

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

APPROVED 08.13.2024

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 Josh Knight
Commissioner Tori Broughton
Commissioner Robert Wilson

Planning Commission Absent:

Chairman Dennis Gunn
Commissioner Darek Slagowski

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen

Staff Participating Remotely:

Consultant GCGarcia

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 offered a thought stating tonight we have the opportunity for changing our entire area as we again host the Olympic Games in 2034. Hopefully, that announcement will occur at 2:30 pm our (Mountain) time. Having been brought to this community as an Olympic employee as the General Manager of Soldier Hollow and since learning how and loving to live here. It is an incredible opportunity to ... See recording

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.

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 was 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:

4. Work Meeting: N/A

5. Administrative Items:

Jamie Baron talked about the Council Meeting

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
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