthcare for our patients,

Quantifying the more subjective attributes of the Clinic’s program is elusive. To be sure, having a clean bill of health is paramount with attaining peace-of-mind. Having a safety-net in which to turn if uninsured can’t be overstated. It is impossible to account for how many working hours were sustained due to the Clinic physician’s advice /treatment; how many expectant mothers reached full term with healthy babies due to proper prenatal care; how many emergency room visits avoided due to chronic illness education/management; how many school age kids with glasses improved their grades by being able to see the blackboard. Even the financial aspects cannot be ignored - having unencumbered access to health care (especially during a pandemic) without the distressing impact to the family budget. Indeed, these can be considered among the Clinic’s “successes” and contributions to the robust vitality of our community.

Beth Armstrong
Executive Director

TAB 5

Community Reinvestment Agency Staff Report



MEETING DATE: April 6, 2021

SUBJECT: Resolution 2021-03: A Resolution Designating A Survey Area and Authorizing Related Actions.

RESPONSIBLE: Matthew Brower

DEPARTMENT: City Manager's Office

STRATEGIC RELEVANCE: Economic Development; Creation of CRA Remains Council's Top Policy Priority in 2021

SUMMARY

The Heber City Council took the actions necessary to create the Heber City Community Reinvestment Agency at the March 2, 2021 meeting. The Agency is the separate legal entity that is granted certain powers by state statute to encourage local economic development. In general, the Agency can only exercise its powers within or in relation to a community reinvestment project area (a "CRA" or simply a "project area").

The process to create a CRA is prescribed by statute. The first step in that process is the adoption of a resolution designating a specific area as a "survey area" and authorizing the Agency to move forward with the process of creating one or more CRAs within the survey area. Adoption of Resolution 2021-03 is the next step towards the creation and activation of a CRA to bring about the economic rebirth of the City's historic downtown area.

RECOMMENDATION

Adopt Resolution 2021-03: Designating A Survey Area and Authorizing Related Actions.

BACKGROUND

Now that the Agency has been created, designating a survey area is the next step toward the goal of creating a community reinvestment project area for the City's historic downtown area and potentially a second community reinvestment project area for the area around the Train and the County Events Center.

DISCUSSION

The survey area is an area that “requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the survey area.” (Utah Code § 17C-5-103(1)(c)). The eventual boundaries of the new project area(s) should be within the identified survey area, but the survey area is not otherwise binding on the boundaries of the project area. In other words, it makes sense to be overly-inclusive when identifying the survey area and then determine the boundaries of the actual project area as the process progresses.

Subsequent steps include actions to finalize the Project Area Plan (including the precise boundaries of the project area) and Budget and attempting to negotiate interlocal agreements with Wasatch County and Wasatch County School District. A properly-noticed public hearing is required before the Agency officially adopts the Project Area Plan and Project Area Budget. The Board may want to give direction to staff as to the desired public hearing date. This hearing must be noticed at least 30 days in advance and the drafts of the Project Area Plan and Project Area Budget must be made available to the public at that point as well, so the earliest date for public hearing would likely be May 4 or May 18. Its anticipated that the work to negotiate interlocal agreements with the County and District could be completed in Q2 of 2021.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of this Resolution.

ALTERNATIVES

Not approve the resolution and stop the process of creating a CRA.

POTENTIAL MOTIONS “I motion to approve Resolution 2021-03.”

CONTRACT ACCOUNTABILITY

Department: City Manager’s Office

Staff Member: Matthew Brower

EXHIBITS

A: Resolution 2021-03: A Resolution Designating A Survey Area and Authorizing Related Actions.

HEBER CITY COMMUNITY REINVESTMENT AGENCY

RESOLUTION NO. 2021-03

A RESOLUTION DESIGNATING A SURVEY AREA AND AUTHORIZING RELATED ACTIONS.

WHEREAS Heber City (the “City”), created the Heber City Community Reinvestment Agency (the “Agency”) pursuant to the provisions of, and the Agency continues to operate under, Title 17C of the Utah Code, the Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “Act”) for the purposes of conducting project area development activities within the City, as contemplated by the Act; and

WHEREAS the Agency, having made a preliminary investigation and conducted initial studies and inquiries, desires now to conduct project area development activities in all or a portion of the area depicted on the map attached hereto as **Exhibit A** (the “Survey Area”) pursuant to UCA § 17C-5-103, from which the Agency anticipates potentially creating one or more community reinvestment project areas (the “Proposed Project Area(s)"); and

WHEREAS the Agency desires to begin the process of adopting a project area plan the Proposed Project Area(s) by adopting this Resolution authorizing, among other things, the preparation of a Project Area Plan, pursuant to UCA § 17C-5-103.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE HEBER CITY COMMUNITY REINVESTMENT AGENCY AS FOLLOWS:

1. That the Agency designates the approximate geographic area as indicated on **Exhibit A** as a Survey Area as contemplated by the Act.
2. That the Survey Area requires study to determine whether project area development is feasible within the Proposed Project Area(s) within the Survey Area.
3. That Agency consultants, legal counsel, and staff be and are hereby authorized and directed, as deemed appropriate by the Agency:
 - a. to prepare a draft Community Reinvestment Project Area Plan;
 - b. to prepare a draft Community Reinvestment Project Area Budget;
 - c. to undertake all such actions as may be required by the Act, or which may otherwise be necessary or desirable to the successful establishment of the Proposed Project Area(s), including, without limitation, the negotiation of agreements with taxing

entities and participants, the preparation for all necessary hearings and the preparation, publication, and/or mailing of statutorily required notices.

4. That this Resolution shall take effect upon adoption.

APPROVED AND ADOPTED on this _____ day of _____, 2021.

**HEBER CITY COMMUNITY
REINVESTMENT AGENCY**

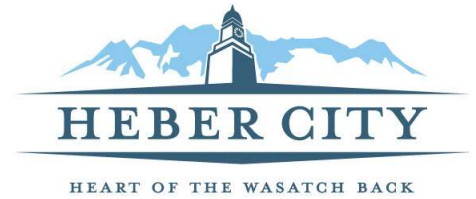
Kelleen Potter, Chair

ATTEST:

Trina Cooke, Heber City Recorder

TAB 6

Community Reinvestment Agency Staff Report



MEETING DATE: April 6, 2021

SUBJECT: Resolution 2021-04: A Resolution Adopting Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings.

RESPONSIBLE: Matthew Brower

DEPARTMENT: City Manager's Office

STRATEGIC RELEVANCE: Economic Development; Creation of CRA Remains Council's Top Policy Priority in 2021

SUMMARY

The Heber City Council took the actions necessary to create the Heber City Community Reinvestment Agency at the March 2, 2021 meeting. The Agency is the separate legal entity that is granted certain powers by state statute to encourage local economic development. Since the Agency is a separate legal entity, the Agency needs some rules about how it operates. The draft bylaws designate Agency officers and deal with various other administrative decisions that need to be made.

RECOMMENDATION

Adopt Resolution 2021-04: A Resolution Adopting Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings.

BACKGROUND

The Agency board needs to establish certain guidelines and procedures to allow the Agency to function effectively and to clearly delineate certain functions.

DISCUSSION

The Resolution (1) adopts the attached bylaws as the bylaws for the Heber City Community Reinvestment Agency, (2) designates the Heber City offices as the Agency offices, and (3) authorizes the Agency to conduct electronic meetings.

The bylaws do the following:

1. Acknowledge the name of the Agency as the Heber City Community Reinvestment Agency
2. Acknowledge the creation of the Agency by City ordinance and acknowledge the members of the City Council as the Agency governing board
3. Authorize the Agency to obtain an official seal
4. Establish the Agency offices as the Heber City offices
5. Establish offices and officers for the Agency, and provide that those officers change automatically with changes in the corresponding City positions
 - a. Mayor = Chair of the Agency governing board
 - b. Mayor Pro Tem = Vice Chair
 - c. City Treasurer = Agency Treasurer
 - d. City Recorder = Agency Secretary
 - e. City Manager = Agency Executive Director
6. Authorize the Agency to hire employees as appropriate
7. Authorize the Agency to engage contractors and consultants as appropriate
8. Acknowledge that the Agency board is responsible for governance of the Agency
9. Acknowledge the powers of the Agency as granted by statute
10. Establish the Agency fiscal year to be the same as the City fiscal year
11. Allow the Agency to use City resources (including reimbursement to the City for Agency expenses) and to pay Agency expenses
12. Acknowledge that the Agency is a separate legal entity
13. List Agency responsibilities
14. Allow for the transfer of funds from and to the City as appropriate
15. Establish regular meeting dates as the same as City Council meetings
16. Allow for special meetings
17. Acknowledge that Agency meetings are subject to the Open and Public Meetings Act
18. Establish that Agency quorum and voting requirements mirror those of the City
19. Establish procedures for Agency resolutions, voting, and approval of meeting minutes
20. Require that the adopted bylaws be made available to the public

The key points from the bylaws are those dealing with Agency officers and with voting procedures. Many of the other provisions in the bylaws are essentially already established by state statute. Since the Agency will probably not meet every month, having these administrative issues addressed in the bylaws means that the Agency does not need to address these matters every year. The bylaws also serve as an easy reference for basic Agency procedures.

Most, if not all, Agency actions will be directly authorized by the Board. The amount and variety of decisions that need to be made by the Agency will be much less than for the City.

The Agency bylaws may be amended at any time by the board. Additional Agency policies and procedures can be developed as needed.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of this Resolution.

ALTERNATIVES

Delay adoption of the bylaws for the Heber City Community Reinvestment Agency to allow for further refinement. If the board delays adoption of the bylaws, the board should nonetheless appoint a chairperson at this meeting.

POTENTIAL MOTIONS “I motion to approve Resolution 2021-04.”

CONTRACT ACCOUNTABILITY

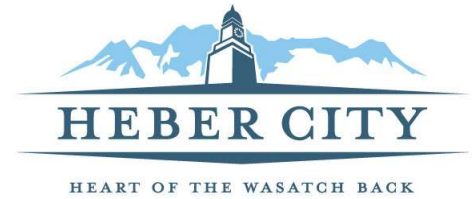
Department: City Manager’s Office

Staff Member: Matthew Brower

EXHIBITS

A: Resolution 2021-04: A Resolution Adopting Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings.

Community Reinvestment Agency Staff Report



MEETING DATE: April 6, 2021

SUBJECT: Resolution 2021-04: A Resolution Adopting Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings.

RESPONSIBLE: Matthew Brower

DEPARTMENT: City Manager's Office

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RECOMMENDATION

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BACKGROUND

The Agency board needs to establish certain guidelines and procedures to allow the Agency to function effectively and to clearly delineate certain functions.

DISCUSSION

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The Agency bylaws may be amended at any time by the board. Additional Agency policies and procedures can be developed as needed.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of this Resolution.

ALTERNATIVES

Delay adoption of the bylaws for the Heber City Community Reinvestment Agency to allow for further refinement. If the board delays adoption of the bylaws, the board should nonetheless appoint a chairperson at this meeting.

POTENTIAL MOTIONS “I motion to approve Resolution 2021-04.”

CONTRACT ACCOUNTABILITY

Department: City Manager’s Office

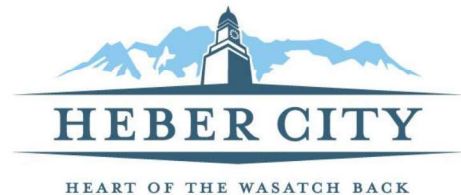
Staff Member: Matthew Brower

EXHIBITS

A: Resolution 2021-04: A Resolution Adopting Bylaws, Designating a Location for Agency Meetings, and Authorizing Electronic Agency Meetings.

Tab 7

City Council Staff Report



MEETING DATE: April 6, 2021
SUBJECT: Setbacks on Brookside lots
117 and 124
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community and Economic
Development

SUMMARY

Regal Homes purchased the Brookside Phase 5 and 6 subdivision and is seeking approval to modify the setbacks on lots 117 and 124, to fit homes on the lots. Regal is proposing a tree voucher program for the home buys of their development to mitigate the impact to the community.

The policy questions include the following:

1. Should the Council modify the setbacks on lots 117 and 124

RECOMMENDATION

Staff recommends the Council approve the proposed setback modifications with a minimum 20' front or 20' garage setback.

BACKGROUND

At the March 16, 2021 council meeting, the council indicated that they would entertain a street tree program for the residents of the subdivision and directed staff to work with the applicant to propose the tree program.

The proposed agreement would provide for 1 tree for interior lots, 2 trees for corner lots, and 3 trees for the corner lots on Becca Rd (main thoroughfare of the phases). The result would be approximately 60 street trees. Each tree would be a 1.5" caliper Autumn Blaze Maple.

DISCUSSION

SETBACK REDUCTIONS

The request has been 20' front and 19' rear on lot 124. The builder is currently looking at possibilities of home designs. If the council is not willing to reduce the setbacks to 20', would the council consider a different reduction, like 20' and 25' rear, this would be 5' in each direction, or just a 25' in the rear?

FISCAL IMPACT

N/A

CONCLUSION

Regal Homes is requesting a modification to the setbacks for lots 117 and 124 in Brookside Phase 5. The home meet the minimum lot size, however are very shallow with building pad depths of 20' to 27' deep. Staff recommends approving a setback modification with a minimum 20' garage setback.

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** the Setback Modification Agreement for lots 117 and 124 of Brookside Phase 5, with the findings and conditions as presented in the conclusion of the staff report.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Proposed Agreement
2. 3.16.21 Staff Report

Exhibit 1

SUBDIVISION AGREEMENT
AND
COVENANT RUNNING WITH THE LAND

(Brookside Subdivision Phase 5 lots 117 and 124 Setbacks and Tree Vouchers)

THIS AGREEMENT entered into this _____ day of _____, 2021 by and between Heber City, hereinafter referred to as “City” and the undersigned as “Developer”.

WHEREAS, the Developer/petitioner has requested a modification of the setbacks on lots 117 and 124, from the zone change agreement;

WHEREAS, the City Council find it necessary to grant the setback modification for the construction of a single family home on the said lots.

WHEREAS, the Zone Change Agreement, entry no. 447068, addresses, among other things, setbacks, which creates two (2) building lots with very small building pads.

WHEREAS, the City and Developer desire to promote quality housing for the development.

WHEREAS, the City Council finds that the implementation of street trees improve the neighborhood and provide mitigation of the impact of the adjusted setbacks.

WHEREAS, unique circumstances warrant an agreement between the parties.

NOW, THEREFORE, the parties hereby agree as follows:

1. This agreement modifies the setback requirements of the recorded Zone Change Agreement, entry no. 447068.
2. The setbacks for lots 117 and 124 of the Brookside Phase 5 subdivision shall be as follows:
 - a. 20’ front
 - b. 20’ rear
3. The Developer shall provide tree vouchers to the home buyers within phases 5 and 6 of the Brookside Subdivision as follows:
 - a. Three vouchers for lots 111, 135, 136, 147, and 148, with 2 trees to be planted on Becca Road.
 - b. Two vouchers for all other corner lots.
 - c. One voucher for each interior lot and lot 113.
 - d. Each voucher shall be good for one 1.5” caliper or larger Autumn Blaze Maple.
 - e. Frontages on Sawmill Blvd are not subject to this requirement.
 - f. Planting of said trees shall be consistent with the spacing and locations outlined in the Street Tree Ordinance, Chapter 12.20 of the Heber City Municipal Code.
 - g. Vouchers shall be provided with the closing of the home or planted by the developer, if the landscaping is being completed by the developer or their contractor.
4. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained

in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.

5. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this _____ day of _____, 2021.

HEBER CITY:

By: _____
Kelleen Potter, Mayor

ATTEST:

Heber City Recorder

Developer, _____

By: _____
Owner/Manager

STATE OF UTAH)

: ss.

COUNTY OF WASATCH)

On this _____ day of _____, 2021, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

NOTARY PUBLIC

EXHIBIT A: LEGAL DESCRIPTION

Parcel ID: 00-0021-4948

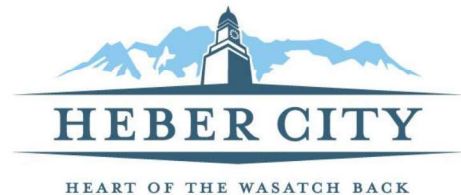
Legal Discription: Lot 117, Brookside Subdivision, Phase 5

Parcel ID: 00-0021-4955

Legal Description: Lot 124, Brookside Subdivision, Phase 5

Exhibit 2

City Council Staff Report



MEETING DATE: March 16, 2021
SUBJECT: Setbacks on Brookside lots
117 and 124
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community and Economic
Development

SUMMARY

Regal Homes purchased the Brookside Phase 5 and 6 subdivision and is seeking approval to modify the setbacks on lots 117 and 124, to fit homes on the lots.

The policy questions include the following:

1. Should the Council modify the setbacks on lots 117 and 124

RECOMMENDATION

Staff recommends the Council approve the proposed setback modifications with a minimum 20' front or 20' garage setback.

BACKGROUND

The Council continued the setback request from the March 2, 2021 council meeting. There are 3 options for the lots, pursuant to the council discussion.

- Consider selling the lots to the adjoining lots.
- City could buy the lots for pocket parks.
- The home builder would have to custom design homes to work with the building pads.

The home builder has approached the adjacent property owners about the purchase of the lots, however, only one of the four lot owners has expressed interest in half of a lot. This option is not feasible unless both adjacent owners commit to it.

The home builder has provided the City with some figures on potential costs to buy the lots. The Council would need to provide further direction on this option if the City is to pursue this option.

The last option is that the builder design a home to fit within the foot print.

DISCUSSION

SETBACK REDUCTIONS

The request has been 20' front and 19' rear on lot 124. The builder is currently looking at possibilities of home designs. If the council is not willing to reduce the setbacks to 20', would the council consider a different reduction, like 20' and 25' rear, this would be 5' in each direction, or just a 25' in the rear?

FISCAL IMPACT

N/A

CONCLUSION

Regal Homes is requesting a modification to the setbacks for lots 117 and 124 in Brookside Phase 5. The home meet the minimum lot size, however are very shallow with building pad depths of 20' to 27' deep. Staff recommends approving a setback modification with a minimum 20' garage setback.

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** the Setback Modification Agreement for lots 117 and 124 of Brookside Phase 5, with the findings and conditions as presented in the conclusion of the staff report.

ACCOUNTABILITY

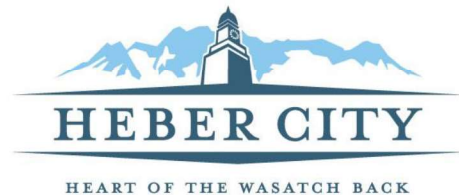
Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. 3.2.21 Staff Report

Exhibit 1

City Council Staff Report



MEETING DATE: March 2, 2021
SUBJECT: Setbacks on Brookside lots
117 and 124
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Necessary Administrative
Action

SUMMARY

Regal Homes purchased the Brookside Phase 5 and 6 subdivision and is seeking approval to modify the setbacks on lots 117 and 124, to fit homes on the lots.

The policy questions include the following:

1. Should the Council modify the setbacks on lots 117 and 124

RECOMMENDATION

Staff recommends the Council approve the proposed setback modifications with a minimum 20' front or 20' garage setback.

BACKGROUND

When Millhaven Homes perused a zone change from the Council from R-1 to R-3, the council approved the zone change with a requirement that the rear setback on the lots (other than the cottage/patio lots) is to be 30'. Since the approval of the development, Regal Homes has purchased the lots and is not able to place a home on lots 117 and 124 as the building pad is very shallow. The lots do meet the minimum lot sizes of the zone.

As the setback is included in the zone change agreement, the requested change has to be approved by the Council.

DISCUSSION

LOT CONFIGURATION

The two lots are at the end of the cul-de-sacs and are wide, with a shallow depth.

Lot 124 has a diminished building pad as the Sawmill Blvd curves to the east, causing the building pad to curve as well.

The building pad depth on lot 117 is 27' deep. The building pad depth on lot 124 is only 20' to 22' deep.

SETBACKS

The current setbacks are 30' on the rear and 25' on the front. The applicant is seeking a 20' rear and 15' front.

A 15' front setback may lead to a 15' driveway. Staff would recommend a 20' front or a 20' driveway minimum, so the building could be closer than the garage to preserve the driveway.

FISCAL IMPACT

N/A

CONCLUSION

Regal Homes is requesting a modification to the setbacks for lots 117 and 124 in Brookside Phase 5. The home meets the minimum lot size, however are very shallow with building pad depths of 20' to 27' deep. Staff recommends approving a setback modification with a minimum 20' garage setback.

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve** the Setback Modification Agreement for lots 117 and 124 of Brookside Phase 5, with the findings and conditions as presented in the conclusion of the staff report.

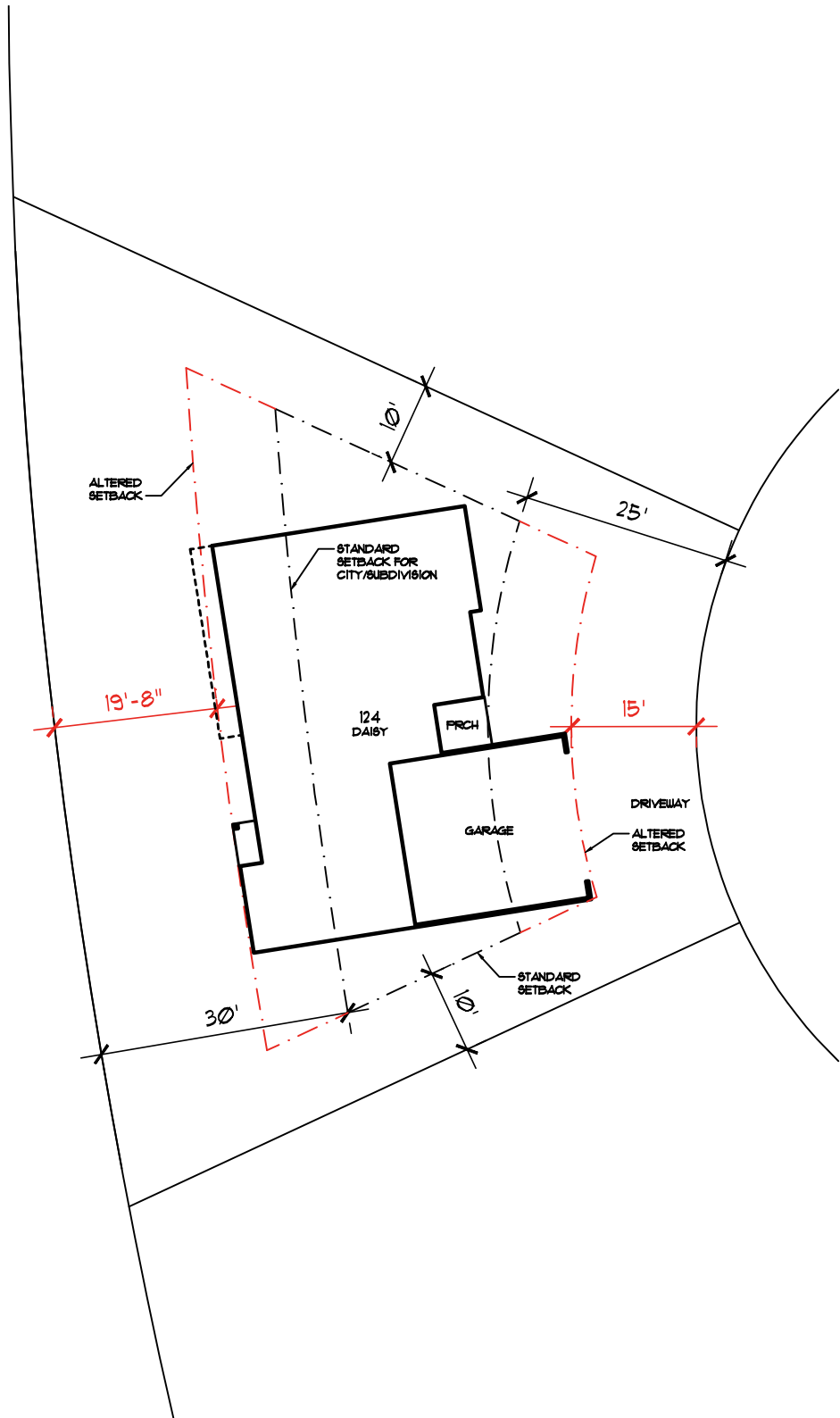
ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Lot layout
2. Proposed Agreement
3. Zone Change Agreement

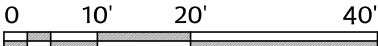
Exhibit 1



A1

124 SITE PLAN

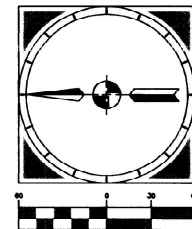
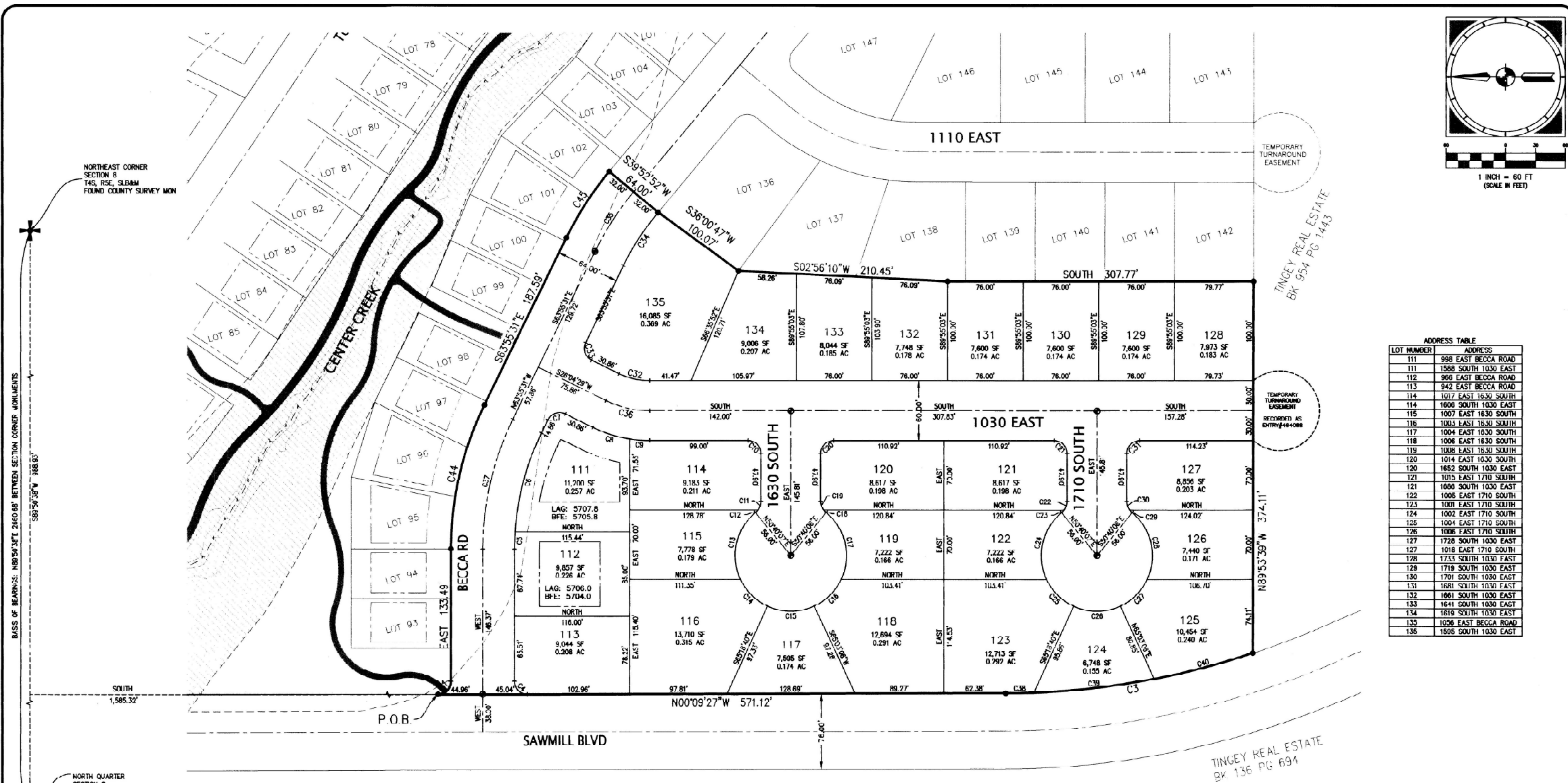
SCALE: 1" = 20'



North





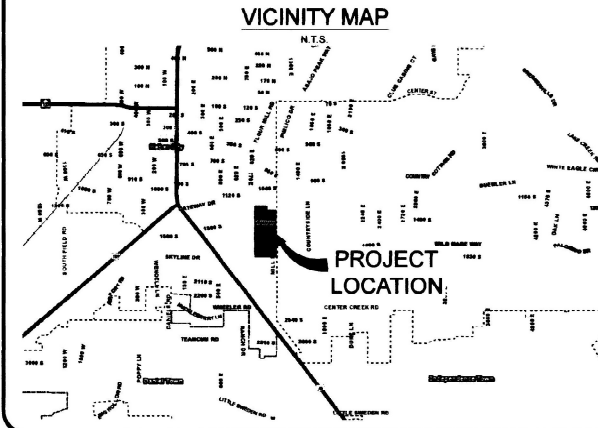


ADDRESS TABLE	
LOT NUMBER	ADDRESS
111	988 EAST BECCA ROAD
112	1588 SOUTH 1030 EAST
113	988 EAST BECCA ROAD
114	942 EAST BECCA ROAD
115	1017 EAST 1630 SOUTH
116	1606 SOUTH 1030 EAST
117	1007 EAST 1630 SOUTH
118	1004 EAST 1630 SOUTH
119	1006 EAST 1630 SOUTH
120	1014 EAST 1630 SOUTH
121	1015 EAST 1710 SOUTH
122	1000 SOUTH 1030 EAST
123	1000 EAST 1710 SOUTH
124	1002 EAST 1710 SOUTH
125	1004 EAST 1710 SOUTH
126	1006 EAST 1710 SOUTH
127	1728 SOUTH 1030 EAST
128	1681 SOUTH 1030 EAST
129	1641 SOUTH 1030 EAST
130	1619 SOUTH 1030 EAST
131	1620 SOUTH 1030 EAST
132	1661 SOUTH 1030 EAST
133	1641 SOUTH 1030 EAST
134	1619 SOUTH 1030 EAST
135	1606 EAST BECCA ROAD
136	1505 SOUTH 1030 EAST

NOTES TO PURCHASERS

1. AREA IS WITHIN THE TIMPANOOGS IRRIGATION SERVICE AREA, IRRIGATION WATER IS SUBJECT TO ADDITIONAL MUNICIPAL USE FEE.

2. PORTIONS OF LOTS 111 AND 112 ARE LOCATED WITHIN THE FEMA 1% ANNUAL CHANCE FLOOD AREA. THE POTENTIAL EXISTS THAT FLOOD INSURANCE MAY BE REQUIRED BY A MORTGAGE LENDER, OR OTHER AGENCY, EVEN IF ALL BUILDING HAPPENS OUTSIDE OF THE FLOOD AREA. CARE SHOULD BE TAKEN IN DETERMINING THE FINAL ELEVATION OF BUILDINGS ON THESE LOTS. AS THE FINAL ELEVATION MAY VARY, DETERMINING WHETHER THE LOT, OR STRUCTURE, IS ELIGIBLE TO BE REMOVED FROM THE FLOOD AREA BASED ON A LETTER OF MAP REVISION FROM FEMA (LOMR-F). IT IS THE DEVELOPER'S OR THE LOT OWNER'S RESPONSIBILITY TO PETITION FEMA TO BE REMOVED FROM THE FLOOD AREA.



PLAT NOTES

1. NO DRIVEWAY ACCESS WILL BE ALLOWED OFF OF SAWMILL BLVD.

2. ACTIVE FARMS AND KENNELS EXIST ON NEARBY PROPERTIES THAT MAY CREATE NOISE AND ODORS ASSOCIATED WITH THOSE USES.

3. LAG AS SHOWN ON LOTS 111 AND 112 STANDS FOR LOWEST ADJACENT GRADE. LAG IS A TERM USED BY FEMA THAT REFERS TO THE LOWEST POINT OF GRADING AROUND A STRUCTURE. THE LAG IS USED TO DETERMINE ELIGIBILITY TO POTENTIALLY BE REMOVED FROM A FLOOD HAZARD AREA. THE LAG ELEVATION SHOWN ON LOTS 111 AND 112 IS 2 FEET HIGHER THAN THE BASE FLOOD ELEVATION (BFE) ESTABLISHED FOR EACH RESPECTIVE LOT, AS SHOWN ON THE LATEST FEMA FLOOD INSURANCE RATE MAP DATED 2012.

4. FENCES CONSTRUCTED ALONG DOUBLE FRONTAGE LOTS ALONG SAWMILL BLVD SHALL BE OF CONSISTENT MATERIAL AND COLOR. RESTRICTIVE COVENANTS APPLY THROUGH THE HOME OWNER'S ASSOCIATION REGARDING THIS RESTRICTION.

PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:

FRONT: 10 FEET
REAR: 10 FEET
SIDE: 5 FEET

ZONING INFORMATION

APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:

FRONT: 25 FEET
REAR: 30 FEET
SIDE: SEE NOTE BELOW

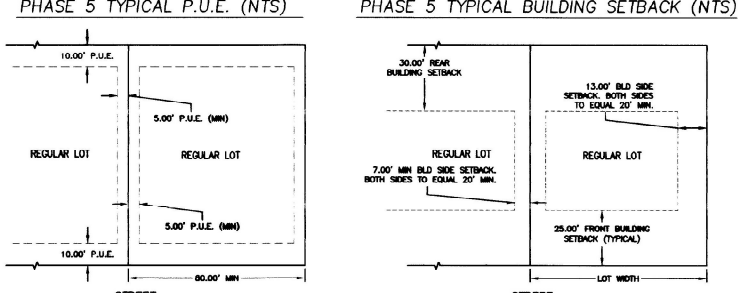
CORNER LOTS ARE SUBJECT TO A 20 FOOT BUILDING SETBACK ON THE STREET. LOTS THAT ARE NOT BEING FRONTED ON ALL SIDES ARE SUBJECT TO HEBER CITY ZONING ORDINANCE REQUIREMENTS AT THE TIME A BUILDING PERMIT IS ISSUED. THE "RDP" SET BACK IS SUBJECT TO A COMBINED 20' MINIMUM AND NO LESS THAN A 7' SET BACK ON EACH SIDE.

PROPERTY CORNER NOTES

1. 5/8" REBAR AND PLASTIC CAP STAMPED "SUMMIT ENG 435-654-9229" TO BE SET AT SUBDIVISION CORNERS AND REAR LOT CORNERS.

2. 1/12" COPPER PLUG STAMPED "WP-RP 145796 TO BE SET AT POINTS WHERE EXTENSION OF SIDE LOT LINES INTERSECT CENTER OF CONCRETE STREET CURB.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C2	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C3	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C4	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C5	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C6	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C7	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C8	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C9	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C10	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C11	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C12	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C13	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C14	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C15	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C16	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C17	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C18	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C19	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C20	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C21	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C22	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C23	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C24	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C25	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C26	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C27	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C28	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C29	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C30	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C31	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C32	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C33	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C34	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C35	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C36	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C37	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C38	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C39	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C40	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C41	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C42	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C43	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W
C44	13.00'	20.30'	89°50'38"	18.30'	S45°04'43"E
C45	13.00'	20.30'	89°50'38"	18.30'	N45°04'43"W



PROJECT
C17-029

SHEET
1 OF 1

ISSUE DATE
04/30/2019

Summit Engineering Group Inc.
Structural • Civil • Surveying
55 WEST CENTER • P.O. BOX 176
HEBER CITY, UTAH 84002
P: 435-654-9229 • F: 435-654-9231

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SUMMIT ENGINEERING GROUP, INC.

DRAWING ALTERNATION
IT IS A VIOLATION OF LAW FOR ANY PERSON, OTHER THAN THE DESIGNER, TO ALTER OR MODIFY THIS DRAWING. ANY SUCH ALTERATION SHALL BE INDICATED BY A RED LINE AND THE DATE OF THE ALTERATION. THE DESIGNER'S SIGNATURE AND SEAL SHALL BE REQUIRED FOR ANY ALTERATION.

BROOKSIDE SUBDIVISION PHASE 5
SUBDIVISION PLAT
LOCATED IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SLB&M,
HEBER CITY, WASATCH COUNTY, UTAH

2:\360 Projects\CURRENT PROJECTS\C17-029 08 Home Home - Shingles\Working Files\Survey\Sub\C17-029 PUE-PHASE-5.mxd

SURVEYOR'S CERTIFICATE
I, BRIAN BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 334532 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS.

Brian Balls
BRIAN BALLS
5/31/2019
DATE

BOUNDARY DESCRIPTION
BEGINNING AT A POINT LOCATED SOUTH 89°50'38" WEST 988.95 FEET AND SOUTH 1,585.32 FEET FROM THE WASATCH COUNTY SURVEY MONUMENT FOR THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT OF BEGINNING BEING CONSIDERED WITH THE EASTERN RIGHT OF WAY LINE FOR SAWMILL BLVD., SAID POINT OF BEGINNING BEING LOCATED AT THE CLIP OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 13.00 FEET, AND TO WHICH POINT A RADIAL LINE BEARS N89°50'33"E.
THENCE 20.38 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'38", WITH A CHORD BEARING AND DISTANCE OF S45°04'43"E 18.36 FEET; THENCE EAST 133.49 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 330.00 FEET; THENCE 150.18 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°04'29", WITH A CHORD BEARING AND DISTANCE OF S76°57'48"E 148.89 FEET; THENCE S67°55'31"E 187.59 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 330.00 FEET; THENCE 79.52 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'23", WITH A CHORD BEARING AND DISTANCE OF S57°01'19"E 79.33 FEET; THENCE S39°52'52"W 64.00 FEET; THENCE S36°00'47"W 100.07 FEET; THENCE S02°56'10"W 210.45 FEET; THENCE SOUTH 307.77 FEET; THENCE N89°53'39"W 374.11 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 800.00 FEET; AND TO WHICH POINT A RADIAL LINE BEARS N71°45'07"E THENCE 332.85 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°05'42", WITH A CHORD BEARING AND DISTANCE OF N09°12'17"W 251.61 FEET; THENCE N00°09'27"W 571.12 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 7.683 ACRES, OR 334,661 SQUARE FEET.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°50'38" EAST BETWEEN FOUND WASATCH COUNTY SURVEY MONUMENTS FOR THE NORTH 1/4 CORNER AND THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

OWNER'S DEDICATION AND CONSENT TO RECORD
WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THIS PLAT AND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, STREETS, PARKS, OPEN SPACES, EASEMENTS, AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT, AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION, OR RESERVATION, TO HEBER CITY, UTAH, ALL STREETS, WATER, SEWER, AND OTHER UTILITY IMPROVEMENTS, PUBLIC OPEN SPACES, PARKS, EASEMENTS, AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND HEBER CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.
Regal Windflower, LLC
Brian Balls, Manager
NAME
June 5, 2020
DATE

OWNER'S ACKNOWLEDGMENT
STATE OF UTAH
COUNTY OF WASATCH
ON THE 5 DAY OF June, A.D. 2020, I, A.D. 2020, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.
Wendy McKnight
NOTARY PUBLIC

09-10-2022
MY COMMISSION EXPIRES

ACCEPTANCE BY LEGISLATIVE BODY
THE CITY COUNCIL OF HEBER CITY, WASATCH COUNTY, UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 11th DAY OF June, 2019.
Kellean Potter
MAYOR
Jenna W. Cooke
CLERK-RECORDER

HEBER CITY ENGINEER APPROVAL
Brian Balls
CITY ENGINEER

6-4-20
DATE

PLANNING COMMISSION APPROVAL
APPROVED THIS 8 DAY OF June, 2019, A.D. 2019, BY THE PLANNING COMMISSION OF HEBER CITY.
Kellean Potter
CHAIRMAN, PLANNING COMMISSION

WASATCH COUNTY SURVEYOR
APPROVED AS TO FORM THIS 6th DAY OF June, 2019.
ROS # 3208
Timothy C. Hansen
COUNTY SURVEYOR
DATE

WASATCH COUNTY RECORDER
479037
ENTRY #
DATE 06-09-2020 TIME 8:13 AM
FOR REGAL WINDFLOWER LLC
BY TC WASATCH COUNTY RECORDER PEGGY FOY SULLER

Exhibit 2

SUBDIVISION AGREEMENT
AND
COVENANT RUNNING WITH THE LAND

(Brookside Subdivision Phase 5 lots 117 and 124)

THIS AGREEMENT entered into this _____ day of _____, 2021 by and between Heber City, hereinafter referred to as “City” and the undersigned as “Developer”.

WHEREAS, the Developer/petitioner has requested a modification of the setbacks on lots 117 and 124, from the zone change agreement;

WHEREAS, the City Council find it necessary to grant the setback modification for the construction of a single family home on the said lots.

WHEREAS, the Zone Change Agreement, entry no. 447068, addresses, among other things, setbacks, which creates two (2) building lots with very small building pads.

WHEREAS, the City and Developer desire to promote quality housing for the development.

WHEREAS, unique circumstances warrant an agreement between the parties.

NOW, THEREFORE, the parties hereby agree as follows:

1. This agreement modifies the setback requirements of the recorded Zone Change Agreement, entry no. 447068.
2. The setbacks for lots 117 and 124 of the Brookside Phase 5 subdivision shall be as follows:
 - a. 20’ front
 - b. 20’ rear
3. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.
4. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this _____ day of _____, 2021.

HEBER CITY:

By: _____
Kelleen Potter, Mayor

ATTEST:

Heber City Recorder

OWNER, _____

By: _____
Owner/Manager

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

On this _____ day of _____, 2018, personally appeared before me the above
named Owner, who duly acknowledged to me that he is the owner in fee and executed the same
as such.

NOTARY PUBLIC

EXHIBIT A: LEGAL DESCRIPTION

Parcel ID: 00-0021-4948

Legal Discription: Lot 117, Brookside Subdivision, Phase 5

Parcel ID: 00-0021-4955

Legal Description: Lot 124, Brookside Subdivision, Phase 5

Exhibit 3

ZONE CHANGE
AGREEMENT AND
COVENANT RUNNING WITH THE
LAND

(MILLHAVEN HOMES)

THIS AGREEMENT entered into this 19 day of December, 2017, by and between Heber City, hereinafter referred to as "City" and the undersigned as "Developer".

WHEREAS, the Developer/petitioner has proposed a zone change from R-1 and PCMU to R-3 and PCMU;

WHEREAS, the Developer/petitioner desires the proposed zone change not for more density than what exists in the current zoning, but for more flexibility in subdivision design;

NOW, THEREFORE, the parties hereby agree as follows:

Developer shall:

1. Streets

- a. Provide 10-foot-wide planter strips in cul-de-sac bulbs or replace the cul-de-sacs with through streets.
- b. Provide a continuous street connection from 1200 East to 800 East that aligns with the planned street network to the west in the Sawmill development as illustrated in Exhibit C. This street is part of the city's master street plan that connects Mill Road to Highway 40.
- c. Avoid centering streets on existing houses along Mill Road.
- d. Provide landscaped 8-foot planter strips with landscaping and trees along 800 East.
- e. Prohibit driveway access to Mill Road, 1200 South, or 800 East
- f. Assist in paying for a school crossing at a location yet to be determined.

2. Density

- a. Cap gross density at the current permitted density of 3.35 units per acre (R-1 Density 48.28 acres = 161 lots max).
- b. Within 400 Feet of Mill Road, establish a maximum density of 3.35 units per acre as shown in Exhibit A.

3. Mill Road Open Space

- a. Dedicate and construct an 8-foot minimum width public trail within a bermed open space area with landscaping and trees at least 30 feet in width beyond the Mill Road right of way as illustrated in Exhibit B.1 and B.2. The trail would replace the sidewalk along Mill Road. The berm and other improvements shall be installed as per the construction detail as shown in Exhibit E, as high as grading will allow at a minimum 3:1 slope, but its

- height may fluctuate as the trail and berm meander in a natural manner.
- b. The Developer shall establish CCR's requiring that fences along double frontage lots maintain with consistent materials and colors. The fence shall be a 6-foot-tall sight obscuring fence along Mill Road, 1200 South and 800 East.
- c. Establish a home owner's association for the maintenance of common area along Mill Road and 800 East.

4. Center Creek

- a. Provide open space along Center Creek, no less than 50 feet wide, along Center Creek.
- b. Keep Center Creek open, not in culvert.
- c. Landscape and maintain open space along creek.
- d. Provide an 8-foot minimum width public trail along creek from 800 East to Mill Road within the open space along Center Creek.
- e. Provide intermittent open space and trail connectivity from Center Creek to the streets paralleling the creek.

5. Setbacks

- a. For the larger lots in the development (i.e., the non-patio lots), each lot is required to provide a minimum of 20 feet of total combined side yard setback, with no side less than 7 feet.
- b. Provide 30-foot minimum rear setbacks and 20-foot minimum rear setbacks on corners.

6. Right to Farm

- a. Provide a right to farm notice on the subdivision plats that notify future buyers about the right of neighboring properties to farm and operate kennels on adjoining properties to the east.

- 7. In the event there is a Failure to Perform under this Agreement and it becomes reasonably necessary for any party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the losing party to the controversy shall pay to the successful party reasonable attorney's fees incurred by such party and, in addition, such costs and expenses as are incurred in enforcing this Agreement.
- 8. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.
- 9. Time is of the essence of this Agreement. In case any party shall fail to perform the obligations on its part at the time fixed for the performance of such obligations by the terms of this Agreement, the other party or parties may pursue any and all remedies available in equity, at law, and/or pursuant to the terms of this Agreement.

10. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this 19 day of

DEC 2017. HEBER CITY:

By: Alan McDonald
Alan McDonald, Mayor

ATTEST:

Jodi Ann Bates
Heber City Recorder



OWNER, MILLHAVEN HOMES

By: [Signature]
Owner/Manager

STATE OF UTAH)

: ss.

COUNTY OF WASATCH)

On this 12th day of December, 2017, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

Maria Robison
NOTARY PUBLIC

Maria Robison

Commission number - 688244



OWNER, TIOGA FUNDING REAL ESTATE GROUP, LLC

By:

Owner/Manager

STATE OF UTAH)

:ss.

COUNTY OF WASATCH)

On this 13 day of December, 2017, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

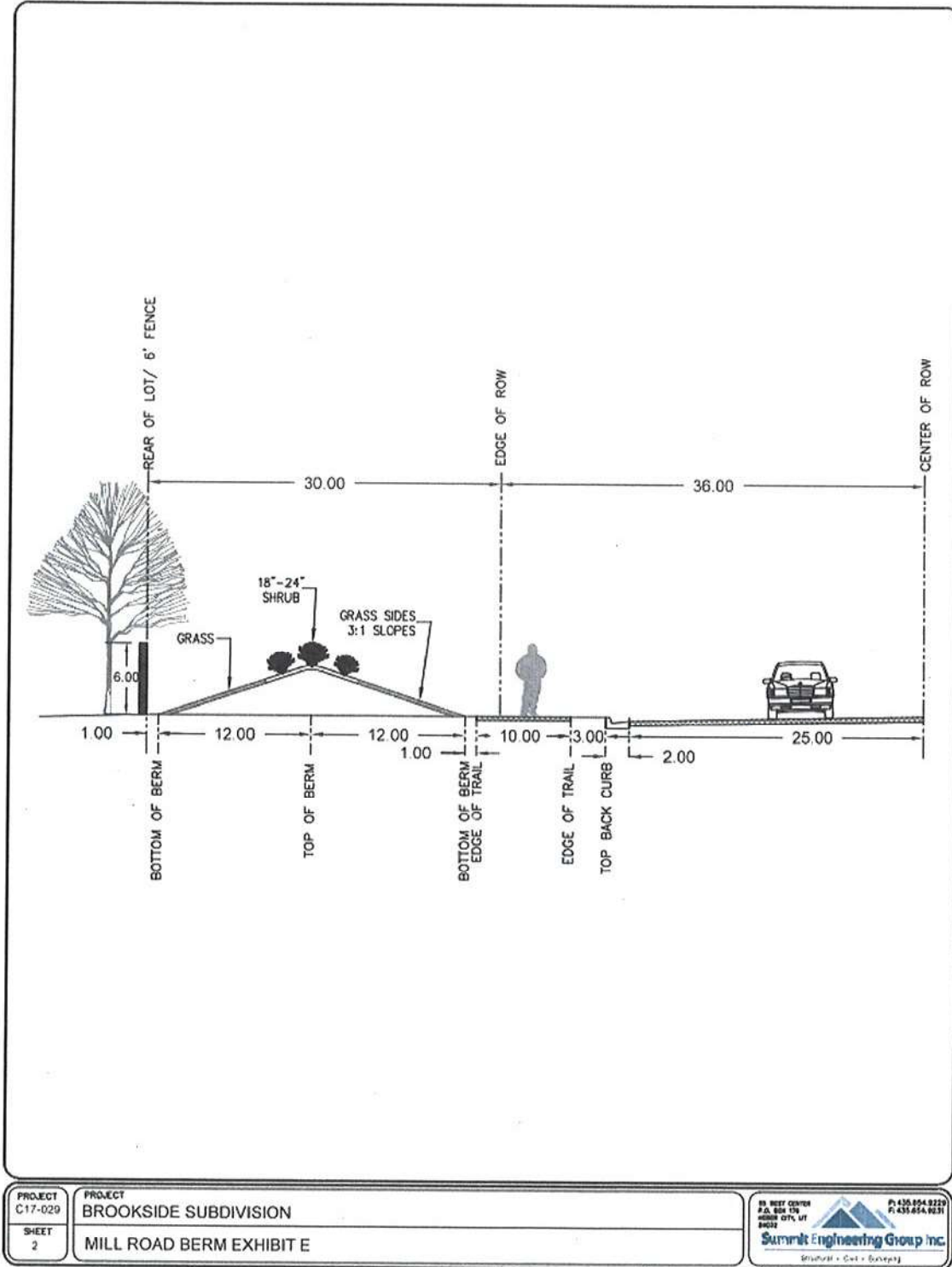
NOTARY PUBLIC



EXHIBIT A: SUBDIVISION CONCEPT

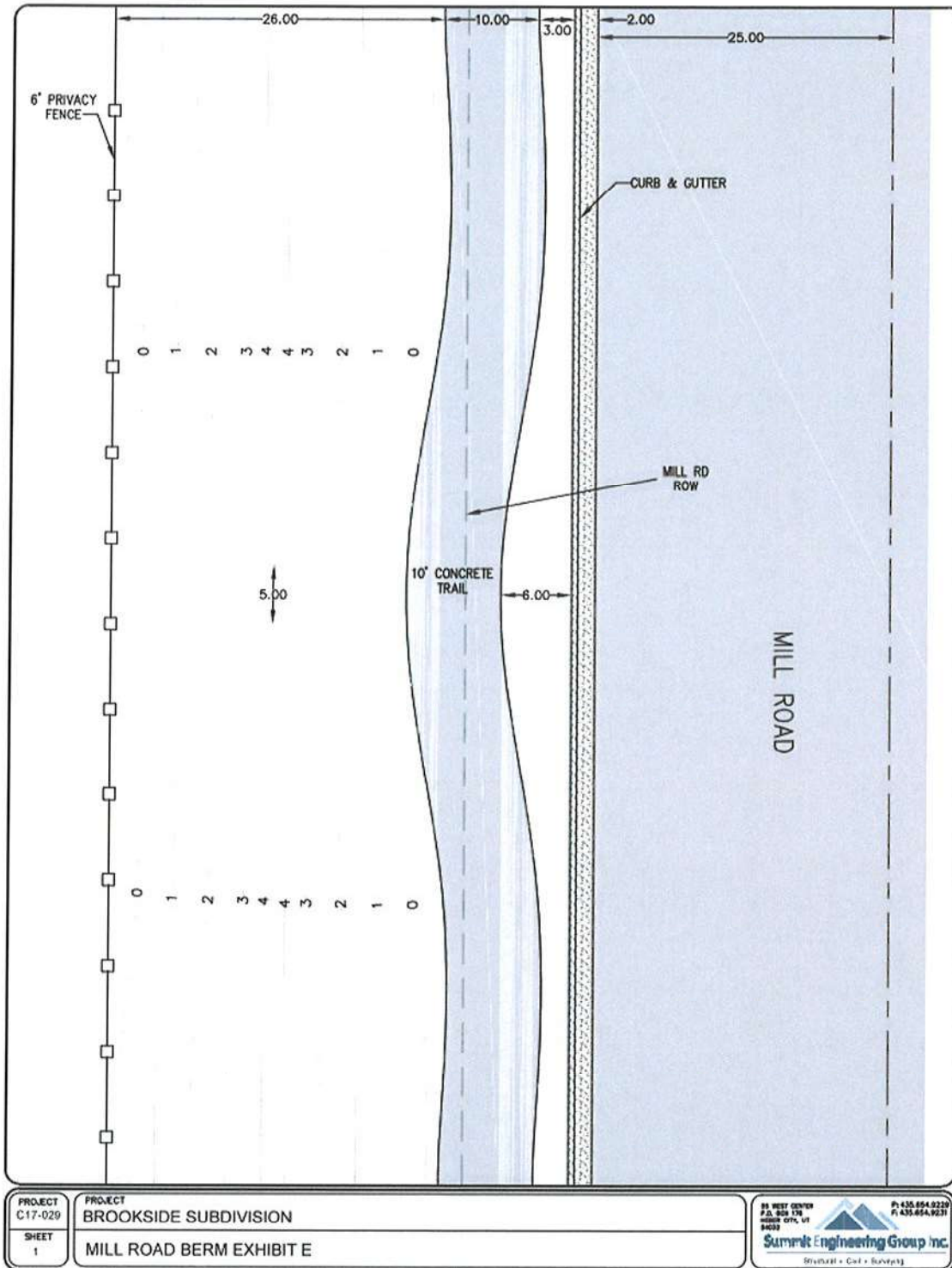


EXHIBIT B.1: MILL ROAD LANDSCAPED BERM



PROJECT C17-029	PROJECT BROOKSIDE SUBDIVISION	 20 WEST CENTER P.O. BOX 175 JORDAN CITY, UT 84041 P: 435.894.8229 F: 435.894.8231 Summit Engineering Group Inc. Grading • Civil • Surveying
SHEET 2	MILL ROAD BERM EXHIBIT E	

EXHIBIT B.2: MILL ROAD LANDSCAPED BERM





REGIONAL ROAD CONCEPT PLAN	
PROJECT NAME MILL HAVEN HOMES	DATE 10/1/11
PROJECT LOCATION BROOKSIDE	SCALE 1" = 1'
APPROVED BY THE BOARD OF SUPERVISORS MILPITAS COUNTY, CALIF.	
DESIGNED BY SUMMIT ENGINEERING GROUP	

PARCEL 1:

BEGINNING AT A POINT THAT IS SOUTH 33 FEET AND WEST 437.10 FEET FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 217.28 FEET, THENCE WEST 594.15 FEET, THENCE NORTH 217.28 FEET, THENCE NORTH 89° 50' 43" EAST 594.15 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

BEGINNING 250.285 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE MERIDIAN AND RUNNING THENCE WEST 1031.25 FEET; THENCE SOUTH 233.785 FEET; THENCE EAST 1031.25 FEET; THENCE NORTH 233.785 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

BEGINNING 484.06 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, OF THE SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 844.19 FEET; THENCE WEST 1031.25 FEET; THENCE NORTH 844.19 FEET; AND EAST 1031.25 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

LESS AND EXCEPTING:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE WEST 1031.25 FEET; THENCE WEST 1031.25 FEET; THENCE SOUTH 16.5 FEET; THENCE EAST 1031.25 FEET; THENCE NORTH 16.5 FEET TO THE POINT OF BEGINNING.

Parcel 4:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE WEST 62.5 RODS; THENCE NORTH 79.5 RODS; THENCE EAST 62.5 RODS; THENCE SOUTH 79.5 RODS TO THE PLACE OF BEGINNING;

LESS AND EXCEPTING THE FOLLOWING PARCELS, WHICH ARE NOT OWNED BY THE ELLA E. THOMPSON ESTATE:

PARCEL 1: BEGINNING AT A POINT WHICH IS NORTH 0°25'29" WEST 1164.21 FEET FROM THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST OF THE SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°51'48" WEST 1016.65 FEET; THENCE NORTH 0°14'09" WEST 160.0 FEET ALONG A FENCE LINE; THENCE NORTH 89°15'48" EAST 1016.122 FEET ALONG A SECOND FENCE LINE; THENCE SOUTH 0°25'29" EAST ALONG A THIRD FENCE LINE TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°55'02" WEST 1020.50 FEET ALONG A FENCE LINE; THENCE NORTH 0°14'09" WEST 263.5 FEET ALONG A SECOND FENCE LINE; THENCE SOUTH 89°55'03" EAST 1019.63 FEET; THENCE SOUTH 0°25'29" EAST 263.5 FEET ALONG A THIRD FENCE LINE TO THE POINT OF BEGINNING.

PARCEL 1: BEGINNING at a point which is North 0°25'29" West 1164.21 feet from the East Quarter Corner of Section 8, Township 4 South, Range 5 East of the Salt Lake Base and Meridian; thence South 89°51'48" West 1016.65 feet; thence North 0°14'09" West 160.0 feet along a fence line; thence North 89°15'48" East 1016.122 feet along a second fence line; thence South 0°25'29" East 160.0 feet along a third fence line to the point of beginning. Contains 3.733 acres.

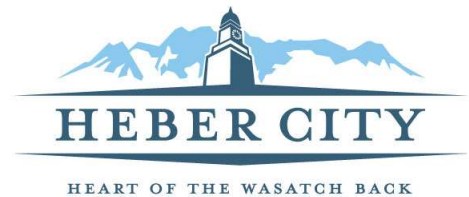
Parcel Serial Numbers:

OHE-2008-0-008-045
OHE-2006-0-008-045
OHE-2005-0-008-045
OHE-2004-0-008-045
OHE-2009-0-008-045

Tab 8

City Council Staff Report

MEETING DATE: April 6, 2021
SUBJECT: Ordinance 2021-09 Parking Code Amendment
RESPONSIBLE: Anthony L. Kohler
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community Development



SUMMARY

A tenant of the Envision Heber 2050 initiative was to update the City's parking code to include up-to-date parking strategies that encourage mixed use development and reduced amount of land dedicated to parking areas by considering, for example, time sharing strategies.

The policy question includes the following:

- Should the City Council adopt Ordinance 2021-09 amending Chapter 18.72 Parking Requirements?

RECOMMENDATION

Staff recommends approval of the proposed Ordinance 2021-09 adopting the Parking Code Amendment.

BACKGROUND

At the March 16, 2021 Council meeting, Council had two questions about the parking amendment. Below are John Janson's responses and my commentary.

Question 1

Why is there a prohibition on parking lot light poles in the six foot landscaped area along the right of way?

Answer

When you get signs, trees, other landscaping in the 6' buffer area, it gets all congested and cluttered - basically an aesthetic from my experiences in West Valley City, but we had pole signs too.

Mountainland Auto Sales shown below, has parking lot lighting poles located within the landscaped area along the street. The proposed prohibition would require new commercial sites to have the lighting poles be located back further from the street, reducing clutter.

Mountainland Auto Sales, Airport Rd & Hwy 40



Question 2

Should parking lot pole light heights be more restricted to better protect the dark sky?

Answer

Lower height for interior poles, is about the dark sky provisions and the small town feel. Huge tall poles are very difficult to keep the light under control as far as penetrating beyond property lines and the height has been such an issue for you all - seems like they should be lower.

The 20 foot height limit matches the City's Dark Sky lighting ordinance in Section 18.78.040 B. 2., which permits a 20 foot height limit, but not more than 16 feet where adjacent to or within residential zones.

The Park City Walmart shown below has 16 foot tall parking lot lighting poles. The Heber City Walmart shown below has 20 foot tall lighting poles. Culvers and Mountainland Auto Sales, shown below, each have 20 foot tall lighting poles. The shorter the height, the more poles are needed to provide the same amount of lighting.

20 foot tall (Culvers) versus 30 foot tall (Walmart) Light Poles, Heber City



20 Foot Tall Lighting Poles, Mountainland Auto Sales, Heber City



16 Foot Tall Lighting Poles, Park City Walmart



As part of Envision Heber 2050, Heber has scheduled for People & Place consultants to assist in updating several sections of the development code. The contract with People & Place for Envision Heber Phase 3 includes a state law review and suggested text changes. The parking ordinance has been recommended by People & Place as needing updating in order to implement the new general plan. The parking ordinance particularly needs updated if the City wants to promote a vibrant downtown and vibrant town centers, as the current parking ordinance is vehicle oriented and will not promote mixed use and pedestrian oriented development.

Council reviewed the proposed amendment on January 5 at a work meeting and asked for Staff to meet with Councilmember Johnston and Franco to address additional issues in the proposal. These additional issues are shown in the table below in blue.

Amendment Summary

Section	Summary
18.08.450	Changes parking space dimensions from 8.5'x20' to 9'x18', adds compact parking stall definition
18.08.08.215 Flex Building	Add definition of flex building
18.72.020 A.	Remove break rooms from net floor area exclusion
18.72.030 A.	- Decrease general commercial parking ratio to 4 stalls per 1,000 sf from 5 stalls per 1,000 sf - Add new category for grocery stores for 1 parking stall per 300 sf - Add new category for flex buildings at 3 parking stalls per 1,000 sf - Combine medical clinics with general commercial parking requirements - Add Village Centers commercial parking ratio of 3 stalls per 1,000 square feet Revise Village Center map to parallel NVOZ map for UV & NV - Add village centers multi-family residential parking ratio with gradient table based on bedroom count and guest parking requirement - Add map of Village Centers for reference - Permit parking studies to determine parking ratios within mixed use centers Remove reference to bachelor dwellings Add standards for parks Add exemption in Village Centers in Section 18.72.030 A. 25. d. permitting payment to Parking Authority when parking area is insufficient Require angled parking when required as such on Master Plan or Zoning Ordinance Clarify that on-street angled parking counts for ½ of required parking only within a designated Mixed Use Village Center
18.72.030 B.	- Create a shared parking table for mixed use development based on a time share formula. Requirement for new parking analysis for new uses
18.72.030 D.	Requires a raised 6 foot landscaped island for larger parking lots.
18.72.030 E.	Specifies dark sky compliant lighting requirements and 20 foot pole height limit.
18.72.030 F.	Specifies parking stall sizes
18.72.030 G.	Requires a 6 foot minimum landscaping width along parking lots adjacent to a street.
18.72.030 H.	- Add requirement to provide snow storage. Add requirement for snow storage area to be calculated by design engineer.
18.72.030 I.	Prohibit tandem parking.
18.72.030 J.	Require Garage doors to be setback at least 22 feet from a public right of way property line.
18.72.040	Add exemption in Section A. permitting Planning Commission to allow parking off-site or where a Parking Authority exists. Add exemption permitting stalls to be accessed from a street under certain conditions.
18.72.070	Add dimensions for driveways and angled parking driveways.
18.72.090	Clarify requirement for required access and maintenance between parking lots on different parcels.

DISCUSSION

The proposed amendment:

1. Implements the General Plan's call to review and update ordinances, including "right sizing parking" for capacity, shared parking and bike and transit-related parking requirement reductions on page 67, provision 1;
2. Implements the General Plan's vision for Village Centers as stated on page 42, provision 12 to "Create a parking plan and management strategy to maximize land use intensification and minimize parking needs";

3. Specifies parking requirements for mixed use development;
4. Provides realistic parking requirements for multi-family dwellings based on the size of the residential units; and
5. Specifies standards for lighting (dark sky compliant), stall size, parking lot connectivity and landscaping requirements.

FISCAL IMPACT

No financial impact to altering the parking requirements of the zoning ordinance.

CONCLUSION

The proposed amendment is consistent with the General Plan as follows:

- **CENTERS AND GATHERING PLACES.** Page 42, number 12, identifies a strategy to “create a parking plan and management strategy to maximize land use intensification and minimize parking needs.”
 - **FINDING.** *The proposed amendment, along with other pending amendments, will ensure that mixed use centers have the appropriate amount of parking to promote vibrant centers.*
- **MOBILITY AND STREETSCAPES.** The text of the plan on page 64 identifies advancements in artificial intelligence, self-driving cars, delivery trucks and semi-trucks will result in the need for less on-site parking.
 - **FINDING.** *The proposed amendment, along with other pending amendments, will place Heber City in a position to adapt to this emerging technology.*
- **MOBILITY AND STREETSCAPES.** Page 67 identifies a strategy for parking policy that is supportive of mobility and efficient land use. Strategy number 1 states “Review and update ordinances, including modern policies such as park once districts, right sizing parking for capacity, shared parking and bike and transit-related parking requirement reductions.”
 - **FINDING.** *The proposed amendment, along with other pending amendments, will ensure that mixed use centers are not over-parked and can be viably developed.*

ALTERNATIVES

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

POTENTIAL MOTIONS

Staff Recommended Option – Approve

I move to **approve** *Ordinance 2021-09 adopting the Parking Code Amendment* as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 – Approve as Amended

I move to **approve** *Ordinance 2021-09 adopting the Parking Code Amendment* as presented, with the findings and conditions as presented in the conclusion above, with the following changes:

Alternative 3 – Continue

I move to **continue** consideration of *Ordinance 2021-09 adopting the Parking Code Amendment* to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 – Deny

I move to **deny** *Ordinance 2021-09 adopting the Parking Code* Amendment with the following findings.

ACCOUNTABILITY

Department: Planning Department
Staff Member: Anthony L. Kohler

EXHIBITS

Exhibit 1: Redline/Strikeout Amendment
Exhibit 2: Ordinance 2021-09

Exhibit 1: Redline/Strikeout Amendment

Chapter 18.08 Definitions

18.08.08.215 Flex Building

"Flex building" means a building that by design, is "flexible" and allows for a wide range of office, research and development, showroom retail sales, light craftsman industrial and small warehouse and distribution uses permitted by the underlying zone. They can be used for many purposes and are easier to retrofit to meet a company's needs than typical warehouse buildings. This flexibility is ideal for a wide range of companies that need office space with a warehouse component. Flex buildings usually have a ceiling height of 14 to 24 feet and have a larger percentage of office space than a typical distribution warehouse building. They also have more parking and nicer landscaping than other industrial buildings. Most flex buildings have some type of overhead loading doors.

18.08.450 Parking Space

"Parking space" means a space within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, ~~not less than twenty feet in length and not less than eight and five tenths feet in width.~~

Chapter 18.72 Off-Street Parking and Loading

18.72.010 Purpose of Provisions

The following regulations are established to:

- A. Increase safety and lessen congestion in the public streets;
- B. To provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

18.72.020 Parking Space Requirements – Computation

For the purpose of computing off-street parking spaces which are required by this title, the following rules shall apply:

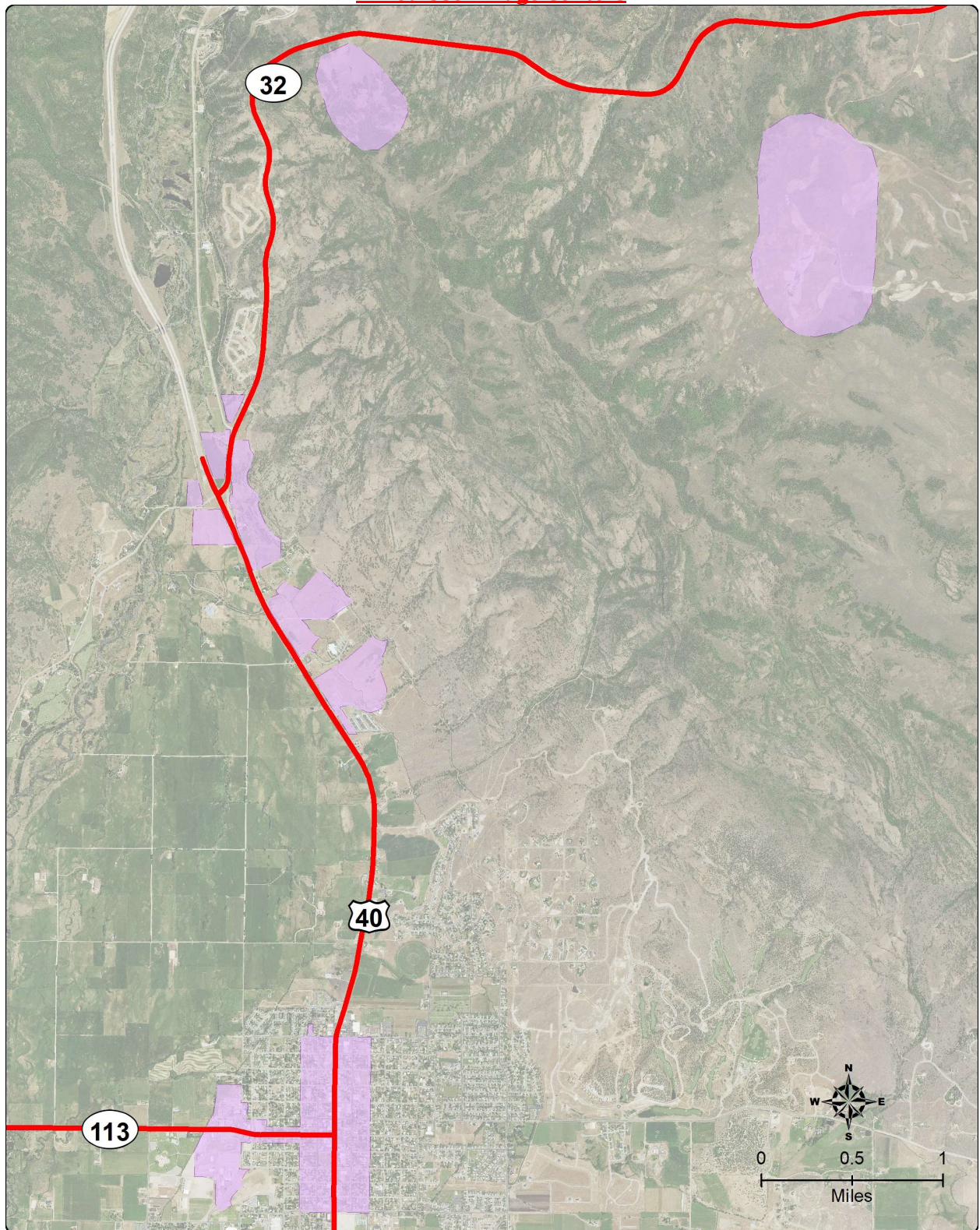
- A. "Floor area" means gross floor area, unless otherwise specified for a particular use; net floor area means the area of a building excluding the width of exterior walls, stairwells, elevators, hallways, closets, break rooms, restrooms and storage areas.
- B. In stadiums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each eighteen inches of length of such benches or pews shall be counted as one seat.

18.72.030 Parking Space Requirements – Designated

- A. The following required off-street parking spaces for the particular use are minimum requirements:
1. Auditoriums, sports arenas and places of assembly shall have one parking space per two people;
 2. Banks, professional offices, retail stores, personal service shops, medical clinics and other business buildings not specifically mentioned elsewhere in this section shall have four parking stalls per 1,000 square feet of one parking space per two hundred square feet of office net floor area;
 3. Boardinghouses and bachelor dwellings shall have one parking space for each one hundred square feet of floor space devoted to bedrooms or one space for each two persons domiciled in the premises, whichever is greater;
 4. Bowling Alleys shall have four (4) parking stalls per lane.
 5. Churches shall have one parking space per three seating spaces in the main assembly room;
 6. Commercial recreational uses shall have one parking space per two patrons, based on the design capacity of the facility;
 7. Convalescent, nursing and other institutions shall have one visitor parking space per three patient beds, plus one parking space for each employee at work in the home during daylight hours;
 8. Day Care facilities shall have one (1) parking space for each employee plus one (1) loading/unloading space for every 20 people, or portion thereof enrolled. Loading space requirement may be eliminated if there is a circular drive-way.
 9. Drive-ins (retail) shall have at least twelve off-street parking spaces or sufficient off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles which are parked on public streets;
 10. Flex buildings shall have at least two parking spaces per 1,000 square feet of net floor area for craftsman industrial uses;
 11. Government buildings shall provide at least three (3) parking stalls per 1,000 square feet of floor area;
 12. Grocery stores shall have at least 1 parking stall per 300 square feet of net floor area;
 13. Hospitals shall have one visitor parking space per two patient beds, plus one parking space for each employee at work in the hospital during daylight hours;
 14. Hotels and motels shall have one parking space per room or suite, plus one parking space for each employee at work on the premises during daylight hours;
 15. Industrial, manufacturing and wholesale establishments shall have one parking space per two employees based. on the largest shift;
 16. ~~Medical clinics shall have four parking spaces per staff doctor, plus one parking space for each non-doctor employee at work on the premises during daylight hours;~~
 17. Mortuaries or funeral parlors shall have thirty parking spaces or one space for each twenty-five square feet of floor space in all assembly rooms, whichever is greater;
 18. Parks shall have parking as follows:
 - a. As each park is designed, an evaluation of parking demand based on size, functions and features of the park, available on street parking within two blocks, and opportunities for shared parking with adjacent uses and such uses within two blocks, is to be completed by the park designers and coordinated with City staff. When considering complex parks with many functions, it is anticipated that on-site parking will not meet the entire demand of the combined functions for peak time periods. In parks with more than three functions, an overall reduction of 30% of the additive parking demands for each function is recommended. As the park is designed, any parking recommendations shall supersede the recommendations in number D. below.

- b. Local parks smaller than 2 acres shall be considered “walkable” parks and are not required to have parking, however, on-street parking for 8 vehicles shall be available within two blocks.
- c. Park parking shall be reviewed by the Parks Department using their experience with existing parks and may recommend different parking standards.
- d. Parking demand shall be evaluated by function using the general recommended standards:
 - 1) Pavilion – 1/5 of seating capacity
 - 2) Play Structure – based on an estimate of use/capacity, 1 space for every 5 users
 - 3) Picnic Area - one space for every two tables
 - 4) Baseball/Softball Field – 10 per diamond
 - 5) Passive Lawn area – 3 per acre
 - 6) Multi-sport field (soccer lacrosse, rugby, etc.) – 12 per field
 - 7) Tennis/pickle ball courts - 2 per court
 - 8) Outdoor Basketball/sport court – 2 per court
 - 9) Recreation/Community Center – based on seating, interior functions, and square footage
 - 10) Trail Head – five spaces
 - 11) Amphitheater – based on 1/4 of seating capacity
 - 12) Dog park – 4 per acre
- 19. Private clubs and lodge halls shall have one parking space per two persons based on the design capacity of the facility;
- 20. Residential structures, not including boardinghouses and rooming houses ~~and bachelor dwellings~~, shall have parking spaces per dwelling units as follows:
 - a. One-family dwellings, including townhomes, detached single family dwellings and semi-detached single family dwellings and mobile homes, two spaces per dwelling unit;
 - ~~b. Two-family dwellings, four spaces;~~
 - e. Multiple-family dwellings, two spaces per dwelling unit, which spaces shall be located on the side yards or rear yard or said lot. As a means of encouraging the occupants of multiple dwellings to use the required off-street parking space in preference to on-street parking space, entrances to buildings containing multiple dwellings shall be provided in locations that are as direct and convenient to the required off-street parking spaces as are the fronting streets;
- 21. Restaurants, taverns and lounges shall have one parking space per two hundred square feet of net floor area;
- 22. ~~Retail stores, personal service shops and other business buildings not specifically mentioned elsewhere in this section shall have parking space at the rate of five spaces per one thousand square feet of floor area;~~
- 23. Theaters shall have one parking space per four seats;
- 24. Uses Not Mentioned. The required off-street parking for any building, structure or use of land of a type not listed in this section shall be determined by the board of adjustment. The board of adjustment shall be guided by comparison with the requirements for similar uses which are listed;
- 25. ~~C-3 Central Commercial Zone Parking. Retail, office restaurant and government uses in the C-3 Central Commercial Zone shall have at least three (3) spaces per one thousand square feet of floor space; Designated Mixed Use Village Center Parking Requirements.~~
 - a. Designated Mixed Use Village Centers are shown on the map below.

Mixed Use Village Centers



- b. Designated Mixed Use Village Center Parking requirements for retail, office, restaurant and government uses is 3 parking stalls per 1,000 square feet.
- c. Designated Mixed Use Village Center Parking requirements for multi-family residential units (condominiums and apartments) is as follows:

<u>Unit Type</u>	<u>Parking Space Requirements</u>	<u>Notes</u>
<u>Studio Units</u>	<u>.75 1.0 space per unit</u>	<u>25% of parking stalls may be compact spaces</u>
<u>One Bedroom Units</u>	<u>1.25 spaces per unit</u>	
<u>Two Bedroom Units</u>	<u>1.5 spaces per unit</u>	
<u>Three Bedroom Units</u>	<u>2.0 spaces per unit</u>	
<u>Four Bedroom Units</u>	<u>2.0 spaces per unit</u>	
<u>Guest/visitor parking</u>	<u>0.25 spaces per unit</u>	

- d. Alternately, development within a Designated Mixed Use Village Center may provide parking at ratios approved by the Planning Commission, pursuant to a mixed use parking study conducted by a certified planning expert in mixed use development. When there is insufficient area to provide the required number of off-street parking stalls for a property within a Mixed Use Village Center, the property owner may provide a financial contribution to the Parking Authority in an amount equivalent to the value of the required parking stalls when approved by the City Council.

26. One-half (1/2) of available angled on-street parking along a parcel's frontage may be counted towards the requirements for meeting the off-street parking requirements for uses within the C-2 and C-3 Commercial Zones a designated Mixed Use Village Center.
27. Street improvements shall include angled parking for those streets identified as having angled parking on the City's Master Plan or Zoning Ordinance;

B. Shared Parking. In determining the total requirements for shared parking facilities, the Planning Director or designee shall use the Shared Parking Table below, according to the following guidelines:

1. For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements above).
2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
5. If a new use is proposed for a building or portion of a building, the shared parking analysis shall be re-evaluated and additional parking provided, if shown as necessary.

C. For uses not listed in Table 18.72 (1), the Planning Director shall determine the required parking for the six time periods.

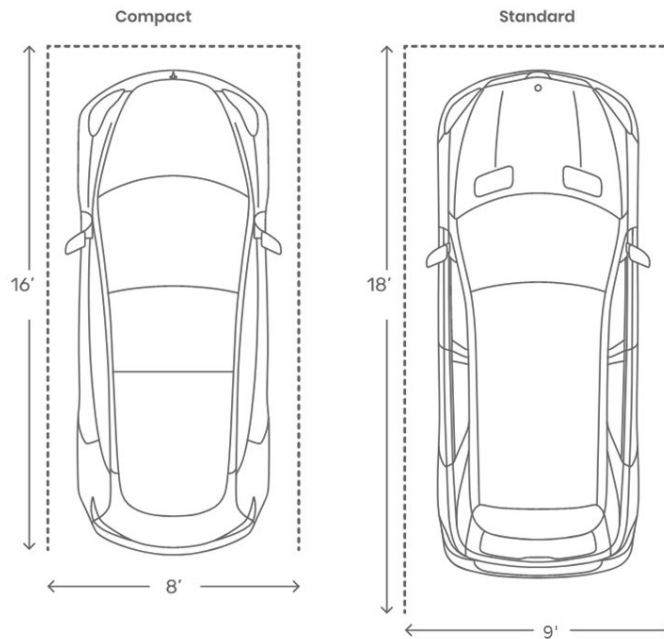
Shared Parking Table

	<u>Weekdays</u>	<u>Weekends</u>
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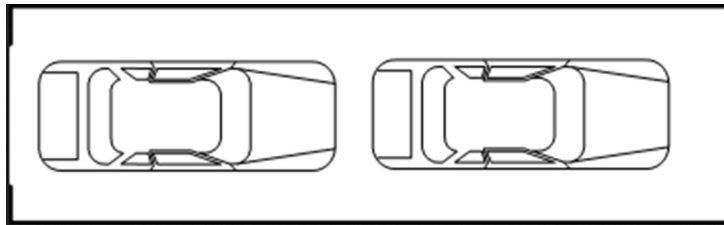
<u>General Land Use Category</u>	<u>12:00 a.m.—7:00 a.m.</u>	<u>7:00 a.m.—6:00 p.m.</u>	<u>6:00 p.m.—12:00 a.m.</u>	<u>12:00 a.m.—7:00 a.m.</u>	<u>7:00 a.m.—6:00 p.m.</u>	<u>6:00 p.m.—12:00 a.m.</u>
<u>Office & Craftsman Industrial</u>	5%	100%	5%	0%	5%	0%
<u>Retail</u>	5%	100%	80%	5%	100%	60%
<u>Restaurant</u>	50%	70%	100%	70%	50%	100%
<u>Hotel</u>	100%	65%	100%	100%	65%	100%
<u>Residential</u>	100%	50%	80%	100%	75%	75%
<u>Theater/entertainment</u>	5%	20%	100%	5%	50%	100%
<u>Place of worship</u>	0%	30%	50%	0%	100%	75%

- D. Parking Lot Landscaping: For every third parking aisle, one (1) raised six (6) foot wide landscaped parking island with trees, bounded with slotted high back curb with defined openings to allow for runoff shall be provided, thereby creating separated parking areas to aid in safe and orderly use of the lot and confine vehicular movement to marked drives. Raised or curved circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. All parking lots with back to back parking areas shall provide a, stormwater accessible, landscaped parking diamond with a tree for every ten (10) parking spaces. Parking lots shall be bounded with a high back curb that includes openings for stormwater runoff. Paved areas and parking lots shall be separated from buildings with a minimum four foot (4') wide landscape area bounded with a slotted high back curb or a five foot (5') raised sidewalk.
- E. Street and Parking Lot Lighting: Parking lot lighting shall be mounted on black poles, and be dark sky compliant. Parking lots with less than 3 aisles may alternatively light the parking lot with lighting attached to the building. In no case shall the poles exceed 20 feet in height. Lighting shall be directed to avoid intrusion on adjacent residential properties and away from adjacent thoroughfares, be located no closer than 10' from any property line and shall be downward directed and fully shielded.
- F. Parking Stall Size. Each off-street parking space shall be at least 9 feet by 18 feet for diagonal or ninety-degree spaces, or 8 feet by 23 feet for parallel spaces, exclusive of access drives or aisles. Compact parking stalls shall be a minimum of 8 feet by 16 feet for diagonal or ninety-degree spaces, or 8 feet by 21 feet for parallel spaces, exclusive of access drives or aisles. Parking stalls adjacent to a column or wall must have an additional 2 feet of width to accommodate ingress/egress from the vehicle. Access to parking spaces shall be from private roadways and not from public streets. The Planning Director or designee may consider modifications to stall width and length requirements for up to 15% of the stall dimensions.

1. Standard and Compact Parking Stalls



- G. Parking Lot Locations and buffering from the street. Parking lots shall be separated from the right-of-way property line with a minimum width 6' landscaped area, unless the zoning ordinance requires a larger separation elsewhere. Such landscaping shall include trees and shrubs to minimize the visual impact of the vehicles. Such areas shall not include parking lot light poles and shall accommodate stormwater, but without a depression greater than 1 foot.
- H. Snow Storage. Sufficient area shall be provided adjacent to uncovered parking lots for snow storage as recommended by the design engineer.
- I. Tandem Parking. Tandem parking stall placement is not permitted for required parking stalls. Example of Tandem Parking shown in diagram below.



- J. Garage Door Setback. Garage doors facing a public right of way shall be setback at least 22 feet from a public right of way property line, unless a larger setback is required elsewhere in the zoning ordinance.

18.72.040 Parking Space Requirements -- Location And Control

- A. The off-street parking facilities required by this chapter shall be located on the same lot or parcel of land as the use they are intended to serve, except within designated Village Centers when approved by the Planning Commission, or where a Parking Authority has a policy providing off-street parking for an area.
- B. Individual stalls shall not be directly accessed from the street, unless approved by the Planning Commission when it can be shown that such allowance:
 - 1. Results in a decrease in the overall hard surface area;
 - 2. Makes more efficient use of the right of way and private land;
 - 3. Protects a landscaped area;
 - 4. Provides at least the number of parking stalls required by this parking ordinance;

5. [Results in a safe traffic movement as determined by the City Engineer; and](#)
6. [Is not located along an Arterial or Collector Street as designated on the City's Master Transportation Plan.](#)

18.72.050 Parking Space Requirements -- Combined Parking Area

The required off-street parking and loading facilities may be provided collectively for two or more buildings or uses, provided that the total number of parking spaces shall **generally** be ~~not less than~~ the sum of the requirements for each of the individual uses, **unless modified by the shared parking table above.**

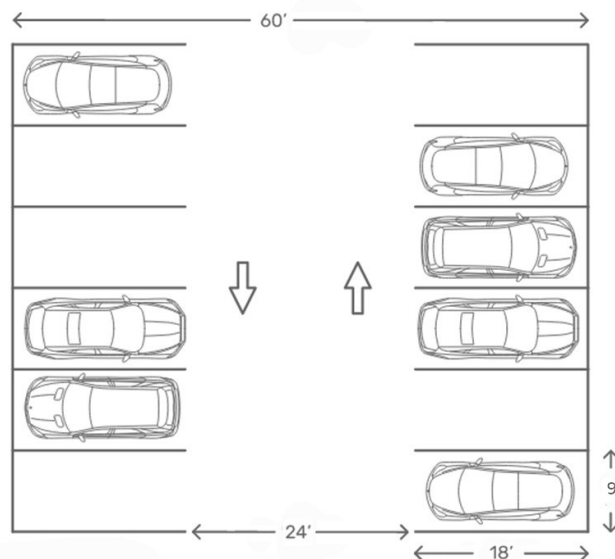
18.72.060 Parking Space Requirements -- Mixed Uses

In the event that two or more uses occupy the same zoning lot or parcel, if land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately, **but shall use the shared parking table above for a final calculation.**

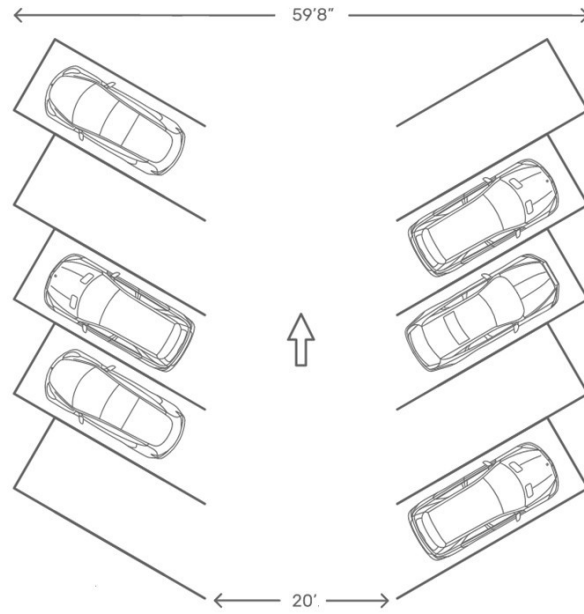
18.72.070 Access To Parking Facilities

Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended use. **Driveways shall be dimensioned at minimum as shown below.**

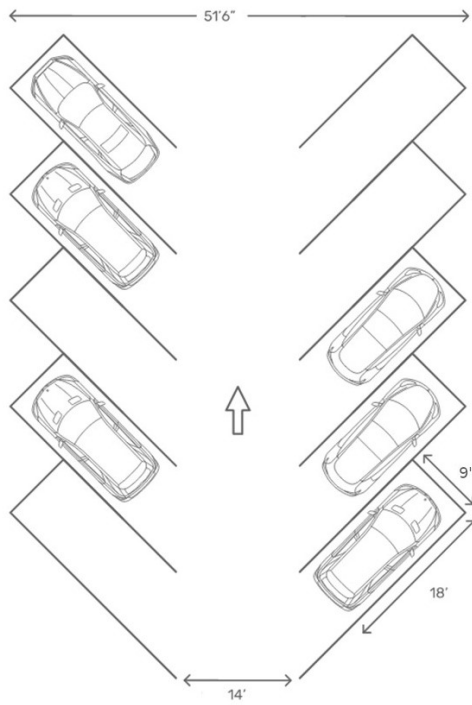
A. 90 degree double loaded driveway.



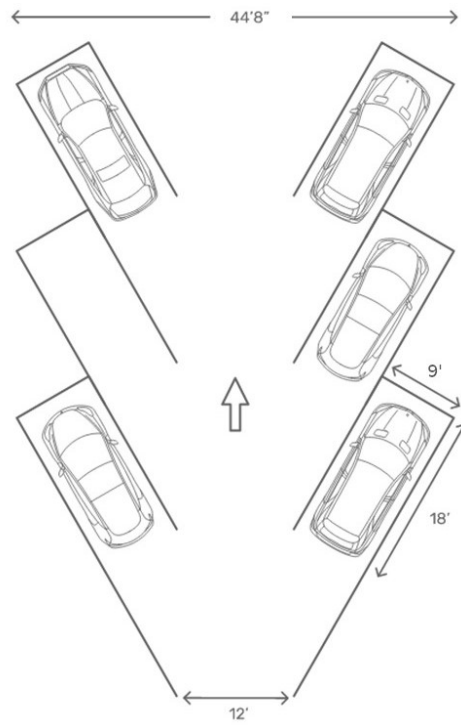
B. 60 degree parking spaces



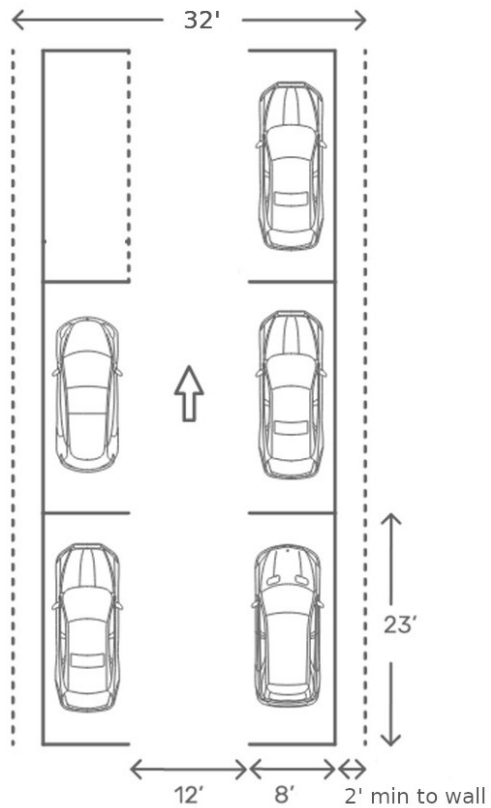
C. 45 degree parking spaces



D. 30 degree parking spaces



E. Parallel parking spaces



18.72.080 Circulation Within Parking Areas and Between Parking areas

- A. Circulation within a parking area shall comply with the following requirements:
 - 1. Parking area with more than one aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area;
 - 2. Directional signs shall be required to differentiate between entrance and exit access points to the street.
- B. Circulation between separate parking areas lots on adjacent parcels, shall comply with the following:
 - 1. Vehicular access between parking areas separate parking lots is required to provide a “park once” opportunity the ability for patrons to park only once for multiple tasks;
 - 2. Pedestrian accommodation between the parking areas separate parking lots is required;
 - 3. Adjoining property owners with shared parking lots shall have parking agreements addressing rules and maintenance of the parking lot area, lighting and striping.

18.72.090 Location Restricted

Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. Off- street parking space which is required in connection with a use shall be construed to be part of that use and shall not be located within a zone unless expressly permitted therein.

18.72.100 Lighting

Any lighting used to illuminate off-street parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.

18.72.110 Continuing Obligation To Provide Spaces

The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle loading facilities continues. It is unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking and loading facilities without providing other vehicle parking or loading area which meet the requirements of this chapter.

18.72.120 Plot Plan Approval Required

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking space, a plot plan shall be submitted showing the location and layout of such required space along with access aisles, roadways, lighting, conceptual stormwater retention, snow storage areas, curbs and curb cuts. The zoning administrator shall disapprove such plans if ~~he finds that~~ the required spaces are not usable for standard-sized automobiles or do not comply with the requirements for off-street parking as set forth in this chapter.

18.72.130 Landscaping Requirements

~~All off-street parking lots designed for five or more vehicles shall be bordered by a curb and/or a landscaped strip at least eight feet in width.~~

18.72.140 Loading Space Requirements

For every building having a gross floor area of five thousand square feet or more to which goods, material, merchandise or supplies are received or distributed by vehicle, there shall be provided at least one off-street loading space. One additional loading space shall also be provided for each additional twenty thousand square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required off-street loading space shall be not less than ten feet in width, twenty-five feet in length, and fourteen feet in height.

Exhibit 2: Ordinance 2021-09

ORDINANCE NO. 2021-09

AN ORDINANCE AMENDING HEBER CITY MUNICIPAL CODE CHAPTER 18.08 AND CHAPTER 18.72 PARKING REQUIREMENTS.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.08.125 of Heber City Municipal Code is **adopted** to read as follows:

18.08.08.215 Flex Building

“Flex building” means a building that by design, is “flexible” and allows for a wide range of office, research and development, showroom retail sales, light craftsman industrial and small warehouse and distribution uses permitted by the underlying zone. They can be used for many purposes and are easier to retrofit to meet a company’s needs than typical warehouse buildings. This flexibility is ideal for a wide range of companies that need office space with a warehouse component. Flex buildings usually have a ceiling height of 14 to 24 feet and have a larger percentage of office space than a typical distribution warehouse building. They also have more parking and nicer landscaping than other industrial buildings. Most flex buildings have some type of overhead loading doors.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.08.450 of Heber City Municipal Code is **amended** to read as follows:

18.08.450 Parking Space

"Parking space" means a space within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle.

BE IT ORDAINED by the City Council of Heber City, Utah, Chapter 18.72 Parking Requirements of the Heber City Municipal Code is **amended** to read as follows:

Chapter 18.72 Off-Street Parking and Loading

18.72.010 Purpose of Provisions

The following regulations are established to:

- A. Increase safety and lessen congestion in the public streets;
- B. To provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

18.72.020 Parking Space Requirements – Computation

For the purpose of computing off-street parking spaces which are required by this title, the following rules shall apply:

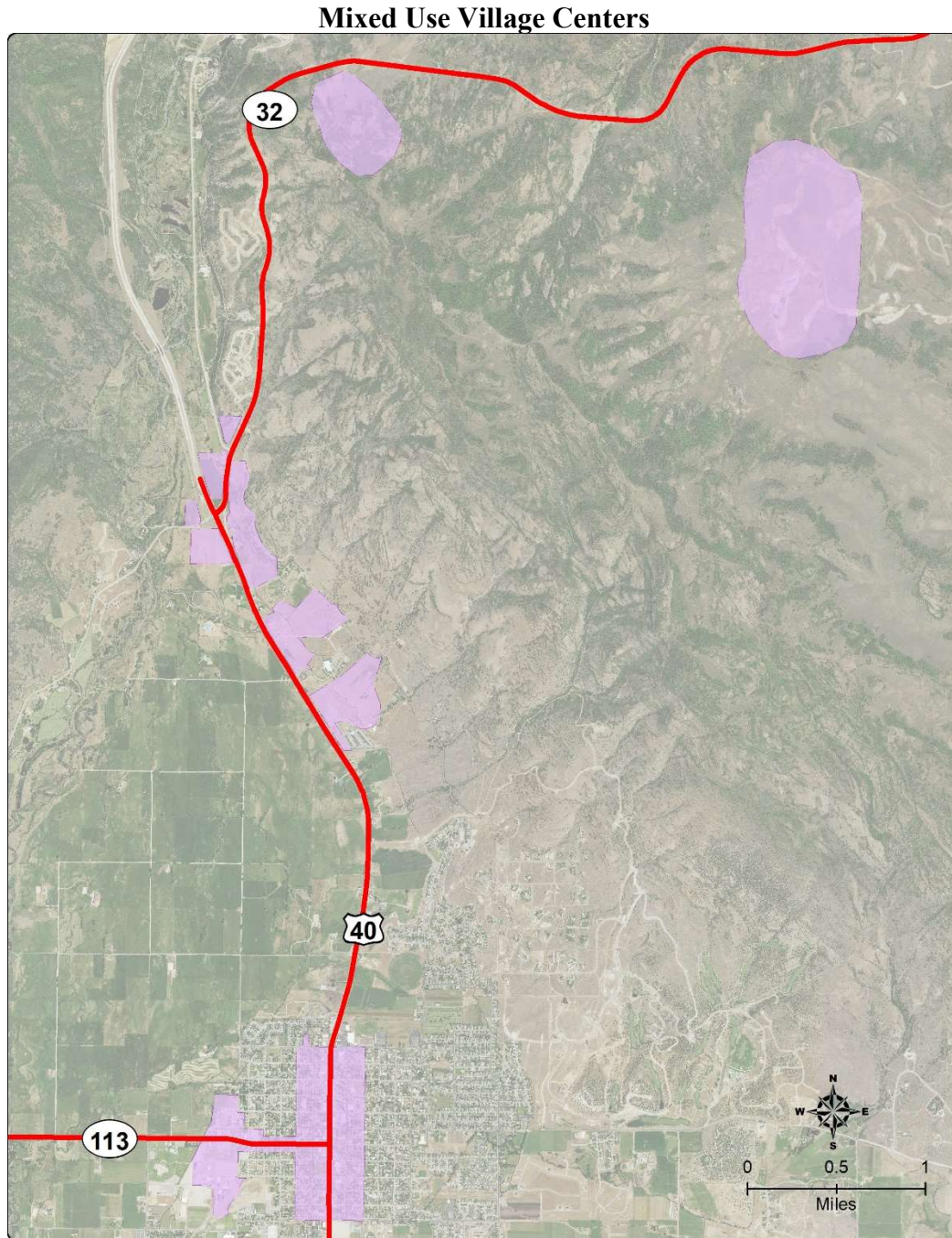
- A. "Floor area" means gross floor area, unless otherwise specified for a particular use; net floor area means the area of a building excluding the width of exterior walls, stairwells, elevators, hallways, closets, restrooms and storage areas.
- B. In stadiums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each eighteen inches of length of such benches or pews shall be counted as one seat.

18.72.030 Parking Space Requirements – Designated

- A. The following required off-street parking spaces for the particular use are minimum requirements:
 - 1. Auditoriums, sports arenas and places of assembly shall have one parking space per two people;
 - 2. Banks, professional offices, retail stores, personal service shops, medical clinics and other business buildings not specifically mentioned elsewhere in this section shall have four parking stalls per 1,000 square feet of net floor area;
 - 3. Boardinghouses shall have one parking space for each one hundred square feet of floor space devoted to bedrooms or one space for each two persons domiciled in the premises, whichever is greater;
 - 4. Bowling Alleys shall have four (4) parking stalls per lane.
 - 5. Churches shall have one parking space per three seating spaces in the main assembly room;
 - 6. Commercial recreational uses shall have one parking space per two patrons, based on the design capacity of the facility;
 - 7. Convalescent, nursing and other institutions shall have one visitor parking space per three patient beds, plus one parking space for each employee at work in the home during daylight hours;
 - 8. Day Care facilities shall have one (1) parking space for each employee plus one (1) loading/unloading space for every 20 people, or portion thereof enrolled. Loading space requirement may be eliminated if there is a circular drive-way.
 - 9. Drive-ins (retail) shall have at least twelve off-street parking spaces or sufficient off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles which are parked on public streets;
 - 10. Flex buildings shall have at least two parking spaces per 1,000 square feet of net floor area for craftsman industrial uses;
 - 11. Government buildings shall provide at least three (3) parking stalls per 1,000 square feet of floor area;
 - 12. Grocery stores shall have at least 1 parking stall per 300 square feet of net floor area;
 - 13. Hospitals shall have one visitor parking space per two patient beds, plus one parking space for each employee at work in the hospital during daylight hours;
 - 14. Hotels and motels shall have one parking space per room or suite, plus one parking space for each employee at work on the premises during daylight hours;

15. Industrial, manufacturing and wholesale establishments shall have one parking space per two employees based. on the largest shift;
16. Mortuaries or funeral parlors shall have thirty parking spaces or one space for each twenty-five square feet of floor space in all assembly rooms, whichever is greater;
17. Parks shall have parking as follows:
 - a. As each park is designed, an evaluation of parking demand based on size, functions and features of the park, available on street parking within two blocks, and opportunities for shared parking with adjacent uses and such uses within two blocks, is to be completed by the park designers and coordinated with City staff. When considering complex parks with many functions, it is anticipated that on-site parking will not meet the entire demand of the combined functions for peak time periods. In parks with more than three functions, an overall reduction of 30% of the additive parking demands for each function is recommended. As the park is designed, any parking recommendations shall supersede the recommendations in number D. below.
 - b. Local parks smaller than 2 acres shall be considered “walkable” parks and are not required to have parking, however, on-street parking for 8 vehicles shall be available within two blocks.
 - c. Park parking shall be reviewed by the Parks Department using their experience with existing parks and may recommend different parking standards.
 - d. Parking demand shall be evaluated by function using the general recommended standards:
 - 1) Pavilion – 1/5 of seating capacity
 - 2) Play Structure – based on an estimate of use/capacity, 1 space for every 5 users
 - 3) Picnic Area - one space for every two tables
 - 4) Baseball/Softball Field – 10 per diamond
 - 5) Passive Lawn area – 3 per acre
 - 6) Multi-sport field (soccer lacrosse, rugby, etc.) – 12 per field
 - 7) Tennis/pickle ball courts - 2 per court
 - 8) Outdoor Basketball/sport court – 2 per court
 - 9) Recreation/Community Center – based on seating, interior functions, and square footage
 - 10) Trail Head – five spaces
 - 11) Amphitheater – based on 1/4 of seating capacity
 - 12) Dog park – 4 per acre
18. Private clubs and lodge halls shall have one parking space per two persons based on the design capacity of the facility;
19. Residential structures, not including boardinghouses and rooming houses shall have parking spaces per dwelling units as follows:
 - a. One-family dwellings, including townhomes, detached single family dwellings and semi-detached single family dwellings and mobile homes, two spaces per dwelling unit;
 - b. Multiple-family dwellings, two spaces per dwelling unit, which spaces shall be located on the side yards or rear yard or said lot. As a means of encouraging the occupants of multiple dwellings to use the required off-street parking space in preference to on-street parking space, entrances to buildings containing multiple dwellings shall be provided in locations that are as direct and convenient to the required off-street parking spaces as are the fronting streets;

20. Restaurants, taverns and lounges shall have one parking space per two hundred square feet of net floor area;
21. Theaters shall have one parking space per four seats;
22. Uses Not Mentioned. The required off-street parking for any building, structure or use of land of a type not listed in this section shall be determined by the board of adjustment. The board of adjustment shall be guided by comparison with the requirements for similar uses which are listed;
23. Designated Mixed Use Village Center Parking Requirements.
 - a. Designated Mixed Use Village Centers are shown on the map below.



- b. Designated Mixed Use Village Center Parking requirements for retail, office, restaurant and government uses is 3 parking stalls per 1,000 square feet.
- c. Designated Mixed Use Village Center Parking requirements for multi-family residential units (condominiums and apartments) is as follows:

Unit Type	Parking Space Requirements	Notes
Studio Units	1.0 space per unit	25% of parking stalls may be compact spaces
One Bedroom Units	1.25 spaces per unit	
Two Bedroom Units	1.5 spaces per unit	
Three Bedroom Units	2.0 spaces per unit	
Four Bedroom Units	2.0 spaces per unit	
Guest/visitor parking	0.25 spaces per unit	

- d. When there is insufficient area to provide the required number of off-street parking stalls for a property within a Mixed Use Village Center, the property owner may provide a financial contribution to the Parking Authority in an amount equivalent to the value of the required parking stalls when approved by the City Council.
24. One-half (1/2) of available angled on-street parking along a parcel's frontage may be counted towards the requirements for meeting the off-street parking requirements for uses within a designated Mixed Use Village Center.
 25. Street improvements shall include angled parking for those streets identified as having angled parking on the City's Master Plan or Zoning Ordinance;
- B. Shared Parking. In determining the total requirements for shared parking facilities, the Planning Director or designee shall use the Shared Parking Table below, according to the following guidelines:
1. For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements above).
 2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
 3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
 4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
 5. If a new use is proposed for a building or portion of a building, the shared parking analysis shall be re-evaluated and additional parking provided, if shown as necessary.
- C. For uses not listed in Table 18.72 (1), the Planning Director shall determine the required parking for the six time periods.

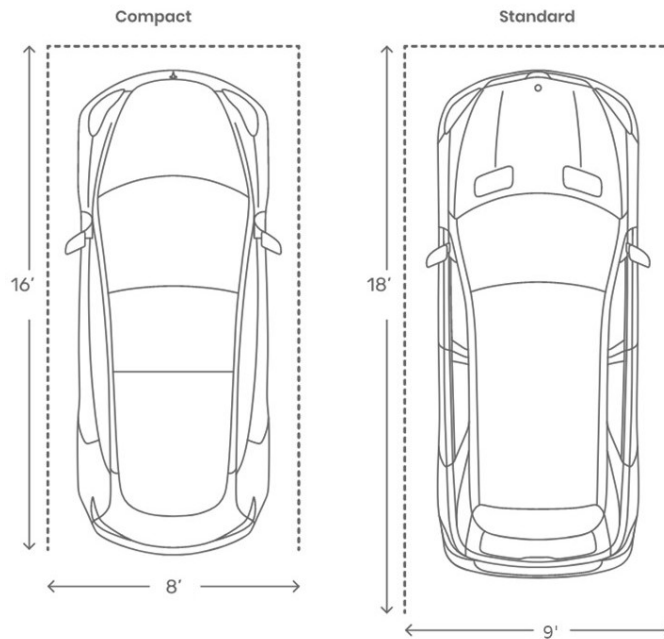
Shared Parking Table

General Land Use Category	Weekdays			Weekends		
	12:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 12:00 a.m.	12:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 12:00 a.m.

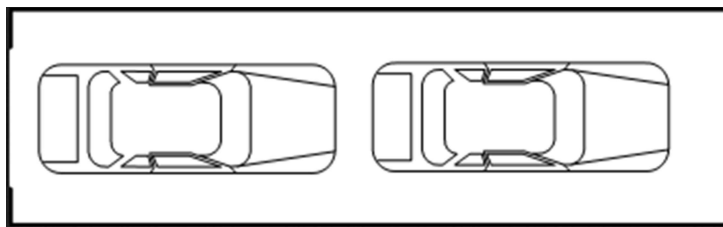
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Retail	5%	100%	80%	5%	100%	60%
Restaurant	50%	70%	100%	70%	50%	100%
Hotel	100%	65%	100%	100%	65%	100%
Residential	100%	50%	80%	100%	75%	75%
Theater/entertainment	5%	20%	100%	5%	50%	100%
Place of worship	0%	30%	50%	0%	100%	75%

- D. **Parking Lot Landscaping:** For every third parking aisle, one (1) raised six (6) foot wide landscaped parking island with trees, bounded with slotted high back curb with defined openings to allow for runoff shall be provided, thereby creating separated parking areas to aid in safe and orderly use of the lot and confine vehicular movement to marked drives. Raised or curved circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. All parking lots with back to back parking areas shall provide a, stormwater accessible, landscaped parking diamond with a tree for every ten (10) parking spaces. Parking lots shall be bounded with a high back curb that includes openings for stormwater runoff. Paved areas and parking lots shall be separated from buildings with a minimum four foot (4') wide landscape area bounded with a slotted high back curb or a five foot (5') raised sidewalk.
- E. **Street and Parking Lot Lighting:** Parking lot lighting shall be mounted on black poles, and be dark sky compliant. Parking lots with less than 3 aisles may alternatively light the parking lot with lighting attached to the building. In no case shall the poles exceed 20 feet in height. Lighting shall be directed to avoid intrusion on adjacent residential properties and away from adjacent thoroughfares, be located no closer than 10' from any property line and shall be downward directed and fully shielded.
- F. **Parking Stall Size.** Each off-street parking space shall be at least 9 feet by 18 feet for diagonal or ninety-degree spaces, or 8 feet by 23 feet for parallel spaces, exclusive of access drives or aisles. Compact parking stalls shall be a minimum of 8 feet by 16 feet for diagonal or ninety-degree spaces, or 8 feet by 21 feet for parallel spaces, exclusive of access drives or aisles. Parking stalls adjacent to a column or wall must have an additional 2 feet of width to accommodate ingress/egress from the vehicle. Access to parking spaces shall be from private roadways and not from public streets. The Planning Director or designee may consider modifications to stall width and length requirements for up to 15% of the stall dimensions.

1. Standard and Compact Parking Stalls



- G. **Parking Lot Locations and buffering from the street.** Parking lots shall be separated from the right-of-way property line with a minimum width 6' landscaped area, unless the zoning ordinance requires a larger separation elsewhere. Such landscaping shall include trees and shrubs to minimize the visual impact of the vehicles. Such areas shall not include parking lot light poles and shall accommodate stormwater, but without a depression greater than 1 foot.
- H. **Snow Storage.** Sufficient area shall be provided adjacent to uncovered parking lots for snow storage as recommended by the design engineer.
- I. **Tandem Parking.** Tandem parking stall placement is not permitted for required parking stalls. Example of Tandem Parking shown in diagram below.



- J. **Garage Door Setback.** Garage doors facing a public right of way shall be setback at least 22 feet from a public right of way property line, unless a larger setback is required elsewhere in the zoning ordinance.

18.72.040 Parking Space Requirements -- Location And Control

- A. The off-street parking facilities required by this chapter shall be located on the same lot or parcel of land as the use they are intended to serve, except within designated Village Centers when approved by the Planning Commission, or where a Parking Authority has a policy providing off-street parking for an area.
- B. Individual stalls shall not be directly accessed from the street, unless approved by the Planning Commission when it can be shown that such allowance:

1. Results in a decrease in the overall hard surface area;
2. Makes more efficient use of the right of way and private land;
3. Protects a landscaped area;
4. Provides at least the number of parking stalls required by this parking ordinance;
5. Results in a safe traffic movement as determined by the City Engineer; and
6. Is not located along an Arterial or Collector Street as designated on the City's Master Transportation Plan.

18.72.050 Parking Space Requirements -- Combined Parking Area

The required off-street parking and loading facilities may be provided collectively for two or more buildings or uses, provided that the total number of parking spaces shall generally be the sum of the requirements for each of the individual uses, unless modified by the shared parking table above.

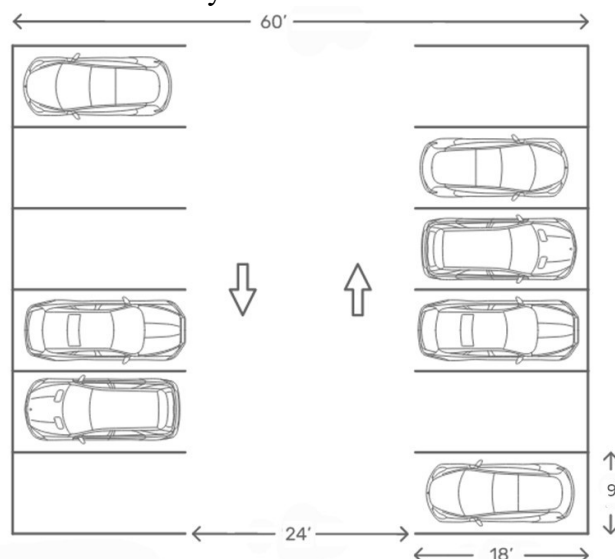
18.72.060 Parking Space Requirements -- Mixed Uses

In the event that two or more uses occupy the same zoning lot or parcel, if land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately, but shall use the shared parking table above for a final calculation.

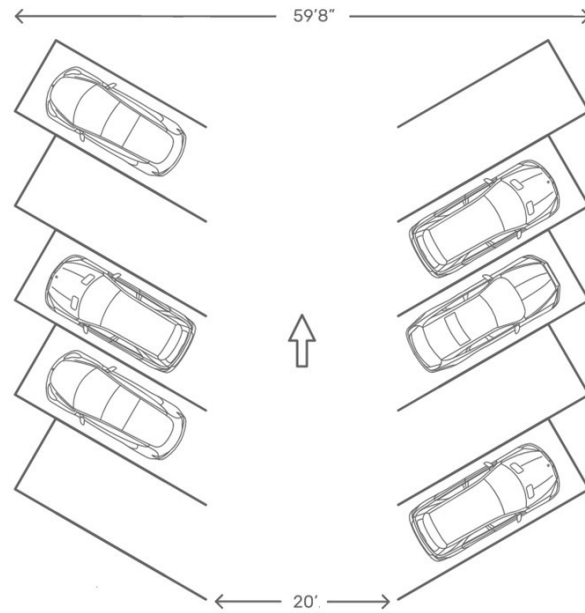
18.72.070 Access To Parking Facilities

Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended use. Driveways shall be dimensioned at minimum as shown below.

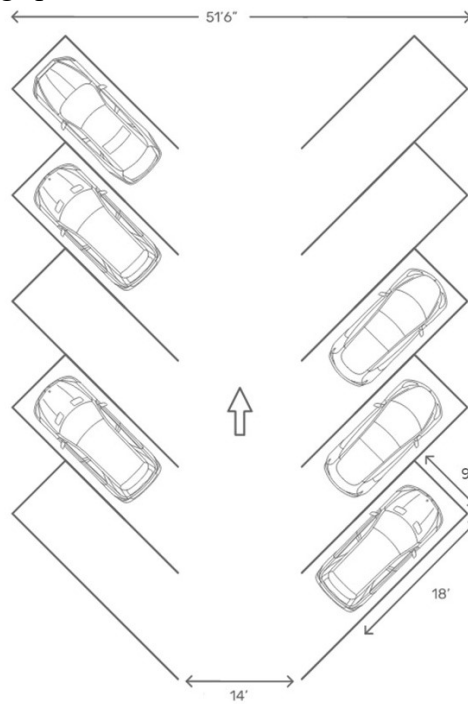
A. 90 degree double loaded driveway.



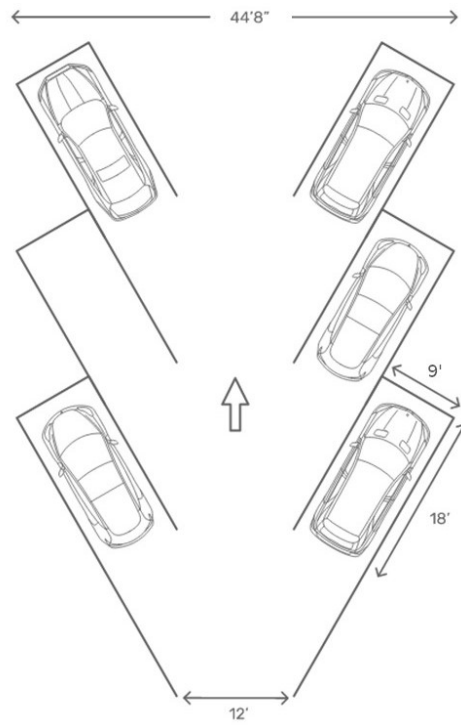
B. 60 degree parking spaces



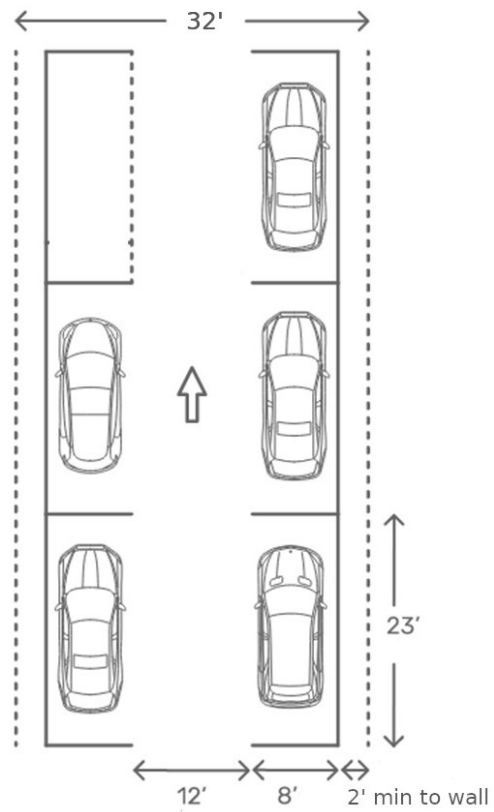
C. 45 degree parking spaces



D. 30 degree parking spaces



E. Parallel parking spaces



18.72.080 Circulation within Parking Areas and Between Parking Areas

- A. Circulation within a parking area shall comply with the following requirements:
1. Parking area with more than one aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area.
 2. Directional signs shall be required to differentiate between entrance and exit access points to the street.
- B. Circulation between separate parking lots on adjacent parcels, shall comply with the following:
1. Vehicular access between separate parking lots is required to provide the ability for patrons to park only once for multiple tasks.
 2. Pedestrian accommodation between separate parking lots is required.
 3. Adjoining property owners with shared parking lots shall have parking agreements addressing rules and maintenance of the parking lot area, lighting and striping.

18.72.090 Location Restricted

Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. Off- street parking space which is required in connection with a use shall be construed to be part of that use and shall not be located within a zone unless expressly permitted therein.

18.72.100 Reserved

18.72.110 Continuing Obligation To Provide Spaces

The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle loading facilities continues. It is unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking and loading facilities without providing other vehicle parking or loading area which meet the requirements of this chapter.

18.72.120 Plot Plan Approval Required

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking space, a plot plan shall be submitted showing the location and layout of such required space along with access aisles, roadways, lighting, conceptual stormwater retention, snow storage areas, curbs and curb cuts. The zoning administrator shall disapprove such plans if the required spaces are not usable for standard-sized automobiles or do not comply with the requirements for off-street parking as set forth in this chapter.

18.72.130 Reserved

18.72.140 Loading Space Requirements

For every building having a gross floor area of five thousand square feet or more to which goods, material, merchandise or supplies are received or distributed by vehicle, there shall be provided at least one off-street loading space. One additional loading space shall also be provided for each additional twenty thousand square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required off-street loading space shall be not less than ten feet in width, twenty-five feet in length, and fourteen feet in height.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2021.

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

APPROVED:

Mayor Kelleen L. Potter

ATTEST:

RECORDER

Date:

Tab 9

RESOLUTION NO. 2012-07

A RESOLUTION **ADOPTING** A CODE OF CONDUCT AND ETHICS FOR PUBLIC OFFICIALS OF HEBER CITY.

BE IT RESOLVED by the City Council of Heber City, Utah that the *Code of Conduct and Ethics for Public Officials*, as a matter of policy, is adopted as set forth in Exhibit "A":

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

ADOPTED and PASSED by the City Council of Heber City, Utah this 17th day of May, 2012, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	<u>X</u>	<u> </u>
Council Member Alan W. McDonald	<u>X</u>	<u> </u>
Council Member Benny Mergist	<u>X</u>	<u> </u>
Council Member Jeffery M. Bradshaw	<u>X</u>	<u> </u>
Council Member Erik Rowland	<u>X</u>	<u> </u>

APPROVED:



Mayor David R. Phillips

ATTEST:



RECORDER

CODE OF CONDUCT AND ETHICS FOR PUBLIC OFFICIALS (Mayor, City Council members, Commissions, Committees, Boards)

A. DECLARATION OF POLICY

It is the policy of the City of Heber to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of Heber City are entitled to have fair, ethical, and accountable local government.

As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and laws that guide the work of elected officials and members of appointed boards, commissions, and committees (public officials). Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

In order to fulfill this mission, the City of Heber hereby adopts a Code of Conduct and Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. This code describes the standards of behavior to which its leaders aspire. The constant and consistent theme through the conduct guidelines is “respect.” Public officials experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, public officials are called upon to exhibit appropriate behavior at all times. These guidelines help public officials to do the right thing in even the most difficult situations. Public officials have the duty to conduct City affairs in a businesslike manner, assuring timely consideration of matters before them and thoughtful expeditious decision-making. These guidelines incorporating best practices among city governments can help guide public officials to contribute to this end.

Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

B. GENERAL PRINCIPLES UNDERLYING THE CODE OF CONDUCT AND ETHICS

The stability and proper operation of a democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their public officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the government structure.

Public local government officials must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

Public local government officials must always remain aware that at various times they play different roles:

1. **As advocates**, who strive to advance the legitimate needs of their citizens,

2. **As legislators**, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions, and

3. **As fair and impartial decision-makers**, when making quasi-judicial and administrative determinations.

Public local government officials must know how to distinguish among these roles, to determine when each role is appropriated, and to act accordingly.

Public local government officials must be aware of their obligations to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his/her own conscience the touchstone by which to determine what conduct is appropriate.

C. APPLICABLE LAWS AND POLICIES

1. Compliance with Law

a. Public officials should take care to obey all laws that apply to their official actions as public officials. Public officials should be guided by the spirit as well as the letter of the law in whatever they do to give their best judgment.

b. At the same time, public officials should feel free to assert policy positions and opinions without fear of reprisal from fellow official members or citizens. To assert that a public official is behaving unethically based upon a disagreement with other officials on a question of policy (and not on the public officials ethical behavior) is unfair, dishonest, irresponsible, and itself unethical.

c. The commissions, committees, boards, and city's governing body shall endeavor to keep itself up-to-date, through its attorney or other sources, of new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

d. Public officials shall comply with the laws of the nation, the State of Utah, and the City of Heber in the performance of their public duties to foster respect for all government. These laws include, but are not limited to: the United States and Utah Constitutions and any City Codes, resolutions, ordinances and policies; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, and employer responsibilities and open processes of government.

2. Responsibility of Public Office

a. Recognizing that stewardship of the public interest must be their primary concern, public officials shall work for the common good of the people of Heber City, avoiding actions that are inconsistent with the best interests of the city, and not for any private or personal interest; and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

b. Public officials should act with integrity and with independence from improper influence as they exercise the functions of their offices.

c. Public officials should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behavior.

d. City Council members and the Mayor - Because of the value of the independent advice of boards, committees or commissions to the public decision-making process, members of the City Council and Mayor shall, except when the City Council or Mayor is a member of the that public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand, and shall not otherwise attempt to unduly use their position to influence the deliberations or outcomes of the proceedings.

e. Public Officials should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, public officials should recognize that they are part of a larger group and should act accordingly. They should respect their office and not behave in ways that reflect badly on it. They should treat other public officials and the public with respect, and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, commission, committee, or council, since the board, commission, committee or council must take official action as a body.

3. Impropriety

a. Public officials should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach.

b. A public official is considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstance surrounding the public official's action would conclude that it was more likely than not that the behavior did not benefit someone in the public official's position.

c. If a public official concludes that his/her actions, while legal and ethical, may be misunderstood, he/she may seek the advice of the City Attorney. He/she may also state on the record the facts of the situation and the steps taken to resolve it.

4. Performance of Duties

a. Public officials shall perform their duties in accordance with the processes and rules of order established by the State, City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

b. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

c. Public Officials of local governing boards should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. Public officials should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them or which they obtained from outside sources.

d. Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the council, boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

e. Public officials should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

f. As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

g. All public officials should be willing to bear their fair share of the governing board's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

5. Conduct of Public Meetings

a. Public officials of local governing boards should conduct the affairs of their meetings in an open and public manner. They should comply with all applicable laws of governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This includes being sensitive to those matters recognized by law.

b. The public officials should remember when meeting that they are conducting the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees or staff. They should make clear that a climate of openness is to be maintained at all times in their government units.

c. In order to ensure strict compliance with the laws governing openness, governing public officials should strive to be open.

d. They should prohibit unjustified delay in fulfilling public records requests.

e. They should take deliberate steps before they go into closed session for any reason, to ensure that the closed session will be lawful.

f. Public officials shall inform themselves of public issues, listen courteously and attentively to public discussions before the body and focus on the business at hand.

g. Officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body, or otherwise interfere with the orderly conduct of meetings.

h. Appropriate City staff should be involved when public officials meet in their regular meetings and with officials from other agencies and jurisdictions to ensure proper staff support and to keep staff informed.

6. Procedures of Public Meetings

a. During public meetings, public officials shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the city council.

b. A public official desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

c. A public official, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another council member, or unless the speaker chooses to yield to questions from another member. If a public official member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the city council.

d. Public officials shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issues before the body.

e. When there is more than one speaker on the same subject, the public official will delay their comments until after all speakers on the subject have been heard.

f. The City Manager and any other appointed, administrative level official shall be entitled at all times to any privilege of the floor for the purpose of speaking upon any question that pertains to their duties, responsibilities and authority.

7. Public Participation in Public Meetings

a. Any resident or interested party desiring to address the body shall be first recognized by the chair. She/he shall then step to the floor microphone and state her/his name and address in an audible tone for the City's record. Remarks shall be limited to the question under discussion.

b. The purpose of addressing the public officials body is to communicate formally with the regarding matters that relate to the public officials business or citizens' concerns within the subject matter jurisdiction of the public officials. Persons addressing the public officials' body on an agenda item shall confine their remarks to the matter under consideration by the public officials' body.

c. Members of the public may address the public officials' body during public comments and/or before consideration of any agenda item; however, no person shall address the public officials' body without first being recognized by the Mayor or chair. Any

person wishing to speak, during an agenda item, must wait until the chair calls for the particular agenda item.

d. Each person addressing the public officials' body shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor or a majority of the public body members, be subject to removal from that meeting.

e. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the public meeting unfeasible.

f. A member of the audience engaging in such conduct shall, at the discretion of the Mayor or a majority of the public officials' body, be subject to removal from that meeting.

8. Conduct of Public Officials in Open Public or Private Meetings and Using the Social Media Network

a. The professional and personal conduct of public officials must be above reproach and avoid even the appearance of impropriety.

b. Public officials shall refrain from abusive conduct, unsubstantiated personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, the staff or the public.

c. Public officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body; or otherwise interfering with the orderly conduct of the meetings.

d. Public officials shall commit to practice civility and decorum in discussions and debates.

e. Public officials shall commit to honoring the role of the chair in maintaining order, keeping discussion on track, and focusing discussion on agenda items at hand.

f. Public officials shall avoid arguments with the public.

g. Public officials shall not engage in personal attacks of any kind under any circumstance.

h. Public officials should treat each other and the public with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.

D. PUBLIC OFFICIALS ACKNOWLEDGMENT AND COMMITMENT TO THE CODE OF CONDUCT AND ETHICS

1. We respect the individual
2. I treat my fellow public officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
3. I promote consistency, equity and non-discrimination in public agency decision-making.
4. I respect the dignity and privacy of individuals and organizations.
5. I recognize the worth of individual members and appreciate their individual talents, perspectives and contributions.
6. I will conduct my public affairs with honesty, integrity, fairness, respect for others and will not slander or defame others.
7. I will avoid and discourage conduct that is divisive, harmful or not in the best interest of other individuals.
 - a. We Honor the Public Trust as Stewards of the Community
 1. I am a steward of the public trust.
 2. I understand that the community expects me to serve with dignity and respect for my office, as well as to be an agent of the democratic process in the public interest.
 3. I avoid actions that might cause the public to question my independent judgment.
 4. I do not use my office or the resources of the City for personal or political gain.
 5. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City, its citizens and businesses.
 6. I am prepared to make decisions in the public's best interest based on the merits and substance of the matter at hand, and to take responsibility for my actions, whether those decisions are popular or not.
 - b. We Maintain Open and Honest Communication
 1. I am honest and forthright with my fellow officials, the public and others, even when it is uncomfortable to do so.
 2. I encourage diverse public engagement in our decision-making processes and support the public's right to know.

We, the public officials of Heber City, hold ourselves as individuals and the City of Heber organization as a whole, accountable for acting consistently with the Code of Conduct and Ethics.

I affirm that I have read and understand the city of Heber Code of Conduct and Ethics and agree to uphold it.

Signature: _____ Date: _____

1. Implementation

a. The Code of Conduct and Ethics for the public officials of the City of Heber is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason ethical standards shall be included in the regular orientation for candidates for the City Council, applicants to boards, committees, and commissions, newly elected officials, and appointed members of boards, commissions and committees.

b. Public Officials entering office or appointment will receive a statement certifying they have read and understand the City of Heber Code of Conduct and Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Conduct and Ethics whether or not the statement is signed.

c. All Public officials (Mayor, City Council, boards, commissions, and committees) shall review and sign this personal code of conduct and ethics at the first meeting in February of each year when the Public Officials meet, as a symbol of each Public Official's continuing commitment to abide by the principles of this code. This code shall be evaluated by the city council in the first meeting of January of every even year.

2. Compliance and Enforcement

a. The City of Heber Code of Conduct and Ethics expresses standards of ethical conduct expected for the public officials of the Mayor, City Council, boards, commissions, and committed. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

b. The Chairs of commissions, boards, committees and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct and Ethics are brought to their attention.

c. All City Council members shall have a responsibility to intervene when actions of another City Council member appear to be in violation of the Code of Conduct and Ethics are brought to their attention.

d. A person making a complaint against a public official of violation of this policy shall submit the complaint in writing, to the City Manager or Mayor who will determine legal sufficiency. The written complaint must be based substantially upon the personal knowledge of the complaint and signed under oath or affirmation by the person filing the complaint. The City Manager or Mayor when receiving a complaint shall report all complaints to the City Council regardless of determination.

e. The Mayor or City Manager shall investigate the complaint and shall give the person the opportunity to be heard. A written report of the findings and the recommendations of the Mayor or City Manager shall be filed with the governing body.

f. The governing body shall make a final determination upon a majority vote of all members, except or any member which is the subject of a complaint. No hearing shall be bound by the strict rule of evidence, and the standard of proof required for a final determination of violation of this policy shall be a preponderance of evidence. At the discretion of the City Council, sanction may include requesting a formal public apology reprimands or censure, or removal or exclusion from leadership positions, governing board, and other official positions or duties that do not conflict with Utah Statutes.

g. A violation of this code of conduct and ethics shall not be considered a basis for challenging the validity of a City Council, board, committee, or commission decision.