

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Planning Commission Meeting**

August 13, 2024

6:00 p.m. – Regular Meeting

-Time and Order of Items are approximate and may be changed as Time Permits-

Public notice is hereby given that the monthly meeting of the Heber City Planning Commission will be in the Heber City Office Building, 75 North Main, South door, in the Council Chambers upstairs.

1. Regular Meeting:

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance: By Invitation
- IV. Prayer or Thought: By Invitation
- V. Recuse for Conflict of Interest

2. Consent Agenda:

- I. Planning Commission approval of minutes: 06.25.2024, 07.09.2024 and 07.23.2024

3. Action Items:

4. Work Meeting:

- I. Central Heber Overlay Zone (Tony Kohler)
- II. Planning Commission Training - https://www.youtube.com/watch?v=K_8etqfOAd0

5. Administrative Items:

- I. City Council Communication Item

6. Adjournment:

Ordinance 2006-05 allows Commission 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 Meshelle Kijanen at the Heber City Offices at 435.657.7898 at least eight hours prior to the meeting.

Posted on 08.08.2024, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Planning Commission Meeting
June 25, 2024
DRAFT MINUTES
6:00 p.m. – Regular Meeting

1. Regular Meeting:

- I. Call to Order: Chairman Gunn called the Planning Commission Meeting to order at 6:00 PM and welcomed everyone.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Commissioner Josh Knight
Commissioner Tori Broughton
Commissioner Robert Wilson
Alt. Commissioner Greg Royall

Planning Commission Absent:

Commissioner Phil Jordan
Commissioner Darek Slagowski
Commissioner Dave Richards
Commissioner Oscar Covarrubias

Staff Present:

Planner Jamie Baron
Planning Office Admin Meshelle Kijanen
Planner Deena Woodbury
City Engineer Ross Hansen

Staff Participating Remotely:

N/A

Also Present:

N/A

Also Attending Remotely:

N/A

III. Pledge of Allegiance: By Invitation

Commissioner Broughton led the audience in the Pledge of Allegiance.

IV. Prayer or Thought: By Invitation

N/A

V. Recuse for Conflict of Interest

N/A

2. Consent Agenda:

N/A

3. Action Items:

- I. Public Hearing to consider proposed amendment to the Annexation Policy Plan (Jamie Baron for Tony Kohler)

Planner Baron spoke on Planner Kohler's behalf and explained this item. He explained this was a public hearing for the proposed amendment to their current Annexation Policy Plan. He noted that their current plan included a State requirement which stipulated that any area being petitioned for annexation had to already be located in a declared annexation boundary. He elaborated the Staff wanted to amend the process that applicants had to go through in order to get their parcels added to the declared annexation boundary. He stated part of the process was to hold a public hearing, which is what they were doing that evening, and added there were several applicants who currently wanted to be annexed into the City.

Planner Baron shared visuals of Heber's currency Annexation Policy Plan and highlighted certain sections that were not part of the City, but were part of the declared annexation boundary. He then pointed out where the two parcels in question were located, and noted that a portion of one of the properties was actually already within City limits. He announced there were two parcels and indicated their location on the map. He noted that a portion of one of the properties, the Wellberg, was actually already in the City limit.

Planner Baron clarified that the remainder was not within City limits. Planner Baron added that a parcel being in the annexation boundary did not automatically mean that the property was part of the City; it gave the owner the right to petition the City for annexation. He explained what both of the applicants wished to do with their land and explained one of the applicants, Mr. Kreuger, requested to come into the City with access through Red Ledges' existing road. Planner Baron said Mr. Kreuger planned to have one 50-acre lot and one 220-acre lot, and then dedicate another 30 acres for the Red Ledges trail. Planner Baron noted there were some topography and grade issues with the existing Red Ledges trail, and said the dedication of those 30 acres would help alleviate those issues. Planner Baron then overviewed the Baum property, and said it currently did not have a plan.

Planner Baron explained the amendments process and reported they had held a work meeting on April ninth to address any concerns that Wasatch County and Twin Creeks Special Services District had. He recommended that the Planning Commission just hold the public hearing but not make any actions or recommendations that evening, since State Code required them to take public comment for an additional ten days after the hearing. He suggested that the Commission bring it back on July ninth meeting. He lastly noted that they had already received some comments via email from members of the public.

Chairman Gunn noted there was an additional property owner who wanted to petition the City to be annexed. He asked if they could address all the property owners at once, rather than as separate items. Planner Baron said the Planning Commission could consider doing that in their motion.

Paul Kreuger introduced himself as one of the petitioners and noted he had recently purchased the Wellberg property. He expressed how excited he was about the property and said it was a beautiful piece of land that he wanted to homestead on. He expressed he was looking forward to having one more lot included on it. He also addressed the Red Ledges easement and said he was in favor of dedicating 30 acres to them in perpetuity for public use.

Mr. Baum, the other petitioner, spoke next and explained his family had lived in the area since 1848. He explained how his family's property had been impacted in the past by freeway expansion. He said that the development of the freeway had shifted the boundary lines of the City, resulting in a portion of his property being outside of the City limit. He stated this annexation would bring all of his property inside Heber City. Mr. Baum also explained where the sewer and water hookups were located on his parcels and commented that he was part of the Special Services District.

Chairman Gunn asked the Planning Commission if they had any questions for the petitioners. They did not, so Chairman Gunn moved to open a public hearing and asked Planning Admin Kijanen to read the directions for public comment. Planning Admin Kijanen reminded the public of the rules for public comments. She also noted there had been a comment submitted via email prior to the meeting, and Chairman Gunn asked if she would read it aloud at the end of the public comment section.

Brian Balls of Atwell spoke first on behalf of some of his clients who stood to be impacted by the annexation declaration line. He provided a history of the annexation declaration line and noted how the boundary had shifted over time. He said that prior to 2018, the boundary used to be between Center Street and 12 South, extending all the way to 24 East. He said that many of the property owners who were inside of the historic boundary area had approached him already with interest about having that boundary line restored. Mr. Balls explained those clients had requested him to bring their names to the City's attention, and he indicated many of those property owners would be coming to the City soon to petition that the pre-2018 boundary line be restored. He then addressed an agreement from 1997 between Heber City and Twin Creeks which had created a metering device that would follow future annexations, and he noted that this agreement seemed to imply an understanding that Heber City would at some point in the future extend to 24 Highway.

Chairman Gunn asked Mr. Balls if he was aware of the history of the gentleman's agreement about Mill Road and Mr. Balls replied he had heard mention of that agreement while working on the Witt-Heiner annexation, though he had never seen an official written document that discussed this. Mr. Balls said the only written document which anticipated annexation out to 24 Highway that he had actually seen was the Heber City-Twin Creeks flow agreement. Mr. Balls recalled during the annexation, Mr. Witt had asked the County to produce that agreement, although they had not procured the document for him. Planner Baron noted that this agreement had also been discussed in 2018 when the boundary had been changed. Chairman Gunn said they would need to discuss this issue further with the County and expressed they needed to find out the County's perspective on the matter. Planner Baron said he would facilitate that conversation.

An unidentified speaker asked if there was a deadline to be considered for annexation. Chairman Gunn said they needed to get more information about the handshake agreement between Heber City and the County.

George Holmes stated he had property adjoining Heber City and expressed he wanted to be considered for annexation to Heber City. Mr. Holmes reported his property was west of Muirfield Park and two or three of the parcels were already in the City boundary.

Mr. Holmes also submitted a written comment to the Commission. It was not read aloud during the meeting, and read as follows:

"Dear Heber City Planning Dept.,

I am aware that Heber City is looking at changing the City Expansion Boundary Map, and so I am asking the city to include our family parcels within the potential city boundary map.

My brother Glenn Holmes and I own four parcels in the North Fields area on 600 West, directly west across the street from the city's Muirfield Park. The parcel's ownership is GH Squared Properties, LLC. Our family has owned these properties for over 50 years.

The parcel numbers are 08-0080, 08-0098, 08-0106 and 08-0148. These are all historic Lot of Record parcels in the county, with a residential building right each.

Parcels 08-0148 and 08-0106 previously had their southern portions already annexed into Heber City, and got split into separate tax parcels. But the Lot of Record status still remains with the original full parcels. We would like this problem resolved some day (part of the parcel is in the county and part is in the city.)

My family respectfully requests the city to include our parcels on the new map so that we have the opportunity of requesting annexation at some day in the future. We understand that the city will not consider annexations in this area until the Bypass route is determined by UDOT, but we also have heard that the city is likely willing to annex the lands east of the Bypass someday. We have no plans to build anything right now, but we would like to be able to annex and connect to city sewer and water utilities when we do decide to build on these Lot of Record parcels in the future.

Thank you for your help with this..

George Holmes."

Planning Admin Kijanen then read aloud the email comment from Don K. Taylor, which read as follows:

"The lower sections of the Red Ledges backcountry trail has grades that do not meet County or City codes and that could be alleviated by moving the trail onto the Wellberg parcel. This could also allow for separated use equestrian and hiking/biking trails thus reducing user conflicts, and liability and **trail** maintenance issues."

Chairman Gunn closed the floor for public comments and invited the Commissioners to speak.

Commissioner Knight recalled the Planning Commission had previously held a work meeting with Baum and Wellberg in April. Commissioner Wilson expressed approval of the Wellberg property being used for homesteading, noting the natural beauty of the surrounding area.

Chairman Gunn clarified the Planning Commission was not going to make any recommendation that evening, and directed Planner Baron to follow up with the County about the gentleman's agreement about annexing east of Mill Road.

II. MTech Annexation located at approximately 1000 West 100 South (Planner Denna Woodbury/Engineer Ross Hansen)

Planner Woodbury explained MTech was currently going through the annexation process. She reported Staff had reviewed their proposal and announced that they would still need an MDA. She stated the property comprised of 10.2 acres and would serve 1,100 students. She relayed that the plan met parking and landscaping requirements, and she shared details about their architecture plan. Planner Woodbury noted that Envision Heber included plans for a trail on the property, so in the future the Staff would work with MTech to develop the trail in accordance with Envision Heber. She reported that Staff recommended approval of the annexation, subject to findings and conditions. She noted that the plan must be in line with the City Code, General Plan, City Engineer, and recommendations from the Planning Commission. She also said MTech must work with City Staff on location and development of the trail and also provide their lighting plan prior to approval of the MDA.

Commissioner Royall asked about parking, and for clarification of number of parking stalls. Planner Woodbury replied that since it was adjacent to the high school, MTech anticipated that many of the students would come from the high school. She explained there would be 200 parking stalls and said this figure was based on anticipated staff and faculty.

Engineer Hansen said MTech had satisfied everything that Engineering had asked for, including the submission of a Traffic Impact Study. He reported that he had sent the traffic study to UDOT as he was slightly concerned about the findings, and said he was waiting to hear back from UDOT to see if they shared in his concerns. Engineer Hansen elaborated that part of his concern was about the traffic on 113, and he also pointed out that they had conducted the study on a day when there was unusually low traffic.

Commissioner Royall pointed out that the current high school already did not have enough parking and felt they were compounding the issue. He emphasized that he did not want to have people parking on the side of 113.

The petitioner, Kirt Michaelis, introduced himself as the Vice-President of Administrative Services at Mountainland Technical College. He first noted they had increased their parking from 200 to 280 stalls. He also clarified that the estimate of 1,100 students referred to the amount of students that would be served throughout the day, not at any one time. He did note that they wanted to avoid issues with their campus being used as parking for nearby parks, and agreed that he did not want to see 113 used as a parking lot.

Mr. Michaelis explained they would no longer offer classes at the high school; they would move all classes to the new campus. He discussed they had a broad spectrum of classes that catered to both high school students and adults. He said they had campuses in Orem, Provo, Spanish Fork, and other locations throughout Utah, and served about 6,200 students overall.

Chairman Gunn opined MTech was a great program and thought it was nice that this campus would be adjacent to the high school.

Commissioner Broughton stated that she shared Commissioner Royall's concerns about parking, and also expressed concerns about traffic pressure. Commissioner Knight asked if there were plans for a roundabout and Mr. Michaelis said there were no plans for a roundabout. Mr. Michaelis said there were plans to widen the road to help with traffic, though he did not

know how many lanes there would be in all. Commissioner Knight said that he shared traffic and parking concerns with his fellow Commissioners, noting that he had to drive on that road frequently for work and it was often congested. Commissioner Knight also asked about peak times for traffic, and Mr. Michaelis said they were generally busiest in the morning around 7:30 AM, which was when their classes began.

Commissioner Royall acknowledged that MTech was a valuable service in the community and asked if they had considered a two-story parking garage. Mr. Michaelis said they had not considered a structure for parking, but were exploring ways to consolidate the building which would allow for parking lot expansion in the future. Mr. Michaelis reiterated there would not be 1,100 people in the building at one time, and estimated there would be about 3-400 people in the building at the most.

Commissioner Broughton asked if they had a mechanism to bring high school students over to the campus and Mr. Michaelis said there was not, though expressed he was willing to look into a bus system for the students. Chairman Gunn though that was a great idea to help alleviate the parking issue.

Commissioner Broughton moved to approve the MTech Annexation as presented, with findings and conditions as presented in the conclusion. Commissioner Royall seconded the motion.

Discussion: N/A

Voting Yes: Commissioner Royall, Commissioner Knight, Commissioner Broughton, Commissioner Wilson.

Voting No: N/A. The motion passed 4-0.

III. OK3 Air Hangar Site Plan located at 1980 Airport Rd. (Planner Denna Woodbury/ Engineer Ross Hansen)

Planner Woodbury explained this item as well. She stated this was a site plan approval request for the OK3 Air Hangar, located at 1980 Airport Road. She reported the applicant wanted to develop one hangar on 2.25 acres, with a hangar door height of 25 feet. She stated the hangar color and materials would be consistent with other hangars on the airport property, and she also shared that the applicant had submitted a letter from the FAA which had found the hangar had no adverse effect on the airport. Planner Woodbury summarized that the Staff recommended approval subject to findings and conditions.

Engineer Hansen stated that the applicant had been very responsive to Engineering requests and reported he had no comments or requirements for them.

Alan Robertson, CFO of OK3 Air, identified himself as the applicant and expressed he had no comments, but offered to answer any questions. He noted that the hangar would be located to the south of their main hangar, on a currently vacant lot.

Commissioner Knight motioned to approve OK3 Air Hangar site plan with the three findings and three conditions presented in the conclusion of the Staff Report. Commissioner Broughton seconded the motion.

Discussion: N/A

Voting Yes: Commissioner Royall, Commissioner Knight, Commissioner Broughton, Commissioner Willson

Voting No: N/A. The motion passed 4-0.

4. Work Meeting:

N/A

5. Administrative Items:

I. City Council Communication Item

Planner Baron shared information about the City Council meeting that had taken place on June 18th. He reported there had been a two-hour work meeting in which they had discussed affordable housing, which had included a presentation from Steve Waldrup, who worked with the State legislature. Planner Baron touched on some highlights from Mr. Waldrup's presentation and noted the transcript was available online if the Commissioners were interested. He said the Council had then talked with Mountainlands Community Housing Trust, who managed the affordable housing applications. He reported that some of the Council had also met with representatives from Habitat for Humanity to discuss how they can collaborate on affordable housing standards and requirements.

Planner Baron said the Council had also voted on a final budget adjustment and held a public hearing on the consolidated fee schedule. He announced there had been a presentation from State Trust Lands and noted the Commission would be hearing more about that in the future. He then shared there had been a discussion about where fireworks could legally be set off within the City. Lastly, he noted there had been a closed-door meeting in which no actions had been taken.

Planning Admin Kijanen announced there was an upcoming conference that would be held in Provo on October 10th and 11th, and asked the Commissioners to let her know if they wanted to attend as their cost of registration could be covered.

6. Adjournment:

Commissioner Knight motioned to adjourn at 7:07 PM. Commissioner Royall seconded and the meeting was adjourned.

Meshelle Kijanen, Administrative Assistant

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting *Amended
July 9, 2024

DRAFT Minutes

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Pro-Temp Chairman Phil Jordan called the Planning Commission Meeting to order 6:05 pm p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Pro-Temp Chairman Phil Jordan
Commissioner Josh Knight
Commissioner Tori Broughton
Commissioner Robert Wilson
Commissioner Greg Royall
Commissioner Jami Hewlett-Smith (remote)

Planning Commission Absent:

Chairman Dennis Gunn Vice
Chairman Dave Richards
Commissioner Darek Slagowski

Staff Present:

Community Development Director Tony Kohler
Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
City Engineer Ross Hansen

Staff Participating Remotely:

Consultant Aubrey Larsen
IT Specialist Anthon Beales

Also Present:

Mesia Swan, Lynn Balm, Richard Breitenbeker, Thomas Brennen, Jeremy Smith, Paul Korger, Mike Johnston

Also Attending Remotely:

Grace Doerfler

III. Pledge of Allegiance: By Invitation

Commissioner Broughton led the recitation of the Pledge of Allegiance.

IV. Prayer or Thought: By Invitation: N/A

V. Recuse for Conflict of Interest: N/A

2. Consent Agenda:

I. 06.11.2024 Draft Minutes for PC Approval

Motion: Commissioner Knight moved to approve the items on the Consent Agenda. Commissioner Broughton made the second.

Discussion: N/A

Voting Yes: Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall.

Voting No: None. The Motion Passed 5-0.

3. Action Items:

I. Public Hearing to discuss potential updates to the Sign Code regarding the Amount of Required Landscaping around Free-Standing Monument Signs (Planner Jacob Roberts)

Planner Roberts explained this item and said there was a proposal for a landscaping monument sign to be located on the intersection of Fifth and Main Street. He explained that generally, monument signs required a minimum of three feet of landscaping on either side of the sign, unless they were located on a major thoroughfare in which case the requirement increased to six feet. Planner Roberts said that would be a challenge on Main Street, and said they could probably meet the three-foot requirement.

Planner Roberts said the request was to remove the language about a six-foot circumference of landscaping on a “major thoroughfare,” and indicated that the sign would still comply with the three-foot landscape requirement.

Commissioner Knight asked for a definition of “major thoroughfare” and Planner Roberts said it was not defined in the Code. Commissioner Knight thought three feet was still plenty of space around the sign and clarified that they were not making any changes to the size or height of the sign itself. Commissioner Knight thought this would be fine as long as it was still landscaped appropriately.

Pro-Tem Chairman Jordan pointed out monument signs could be located near corners and asked if there was a safety sight triangle. Planner Roberts said there was a sight triangle and noted that the proposed sign adhered to all Code requirements for monument signs, other than the six-foot landscape component.

Pro-Tem Chairman Jordan opened the floor for public comments. Planning Admin Kijanen read aloud the rules for submitting a public comment. There were no

comments, so Pro-Tem Chairman Jordan closed the floor.

Commissioner Hewlett-Smith asked for clarification as to if they were making an exception for this particular sign, or if there were making a general Code change that would apply for future signs. Planner Baron said this would apply to all monument signs and Commissioner Hewlett-Smith asked if they could keep it specific to just this development and vote on future developments in the future. She opined there were some cases in which a six-foot circumference of landscaping made sense. Planner Baron opined it was best practice to have a consistent requirement throughout all zones, so for that reason he did not recommend doing an MDA for just this scenario. Planner Baron summarized it would be best to consider this as a holistic, city-wide issue rather than consider cases by development. Planner Baron also noted if Commissioner Hewlett-Smith knew of any specific cases in which she thought it made more sense to require a six-foot landscape clause, she could bring it up to the Commission and Staff for discussion.

Commissioner Broughton noted that although “main thoroughfare” was a somewhat ambiguous label, it seemed likely that this requirement would be an issue in the future since most major roads did not have space to accommodate six feet of landscaping. Commissioner Knight agreed and thought it would be better to make a change now, to avoid future applicants having to come before the Commission with the same issue. Commissioner Knight also expressed that he liked how all of the businesses would be billed on the monument sign so that the beauty and integrity of the actual building would be preserved. Commissioner Knight said if there was to be a monument sign on a main road, he would rather have less landscaping around the sign if it meant there was more space for parking.

Planner Roberts said this was a simple Code amendment that did not include a significant amount of change or public comment, so he would recommend that the Commission take action on this item this evening so it could be brought before the Council for final approval. He and Planner Baron asked the Council to make a recommendation.

Commissioner Knight moved to approve the item as presented with the findings and conditions as presented in the conclusion above, and approve a positive recommendation to the City Council about the amount of required landscaping around free-standing monument Signs. Commissioner Broughton made the second.

Discussion: N/A

Voting Yes: Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall.

Voting No: None. The Motion Passed 5-0.

II. Request for a Site Plan and CUP approval for Wasatch County Courts

Expansion (Planner Aubrey Larsen)

Planner Larsen explained this item. She stated it was an application for a site plan and conditional use permit for the Wasatch County Courts. She said this would be an expansion to the existing courts at the Wasatch County Justice Center. She reported the site was located at 1364 US 40 and the current zone was C-2, although she added that the applicant had put in a request for a zone change for the IPF zone and the application generally met the requirements for both the IPF and C-2 zone. She said the total acreage was 16.22 acres and shared aerial imagery showing the footprint of the existing building.

Planner Larsen then overviewed the background of the request and said the site plan had been reviewed at the April 17th DRM. At that time, Staff had requested several clarifications and corrections for the applicant, including verification that irrigation controls met the standard and that the building followed C-2 design guidelines. Additionally, Engineering had requested a final drainage report, traffic impact study, and geotechnical report. She said that due to the size of the building, it required a conditional use permit. Finally, she reported that Engineering had provided a letter with the steps required to move forward with construction. Planner Larsen also showed images with the landscaping plan, photometric site plan, building elevations, and renderings of the expansion. She reported that Staff recommended approval, subject to findings and conditions as outlined in the Staff report.

Pro-Tem Chairman Jordan asked the applicant if they wished to speak.

Richard Brittenbeaker identified himself as the applicant and introduced Richard [last name unclear; 26:50] as the architect. Mr. Brittenbeaker made a comment about the zone change request, although his comment was not discernable in the audio. [27:07]

Commissioner Knight expressed that he liked the parking plan, and noted there was a need for more parking at that site. He commented that when he had visited the court in the past, parking had been a real issue so he was glad to see this plan included more parking stalls.

Commissioner Royall asked if the expansion of the parking would cut into the storage for Search and Rescue. Mr. Brittenbeaker explained they had cut into some grass that was located in front of the emergency operations building in order to maintain a wide driveway. Mr. Brittenbeaker acknowledged it was a challenge and noted they had been working with the Sheriff on the matter. Commissioner Royall asked if they were cutting into the exercise yard as well and Mr. Brittenbeaker said that they were, though noted it impacted a portion of the yard that was currently unused.

Pro-Tem Chairman Jordan asked about the lighting plan and Mr. Brittenbeaker explained the expansion did not make any changes to any existing lighting fixtures on the property, and said any lighting that was being added was cut-off down-lights which were compliant with the Code.

Motion: Commissioner Royall moved to approve the request for a Site Plan and CUP approval for Wasatch County Courts Expansion, with the findings and conditions as presented in the conclusion in the Staff Report. Commissioner Knight made the

second.

Discussion: N/A

Voting Yes: Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall.

Voting No: None. The Motion Passed 5-0.

III. *Amendment to the Annexation Policy Plan (Planner Tony Kohler)

Community Development Director Kohler explained this item. He recalled that the last Planning Commission meeting had included a public hearing in which there had been discussion about an alleged gentleman's agreement that had taken place between the County and Heber City. Community Development Director Kohler acknowledged he had not attended that meeting, although he could offer some background on the gentleman's agreement. He said the City had been approached by Sorenson Properties in 2018 with the proposal for the Jordanelle Ridge development. Community Development Director Kohler recalled it had been an enormous amount of work to get that development incorporated into the City, and the discussion of the gentleman's agreement had been brought up at that time. Despite looking for the agreement, Community Development Director Kohler reported that no written document had been found. He said it seemed there were some politicians who did not want any development east of Mill Road, and they had leaned on the gentleman's agreement.

Community Development Director Kohler said that the County and the City had implemented an MOU which memorialized the City's understanding that they would not annex any land east of Mill Road. He said Red Ledges, which was east of Mill Road, was already in the City at the time that the MOU had been signed. Community Development Director Kohler reported that he had emailed Doug Smith of the County about this issue, and he said that Mr. Smith had replied to him expressing that he did not foresee any issues with the Wellberg and Baum properties coming into Heber City. Community Development Director Kohler summarized that there was no gentleman's agreement, although there was an MOU, and the County did not feel that the MOU was being violated by the proposed annexations. Community Development Director Kohler also reminded the Planning Commission that the City Council was the final approving body for annexations. Community Development Director Kohler added that they did not anticipate any issues with the Special Services District either.

Community Development Director Kohler also discussed the Baum property. He explained that the City thought that they had added all of the Baum family's historic property into the City, but had missed a couple acres. He overviewed the process for annexation that the Baums had gone through and noted that they had observed the required ten days for comments after holding their public hearing at their previous meeting. Community Development Director Kohler reported they had not received any comments about the property, so they would now continue to move forward with the

Commissioner Knight clarified that their approval tonight only impacted the Wellberg and Baum properties that were currently being proposed for annexation and Community Development Director Kohler confirmed that was correct. Community Development Director Kohler shared a map indicating the location and size of both the Baum and Wellberg properties. Pro-Tem Chairman Jordan confirmed that Community Development Director Kohler did not anticipate any issues about this coming from the County and Community Development Director Kohler replied he did not. Community Development Director Kohler elaborated that the County has had ample opportunity to make comments about these annexations.

Commissioner Hewlett-Smith indicated online that she wished to comment. However, there was a challenge in connecting the audio, and her comment was unintelligible.

[The motion for this item was not recorded.]

I. Planning Commission Training -
https://www.youtube.com/watch?v=K_8etqfOAd0

Motion: Commissioner Knight motioned to return to the training once the technology issues had been resolved. The motion was seconded.

Voting Yes: Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall.

5. Administrative Items:

Planner Baron reported on the City Council meeting, which he said had been cancelled

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other than one item, which was approval for a bid for a contractor do install city-wide utilities. He said the rest of the meeting was cancelled due to a holiday.

There was a short discussion about the upcoming APA conference that some members of the Planning Commission were going to attend in October.

6. Adjournment: Commissioner Knight motioned to adjourn the meeting until July 23rd. Commissioner Royall seconded and the meeting was adjourned.

Meshelle Kijanen, Administrative Assistant

DRAFT

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**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
July 23, 2024**

DRAFT Minutes

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Vice-Chairman Dave Richards called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Vice-Chairman Dave Richards
Commissioner Phil Jordan
Commissioner Tori Broughton
Commissioner Robert Wilson
Alt. Commissioner Greg Royall
Commissioner Josh Knight
Alt. Commissioner Jami Hewlett

Planning Commission Absent:

Chairman Dennis Gunn
Commissioner Darek Slagowski

Staff Present:

Planning Manager Jamie Baron
Planning Office Admin Meshelle Kijanen
City Engineer Ross Hanson

Staff Participating Remotely:

N/A

Also Present:

Jimmy Vizina, Theresa Wardell, Betty Bradner, Matt Taylor, Mason Harris, Richard Breiterbeker, Rod Riddle, Dave Johnson, Donald Norte, Silvino Sanchez, Yareli Calzader, Piper Riddle

Attending Remotely:

A L K, Michael O'Connor, Mike Dixon, Brent Harris, Catherine, Howard Saldarini, Jennifer Bowser, Lee Finch, Mckay, Thomas Brennan

III. Pledge of Allegiance: By Invitation

Commissioner Phil Jordan led the recitation of the Pledge of Allegiance.

IV. Prayer or Thought: By Invitation

Commissioner Jordan made a comment that they had an opportunity for change in the entire area as the Olympic Games were scheduled to be hosted in Utah in 2034. He stated the announcement about the Olympics was due to be sent out at 2:30 PM MST. He recalled that he had first come to the area in 2002 as an employee for the Olympic Games that had been held that year and worked as a General Manager of Soldier Hollow. He spoke about how he had learned to love living in the area and hoped to see development and positive change come from the upcoming Olympic Games.

V. Recuse for Conflict of Interest

Commissioner Jordan stated he had a conflict of interest with Item 3 on the Agenda and needed to recuse himself. He asked if they could reverse items 3 and 4. Planner Baron counseled the Planning Commission to leave the items in their initial order.

2. Consent Agenda: N/A

3. Action Items:

I. Public Hearing to consider a Zoning Map Amendment for Wasatch County Courts, located at 1361 South Hwy 40 (Planner/Jacob Roberts)

Planner Baron explained this item. He stated that a site plan and conditional use permit for the expansion of the court had previously been shared with the Planning Commission, and explained the original application complied with all C-2 requirements. However, the developers had since identified some concerns about compliance with the C-2 zone, and so were requesting a zone change to the Institutional and Public Utilities Zone. Planner Baron said the intention of that zone was for governmental uses and public utilities and he indicated areas of town that lay within that zone. He reported that since it was a job center and was also a service, Staff found that this application did meet the requirements for the zone and recommended approval. He further recommended that the Planning Commission hear comments from the applicant and then hold a public meeting.

Richard Brekenbeiker, the applicant, indicated he was from Wasatch County and explained the goals for Wasatch County. He clarified there was nothing specific that the County had in mind with the zone change, but felt the proposed zone was a better match for both the facility's current use and also allowed for further expansion in the future.

Vice-Chairman Dave Richards asked if there were questions for Staff or the applicant. There were none, so he requested Planning Admin Meshelle Kijanen to read the guidelines for public comment. Planning Admin Kijanen read the regulations for public and online comments.

Vice-Chairman Richards opened the floor for public comments. There were none, and he closed the floor.

Commissioner Greg Royall thought this change would be fine, especially since they had other public buildings in this zone and if it allowed for future changes to be made. Commissioner Josh Knight agreed with Commissioner Royall and thought the change should be fine. Commissioner Phil Jordan also was in favor of the change and commented he appreciated the County moving in this direction.

Commissioner Robert Wilson asked why there was a road included in the proposed area for the zone change and Planner Baron explained the area that protuded from the rest of the area was actually a canal and part of the property. Planner Baron added there was no commercial activity on the canal. Commissioner Wilson then asked if this zone change would lower taxes and Mr. Brekenbeiker responded that there would be no change.

Vice Chairman Richards noted that Commissioners Jami Hewlett and Tori Broughton had arrived to the meeting.

Commissioner Hewlett asked why Mr. Brekenbeiker had requested the zone change, as she arrived late. Mr. Brekenbeiker repeated his reasoning and explained the need for the zone change.

Motion: Commissioner Broughton moved to forward a positive recommendation for the Wasatch County Court zone change, with the findings and conditions as presented in the Staff report. Commissioner Knight made the second.

Discussion: N/A

Voting Yes: Commissioners Jordan, Knight, Wilson, Broughton, Hewlett, Royall

Voting No: None. The Motion Passed 6-0.

II. A Public Hearing to consider a Master Development Agreement for OCT Properties, located at 460 West 200 S. (Planner Jamie Baron)

Planner Baron explained this item. He stated that the property located at 460 West 200 South previously had a home on it that was in poor condition and had been demolished. He explained now the property owners were seeking to develop an MDA with the City that would essentially be a zone change. He said the owners wanted to develop an

eight-plex of two-story townhomes on the property, and he shared the site plan with the Planning Commission. Planner Baron reported that the City Council was in favor of the applicant going through the public hearing and application process and that the Council was not entirely opposed to it, but did have some reservations about the project. Planner Baron shared an overview of the neighborhood in the surrounding area and reported that Staff had found the proposal deviated slightly from the City's General Plan. He discussed that the area was intended to be single family homes; however, if the Planning Commission felt this plan was appropriate they could amend the General Plan. He added the proposed density was 17.7 units per acre and the current zone was R-1. He also noted that the Planning Commission could opt to add a requirement for affordable housing. In summary, Planner Baron said that the Planning Commission could forward a positive recommendation to the Council even though the proposal was not consistent with the General Plan. He said the Staff recommendation was to hold a public meeting and get feedback from the public.

Vice Chairman Richards asked if there were any questions. Commissioner Jordan asked Planner Baron to specify how this plan was inconsistent with Envision Heber. Planner Baron shared that the primary use for Central Neighborhood was for small, single-family lots with a density of 3-8 units per acre. Planner Baron said that the suggested height of the townhomes were in line with the plan, though it was notably more dense than the General Plan suggested for the area. Planner Baron said the uses were slightly different than what the plan proposed as well.

Matt Taylor identified himself as the applicant and said he was a developer. He spoke about when he had obtained the property, the home was dilapidated and needed to be removed. He explained they had worked with the City to get the home removed because it was a nuisance and unsafe for habitation. At that time, his team had spoken with the City about how to redevelop the area, and he said one of the options they had discussed were low-income units intended for teachers, firefighters, police, and other City employees. He discussed the design representations they had included in their proposal and noted they were open to suggestions or changes.

Commissioner Broughton asked Mr. Taylor what other developments he had in town and Mr. Taylor replied he was working on developing a commercial building located off of Airport Road near the business park. Mr. Taylor added that he was originally from out of town but now lived in Heber and expressed it was important to him that the buildings in town looked nice and had good quality landscaping. He reported he had sold six of the units thus far. Mr. Taylor added that other buildings in that area, including the Probst building, also had nice, cohesive facades and used good-quality materials. Mr. Taylor emphasized that he was not committed to any one plan; he wanted to work with the City to find a project that worked for everyone.

Commissioner Royall asked Mr. Taylor why he wanted such high density on the lot and asked why he did not want to build a single-family home. Mr. Taylor explained

he was able to make the units more affordable with higher density, and elaborated that he wanted the units to be available for lower-income residents.

Vice Chairman Richards opened the floor for public comment. Planning Admin Kijanen repeated the rules for public comment.

Jim Vizina, 423 West 200 South, firmly disagreed with the proposed development. He felt the plan was too dense and he opined the developer did not care about the people in the townhomes; he felt this was a ploy to make money. Mr. Vizina added that his neighbors were also opposed to the plan and complained that the developers were not being transparent about the plans. He accused the Planning Commission and developers about not caring what happened in Heber.

Vice Chairman Richards reminded Mr. Vizina that the Commissioners cared deeply about the development in the City and reminded him the Commissioners volunteered their time. Mr. Vizina apologized, though reiterated he felt this proposal was inappropriate and said he did not want trouble in the neighborhood. Mr. Vizina said he was only in support of single-family homes in the area.

Donald Nords, 480 West 200 South, said that the public notice board had been obscured from view from the neighbors. He said that he had taken it upon himself to notify his neighbors about the plan, and gave the opinion that the public had not been duly notified. He said the residents in the neighborhood did not want this development. He asked what was considered “affordable” and said that even with good salaries, it took three incomes to buy a home here. Mr. Nords also complained that the Planning Commissioners were being apathetic to their situation. He noted how unaffordable apartments were becoming and expressed concern that the town was gentrifying. He did not think Heber was affordable in general and reiterated his opinion that the City was going to do whatever they wanted regardless of public opinion.

Vice Chairman Richards asked the applicant if he knew the process of a public hearing and took offense to the implication that the Planning Commission had not given ample notice about the hearing. Mr. Nords reiterated that he did not think three days was enough time to make the public aware but clarified he was not accusing the Commission of doing anything. Mr. Nords and Vice Chairman Richards continued to discuss the Planning Commission’s service and compensation briefly.

Urala Gonzalaz, 451 West, 200 South, pointed out that even in single-family homes, it was not uncommon for multiple families to live in a unit. She pointed out that this meant there were a lot of cars in a parking lot and often led to noise. She thought it was bad when there were multiple cars parked on the driveway and in the front yard, and thought it was appropriate for the City to put restrictions on how many families lived in a given unit.

Cathryn, 100 West, 200 South was online and stated her opposition to the proposed development. She stated that high density housing had no business in her neighborhood, and echoed Ms. Gonzalez’s comment that some of the houses in the

area had two or three families living in them already. She thought that was a problem because of the issues it caused with parking and traffic and said something needed to be done.

Planning Admin Kijanen read aloud the three comments which had been submitted online. The comments were as follows:

From Matt Barlow: "I'd like to express concern for this development for the sake of increased traffic and parking congestion. I realize they are building parking spaces for the townhomes, but what happens with more than 2 cars per unit, visitors, RVs, or other vehicles that exceed their allotted spots? Our neighborhood is already congested with parking sometimes. Thanks, Matt Barlow"

From Wendy Kullinger: "I along with my fellow neighbors will not appreciate extra cars or vehicles lined up along our properties. Traffic will increase along with noise and safety issues for kids. Please reconsider this proposal. Sincerely, Wendy Kullinger, home owner at 188 S. 400 W."

From Matt Kullinger: "I think this project will make this neighborhood worse than it already is. Whatever parking that is included in this project won't be enough, the overflow will end up on the street with vehicles that never move. Many old houses on this side of town have big lots and these developers will just keep on building, bulldozing the houses and then build another eight plex. Sincerely Matt Kullinger."

Vice Chairman Richards closed the floor for public comment.

Commissioner Broughon thanked the public for attending the meeting and acknowledged that it could be hard to find out about meetings. She expressed how hard marketing could be and promised that the sign with the notice had not been purposefully obscured. Commissioner Broughton invited the public to stay aware by checking the website. She assured the audience that she had seen cases in which public opinion had impacted the outcome of a proposed development and urged them to stay involved.

Commissioner Hewlett agreed with Commissioner Broughton but also commented that the public should not have to come in to protest this development, since it was zoned a certain way and the Commission should adhere to zoning laws. She said the zones were important and did not think the residents should have to fight for their quality of life. Commissioner Wilson agreed with what had been said by the members of the public. He did not think they should amend the General Plan and said there was no point to the plan if they did not stick to it. He thought they could just put a single-family home on the lot.

Commissioner Hewlett pointed out that Envision Heber was just getting started and thought they should hold off on developments until they had worked on the downtown area. She reiterated her thoughts about not wanting to support developments outside

of their original zone. She thought they should not change the General Plan before Envision had finished its work.

Commissioner Jordan agreed with Commissioners Wilson and Hewlett. He also discussed his firsthand experience with living in a development that had both fourplexes and single family homes. Commissioner Jordan said in his experience, he and his neighbors had lived alongside one another peacefully. Though, he also recalled he had been told that he lived on the “wrong side of the tracks” during his time there. He also opined that the requested density was a bit too high; he thought he might be more in favor of four plexes rather than eight. He also pointed out that there was a huge problem with parking in Heber and did not want to compound that issue. He also brought up issues with snow removal and child safety. Commissioner Jordan thought this development was needed in Heber, though perhaps not in this time or place. He thought there was too much density in this particular proposal. Commissioner Jordan also acknowledged the desires of the homeowners in the neighborhood to protect the investment they had made with the purchase of their home.

Commissioner Hewlett made more comments about affordable housing. She said the only place a single-family home was downtown and she thought this proposal took away from affordable housing. She thought they would be taking away from the ‘American Dream’ because this plan took away the possibility of finding a home to purchase in Heber.

Commissioner Knight echoed Commissioner Jordan’s comments. He agreed that affordable housing was important but thought this was a poor location for it. Commissioner Knight acknowledged that he had not seen the sign at the property either and noted it was just a bit smaller than his own property. He did not think this development was feasible on a lot that was so small, and explained that he could not even have a dumpster on his property because it did not meet the size recommendations. Commissioner Knight said a plan like this could potentially lower the value of the surrounding homes and cause issues with traffic.

Commissioner Royall agreed with the other comments. He spoke about his two adult children, both of whom had jobs but could not afford to live comfortably with the cost of living. He said there were also a lot of issues with parking already in Heber, and he did not think that this property was big enough to sustain more parking. He thought all of the concerns brought up by the public were valid and he agreed with them. Commissioner Broughton agreed with much of what had been said, but actually thought the location was appropriate. She said she lived on 206 South, relatively close to her, and thought it was a good location. She said there could not be open space if they only built single family homes. She said Heber was growing and they needed more housing in the City. She discussed how hard it was for her as a business owner to find people to hire, because they could not afford to live in Heber. She said they needed to consider if the units were desirable, and something that people might want to live in long-term. Commissioner Broughton pointed out that the units were lacking amenities like garages for recreation gear and cars, as well as common spaces for children to play. She thought if the residents in the neighborhood could see what kind of people would be attracted by developments like that, they might not be so opposed to the development. She also opined they should lower the units to four or six, rather than eight. She pointed out that people were moving to Utah for the recreation, but still

wanted to come home to somewhere nice that was comfortable. Commissioner Broughton thought fewer, but more desirable units could show what affordable housing could be like in Heber City and could fill in their “missing middle.”

Commissioner Royall asked Planner Baron about the off-site parking. Planner Baron said there was on-site, off-street parking and Mr. Taylor confirmed that as well. Commissioner Royall said he entirely agreed with Commissioner Broughton. Commissioner Royall asked Mr. Taylor if he would be willing to come back to the Planning Commission with a plan that had fewer units and included features like garages. He said he saw a lot of townhomes with trailers and other things parked outside and thought there was a need for townhomes with more storage.

Vice Chairman Richards added his thoughts and agreed with Commissioner Broughton. He agreed the density was too high and thought it was important to fill up the missing middle. He thought four units would be much more feasible. He voiced it was unfortunate that the public comments had been so hostile but understood that they were emotional about the subject. He summarized that Mr. Taylor had come to the Planning Commission to get direction as to how to move forward and proposed they make a motion that gave Mr. Taylor and Staff

Commissioner Knight thanked Commissioner Broughton for her comments and said it had changed his perspective on the subject. Commissioner Broughton said that they had zones so they could keep the sewer and water lines manageable, not to pack people in as tightly as possible. Commissioner Royall recalled that he could not afford a home back when he started his career and said it had taken two incomes for he and his wife to buy a home.

Commissioner Hewlett asked why they were deciding to spot-zone for something that did not align with Envision Heber. Commissioner Knight reminded her that they were a recommending body, and they were just making a recommendation.

Motion: Commissioner Jordan motioned to continue this item, and directed the City Staff to return the application with four units on the same lot with amenities that included automobile parking and trash disposal, and with the understanding that one of the four should be within the affordable housing provision.

Commissioner Royall seconded the motion.

Discussion: N/A

Voting Yes: Vice Chairman Richards, Commissioners Jordan, Knight, Broughton, Royall

Voting No: Commissioners Hewlett, Wilson

The Motion Passed 5-2.

III. Public Hearing to consider a Master Development Agreement Amendment for College Downs & Finch Creek Developments, located at University Ave. and Hwy 40. (Planner Denna Woodbury)

Commissioner Jordan recused himself from this item.

Planner Woodbury presented the agenda item and explained the application was a proposed amendment of the Finch Creek and College Downs development agreements to allow them to facilitate a realignment of University Avenue, due to topography and impacts on the project design. She indicated the location of the affected developments on a map, and highlighted the current alignment, noting that the road went into Highway 40 at an angle. She reported that the developers had been working with Engineering for the road to connect to Highway 40 slightly higher up, as it created a more gentle slope. She pointed out how the two developments would change as a result of this adjustment. She also noted the developments needed relief from the perimeter block requirement of 200 feet. Planner Woodbury also stated that there were some stacked flats in the developments, but due to the topography they could not meet the build-to-zone requirement, nor the requirement that the units be alley-loaded. She explained that there were also issues meeting the build-to-zone requirement along University Avenue due to the slope of the street. As such, she explained that the developers wanted an exception to those standards be codified in their MDAs.

Planner Woodbury reported that Staff had reviewed this item and recommended that the Planning Commission hold a public hearing and forward a positive recommendation to the City Council.

Vice Chairman Richards asked City Engineer Hanson about the proposed lighting along Highway 40 with the new alignment. City Engineer Hanson said the new alignment was actually more in line with UDOT's recommendations for separation distance for lights. Planner Baron confirmed that was correct, and added that this area had been pre-determined to be a lit intersection.

Commissioner Royall asked for clarification on location and asked where the Jehovah's Witness building was in relation to the proposal. Planner Baron and Vice Chairman Richards indicated on the map where the building was.

Logan Johnson of the Wright Development Group identified himself as the applicant and addressed Vice Chairman Richard's comment on lighting. He reported that he had met with UDOT and they were in favor of the proposed shift, though noted that it still not quite in alignment with UDOT's lighting recommendations. He noted that this proposal would also align the intersection with the access on the other side of the street, which he noted went back to a large equestrian property. He summarized that UDOT was in favor of shifting the light farther to the north and explained this would allow the grade of the road to be less steep. He anticipated the grade would be about 4% where the two projects accessed the road. Mr. Johnson also observed this amendment also included plans for the roundabout to be shifted down, which allowed room for townhouses to go on the east side of the canal. He explained that previously, that area had been marked to become a detention basin, though said that with this new plan the detention basin could be set farther back from the highway.

Commissioner Knight liked what Mr. Johnson had said about the retention pond and added that it could serve as a sound buffer. Commissioner Broughton asked if the canal pathway would extend through the property and Mr. Johnson replied that previously, they had townhouses extending all the way to the canal on the south portion, although said that the road was critical for future plans. He anticipated that they would enter into negotiations with the university to give the land to them, since it abutted their property. He said he was not sure how to address the canal trail on the upper side, since they would not have any developments on that side. He expressed that he wanted to discuss it with City Council in greater detail. Commissioner Broughton asked if the path was still adjacent to Highway 40 and Mr. Johnson said it was and added that he wanted to work with the Council to see if the trail could wrap around the detention basin.

Vice Chairman Richards opened the floor for public comment.

Kate Becker joined online and said she was the County Manager of Morgan. She expressed that she was there with a resident who lived nearby, Mike Dixon, and would be speaking on his behalf. She first thanked the Planning Commission for their hard work and service to the community. She asked Planner Woodbury to present the comparison image that contrasted the plan from 2023 with the current proposal. Ms. Becker explained that Mr. Dixon's property was aligned with the old plan and said the redevelopment would connect to his private road. She said the private road was deeded to four homeowners, Mr. Dixon included, and added it was coded to change the width of the road from 14 feet to 26. She explained that widening the road would necessitate Mr. Dixon to move his septic tank to accommodate that widening. She asked the Planning Commission to either request an amendment or deny the application since it connected to off-site infrastructure.

Ms. Becker had also submitted a written notice to the Planning Commission, which reads as follows:

*Planning Commission,
I am writing this on behalf of the noticed affected property owner Mike Dixon in regard to action item III on tonight's agenda.*

As you will see in the attached, Mr. Dixon disagrees and finds it disingenuous that the plans submitted for this purpose show the subdivision as now connecting into private infrastructure. Specifically, the private road that fronts 40; which by definition is considered "off-site infrastructure." As you will see on page 7 of the attached; the concept image has been modified to include a connection into what is currently a 14' private road (of which Mr. Dixon is two parcels down from) and is a vested owner thereof and the applicant is not. The parcels adjacent to this site plan, specifically those they have now designed an unauthorized infrastructure connection to, are not annexed into the City of Heber. Mr. Dixon is also concerned that the applicant's modifications, as presented, would require this unauthorized connection and widening (14' to 26') into private infrastructure. If that is the case he requests that the Commission motion for a continuance or denial of the application pursuant to section 7.6 of the existing Master Development Agreement.

At this time, Mr. Dixon is asking that either:

- 1. That is the Planning Commission makes a positive recommendation it does so with the condition or amendment that the visible modification in regards to the connection to off- site infrastructure not be included in such recommendation and annotate that a future amendment to the Master Development Agreement be required (as per section 7.6 of the agreement).*
- 2. That the Planning Commission motion for a continuance until the applicant modifies the site plan according to the request of Mr. Dixon. Removing all nuances that would imply connection to private off-site infrastructure. We will be virtually attending this evening's public hearing and thank the Commission and City Staff for its amazing due diligence in noticing Mr. Dixon of this action and all others that have affected Mr. Dixon's primary residence of over twenty years.*

Kate Becker, County Support

Teresa Wardel, 3510 North Hwy 40, introduced herself as Mr. Dixon's neighbor. She shared his concern about traffic on the private road, and noted it was a one-way lane. She was concerned about the increase to traffic as the road was too narrow.

Planner Baron pulled up a map and asked Ms. Wardel to identify her property, which she did. Planner Baron indicated on the map where the private oad was located to orient the Commissioners. Planner Baron asked City Engineer Hanson if he had more information about the road and summarized that the residents were concerned about drivers using the private road as a connector to Molton Lane. Ms. Wardel said it was a private road and said she and her neighbors were responsible for plowing and maintaining it. Commissioner Hewlett asked if they could put a gate on it. Ms. Wardel discussed she was hesitant to do that. City Engineer Hanson confirmed that Planner Baron had the right location of the private road. Planner Baron explained that if the road was gated, the residents would not be able to use the road as a point of egress.

Commissioner Knight asked about Mr. Dixon's septic system in relation to the road. City Engineer Hanson said he would have to look into that more. Mr. Dixon said it went across his drainage field. Mr. Dixon added that the road was not wide enough for two-way traffic. Mr. Dixon stated this was County property and he expressed concern about traffic increasing by his house. Ms. Becker asked that they remove the connection road altogether and make it a closed-off roundabout. Ms. Becker expressed that if they did not do that, drivers would take advantage of the private road. Ms. Becker pointed out that the subdivision did not own any portion of the private road or the land that connected to the private road.

Vice Chairman Richards asked if the septic system was on the current road and Planner Baron explained that the septic system did not cut through the parcel. Ms. Becker explained that the widening of the road would affect the drainage. Ms. Becker indicated on the map that the applicant did not own any of the parcels that they wanted to access onto Highway 40. Commissioner Knight clarified that Ms. Becker and Mr. Dixon were just opposed to widening on the private road.

Vice Chairman Richards closed the floor for public comment.

Commissioner Knight explained Mr. Dixon's concerns. Planner Baron said he was

unsure if that road needed to get widened. City Engineer Hanson said he was also unsure what the City's requirement was and explained that the road in the development would have to be 26 feet, although he did not know about the private road.

Mr. Johnson expressed that he would love to talk more with the residents that would be affected and shared his contact information. He said that the plan was to stop the 26-foot road at the property line, and said the road would have to be 26-feet if they wanted to use it as a fire access lane. Mr. Johnson said that if the residents did not want to widen the road, they did not have to do that. He explained that the fire lane requirement had come from City Staff, not the developer, and added that they could find other ways to solve for fire access. Mr. Johnson also noted that they owned up to the UDOT right-of-way and said that UDOT was on board with their plan. He reiterated that his intention was not to do anything that the residents were opposed to.

Vice Chairman Richards asked if there were other items of concern besides the road. Commissioner Broughton asked Mr. Johnson if he had made other changes since the last time this item had gone before the City Council based on their recommendations or concerns. Mr. Johnson noted that the road widening had not been an ask from City Council. He then discussed that the City Council had expressed concerns to him at the last meeting about the commercial viability and said he had done a lot of commercial development in the past and did not feel concerned about the feasibility of commercial success.

Commissioner Hewlett asked if the property owners could come to an agreement about the road. Ms. Wardel said there was already an issue with people coming down the private road. Ms. Becker added that in addition to not wanting the road widened, she did not want the applicant connecting into private infrastructure on land that they did not even own. Ms. Becker noted that there were two unsuccessful attempts to annex two parcels of County land into the City from earlier that year. Ms. Becker said she did not see a solution in which the property owners agreed to have the road serve as a connector. Mr. Johnson reiterated that he did not need the road as part of the development and said he was happy to accommodate that. Commissioner Hewlett asked if the property owners had other concerns and Ms. Becker said their main concern was that the road did not connect to private infrastructure.

Ms. Becker also stated there were property ownership concerns. She said there had been two attempts to annex Mr. Dixon's property into the City from March of that year. She noted the road was not in City limits; it was part of the County. Ms. Becker indicated she would send the documents to Planning Admin Kijanen the next day and highlighted that the document stated that the property line of the development did not extend to Highway 40. Ms. Becker thought there should be consideration as to if the development even had the right to be built in that area.

Mr. Johnson said he was under the impression that he owned up to the right-of-way. He indicted the red area on the map that Ms. Becker had highlighted was a sight triangle. He expressed he would look into it further, but felt confident of their property ownership. He asked for a recommendation to Council that evening, and reiterated that he was willing to speak with concerned residents.

Vice Chairman Richards said that the Commission could not make a recommendation that evening. Vice Chairman Richards said they did not have people who would make the final decision about this were not in attendance that evening.

Commissioner Hewlett clarified there was no other issue, as long as the applicant stayed on his property and did not connect to the road. Vice Chairman Richards explained it had to do with City requirements, and said they needed to find out if it was in the City Code for the road to be widened for fire access. Vice Chairman Richards said they would need to speak with the Fire Department. Commissioner Hewlett expressed confusion and Planner Baron explained they would need to have follow-up conversations with both UDOT and the Fire Department. Planner Baron explained the issue was complicated and recommended that the Planning Commission direct Staff to investigate the issues with access and property rights.

Motion: Commissioner Royall moved to continue discussion of a Master Development Agreement for College Downs and Finch Creek to another meeting, with information about the following subjects: Fire District access, UDOT's intentions for the alignment, and property ownership. Commissioner Broughton seconded.

Discussion: Planner Baron clarified that Commissioner Royall wanted it to come back before the Commission. Commissioner Royall confirmed that was correct.

Commissioner Hewlett asked if they needed to hold another public hearing once the item came back to the Commission. Planner Baron said they were not required to, but could opt to hold another public hearing if they wanted to. Commissioner Hewlett asked that the property owners be present at the continuance. Planner Baron did not think it was necessary to add that to the motion, since all Commission meetings were public. Commissioner Broughton pointed out the property owners could also attend the City Council meeting. Planner Baron added that the Commissioners could allow the members of the public to speak even if it was not a public hearing, if they so chose.

Voting Yes: Commissioners Knight, Broughton, Royall, Hewlett, Wilson

Voting No: None.

The Motion Passed 5-0.

IV. School House Academy~Site Plan, located at 700 School House Way (Planner Denna Woodbury)

Planner Woodbury presented the item. She said School House Academy had a site plan, and stated they intended to develop the plan in phases. She oriented the Commission to the location of the site and shared a map of the phases. She walked the Commission through the first phase, which included a 3500 square foot building resembling a historic school building as well as a fence and playground. She added that the second phase included expansion of the parking lot. Planner Woodbury

reported that the entire project would have 14 teachers and 68 students enrolled. She stated the parking requirements were 14 parking spaces and four loading spaces, and reported that once the project was completed there would be 25 parking spaces and six loading spaces, with one parking spot being handicap accessible. She also stated that the project met lighting and landscaping standards. She reported that City Staff believed the application would be a benefit to the community and recommended approval, subject to findings and conditions.

Dave Johnson and Piper Riddle introduced themselves as the applicants and indicated they were there to answer any questions.

Commissioner Hewlett asked if this went outside the zone and Planner Baron said it did not; it was just a site plan approval. Commissioner Jordan asked why the second phase had a separate approval process and Planner Baron explained it was because they had not designed it yet, but wanted to plan for it.

Commissioner Knight said he wanted to see this project move forward. He said it had been held up long enough. He opined it was a great benefit to the community as they needed more childcare and thought Ms. Riddle was more than qualified to be an administrator.

Commissioner Wilson asked about the occupancy and wondered if there would be a traffic concerns. Commissioner Knight pointed out there were many feeder roads that would alleviate any possible traffic issues. Ms. Riddle also noted

Motion: Commissioner Jordan moved to approve the site plan for School House Academy as presented with the findings and conditions as presented in the Staff Report. Commissioner Wilson seconded.

Discussion: N/A

Voting Yes: Commissioners Jordan, Wilson, Knight, Hewlett, Broughton, Royall

Voting No: N/A

The motion passed 6-0.

4. Work Meeting: N/A

5. Administrative Items:

I. City Council Communication Item (Jamie Baron)

Planner Baron reported on the City Council meeting from July 16th. He noted they had held a work meeting before the regular meeting in which they first talked about the Dark Sky ordinance and considered what kind of things did and did not fall under that ordinance. He said they had also discussed the City's policy on daycare, and found that Heber was overall an easy town to have a daycare in, and they were considering

changing some of their policies to make it even more conducive for daycare centers to open in the City. After that, the Council had held a discussion about historic cabins located on the outskirts of town. Planner Baron reported there had been a debate as a resident in town believed that the cabins predated Heber City, though it was difficult to ascertain the exact historic value of the cabins. Planner Baron explained the Council was considering grants to find out if the cabins had specific historic significance. Lastly, they had talked about Heber City's annexation plan.

Planner Baron then discussed the regular Council meeting. He said that on the consent agenda, the Council had approved the amendment about the monument sign setback as proposed by the Planning Commission. He said there had been an annual report from the Wasatch County Health Department. He then reported on a discussion about the North Village Harvest Village. Planner Baron also noted that the City Council had issued a letter of support to UDOT's Environmental Impact Study in the Heber Valley corridor.

Planner Baron shared the monthly development reports. Commissioner Jordan asked for an update on the CRA interlocal agreement and Planner Baron said he did not know about that. Commissioner Broughton replied that the Council had just talked about how they were going to approach the next meeting, and she thought they were planning on revisiting the School District.

Commissioner Royall said he had not been here for the development of the North Village Overlay Zone, and asked if Staff could give a short presentation about that. Vice Chairman Richards thought it would be great to have more information about that since there was a lot going on in the area. Commissioner Royall said he did not know anything about it and wanted to know about what kind of projects might be coming down the pipeline towards them.

Planner Baron then discussed the monthly development reports. He showed they were on track with the last three years, and noted the last several months had seen an uptick in applications. He shared some upcoming developments and noted that the site plans would all come before the Planning Commission. He indicated on the map where the incoming site plans were located. Planner Baron shared the site plan for School House Academy, New London North, and Heber Parkway Plaza.

Planner Baron also shared that the City had received a preliminary plat request for North Village Views, which he noted was near Finch Creek and College Downs. Commissioner Jordan wondered how North Village Views would impact the traffic by Finch Creek and College Downs and Planner Baron explained that the alignment would alleviate traffic pressures. He said there would also be a collector road to facilitate north-south traffic.

Commissioner Hewlett asked why UDOT allowed everything to funnel onto Highway 40, and Planner Baron explained that UDOT had to accept a certain amount of traffic. Planner Baron said there was a whole network of roads, some of which existed to alleviate traffic on Highway 40. Commissioner Hewlett asked about frontage roads and Planner Baron explained the choice to use collector roads versus frontage roads was fairly involved. Commissioner Hewlett complained about how backed up Highway 40 was and pointed out it was over an hour wait to get into Park City from Highway 40.

Planner Baron explained that UDOT's traffic studies included projections for the future and said they were looking at the area broadly. Planner Baron said UDOT's job was to consider how to best move traffic through the region as a whole.

Planner Baron announced that Coyote Ridge development was now in Phase 7, their final phase. He mentioned the City had received a request for a telecommunications permit for an AT&T generator. He also announced they were doing construction on Center Street where the church was located, and he explained the church had purchased another lot on the road and were now doing an alignment.

6. Adjournment: Commissioner Knight motioned to adjourn the meeting. Vice Chairman Richards asked the Planning Commissioners to attend the City Council meeting on August 6th. The meeting was then adjourned.

Meshelle Kijanen, Administrative Assistant



Planning Commission Staff Report

MEETING DATE: 8/13/2024
SUBJECT: Central Heber Overlay Zone (Tony Kohler)
RESPONSIBLE: John Janson
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

As part of the Phase 3 Envision Heber Code Update, the Central Heber Vision suggested providing more housing and commercial use options in the neighborhoods to the east and west of Main Street and along Midway Lane. The current overlay for Midway Lane was to be enlarged and updated, more housing options provided in the neighborhoods, and a transition zone from Main Street into the neighborhoods were all part of the Vision that was adopted as an update to the City's General Plan.

This work session staff report includes the draft text for the CHOZ which includes the 3 sub-districts mentioned above.

RECOMMENDATION

Staff recommends the Planning Commission study the proposed draft and provide comments to enable revisions prior to an open house and Planning Commission Public Hearing.

BACKGROUND

Envision Heber Phase 3, included the Vision for Central Heber, a grass roots process that created a series of recommendations for the Downtown area..

These ordinance amendments are a result of the contract with People + Place, John Janson, Logan Simpson design for graphics, and the Planning Department staff. The proposals within the drafts include policy suggestions and are essentially new zones for your review.

DISCUSSION

Within the general CHOZ Overlay, there are three sub-district overlays: Infill District for the neighborhoods, Midlane Lane District, and the Transition District (east and west of Main Street. The intent of each district is as follows:

Infill District (ID). The Infill District, as part of the Central Heber Overlay Zone, has been established to allow for various forms of infill. These include flag lots, lots on a private right of way, small lots, and certain missing middle housing types. The Infill District adds additional housing flexibility to the R-2 and R-3 zones in the Downtown area.

Midway Lane District (MLD). The Midway Lane District (MLD) has been established as a mixed use zone consisting of residential and commercial uses. The area is primarily serving residential uses, but it is intended that future use of this area will include additional selective commercial uses to connect the West Gateway to Main Street.

Transition District (TD). The Central Heber Vision suggests an additional mix of uses could be considered as a transition to the residential neighborhoods east and west of the Main Street area. The Transition District (TD) has been established to promote limited uses with a mix consisting of residential and commercial uses. The mix of uses would allow for medium to higher density residential uses, with occasional corners for lower intensity commercial uses. A portion of the Transition District, between 150 West and 150 East, has been identified by the Central Heber Vision, as an area to be considered for rezoning to C-3 Commercial.

Additional uses are proposed, especially for various housing types. Some new housing concepts are provided for including, flag lots, smaller lots (based on your current infill ordinance), lots on a private ROW, courtyard buildings, and zero lot line subdivisions.

Some spatial requirements have been made more flexible but all development types will accommodate needed easements for Public Works.

Design standards are based on the type of building being proposed.

The suggested process leading to adoption includes a public open house for September 11th (poster session for the CHOZ/three sub-districts) with a possible public hearing with the Planning Commission on September 24th. Since the State Law did not change this past session, it is suggested that the open house and public hearing be advertised together via a mailed notice to all property owners within the CHOZ.

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: John Janson, Planning Consultant

EXHIBITS

1. CHOZ workshop
2. CHOZ Draft



Heber City Council/Planning Commission Work Session

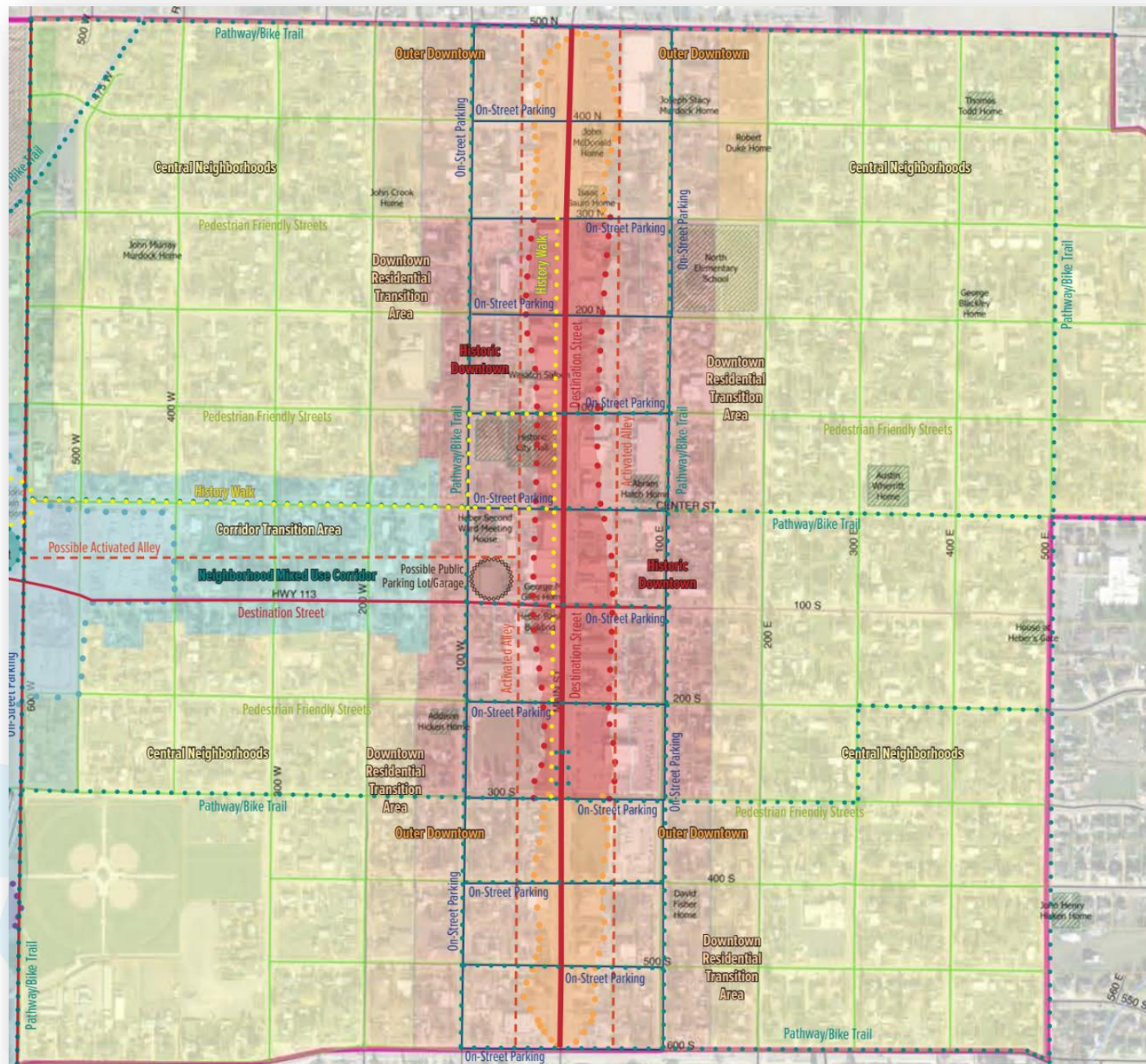
Envision Central Heber Implementation
Central Heber Overlay Zone

Central Heber Vision Suggested

- More Flexibility for the residential neighborhoods to allow for some infill options
- More Flexibility for the connecting corridor from the West Gateway along Midway Lane to the Downtown
- A Transition area from the downtown to the central neighborhoods with more flexibility



Vision Map



Questions we want to address tonight

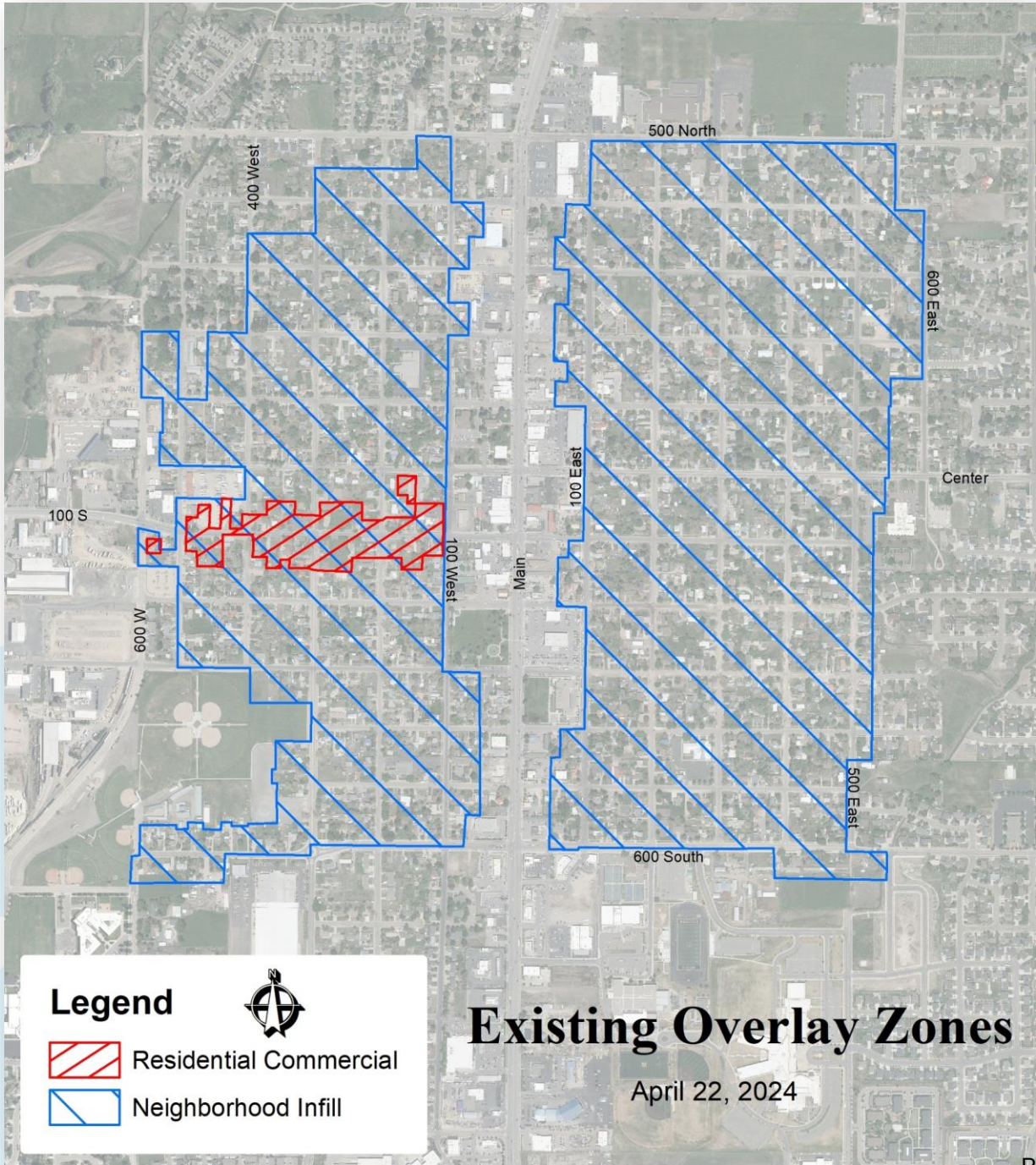
- Are you supportive of the concepts? We need your comments!
- Are you supportive of the suggested process?
- Are you supportive of the timeline?



One Overlay with three sub-districts

- **Infill District (ID).** Is established to allow for various forms of infill. These include flag lots, lots on a private right of way, small lots, and certain missing middle housing types. The Infill District adds additional housing flexibility to the R-2 and R-3 zones in the Downtown area.
- **Midway Lane District (MLD).** Is established as a mixed-use zone consisting of residential and commercial uses. The area is primarily serving residential uses, but it is intended that future use of this area will include additional selective commercial uses to connect the West Gateway to Main Street.
- **Transition District (TD).** The Central Heber Vision suggests an additional mix of uses could be considered as a transition to the residential neighborhoods east and west of the Main Street area. The Transition District (TD) has been established to promote limited uses with a mix consisting of residential and commercial uses. The mix of uses would allow for medium to higher density residential uses, with occasional corners for lower intensity commercial uses. A portion of the Transition District, between 150 West and 150 East, has been identified by the Central Heber Vision, as an area to be considered for rezoning to C-3 Commercial.

Existing Overlay Zones



Suggested Overlay Zone Sub Districts

Midway Lane Sub-District

- Modifies existing Overlay Zone
- **Uses:** Hospitality, Small Commercial, Mixed Use, Missing middle residential
- **Height:** 30 to 35 feet

Infill Sub-District

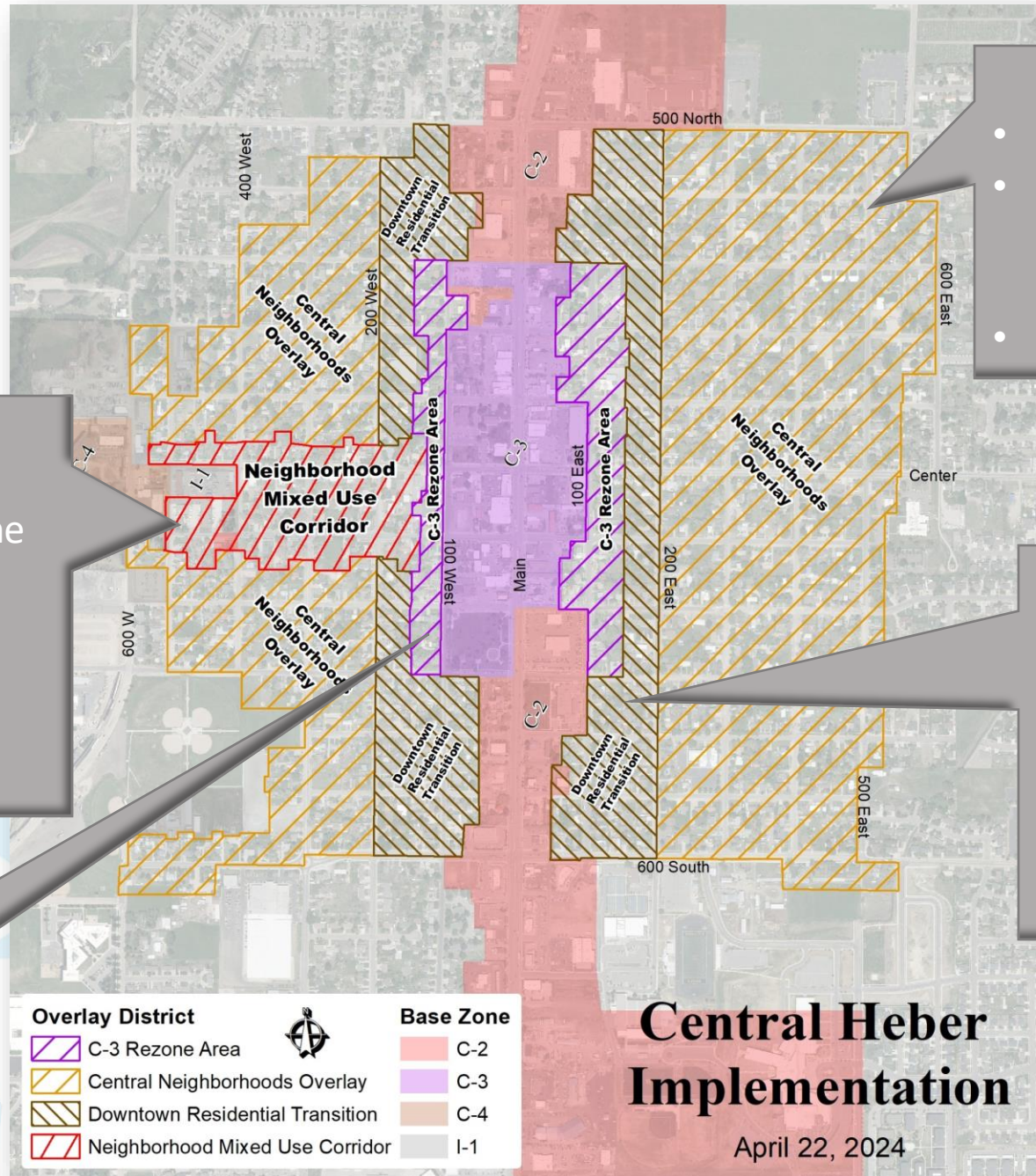
- Modifies existing Overlay Zone
- **Uses:** Flag Lots, Lots on Private ROW, Detached ADUs, Small Lots remain
- **Height:** 30 to 35 feet

Transition Sub-District

- **Zone:** Modifies portions of existing Overlay Zone
- **Uses:** Missing Middle Residential, Corner Commercial
- **Height:** 35 feet

Future C-3 Zone

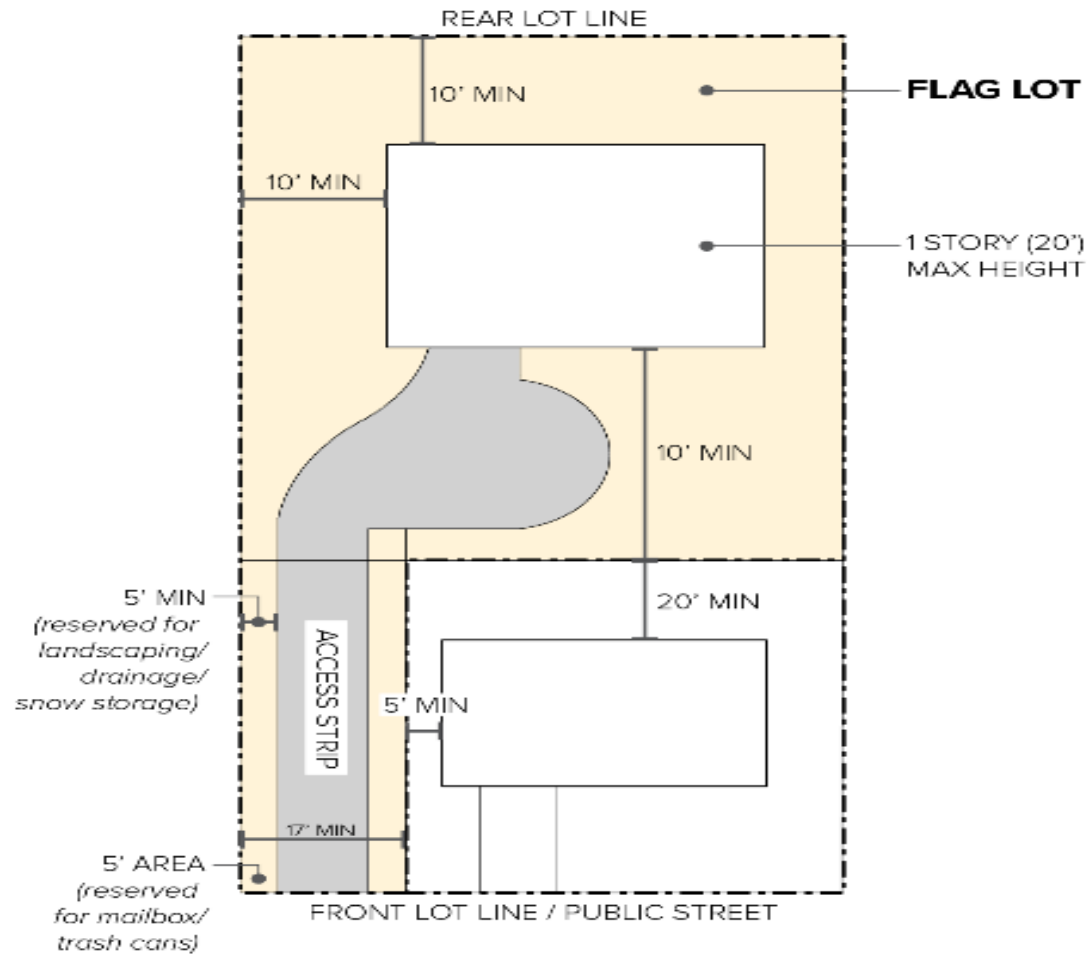
- Could expand as requested



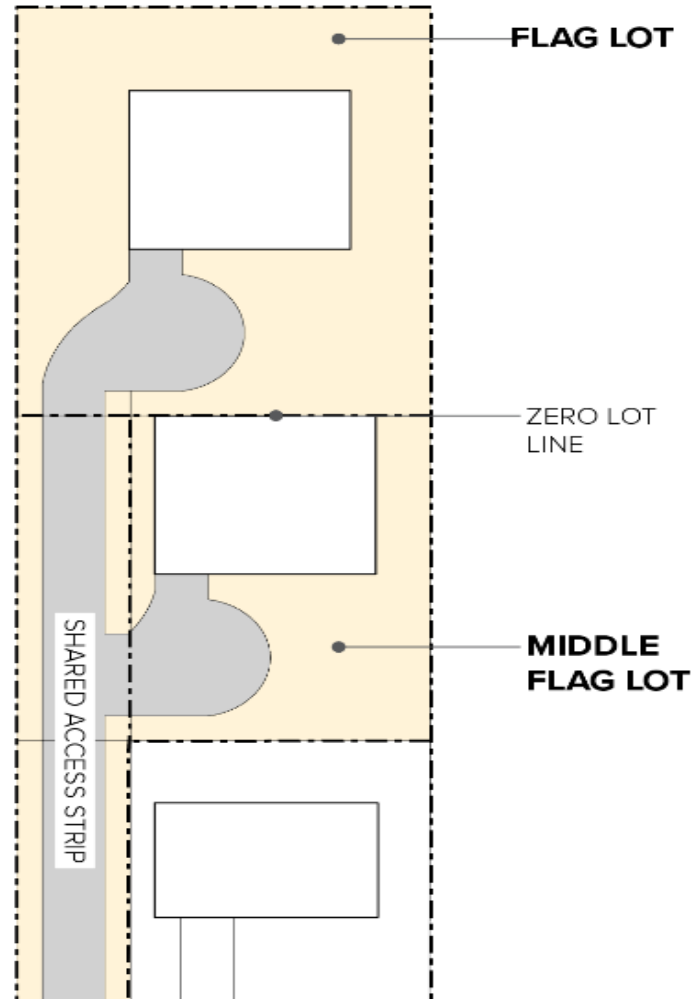
Some new and/or revised Land Use concepts and some architectural Standards

- Flag Lots
- Lots on a Private ROW
- Zero Lot line
- Duplex and Twin home Design
- Mansion Homes (3 and 4-plex)
- Townhouse Design
- Multi-family courtyard-oriented development
- Mixed Use Design
- Commercial Design

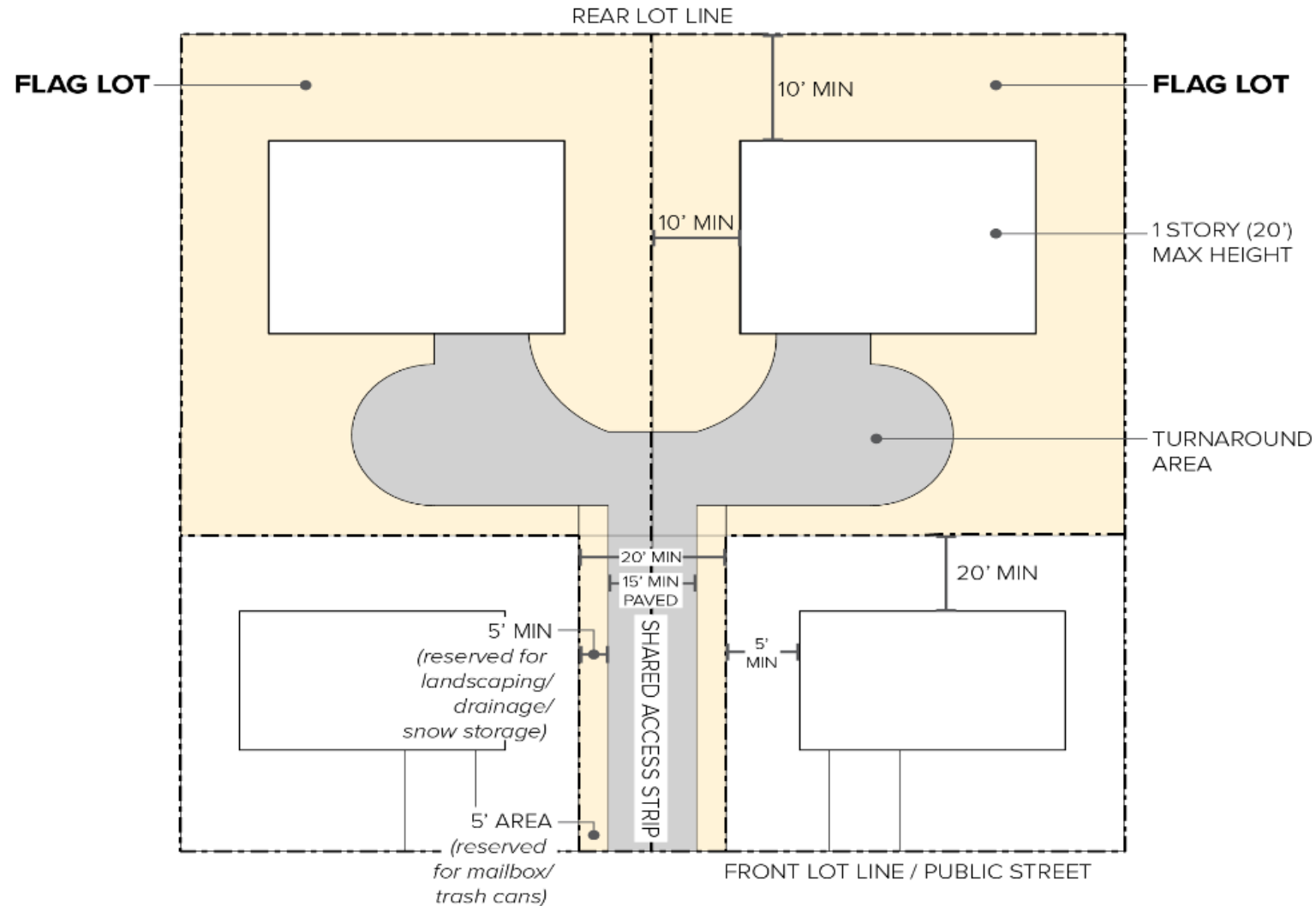
Flag Lots with Revised Standards



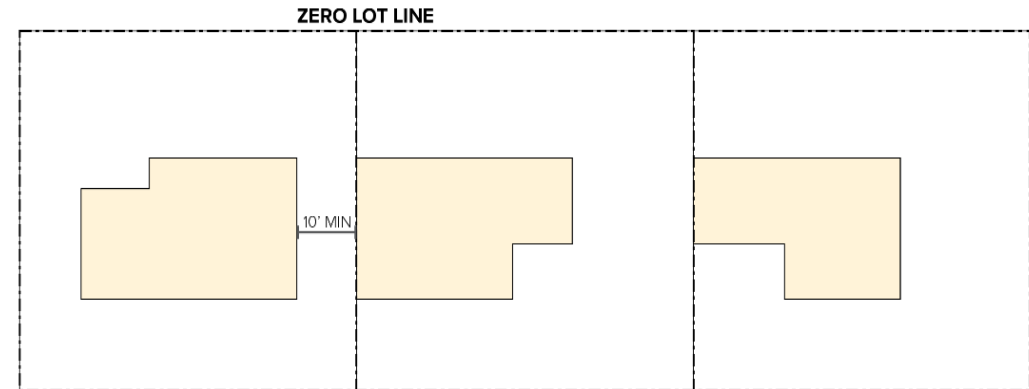
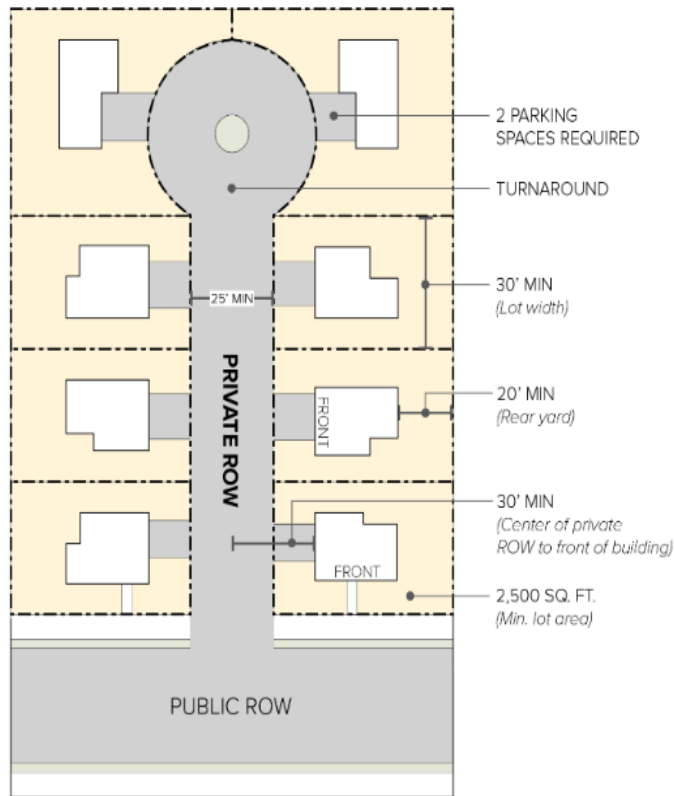
Up to 2 Flag Lots



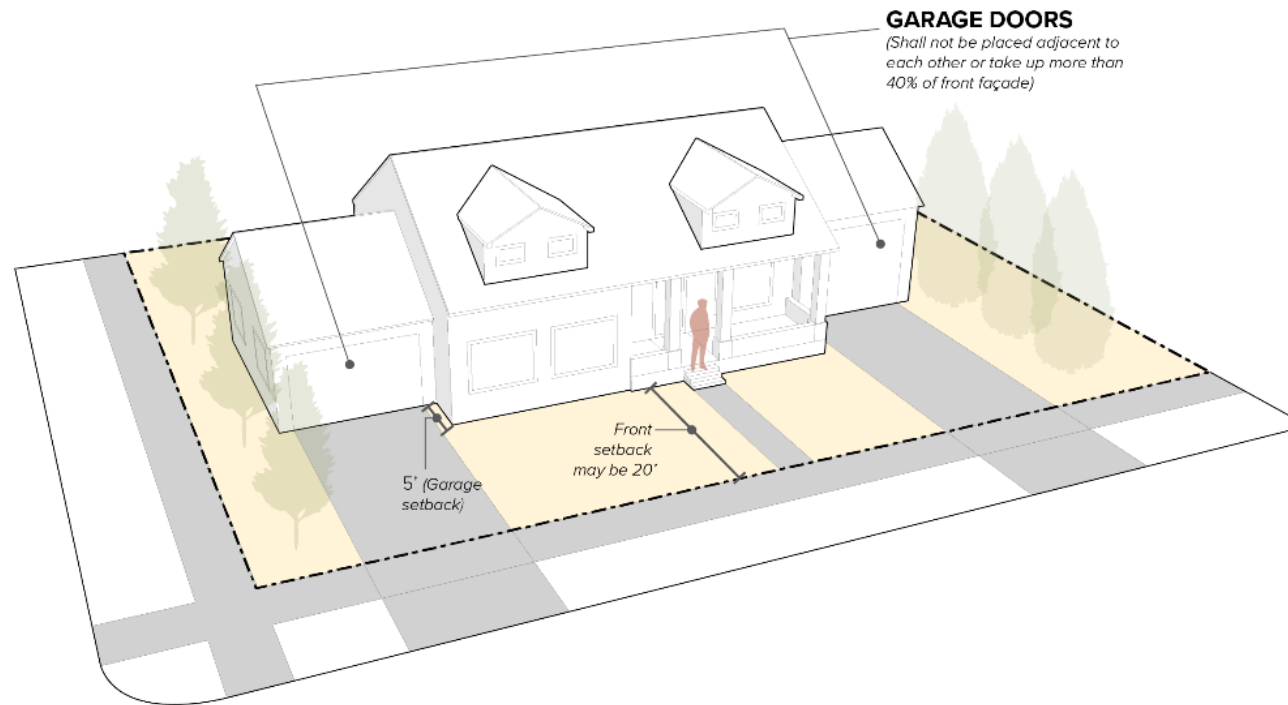
Side by Side Flag Lots



Lots on a Private Right-of Way plus Zero Lot Line concepts

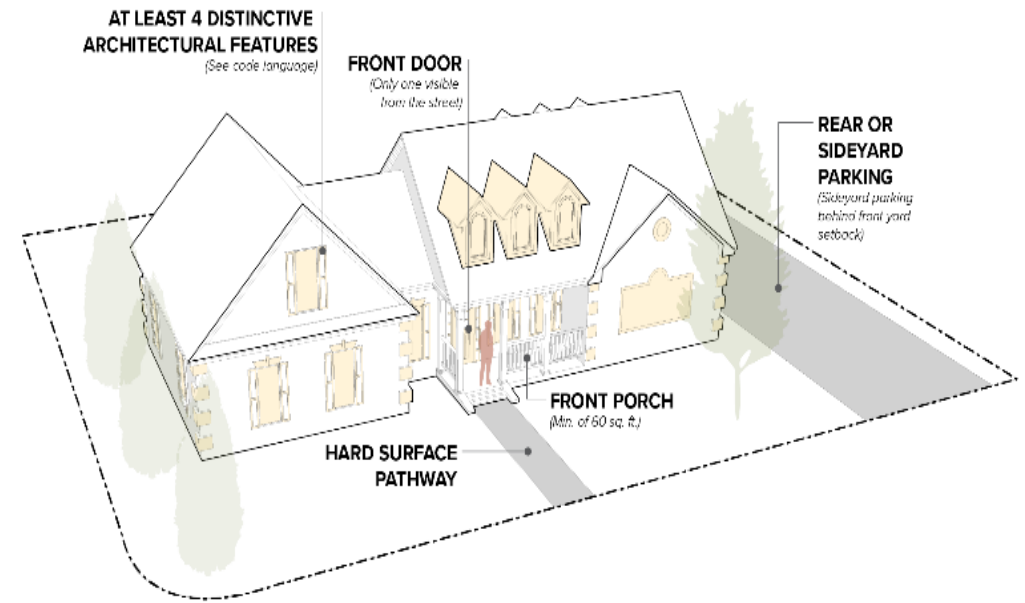


Design Standards for Duplexes and Twin Homes

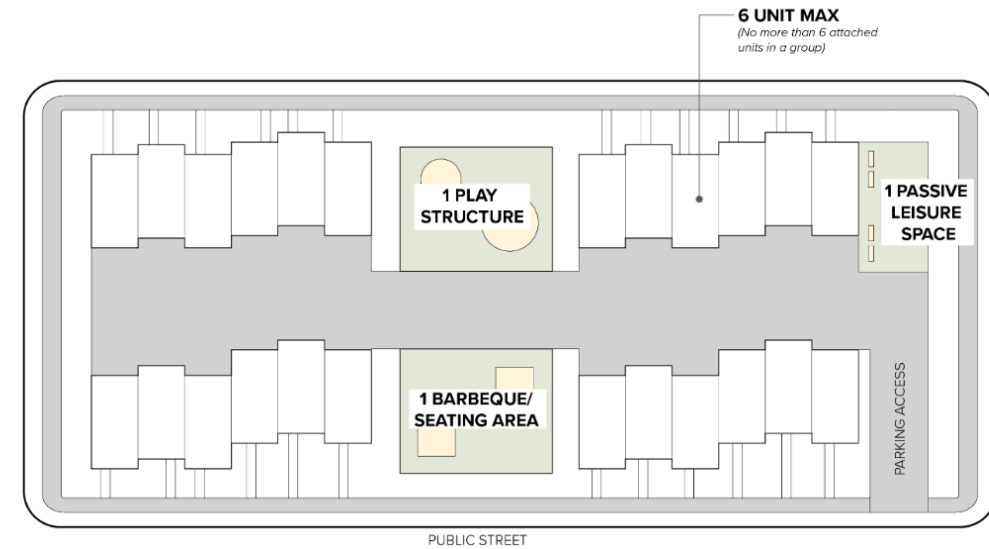
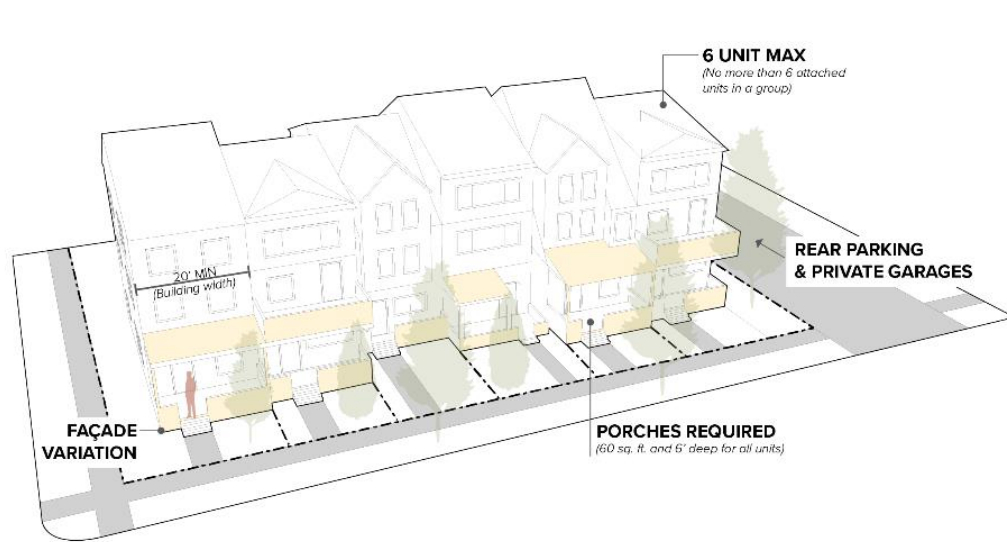


Mansion Homes – 3 and 4-plexes

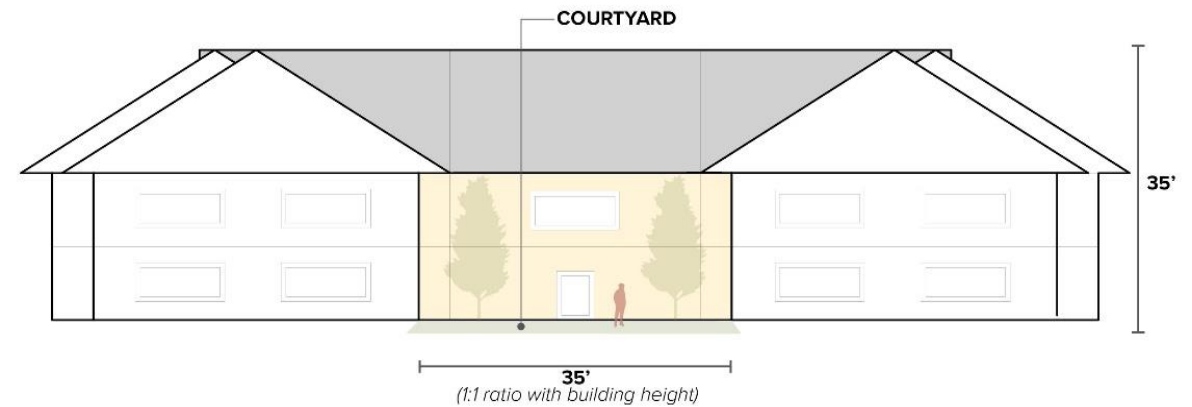
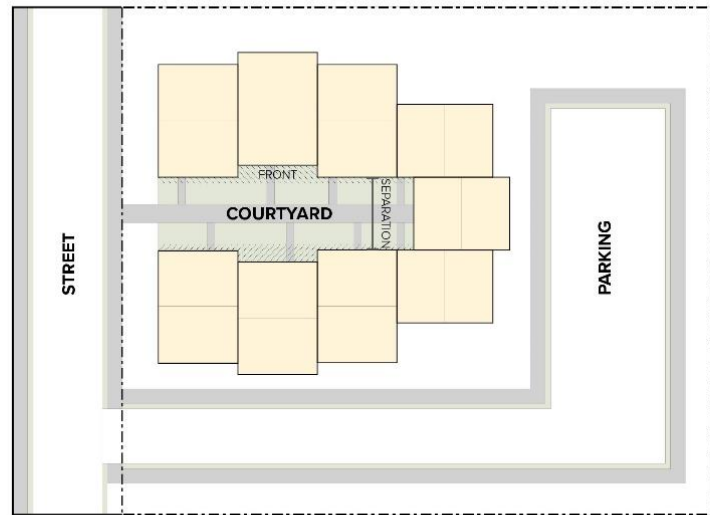
- Parking to rear or side
- Front porch
- No vinyl or aluminum siding
- Then choose 4 features from the list



Townhouses – Two configurations

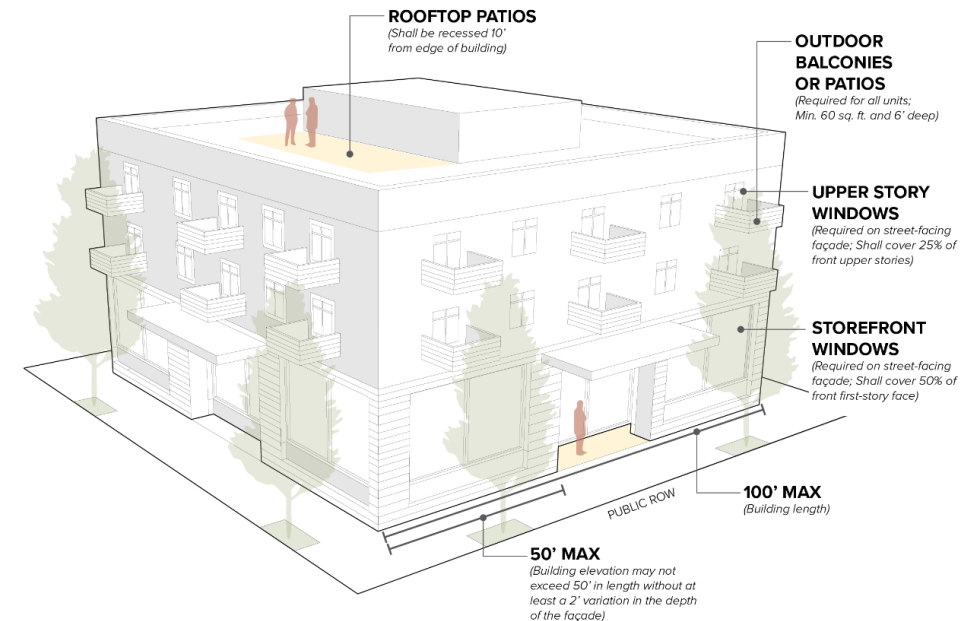


Multi-family Courtyard developments



Mixed-Use Buildings

- Residential units require balconies or patios
- Materials – brick, stone, composites, rough wood beams facing the street
- 360 degree architecture
- Façade indentations (2' min.) at least every 50'
- Storefront windows on street



Commercial Buildings – choose two features in addition to a storefront

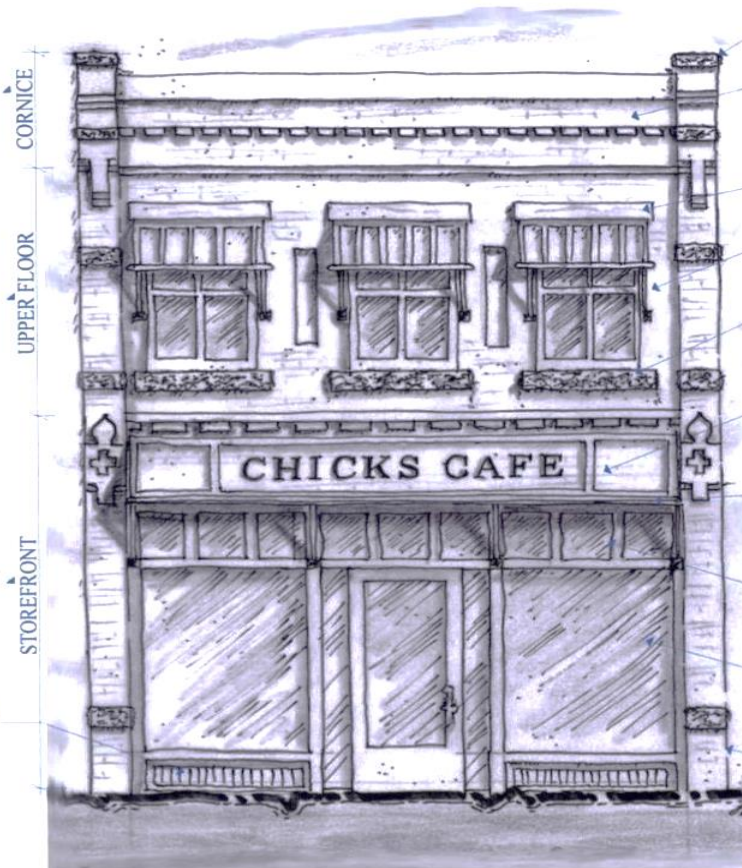
ANATOMY OF A MAIN STREET BUILDING:

CORNICE: the projecting member at the top of the exterior wall.

UPPER FLOOR: the usually non-retail volume above the retail ground floor; multistory Main Street buildings are typically between 2 and 4 floors.

STOREFRONT: the front exterior wall of commercial space, typically with large areas of glass.

BULKHEAD: the areas that support the display windows.



FINIAL CAP: decorative terminal at the top of a feature.

FRIEZE: the middle horizontal member below the cornice

WINDOW HOOD: a projecting structural member above a window. Typically of wood, stone or cast iron.

SASH: a frame for glass to close a window.

SILL: horizontal member immediately below the window assembly, typically of wood or stone.

AWNING: a roof like covering to provide protection against the elements.

LINTEL: structural member above a storefront that supports the parapet or upper wall.

TRANSOM: upper windows in a storefront; can be operable or fixed, clear or art glass, true divided lite glass modules.

DISPLAY WINDOW: the main areas of clear glass on a storefront behind which goods are arranged.

BUTTRESS: an exterior mass of masonry set into a wall to strengthen or support

Suggested Process and Timeline

- Noticing of an open house and PC public hearing sent out together
- Hold an Open House on September 11th
 - Poster Session, staff and consultant to answer questions
- PC Public Hearing September 24th
- City Council hopefully in October



Questions, Thoughts, and Thank you!



EXHIBIT 1: 18.83 Central Heber Overlay Zone

Draft Date: 8/6/24

18.83.010	Purpose
18.83.020	Permitted and Conditional Uses
18.83.030	Spatial Requirements
18.83.040	Design Requirements
18.83.050	Visual Screening
18.83.060	Related Provisions

18.83.010 Purpose

To implement the Central Heber Vision, the Central Heber Overlay Zone (CHOZ) has been created and includes three individual districts:

- A. Infill District (ID). The Infill District, as part of the Central Heber Overlay Zone, has been established to allow for various forms of infill. These include flag lots, lots on a private right of way, small lots, and certain missing middle housing types. The Infill District adds additional housing flexibility to the R-2 and R-3 zones in the Downtown area.
- B. Midway Lane District (MLD). The Midway Lane District (MLD) has been established as a mixed use zone consisting of residential and commercial uses. The area is primarily serving residential uses, but it is intended that future use of this area will include additional selective commercial uses to connect the West Gateway to Main Street.
- C. Transition District (TD). The Central Heber Vision suggests an additional mix of uses could be considered as a transition to the residential neighborhoods east and west of the Main Street area. The Transition District (TD) has been established to promote limited uses with a mix consisting of residential and commercial uses. The mix of uses would allow for medium to higher density residential uses, with occasional corners for lower intensity commercial uses. A portion of the Transition District, between 150 West and 150 East, has been identified by the Central Heber Vision, as an area to be considered for rezoning to C-3 Commercial.

18.83.020 Permitted and Conditional Uses

The underlying zone uses remain. The CVOZ includes additional uses and limitations as described below. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential district characteristics, the following uses are allowed the CHOZ:

- A. Table of Land Use Regulations.
 - P = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.
 - C = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required.
 - N = not allowed in the particular overlay area
- B. If a use is not specifically designated below, then it is prohibited.
 - All uses listed in the use table and that require a building permit shall also require a site plan application.

Permitted and Conditional Use Chart

Land Use	ID	TD	MLD	Limitations
Artist related studios (includes live-work units)	N	P	P	
Bed and Breakfast Inns	P	P	P	See requirements in 18.68.610
Hotels	N	C	C	See note 1 & 2 below
Single-family homes including detached accessory dwellings	P	N	P	Subject to the Subdivision ordinance
Small lots	P	N	N	
Flag lots	P	P	P	• Subject to the Subdivision ordinance • See standards in Section 18.83.040
Lower Density Missing Middle Housing (including small lots, duplexes, twin homes, and Mansion-Style Homes (up to 6 units per building)	P	P	P	See standards in section 18.83.040
Medium Density Missing Middle Housing (including townhomes, lots on a private ROW, Mansion-Style Homes (over 6 units per building)	C	P	P	See standards in section 18.83.040
Courtyard Residential Buildings	N	P	P	
Accessory Dwelling Units (ADUs)	P	P	P	Must meet the standards for ADUs as per Section 18.68.611, except both an internal and an external ADU are permitted for each single family detached dwelling
Commercial retail and services (not including tattoo parlors and pawn shops)	N	C	P	No more than a 5,000 square foot footprint
Offices	N	P	P	• See note 1 below • No more than a 5,000 square foot footprint
Restaurants, including outdoor dining	N	C	P	• No drive-up windows • No fast-food • See note 2 below
Medical offices, clinics	N	P	P	See note 1 below
Public Buildings	C	P	P	
Banking or financial institutions	N	P	P	• Excludes check cashing; • See note 1 & 2 below
Fitness centers, including gymnasiums	N	P	P	See note 1 & 2 below
Commercial day care	C	P	P	
Home occupations including home based pre-schools, daycares and micro-schools	P	P	P	As regulated by Section 18.68.609 and State Law

Land Use	ID	TD	MLD	Limitations
Public/Private schools	P	P	P	As regulated in State Law and Section 18.68.230
Secondhand stores	N	P	P	See note 1 & 2 below
Signs	P	P	P	As regulated by Section 18.104 and limited to one monument (max 10 square feet) sign and one wall sign (max 30 square feet) or one projecting sign (as per the standards in 18.104)
Mixed use residential-commercial development	N	C	C	See note 1 & 2 below

1 For the MLD, permitted only for properties fronting 100 South

2 For the TD, permitted only for properties fronting 100 East and 100 West

18.83.030 Spatial Standards

- A. Spatial standards shall be as set forth in the underlying zone, except for Small lots, Flag lots and lots on a private ROW.
- B. The maximum height of all principal structures shall be thirty-five feet and accessory buildings shall follow the requirements of the underlying zone.

Spatial Requirements by Building Type

Use	Lot Width	Front	Rear	Side	Area-Depth	Height
Small Lot - see 18.83.040 (E)	49' Corner – 56'	15 feet from ROW	20'	6'	4,500sq. ft. 98' depth	30 feet max
Flag Lot – see section 18.83.104 (F)	As per the underlying zone and may include the pole portion	10' from driveway	10'	10'	Min of 50% of the underlying zone standard	20' max
Lots on a Private ROW – see 18.83.104 (G)	30'	20 feet from private ROW	20'	10' except where zero lot lines are allowed	2500 sq. ft. not including the private ROW	Two stories 30' max
Duplex/Twin home – see 18.83.104 (H)	As per the underlying zone	20' min from ROW	As per the underlying zone	As per the underlying zone	As per the underlying zone	As per the underlying zone

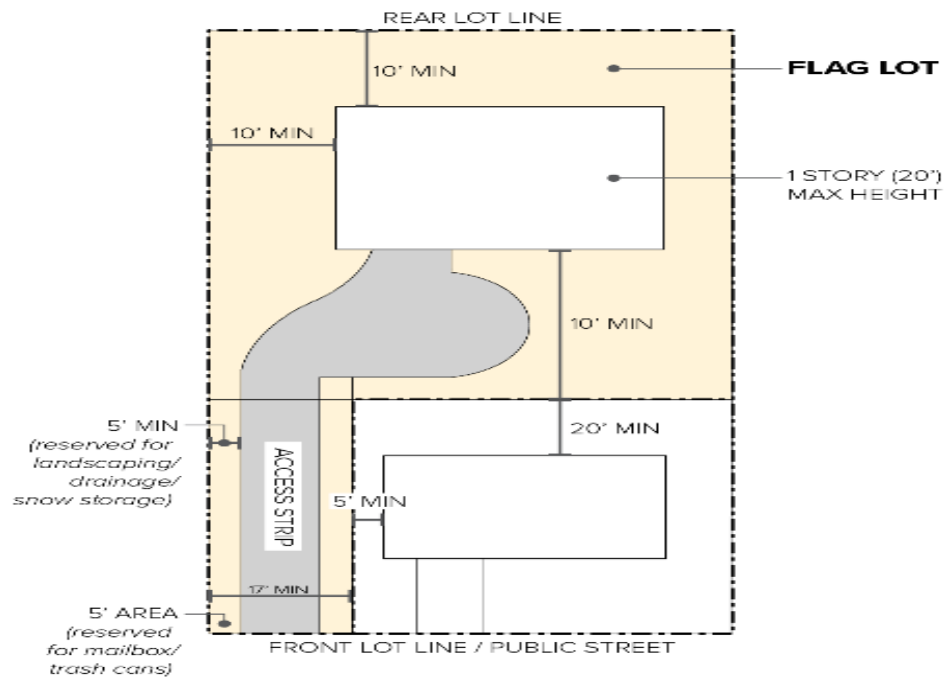
Use	Lot Width	Front	Rear	Side	Area-Depth	Height
Tri-plexes and Four-plexes – See 18.83.104 (I)	As per the underlying zone	As per the underlying zone	As per the underlying zone	As per the underlying zone	As per the underlying zone	As per the underlying zone
Townhouse – see 28.83.104 (J)	100' min	20' from ROW	20' min	10' min	As per the underlying zone	30' max
Courtyard Building – see 18.83.104 (K)	100' min	20 feet from ROW	20' min	10' min	As per the underlying zone	30' max
Mixed Use Buildings – see 18.83.104 (L)	As per the underlying zone	15 feet from ROW	20' min	10' min	As per the underlying zone	Three stories, 35' max
Commercial Buildings - see 18.83.104 (M)	50' min	15 feet from ROW	20' min	10' min	As per the underlying zone	Three stories, 35' max

18.83.040 Design Requirements

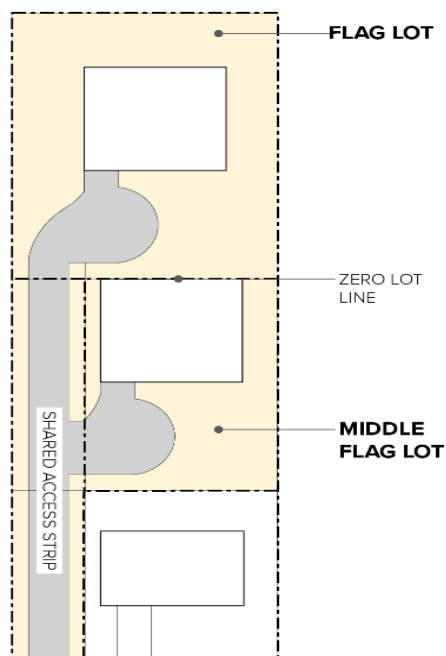
- A. Those who desire to convert homes, lots or other buildings to commercial use or multi-family use shall maintain the required landscaping and no parking is allowed in the front yard.
- B. Rooftops may be used as garden type open space, and/or passive recreation space.
- C. All Rooftop Heating, Ventilating, and Air Conditioning equipment (HVAC) shall be enclosed or screened such that it is not readily recognizable as HVAC equipment.
- D. Special Standards for certain uses and structures.
 1. Non-residential uses shall not produce noise exceeding fifty-five (55) decibels as measured at the property line, vibration, fumes smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects.
 2. Where garages are built, they shall be wired for 220 Volt vehicle charging.
 3. Temporary outdoor sales area allowed.
- E. Small lots:
 1. Allowed in the ID zone only.
 2. Such interior lots may have a width no less than 49' at the front yard setback and if located on a corner, 56' wide.
 3. Any street facing garage shall be setback from the front face of the dwelling by at least ten feet.
 4. Lots with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet.
- F. Flag lots. Flag lots shall meet the following requirements. These requirements supersede the requirements for flag lots in Section 18.52.050:

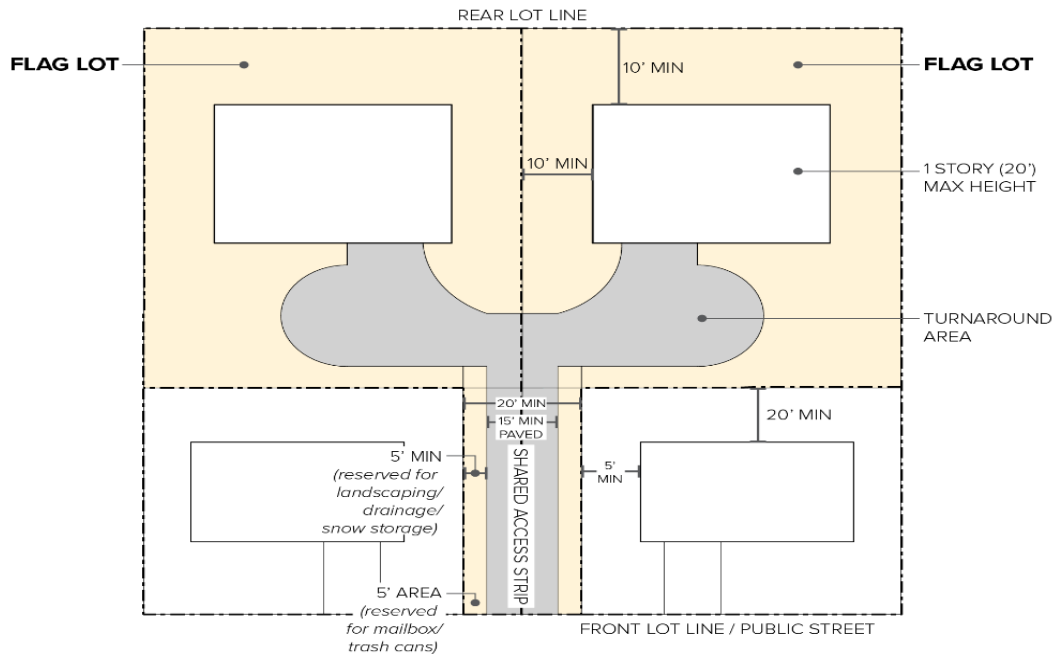
1. Up to two (2) flag lots (plus the existing home) may be created from an existing parcel of property.
2. The flag lot(s) shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original or front lot. If the dwelling on the front lot is torn down, any new dwelling shall face the adjacent street.
3. The main body of a flag lot, exclusive of the access strip, shall be no smaller than 50% of the required lot area in the zone in which it is located.
4. The existing front lot shall meet the required lot area, lot width, front yard, and side yard requirements for the governing zoning district in which it is located. The rear setback shall be a minimum of twenty feet (20').
5. If two flag lots are proposed, one behind the other, see graphic below. The access strip portion of a flag lot:
 - a. Shall be at least 17' wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot;
 - b. Shall be paved except for the 5' reserved for landscaping/drainage/snow storage adjacent to the neighboring property line, unless agreed to in writing by the adjoining property owner;
 - c. Hard surfaced driveways shall be located a minimum of 5' from any existing home on the original or neighboring lots;
 - d. Shall front on a public street; and
 - e. Shall not exceed one hundred fifty feet (150') in length unless approved by the Fire Department
 - 1) Where the 5' landscaped area abuts the public street, it shall contain a mailbox (s), displaying the lot address (s), and a gravel or paved area for trash cans.
6. Where two flag lots are proposed behind a lot on the public street, the middle lot may have a zero lot line using the property line adjacent to the furthest lot.
7. Two (2) adjoining flag lots may share a common access strip only if the access strip is twenty (20') wide or greater – this includes a 5' landscaped drainage/snow storage area and 15' of pavement.
8. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot(s) or as an easement but require public utility easements for access and public utilities from the original lot and to the adjacent street.
9. The subdivision plat shall include an outline of the buildable area proposed for the home (s).

10. 2 parking spaces are required for the home, as well as a turnaround area to prevent the need to back out through the driveway/access strip.



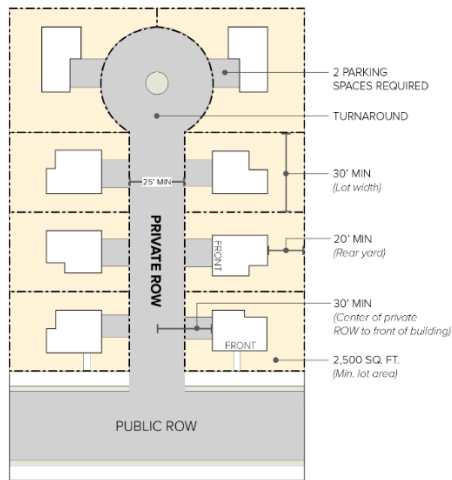
11. The address of the flag lot dwelling shall be clearly visible on the home(s) when viewed from the access strip.



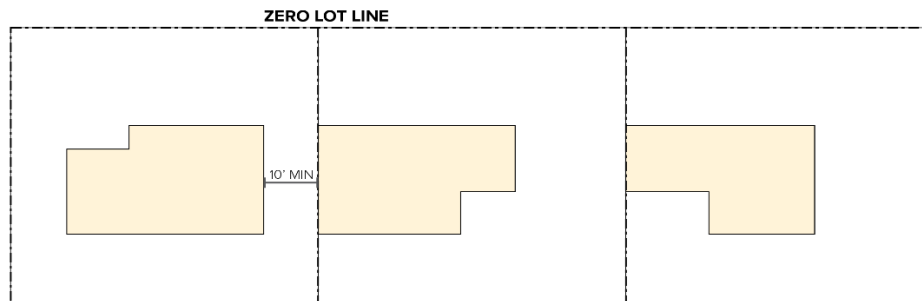


G. Lots on a Private Right-of-Way

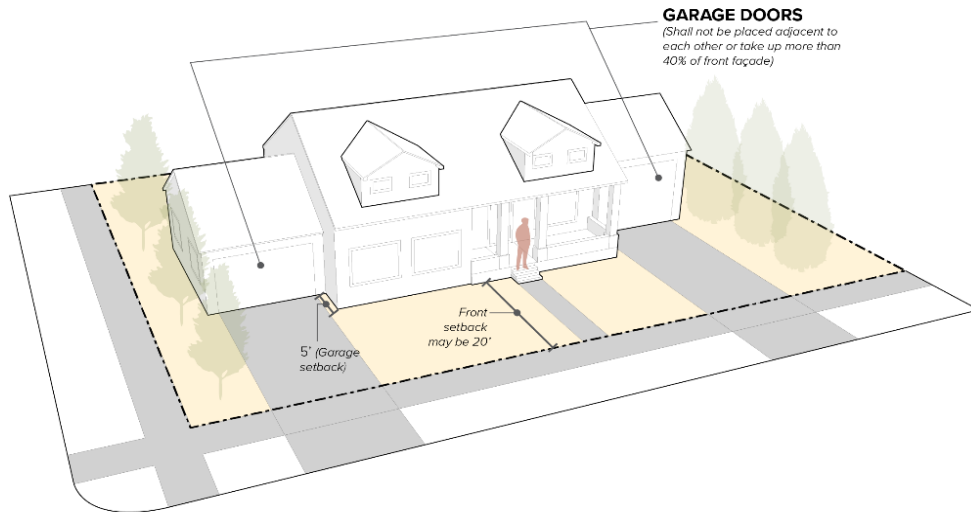
1. The requirements of the Subdivision Ordinance shall govern.
2. The minimum distance from the private right-of-way line to the front line of the building shall be twenty feet.
3. Two paved vehicle parking spaces are required.
4. The home on the lot adjacent to the public ROW shall face the street, with access to parking from the private ROW, unless the existing house remains and an existing driveway access is to the public street. Such lots shall have a minimum 20' rear yard and a minimum ten foot side yard.
5. Private ROWs shall be constructed to meet City standards, however, certain requirements and reductions as specified below, are allowed:
 - a. A private ROW shall not extend more than 400 feet.
 - b. A maximum of ten (10) lots/units are allowed on a private ROW.
 - c. The minimum street width is 26' and no curb, gutter, or sidewalk is required.
 - d. Storm drainage from the private street and the development shall not enter the public street/stormwater system, as per City Engineering.
 - e. All such private ROWs shall include an approved turnaround within the private ROW, as per Fire Code
 - f. 10 foot wide dry utility easements shall be provided along each public and private right of way. Dry utility placement shall occur in the public Right of Way or through negotiated locations such as the private drive/street, an alley or a public utility easement (PUE) on private property. A determination of the best locations for utilities shall occur during the application process with an application requirement for a conceptual utility plan as part of that process. No above ground utilities, especially utility boxes shall be placed in the clear view of an intersection or driveway. Any above ground utilities shall be located in an easement (PUE) behind the front face of the building, and preferably to the rear of the building.
 - g. Sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.



6. Zero lot line buildings are allowed except for the lot furthest from the public street and the lot adjacent to the public street. Those lots shall maintain a rear or side yard, depending on the configuration of 20'. Windows on a zero lot line side shall either be opaque or transom type (higher up). The minimum side yard opposite the zero lot line shall be 5'.



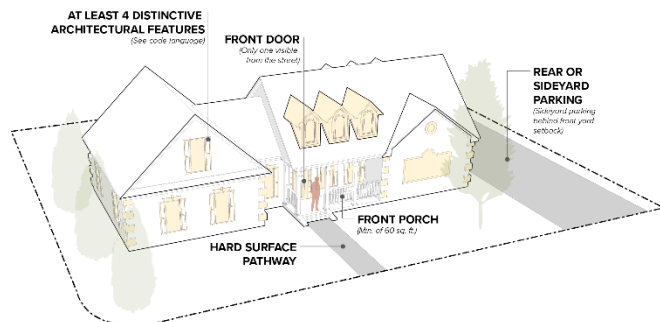
7. If a private drive or alley development allows for lots facing each other, all of the above requirements apply.
 8. Recorded agreements for the private ROW maintenance are required between the property owners and shall include a property owner funded system of regular road maintenance that addresses surfacing, snow removal, and potential road replacement.
- H. Duplexes and Twin homes: the garage door shall reflect no more than 40% of the front façade (A) and shall be recessed as per the drawing below.



1. If garages are proposed for each unit, they shall not be placed adjacent to each other and shall be setback 5' from the front façade (B).
 2. Setbacks in the existing zone shall be utilized except the front yard setback may be 20'.
 3. Vinyl and aluminum siding are not allowed.
 4. Separate utility lines and connections are required for each unit.
- I. Tri-plexes and Four-plexes shall be designed to resemble larger homes, called Mansion Homes, with only one visible front door from the street. The front door area shall include a porch with a minimum of 60 square feet and a hard surfaced pathway to the street. Parking shall be provided to rear or side beyond front yard setback. Vinyl and aluminum siding are not allowed.

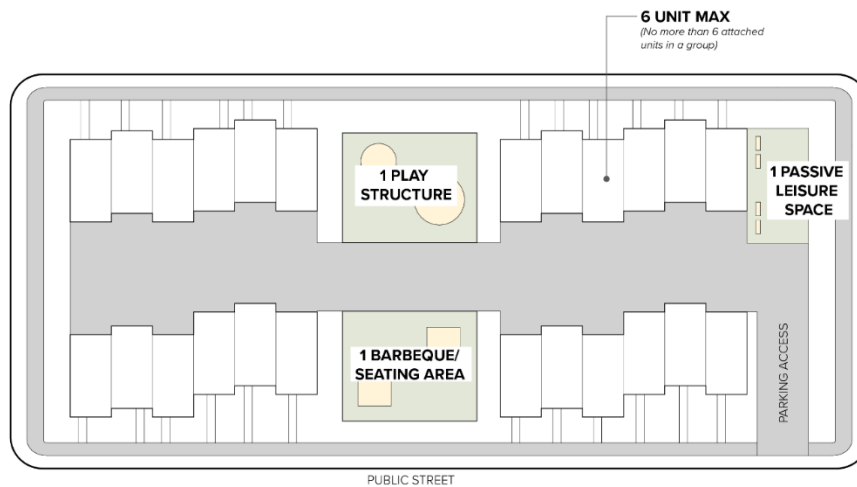
All Mansion Style apartment buildings shall include at least 4 distinctive architectural features from the following list (only one item from each letter below, as a minimum) and shall be incorporated in each building:

1. Ornamental details such as knee braces, exposed joists, decorative vents, window shutters.
2. Box or bay windows
3. Balconies with at least 50 square feet.
4. A minimum of 5 windows, 12 square foot minimum on the front façade.
5. A substantial/noticeable change of material applied to the front façade.
6. A substantial/noticeable change of color applied to the front façade.
7. A change of pattern that is substantial/noticeable on the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
8. Brick or stone along the front of the building, covering at least 25% of the front of the building.

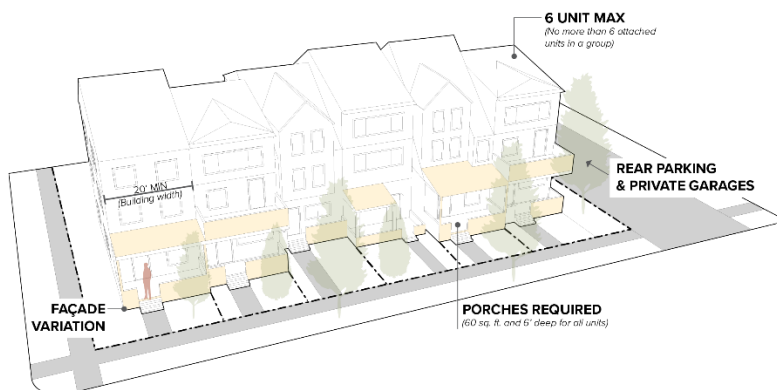


9. Materials – brick, stone, wood, cement composite materials, and metal accents
Separate utilities for each unit are required if condominium units are proposed.

- J. Townhouse. Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units. If end units face the street they shall include windows covering at least 25% of the façade for each floor. Parking and private garages shall be to the rear of the building allowing the primary façade to front a public street or public greenspace. Provide outdoor balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each.



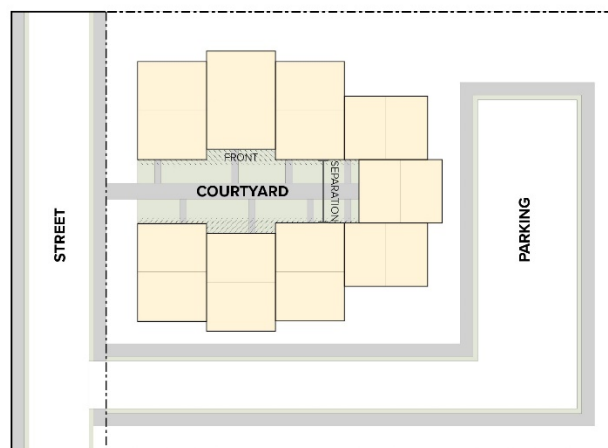
Building width shall be a minimum of 20'. Guest parking shall not include any driveway area that accesses a garage. No more than 6 attached units per building. Townhouse developments with over 12 units shall include at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. Separate utilities for each unit are required and may require easements for units that are distant from a public street.

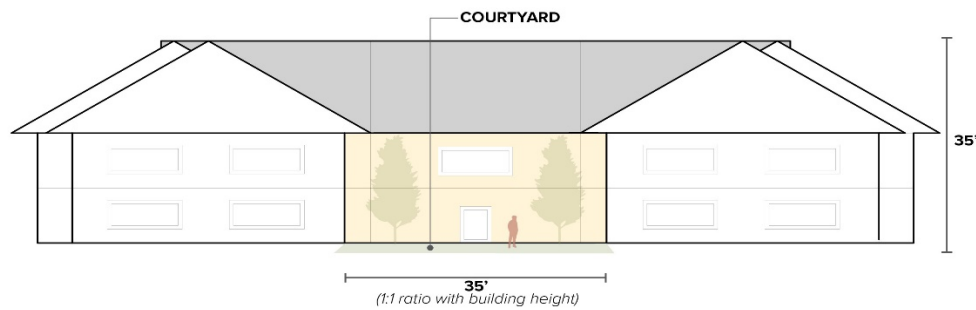


- K. Multi-family Courtyard Oriented Development: A building (s) that contains residential uses, oriented toward a courtyard with parking to the rear. Provide outdoor balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each. If end units face the street they shall include windows, covering at least 25% of the façade for each floor. Multi-family developments with over 12 units shall provide recreational amenities, with at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. Unit diversity shall be accomplished by constructing at least 20% of the units with different numbers of bedrooms.

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TD, shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and third floor if additional scoring provides a brick-like appearance. Other materials may be considered by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs.

Up to two stories may be constructed for this type of development. Separate utilities for each unit are required and may require easements for units that are distant from a public street.





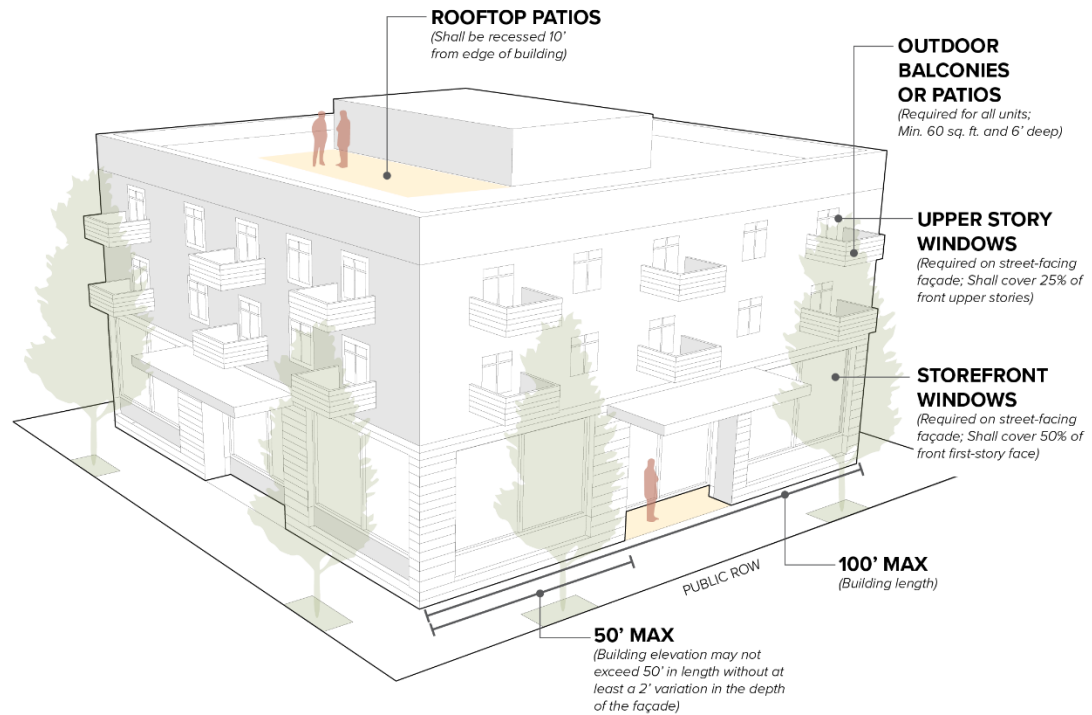
- L. Mixed-use buildings. Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed to front a street. This building type may support office, retail, hotel/hospitality or residential uses mixed vertically. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 60 square feet each. No wood burning fireplaces, stoves, appliances, or outdoor fire pits are allowed. Provide indoor bike storage or bike lockers. Rooftop patios are allowed but shall be recessed ten feet from the edge of the building.

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TD and MLD, shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. 360 degree architectural consistency is required.

No new building elevation may exceed 50 feet in length without at least a 2-foot variation in the depth of the façade along the public right of way and a 1-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 100 feet.

Storefront windows are required on the street facing façade and street facing windows shall be cover a minimum of 50% of the front first story face and 25 percent of all upper story

facades.



10 foot wide dry utility easements shall be provided along each public and private right of way. Dry utility placement shall occur in the public Right of Way or through negotiated locations such as the private drive/street, an alley or a public utility easement (PUE) on private property. A determination of the best locations for utilities shall occur during the application process with an application requirement for a conceptual utility plan as part of that process. No above ground utilities, especially utility boxes shall be placed in the clear view of an intersection or driveway. Any above ground utilities shall be located in an easement (PUE) behind the front face of the building, and preferably to the rear of the building.

Sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.

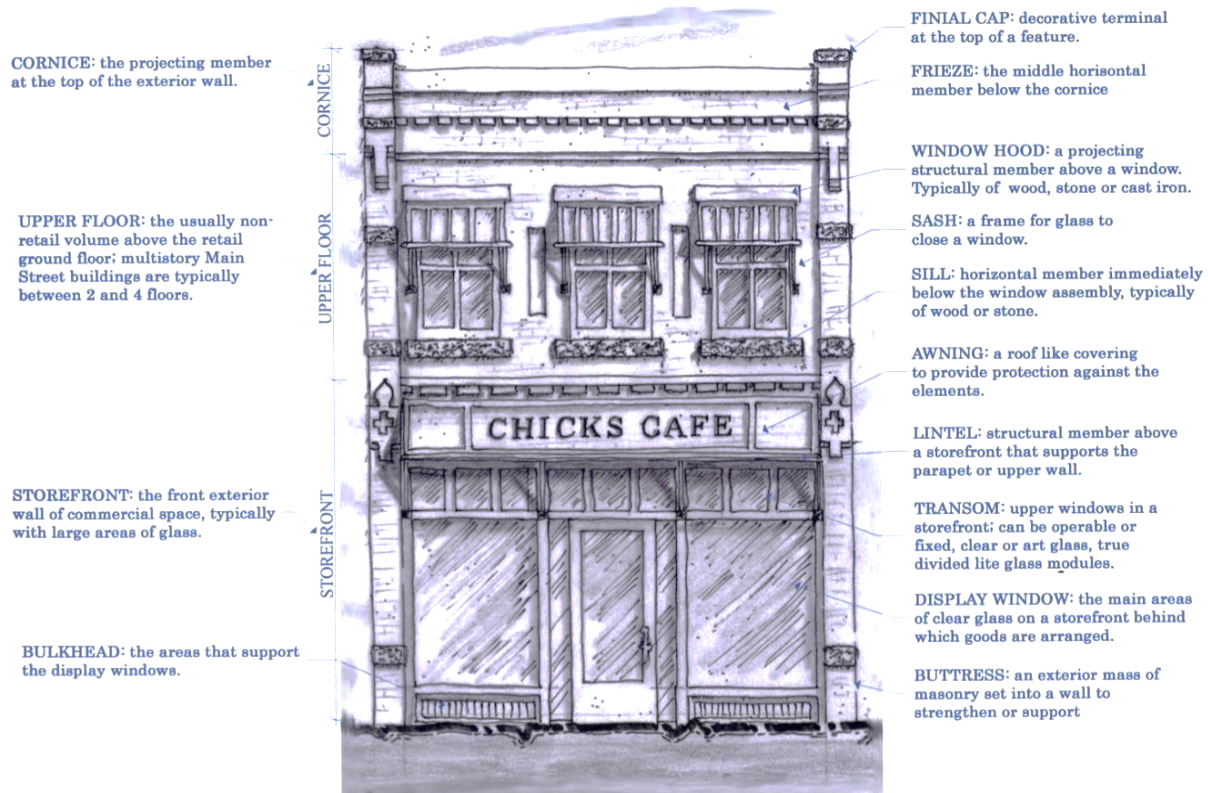
M. Commercial Buildings.

Minimum 2-story building with the primary use of office, retail, civic or commercial use. All such buildings shall include at least 1 vehicle charging station per building.

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TD and MLD, shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. 360 degree architectural consistency is required.

Principal entrance shall face the street or be located on the corner of the building and recessed. Front façade shall include a storefront type appearance and include at least two additional features from the sketch below:

ANATOMY OF A MAIN STREET BUILDING:

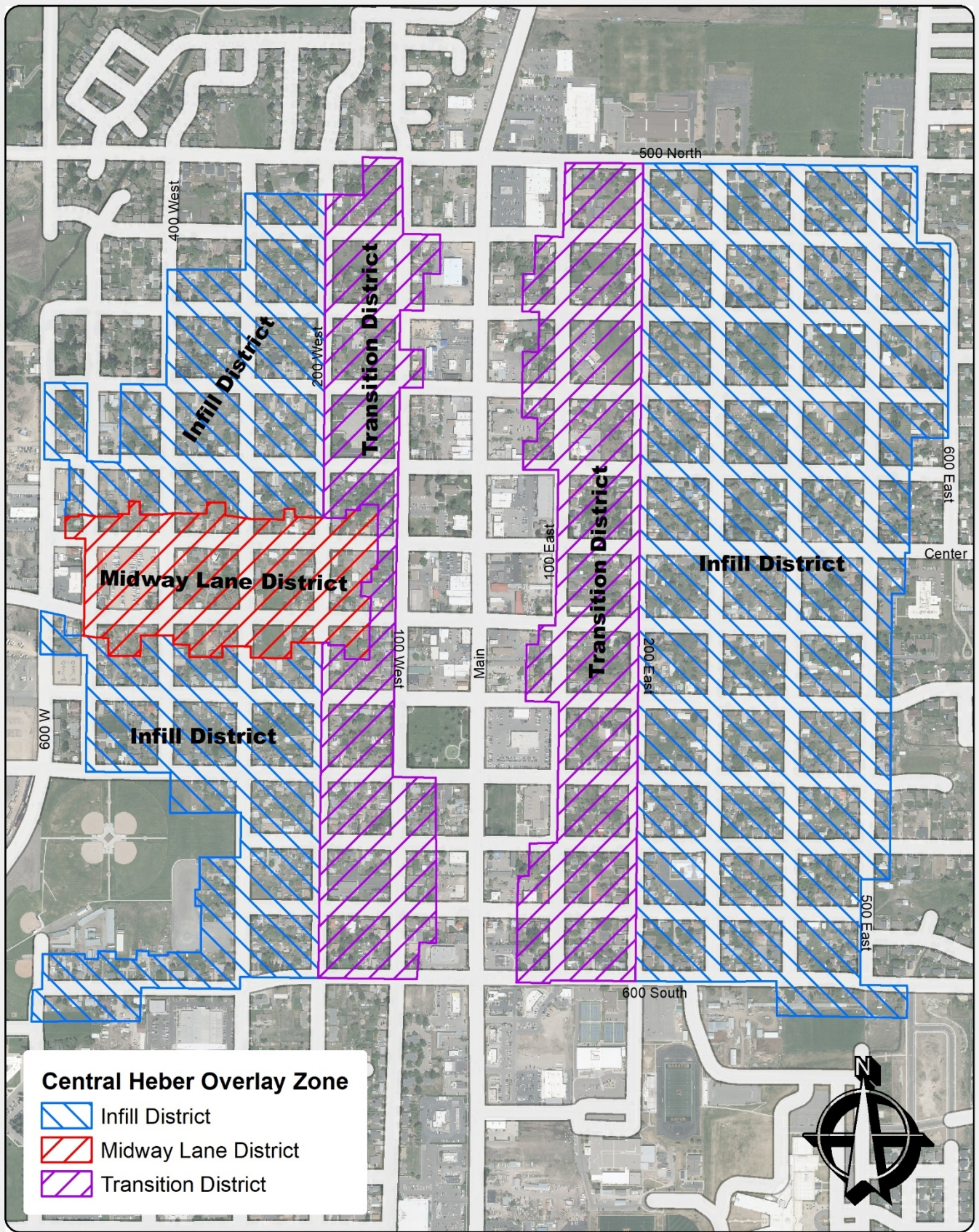


18.83.050 Visual Screening

All commercial lots within the zone shall have a six foot rear yard sight obscuring fence.

18.83.060 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.68	Supplementary Regulations
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off-Street Parking and Loading
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 18.117	Subdivisions



Central Heber Overlay Zone (CHOZ)

May 16, 2024

Effective 5/14/2019

10-9a-102 Purposes -- General land use authority.

- (1) The purposes of this chapter are to:
 - (a) provide for the health, safety, and welfare;
 - (b) promote the prosperity;
 - (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - (d) protect the tax base;
 - (e) secure economy in governmental expenditures;
 - (f) foster the state's agricultural and other industries;
 - (g) protect both urban and nonurban development;
 - (h) protect and ensure access to sunlight for solar energy devices;
 - (i) provide fundamental fairness in land use regulation;
 - (j) facilitate orderly growth and allow growth in a variety of housing types; and
 - (k) protect property values.
- (2) To accomplish the purposes of this chapter, a municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:
 - (a) uses;
 - (b) density;
 - (c) open spaces;
 - (d) structures;
 - (e) buildings;
 - (f) energy efficiency;
 - (g) light and air;
 - (h) air quality;
 - (i) transportation and public or alternative transportation;
 - (j) infrastructure;
 - (k) street and building orientation;
 - (l) width requirements;
 - (m) public facilities;
 - (n) fundamental fairness in land use regulation; and
 - (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
- (3)
 - (a) Any ordinance, resolution, or rule enacted by a municipality pursuant to its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.
 - (b) A municipality may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the municipality demonstrates that the regulation:
 - (i) is necessary for the purposes of this chapter;
 - (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
 - (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

Amended by Chapter 384, 2019 General Session

HEBER CITY PLANNING COMMISSION BYLAWS

May 8, 2008

Article 1:

Authority

These rules and procedures are adopted pursuant to Section 10-9-202 (2a), of the Utah State Code, and 18.12.180, and 2.48 of the Heber City Code.

Article 2:

Jurisdiction

The physical jurisdiction of the Planning Commission is the Heber City Limits.

Article 3:

Appointment and Terms of Members

- A. The Planning Commission shall consist of seven (7) regular members and one (1) alternate member.
- B. Planning Commission members shall be residents of Heber City.
- C. The terms of office for Planning Commission members shall be six (6) years.
- D. Improper conduct and non-performance of duties shall result in removal for cause as stated in 2.48.020. Members may be removed after a public hearing, by a majority vote of the City Council.

Article 4:

Planning Commission Officers and their Duties

- A. Chairperson
 - 1. The Planning Commission shall elect a Chairperson and a Vice-Chairperson from among its members at the first regular meeting in January.
 - 2. The Chairperson and Vice-Chairperson shall serve for a term of two (2) years, beginning the first regular meeting in February, and may be re-elected.
 - 3. The Chairperson shall preserve order, and decide all points of order, subject to appeal of the membership. Such an appeal shall be decided by a majority vote of the members present. The Chairperson may vote on all matters before the Planning Commission.
 - a. The Chairperson with the concurrence of a majority vote of the Planning Commission may create such special subcommittees as he/she may, from time-to-time, deem necessary or desirable.

- b. The Chairperson or Vice-Chairperson shall sign all final plats and transmittals to the City Council.
 - c. In the event of absence or disability the Chairperson, the Vice-Chairperson shall preside. In the absence of both, the members shall appoint a Chairperson for that meeting.
- 4. The Chairperson shall sign all documents of the Planning Commission that require a signature.
- B. Vice-Chairperson
 - 1. Perform all of the above duties in the absence of the Chairperson;
 - 2. Conduct the annual review of the Planning Commission actions;
 - 3. Coordinate and conduct the annual meeting of the Commission; and
 - 4. Provide orientation to new Planning Commission members.
- C. Secretary
 - 1. Assure true construction and maintenance of the public record, record the proceedings of all hearings and meetings; and prepare the minutes of the Commission.
 - a. Minutes shall include:
 - i. Findings or conclusions;
 - ii. Ordinance used as basis for decision;
 - iii. Motions made, seconded, voting, abstentions, reasons for.
- D. Chairperson Pro-Tempore

In extraordinary cases, where both the Chairperson and Vice-Chairperson are absent from a meeting or hearing, the remainder of the Commission shall elect a Chairperson Pro-Tempore by majority vote.

Article 5:

Staff of the Commission and their Duties

- A. Planning Staff
 - 1. Shall advise the Planning Commission or Municipal Council, and Chief Administrative Officers regarding Planning, regulation of development, development and re-development.
 - 2. Shall prepare all documents for presentation to the Planning Commission; and;
 - 3. Assist the Chairperson and Vice-Chairperson of the Commission in the exercise of their duties.
 - 4. All recommendations to the City Council, where necessary, shall be submitted by the Staff to the City Attorney for review. Once reviewed

shall be returned to the Chairperson for verification before submittal to the City Council.

B. Legal Counsel

The City Attorney or his designee shall be the legal counsel for the Planning Commission and its committees.

Article 6:

Meetings

- A. The Planning Commission shall meet as set forth in the annual notice of meeting schedule to conduct its duly appointed business.
- B. A special meeting for any purpose may be held on the call of the Chairperson or of four (4) members of the Planning Commission. Commission members and public shall be notified of such meetings by the Secretary, in accordance with the provision of City and State law.
- C. A quorum of the Planning Commission shall consist of four (4) voting members. A quorum shall be necessary to conduct business.
 - 1. Any agenda item must receive a majority of votes for approval or recommendation to City Council for approval.
 - 2. A failure to vote by a member shall be counted as an abstention.
 - 3. In the case of a tie, the alternate shall break the tie.
 - 4. In case of a tie vote the item may be continued.
- D. The Planning Commission Secretary shall prepare and deliver or mail an agenda to all necessary parties at least six (6) days prior to each Planning Commission meeting. No material received after this time will be considered unless approved for consideration by the Chairperson.
- E. Order of Business for Regular Meetings
 - 1. Call to order and determination of quorum
 - 2. Approval of the minutes of the previous meeting
 - 3. Announcements
 - 4. Old Business
 - a. Matters regarding the comprehensive plan;
 - b. Matters regarding capital improvements;
 - c. Matters related to the subdivision of land;
 - d. Matters related to the zoning ordinance;
 - e. Matters related to other regulatory devices.
 - 5. New Business
 - a. Matters regarding the comprehensive plan;

- b. Matters regarding capital improvements;
 - c. Matters related to the subdivision of land;
 - d. Matters related to the zoning ordinance;
 - e. Matters related to other regulatory devices.
- 6. Other Business
 - 7. Review of the Planning Commission Calendar
 - 8. Adjournment or Recess at call of Chairperson

Article 7:

Participation by Staff and Public

- A. No person shall be permitted to speak unless recognized by the Chairperson, who shall designate time limits to persons permitted to speak on any matter properly before the Commission. Each person speaking before the Planning Commission shall first state his name, address and then the substance of his remarks.
- B. Matters before the Planning Commission shall be presented in the following manner:
 - 1. Presentation by staff;
 - 2. Presentation by applicant;
 - 3. Comments from the public, where appropriate, (decided by the Chairperson);
 - 4. Comment and questions from the Planning Commission;
 - 5. Further comments by applicant and public; and
 - 6. Concluding comments from the staff.

Article 8:

Form and Character of Motions

The Planning Commission observes Roberts Rules of Order.

- 1. Upon review of the public record on a request and due deliberation among the members of the Planning Commission, any member of the Commission, except; the Chairperson, may make a motion. The motion shall include not only the direction of the motion (approval, approval with conditions, or denial), but also a recitation of the specific findings and conclusions supporting such motion.
- 2. A second shall be required for each motion.
- 3. A motion shall die in absence of a second.
- 4. Discussion and amendments on the motion.

5. Where a motion to deny a request has been defeated, a member of the Commission initially in opposition shall make a motion to:
 - a. Approve the request;
 - b. To table, or
 - c. To continue the matter for further study or investigation.

Article 9:

Requirements for the Submission of Requests

- A. The Planning Commission shall adopt standard forms for the submission of requests. All requests shall have reasonable advance time requirements;
- B. The Planning Staff shall certify completeness of requests;
- C. Any request denied shall not be resubmitted for a period of six (6) months; and
- D. The Planning Commission may recommend to the City Council a fee schedule for the submission of requests to cover processing, duplication, and distribution of requests and related documents.

Article 10:

Documents of the Commission

- A. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by a motion to “accept for the record”.
- B. All notices, agendas, requests, agency or consultant letters or reports, staff reports, minutes of meetings, and resolutions or record shall constitute the documents of the Planning Commission and shall be indexed as public record.

Article 11:

Administrative Calendar

- A. Notice for all public hearings, work sessions and regular meetings shall conform to requirements of law.
- B. Regular meeting schedule for the calendar year following shall be determined at the annual meeting of the Planning Commission.
- C. The Planning Commission shall have an annual public meeting, to review the work of the previous year and plan the work program for the coming year.

Article 12:

Conduct of Members of the Planning Commission

- A. Members of the Planning Commission shall prepare themselves for hearings and meetings.
- B. An appointed member of the Planning Commission absent from three (3) consecutive regular meetings or four (4) regular meetings within a calendar

year without being excused by the Chairperson may be removed from the Planning Commission for cause.

- C. Any Planning Commission member not present at the time the first matter of business is opened shall be replaced by the alternate for that meeting. If the late member shows up for the meeting, that member becomes the alternate.
- D. A Planning Commission member with a conflict of interest in a matter before the Commission must state that such a conflict of interest exists and withdraw from participation in the public hearing, work session, or regular meeting on such matter. Participation of a member of the Planning Commission with a conflict of interest may be cause for removal. The interests of that Planning Commission member may be represented before the Commission by agent or legal representative at the public hearing, regular meeting, or work session and entered into the public record.

Article 13:

Changes Affecting the General Plan

Anytime the Planning Commission would make a decision affecting the General Plan, it is the Planning Commission's intent to hold a public hearing.

Article 14:

Adoption and Amendment of Bylaws

- A. Bylaw adoption, or amendment, shall be made by the Planning Commission following review by the Commission's legal counsel and a public hearing.
- B. The Planning Commission bylaws shall be adopted or amended upon a vote of a majority plus one of the appointed members. Such shall take affect immediately after a successful vote to adopt or amend.

Article 15:

The Planning Commission complies with current statutory requirements of the public and open meetings act.