

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
June 25, 2024

APPROVED 08.13.2024

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Gunn called the Planning Commission Meeting to order at 6:05 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Commissioner Josh Knight
Commissioner Tori Broughton
Commissioner Robert Wilson (Remote)
Commissioner Greg Royall

Planning Commission Absent/Excused: Vice-Chairman Dave Richards
Commissioner Phil Jordan
Commissioner Darek Slagowski

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
Consultant Landmark Design Inc.
City Engineer S. Ross Hansen

Staff Participating Remotely:

Consultant GCGarcia

Also Present:

Mesia, Swan, Lynn Baum, Alan Robertson,
Kirt Michaelis, Paul Kruger, Brian Balls,
City Council Member Mike Johnston,
George Holmes

Also Attending Remotely:

Chuck Larson, Grace Doerfler, J, Richard
Jimenez, Commissioner Robert Wilson,
City Council Member Sid Ostergaard

III. Pledge of Allegiance: By Invitation

Commissioner Tori 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: 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 archtieceurre 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 thought 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 Wilson

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 Waldrip, who worked with the State legislature. Planner Baron touched on some highlights from Mr. Waldrip'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
Meshelle Kijanen, Administrative Assistant