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

APPROVED 08.13.2024

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
Planning Commission Absent:	Chairman Dennis Gunn Vice Chairman Dave Richards Commissioner Darek Slagowski Commissioner Jami Hewlett-Smith
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 from Landmark Design Inc. 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-foor 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. <u>Request for a Site Plan and CUP approval for Wasatch County Courts Expansion (Planner Aubrey Larsen)</u>

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 sumamarized 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 annexation petition.

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.

Community Development Director Kohler also clarified that the only thing the Planning Commission was making a recommendation on that evening was approval of the annexation area map. He explained the Planning Commission was voting on a policy, not the approval of the specific properties that were petitioning to be annexed.

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

[Audio interrupted from 46:38- 50:30]

[The motion for this item was not recorded.]

4. Work Meeting:

The Commissioners began a training video, though were interrupted due to challenges with the audio.

Motion: Commissioner Knight motioned to return to the training once the technology issues had been resolved. The motion was seconded.
Discussion: N/A
Voting Yes: Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall.
Voting No: None. The Motion Passed 5-0.

5. Administrative Items:

I. City Council Communication Item
Planner Baron reported on the City Council meeting, which he said had been cancelled 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

Meshelle Kijanen, Administrative Assistant