

# **WORK MEETING**

**AGENDA  
AND  
STAFF MEMO**

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, Utah**  
**City Council Meeting**

**November 7, 2013**

**Work Meeting 4:30 p.m.**

**DISCUSSION ITEMS**

PowerPoint Presentation in Preparation for the Public Hearing Regarding  
Community Impact Board (CIB) Application

Ryan Starks, Discuss Development of Airport Industrial Property

**(Tab A)** Discuss Haack Subdivision, a Small Subdivision, Located at approximately 850  
East Center Street

**OTHER ITEMS AS NECESSARY**

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 Michelle Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on October 31, 2013, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on October 31, 2013.

# Memo

To: Mayor and City Council  
From: Mark K. Anderson  
Date: 10/31/2013  
Re: City Council Agenda Items

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## WORK MEETING

**PowerPoint Presentation in Preparation for the Public Hearing Regarding Community Impact Board (CIB) Loan Application:** Because of the significance of this project and how it will be presented to the citizens, the work meeting will begin at 4:30 p.m. – The goal is to have a presentation that will be made at a public hearing regarding the need to seek funding from the Community Impact Board to construct a public safety building that has unanimous support from the Council. Chief Booth and I have been working on a PowerPoint presentation that will be presented to the City Council. The presentation will cover the following elements:

- History of the Project
- Condition of the Central School
- Need for a New Facility
- Is Remodeling the Existing Facility an Option
- Estimated Budget for the Project
- Financing Options
- Options Considered to Reduce Borrowing and Property Tax Increase
- Impacts of a Property Tax Increase
- Recommendations

Staff will be looking for suggested changes to the presentation to make sure the presentation is consistent with the Council's position on the need to build a new public safety building and the best options to consider to fund the cost of construction.

**Ryan Starks, Discuss Development of Airport Industrial Property:** At the last City Council meeting, Mayor Phillips asked that a report be made on what staff has been doing to explore development options for the 38.5 acres of City owned industrial property by the airport. Ryan Starks and I have met, and Ryan agreed to put together a PowerPoint that will discuss the following:

- What are our goals?
- What options are available?
- What research has been done?
- What options should we pursue?

**Discuss Haack Subdivision, a Small Subdivision, Located at approximately 850 East Center Street (Tab A):** Mr. Haack has been before the Planning Commission to legitimize the subdivision of property that he has purchased at approximately 850 East Center. Because of the unique circumstances surrounding this subdivision, staff felt it was best to discuss this issue in a work meeting before it was placed before the Council for approval in a regular meeting.

Enclosed is a staff report prepared by Tony Kohler with the associated plat map. Under the circumstances, I believe approval of the proposed subdivision is the best solution to allow the property to be legitimized and developable. I would note, that I personally believe that there ought to be a minimum frontage for a lot when Section 18.12.200 is used. (For example, the lot split could not result in a lot with less frontage than 80% of the zone standards) Otherwise, you could end up with parcels that resemble flag lots or do not look harmonious with their surroundings.

Staff is of the opinion that the Council could justify approval or denial of this request based on the circumstances associated with this property.

# **DISCUSSION/ ACTION ITEMS**

# TAB A

**Re: Haack Small Subdivision**

Mr. Haack is proposing a one lot subdivision at approximately 850 East Center. This and adjoining properties were annexed into the city about 8 years ago with the Mill Road Estates property to the south. This property was purchased by Nelsen Carter, who successfully rezoned the property to the R-2 Zone and subsequently received approval for a 4 lot single family subdivision. The current parcel being considered for a one-lot subdivision approval consists of Lots 2, 3, 4, and the road of the original Center Pointe Subdivision proposed by Mr. Carter. Mr. Haack is proposing to build one home on his property rather than 3 new building lots as originally proposed.

Sometime between 2009 and 2012, the home which fronts upon Center Street and the remainder of the property (this parcel) were separated without subdivision approval by the city. Today both parcels are considered to be an illegal subdivision of property. Mr. Haack is approaching the city with a proposal to make his portion of the illegal split "legal" by getting the required subdivision approval from the city. The existing home is on a separate parcel owned by others and will still be considered an illegal lot. That property owner has been notified by the city about this issue. A notice has been recorded on that property about the illegal split and the need for subdivision approval.

The proposed parcel is 63.33 feet wide and 1.06 acres in size. The R-2 Zone requires 80 feet of street frontage width for each lot and 8,000 square feet of area for each lot. To promote the infill of homes on larger lots, the city adopted an infill provision in 1998 in Section 18.12.200 that permits a lot to be split into 2 lots if the original lot is at least 1.8 times the area and 1.8 times the width required for a lot. This would require at least 144 feet of frontage and 14,400 square feet of area for the original lot. The original lot had 169 feet of frontage and about 1.3 acres, exceeding the requirements of the infill ordinance. The ordinance permits the city to place conditions upon the subdivision to maintain the characteristics and values of the area. One suggestion may be to require larger setbacks than required by the R-2 Zone (30 feet front, 6 feet and 8 feet side, and 25 feet rear setback minimums).

A fire hydrant exists across Center Street, placing the lot within the required 250 feet spacing. In similar subdivisions where curb and sidewalk are not adjoining a subdivision, the city has required deed restrictions requiring sidewalk, curb, gutter, and asphalt to be installed at a future date when such improvements are built nearby. The nearest sewer line is available in 750 East about 400 feet away. The property owner could therefore elect to utilize a septic tank, but would have to hook up onto sewer when sewer is brought within 300 feet of the property, which will occur when Broadhead Estates 2 is constructed to the south and west of this property. Water and secondary irrigation exists within Center Street in front of the property.

**Recommendation**

The proposed one-lot split is consistent with Heber City Code, Section 18.12.200 Small Lot Splits, Chapter 18.56 R-2 Residential Zone, and Title 17 Subdivisions, conditional upon the following:

1. A deed restriction be placed on the property requiring the property owner to pay for installation of curb, gutter, sidewalk, and asphalt improvements along the lot's street frontage at request of the city.
2. The future home be situated so the front door faces Center Street and be setback at least 30 feet from the property line to the north.
3. The driveway to the future home be constructed to meet the requirements of the fire code.
4. Any home constructed on the property be required to connect to sewer when a sewer line is constructed with 300 feet of the property.

On August 8, 2013, 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.

**Section 18.12.200 Small Lot Splits**

A. Where a parcel of land at the time of adoption of the ordinance codified in this Title is at least one and eight-tenths times as wide and one and eight-tenths times as large in area as required for a lot in the zone, the planning commission may permit the division of a parcel into two lots provided:

1. Such division will not cause undue concentration of buildings;
2. The characteristics of the zone in which the lot is located will be maintained;
3. In the opinion of the planning commission, values in the area will be safeguarded;
4. To meet and preserve the requirements of 1, 2, 3, the Planning Commission may impose

certain restrictions. Those restrictions will constitute a covenant running with the land and shall be approved in writing by the owner and recorded against the property in the Wasatch County Recorder's Office.

B. Neighborhood Infill lots shall not be eligible for consideration pursuant to this Section. All Neighborhood Infill lots shall meet the minimum requirements of Section 18.83.040.

**Vicinity Map and Original Subdivision Concept**



