

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, August 8, 2013

7:00 p.m.
Regular Meeting

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

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

Others Present: Clark Nielsen, Coni Christensen, Dorothy Christensen, Brian Balls, Guy M. Haskell, Alan Newman, Patrick Mofatt, Devin McKrola, Jeff Bradshaw, George Holmes, and Bryan Bayler.

Chairman Rawlings convened the meeting at 7:00 p.m. with a quorum present.

Pledge of Allegiance: Commissioner Webb

Minutes: July 11, 2013, Regular Meeting

Commissioner Glissmeyer moved to approve the minutes of the last meeting. Commissioner Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, and Richards. Commissioner Webb abstained, citing that he had not been present at the July meeting. Voting Nay: none. The motion passed.

Item 1 **Nathan Haack requests approval of the Haack Subdivision, a small subdivision located at approximately 850 East Center Street**

Commissioner Hansen was not present at the commencement of Item 1; Planning Commission Alternate, Clayton Vance, took Commissioner Hansen's place as a voting member. Commissioner Hansen arrived to the meeting at 7:05 p.m.

Anthony Kohler reviewed information relating to the property. Anthony Kohler explained the reference to an illegal subdivision from his staff report. Brian Balls of Summit Engineering was present representing Nathan Haack. Mr. Balls indicated he was present to answer

questions and then he reviewed background on the property. He discussed also the situation with the illegal split of the parcel which had actually occurred at some point after Nelson Carter had subdivided the property and the owners who had purchased the subdivision had later sold the existing house without doing a proper lot split or subdivision amendment. Regarding sewer Balls indicated they planned to bring the sewer line through Broadhead Estates Phase 2 or to do a septic tank. It was noted that the County is stricter than the State for septic guidelines.

The item was referred to the Planning Commission for further discussion. Commissioner Zane asked Bart Mumford if he saw any problems. Bart Mumford indicated they can't build until one or the other of the sewer options became available; and they will not be able to get a building permit until this occurs. Mumford noted this will be noted on the plat so anybody will be aware of this in case the petitioners decide to sell the property. The other house that had been illegally split and sold separately was discussed briefly.

One Commissioner asked about deed restriction of sidewalk, curb, gutter, and asphalt; Bart Mumford replied that yes, this would be deed restricted.

Commissioner Zane moved that we recommend approval for the Haack Subdivision located at approximately 850 East Center Street contingent upon they meet all the requirements of the staff and city engineer and that they deed restrict that curb, gutter, and sidewalk.

Commissioner Glissmeyer seconded the motion. Commissioner Webb asked if they were willing to add the other suggested motions of approval from staff (from the staff report); he then noted this was obvious. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Vance, Webb, and Richards. Voting Nay: none. The motion passed.

Item 2 **Haskell Homes requests Subdivision Final Approval for the Swift Creek Subdivision located south of Aspen Pointe Subdivision, north of Majestic Mountain Subdivision, west of Noble Visa Subdivision and Browning Estates approximately between 900 South to 1100 South and 800 East to 1000 East, located in the Southeast quarter of Section 5, Township 4 South, Range 5 East, SLB&M**

Anthony Kohler gave history and information on the proposal. Subdivision Final Approval lapses after one year with the potential for an extension of one additional year, but the time frame for this has expired thus the approval is negated. Kohler indicated the current subdivision plan is nearly identical to the earlier subdivision plan with the exception of a few engineering updates mainly due to infrastructure which has been constructed with the new subdivisions contiguous to the Swift Creek project. Kohler also discussed the master planned trail along the canal, he indicated an easement should be provided to connect the trail to the street on Lot 5 so the trail doesn't dead end. The irrigation easement along the west side of the subdivision is intended to be abandoned when the irrigation line is moved; the subdivision plat should make note of this issue.

The Commissioners had questions on the canal and detention pond. Devin McKrola of WCWEP addressed their questions. He commented that if the City or Swift Creek proposed

to line that section of the canal for the safety of the homes or otherwise we would consider allowing them to do that. Otherwise we have an 80 foot easement through there and stable canal banks on both sides, clay lined. We are very comfortable with this layout in this reach, because the canal is not perched up on a hillside. Commissioner Thurber asked, "So if it fails, you would be okay with that?" McKrola replied, "If it fails it doesn't have a lot of downhill area to go into. The canal in this area is actually built primarily down into the ground instead of perched up above it."

It was noted the documentation stated there was a 75 foot easement. McKrola indicated that this represented the documentation they'd given the engineers a number of years ago, 75 feet was likely correct. There were more questions on certain areas of the canal; Bart Mumford answered the canal was not lined in this other area.

Guy Haskell, the Petitioner, was introduced by Brian Balls. Mr. Haskell commented that he wanted to talk about the potential of phasing the subdivision; the eastern portion as Phase 1 and west of the canal, Phase 2. Access would be through Browning Estates for Phase 1. This would enable the project to build equity. The Commission asked if the Developer had talked to staff about this. Anthony Kohler answered they had talked briefly about it; if they do this they will have to work with Bart Mumford to make sure that the bonding and everything fits with the development and that the improvements can be done and that they stand alone; that each phase stands alone. Commissioner Richards asked about the retention area easement (pond) next to Lot 13. Brian Balls answered questions on this and Bart Mumford explained standards and discussed what had been done in the past as far as easements going on the property owner's lots and the homeowner can use the area for their purposes. The homeowner gets a bigger yard and take cares of the detention area. Mumford indicated that they prohibit discharge of stormdrain into this particular canal so they have to retain the water and perc it into the ground in that pond. Regarding one of the comments in the engineering report, they will double-check with the canal that close that the bond will still function and handle the water that discharges in. Mumford addressed the topic of phasing relating to engineering issues. The cul-de-sac was discussed; in the west a temporary turnaround would be built. Brian Balls indicated turnarounds have been addressed. Commissioner Thurber asked if there would be a snow removal problem if the subdivision were phased. Bart Mumford agreed that before the developer can phase the subdivision they need to address snow storage.

Bart Mumford pointed out that since this subdivision had been approved before (which was in 2007) that FEMA has re-designated the canal as a flood plain and he showed which lots would be affected. He noted that this was something that Staff had just thought about. FEMA had done this in the last two years. Mumford indicated that what this means is that the elevations of homes in this area need to be one foot above the flood plain elevation and they would also have to get flood insurance in those areas. He indicated this should be another note on the plat to make people aware. Commissioner Zane asked him if they would show the floodplain on the plat also. Discussion on this. Anthony Kohler commented that it wouldn't hurt to reference that on the plat map. This had never been done before, and is relatively new. Bart Mumford indicated this was a key thing we need to address.

Clark Nielsen addressed the Commission. He told them that he represents Mrs. Christensen who owns the property to the west of the proposed subdivision. He indicated that Mrs. Christensen was present, as well as some of her family, Mr. McKrola was also present, as well as Mr. Holmes (George Holmes). He explained that Mr. Holmes is currently the one who is operating the farm ground that is immediately west of this proposed subdivision. Mr. Nielsen then went on to give some background regarding agreements with past developers of the property and the Christensen family, these developers had gone out of business and there had been no one to hold up the other side of the agreement; that agreement included things like replacing fences and maintaining property lines so that the farming operations would not be inhibited or disadvantaged because of the subdivisions and in the recent years there seems to be little or no respect given by the private property owners to the Christensen Farm. He indicated that the Christensen Farm has been there and has been operating for generations and continues to operate there. Nielsen explained some of the problems the Christensens have been experiencing; trash and rocks have been thrown on the property by property owners and even by the developers who push up against the fences and damage their fences. He indicated that the Christensen's are asking of this subdivision, with this particular plat, that additional language be added to the plat that would notify the purchasers of lots in the subdivision that there is a farm here within reasonable proximity and that farming hours can run late or can begin early and the farm operations and animals create noise and odors that may be objectionable to some people and that irrigation lines may have frequent overspray, etc. to adjacent lots that may encroach on the adjacent property owners. Mr. Nielsen indicated he had the language written out and he indicated that this language had been drafted by Devin McKrola and he would be glad to submit a copy to the Planning Commission and to the secretary.

This language was give to Anthony Kohler. Clark Nielsen asked the Planning Commission to take this into serious consideration. Coni Christensen discussed some of the problems they had been dealing with. She indicated that the new developers would not acknowledge the contract they had made with Overson and Mickelson. Mr. Nielsen summarized that they would like to head off further problems with these subdivisions.

Possibility of a fence was discussed. Chairman Rawlings asked if Anthony Kohler was aware of these problems. Kohler indicated Code enforcement was looking into this as well as the police department.

George Holmes spoke. He explained that there is a 25 foot strip of land they are not able to use due to complaints from the neighbors over irrigation. He commented on the situation with adjoining property owners in the adjacent subdivisions. He indicated that in 2011 when the canal was breached and water ran out they had to replant the entire 80 acres.

There was discussion on an irrigation easement. Devin McKrola, of WCWEP, explained there will be abandonment of this easement with completion of full utilities. Chairman Rawlings asked if the agreement that the Christensens are making with Swift Creek should be done before this final approval. Anthony Kohler answered he thought their suggestion was to write the farm clause on the subdivision plat. Clark Nielsen indicated that this was correct. This is what had been suggested as a first step.

The paperwork submitted by Mr. Nielsen was discussed; this was passed to Mr. Haskell to review. Discussion on this; on the plat and on enforcement. Mumford expressed it is an important note on the plat for notification purposes; we are not the enforcement entity; this is a civil issue to work out. This is not a city code enforcement issue.

Guy Haskell commented on the discussion that had taken place. He indicated he did not want this to hold him up moving forward and did not want to be tabled because of this. He was trying to get a final plat approval from the City Council in time to make that bridge happen this year while the water is turned off and if he gets held up another month or so it will put him off of that. He stated, "If you did feel like something needed to happen on this, well, I'd just as soon we could work something out before we go to the City Council and talk to them if you think that is necessary. But, I do agree, we need to do something in there so we are not affecting their farm land and people aren't dumping on it."

Planning Commission discussed the issues at this time. Commissioner Zane thought language should be put on the plat to make buyers aware of what they are getting into, to notify them of the situation. Commissioner Richards thought there was no reason to table this and referenced Bart Mumford's comments regarding that this is not a city code enforcement issue. It was suggested to let the developer proceed forward and to have the City Attorney draft the verbiage for the plat and to have it in place before the City Council meeting. Commissioner Richards asked if limited disturbance fencing was required while development is occurring. He indicated that during the course of construction in Summit County they require an orange fence so nothing would cross that line. Bart Mumford indicated there might be something at the building permit stage but he was not sure. Commissioner Zane thought they should put that in the language of the motion.

Commissioner Richards moved that the proposed Swift Creek Final Subdivision is consistent with Chapter 17.16 General Subdivision Procedures, Section 17.20.010 Concept Plans, Chapter 17.24 Street Design Standards, Chapter 17.32 Lot Design Standards, Chapter 17.40 Improvements, Chapter 18.56 R-2 Residential Zone, conditional upon the final plat noting the irrigation easement will eventually be abandoned and the plat designate a trail easement connecting through Lot 5 from the canal trail to the street. Also included would be proper verbiage as approved by the City Attorney in conjunction with adjoining land owners with the Christensen property and proposed development for right to farm notation on the plat as well as agreement with the City Engineer for limited disturbance fence during the course of construction for, to enable the existing farm fence be maintained and usable. In addition to that the FEMA requirements be met as per brought up by the City Engineer. Commissioner Zane asked Commissioner Richards if the flood plain would be shown on the plat. Commissioner Richards answered that it did not have to be on the plat per se but that it would have to be addressed so that they would be there. He indicated he had never seen this on a plat but he is not saying it did not have to be on the plat. Commissioner Zane expressed that if you were a potential buyer you might want to know that. Commissioner Richards agreed and stated, "You would absolutely want to know that. But okay so, so we will say that, so I'm sorry, so FEMA Flood Plain be addressed on the plat, the recorded plat, for all affected lots." He indicated it would be on the plat so we would not have to determine where it would be.

Commissioner Glissmeyer seconded the motion. Commissioner Thurber asked Bart Mumford if he felt comfortable with the canal. Mumford stated he did. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Vance, Webb, and Richards. Voting Nay: none. The motion passed.

Item 3 **Boyer Company requests approval of a single family home development located at Industrial Parkway and 1200 South**

Anthony Kohler reviewed information on numerous planning related topics such as project density, setbacks, open space, subdivision design, cul-de-sacs, planter strip width, etc. from his staff report and pointed out improvements that had been put in since Garbett Homes' development proposal of this property a couple of years ago. One major change of note was the substantial decrease in density; this was a single family home project (5.7 units per acre) and Garbett Homes' project had consisted of townhomes at a density of 14.25 units per acre. There were also some changes to the way open space was being calculated by the developer, but Kohler had indicated that the ordinance did not appear to prohibit this. There were changes to the plan as far as pocket parks. Anthony Kohler indicated there should be discussion on parks; he related the Developer was not keen to establish an HOA and there was a question as to whether the City was going to be able to maintain a number of small pocket parks. The Developer was instead proposing a storm drain pond on the south of the project and a trail through the storm drain area as common open space. The Developer was also planning to phase the subdivision in two phases. Key concerns were the number of lots fronting and driveways emptying onto 600 West (Industrial Parkway).

The Commission discussed these issues at length. To address the concern of number of lots fronting and driveway access onto 600 West; they suggested that the density mirror what was on the west side of 600 West, the Alpine Meadows and Alpine Meadows 2 Subdivisions, and that density be greater closer to the Commercial portion of the Mixed Use Residential Commercial Zone (the east side). The Commission wanted the number of lots decreased from four to three on each side of the street perpendicular to 600 West (approximately 1200 South). Commissioner Glissmeyer had wanted to see the interior road at approximately 500 East continue through to 1300 South and Commissioner Zane had expressed concern over 20 foot setbacks on corners; the building envelope size and the houses lining up had been his main apprehensions. They also requested that the Developer show the setbacks on each lot on the plat. Pat Moffatt of the Boyer Company, the Developer, pointed out they were proposing half the density that Garbett Homes had had. He expressed that pulling lots off concerned him. As the product was being changed from townhomes to single family homes, the Commission indicated they no longer felt a long berm and landscaping along 600 West was necessary. Traffic, density, subdivision and road design, phasing, parks, sewer, and the bypass road were all discussed at length.

Alan Newman, who lives across the street on Industrial Parkway, was present and he indicated as a resident he was really grateful to see the Boyer Company was proposing a home development. He expressed that he thought they were headed down the right path. He was excited to see the density decrease, liked Commissioner Vance's recommendations for the

mirror image of the homes in Alpine Meadows across the street, and appreciated Chairman Rawlings' comments on the time periods of increased traffic on Industrial Parkway when parents are dropping off and picking up their children at school. He thanked both the Boyer Company for considering a single family home development and the Commissioners for proposing this.

Final discussion and a decision was made for the petitioner to come back to Planning Commission with revised plans showing the changes to the plans as discussed.

Item 4 **Red Ledges requests Subdivision Final Approval for Red Ledges Subdivision Phase 2D, located in the Red Ledges Development in the vicinity of Red Ledges Blvd. The main entrance to the Red Ledges Development is at 1851 East Center Street (Lake Creek Drive)**

Anthony Kohler's staff report noted that Red Ledges was proposing Phase 2D with nine single family lots. There is a 20 foot setback requirement from the front right of way, and a 16 foot building to building setback (6 feet on one side, 10 feet on the other). The report noted that Lots 2-4 and 7 needed to be pushed back a couple of feet from the right-of-way, and that most of the lots needed to be nudged slightly for the 16 foot side setback. Kohler's report indicated there should be sufficient room to accommodate these movements as the lots are surrounded by open space. Kohler indicated he did not have any information to add other than what was in the report.

Todd Cates reviewed information on this phase which is located near where the temporary clubhouse sits. He showed the location on the map. Anthony Kohler told the Commission that these lots are actually building pads which are surrounded entirely by common area. The hatched area on the plat was discussed. This area is owned by the HOA but the property owners will own an easement to put in the driveway to their pad. Cates informed the Commission on maintenance the HOA would perform, such as clearing the snow on the driveways and the walkways and taking care of the landscaping around each of the homes. This would be turnkey and easy for the owners of these cottages. The locations of the pads had been positioned so that some of the homes would not be looking into a rock wall.

Commissioner Webb motioned that we recommend Subdivision Final Approval for Red Ledges Phase 2 located in Red Ledges Development in the vicinity of Red Ledges Boulevard and that it be conditional upon Lots 2 and 4, this is under recommendations, Karen, and 7 being pushed back to meet 20 foot setbacks required and each of the lots being modified to meet the 16 foot building to building setbacks and the addresses be assigned to each lot on the final plat and that it meet all of the codes and staff and engineering requirements. Commissioner Webb asked Todd Cates if he was okay with those recommendations. Cates replied that they had actually met all of those already. Commissioner Vance seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Vance, Webb, and Richards. Voting Nay: none. The motion passed.

Comments were made on the shared driveway idea. City Engineer, Bart Mumford expressed concern by indicating that he thought this might open up road standards to whatever anyone

proposes. Discussion on the shared driveways and road standards ensued. There was a comment that if the road standards are different you would probably want the fire department to give a letter with their comments. Commissioner Richards asked if because it was a gated, private community if that did not set a precedence. He indicated that in the past when he had worked on similar type situations that was kind of the barrier that they had to cross. It if wasn't a gated area or private that they really had to meet a certain standard. He expressed that the biggest concern he had was life/safety. Bart Mumford indicated they already did this to get their first standard; they are doing something the City wouldn't normally allow because they are private roads to get the first standard and now they want to do something less than that. He indicated he wasn't disagreeing with Richards, he did not know where to draw the line. The other thing was utilities which the City requires be in a right-of-way fronting the road; Jordanelle provides these utilities, so this is not an issue for the City as long as Jordanelle allows this. Bart Mumford answered one of Commissioner Richards' questions, "That his proposal would be what all the other roads were when they (Red Ledges) came in to get this (the project) approved; which is less than what the City normally allows in the City. What if they decide now the next time they want a longer road the next time somewhere that in fact just do a whole section in the smaller just paved golfcart; I don't know what distinguishes this and where you stop, and so that is what you've got to think about."

Todd Cates expressed that he thought Bart Mumford raised a good point and commented that the reason you wouldn't do it anywhere else is because you have regular through traffic on it. Here you don't have regular through traffic. Discussion on setting a certain density of units sharing driveways (a maximum of four). Other Commissioners weighed in regarding this discussion.

Item 5 **Consideration of proposed 4.014 acre Gardner Annexation at 2530 South Southfield Road for airport land owned by Heber City**

Questions from the Commission on who owned adjoining properties and there was discussion on the runway buffer. Commissioner Hansen asked if there were any plans showing any other use other than the buffer. Anthony Kohler showed the airport layout plan; the plans showed this area as vacant. Kohler indicated the City does not intend to develop this. Commissioner Zane moved that we recommend approval for the annexation of the (property), the property should be zoned I-1 Industrial, consistent with the General Plan. Commissioner Webb seconded the motion.

Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Vance, Webb, and Richards.

Voting Nay: none. The motion passed.

Commissioner Webb motioned to adjourn the meeting. Commissioner Glissmeyer seconded the motion. The meeting adjourned at 10:16 p.m.