

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

October 22, 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/Thought: By Invitation ()
- V. Recuse for Conflict of Interest

2. Consent Agenda:

- I. 09.24.2024 & 10.08.2024 PC Minutes for Approval

3. Action Items:

- I. The City Council will be in attendance for a presentation regarding, "The Future of City Square (Main City Park), Heber City's Central Downtown Gathering Place". (Presented by Roger Brooks and Kerri Smith)
- II. The City Council will be in attendance for a presentation regarding a discussion of the recent Salt Lake City/Heber City Tour and provide feedback on Envision Central Heber Implementation. (John Janson)
- III. The City Council may be in attendance for a Public Meeting with Affected Entities regarding proposed amendment to the City's Annexation Policy Plan (Tony Kohler)

4. Work Meeting:

- I. Review of C-2, C-4 setbacks. (Jamie Baron)

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 10.17.2024, 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 Heber City
Planning Commission
Meeting September 24, 2024**

DRAFT Minutes

1. Regular Meeting:

I. Call to Order:

Chairman Gunn called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Commissioner Phil Jordan
Commissioner Josh Knight
Commissioner Tori Broughton
Commissioner Darek Slagowski
Commissioner Greg Royall

Staff Present:

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

III. Pledge of Allegiance: By Invitation

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

IV. Prayer/Thought by Invitation: N/A

V. Recuse for Conflict of Interest: N/A

2. Consent Agenda:

I. 08.27.2024 Draft Minutes for Approval

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

Discussion: N/A

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

Voting No: None.

The Motion Passed 6-0.

3. Action Items: N/A

4. Work Meeting:

I. Discuss a proposal for an amendment to Day Care Standards (Tony Kohler)

Community Development Director Kohler stated that the Council had identified that they wanted to look at daycare standards, so he had done some research and analyzed their current daycare code. He summarized that in some ways, the current Heber Code was adversely impacting the development of daycare facilities in the City. He said they had six daycares and four preschools and indicated which zones they were currently permitted in.

Community Development Director Kohler explained that the City and Utah State had different rules for daycare. He said that while Heber specified outdoor play areas could not be in the front yard, the State just stated play areas could not be located in areas that might be dangerous, and added that Heber City and the State also had different rules when it came to zoning, employees, and maximum number of children

when it came to daycare facilities. He summarized that overall, it was confusing and challenging to establish a daycare in Heber because it was so different from the State. He recommended that Heber amend their Code to follow the State model.

Community Development Director Kohler went over the process to establish a daycare facility in the City. He said applicants would first need site plan approval, and in some cases, a conditional use permit. They would then need to go through their business license application, which included a background check, and then finally go through the State approval process. He said there was some overlap and redundancy with the State and City approval process. He added there was also an inconsistent use of terms which made things complicated, compounded by the fact that the State Code kept changing.

Community Development Director Kohler reiterated that the Planning Commission had been tasked by City Council to work on a Code update for daycare facilities and explained the purpose of this evening's agenda item was to put it on the Commission's radar. He summarized the recommendations he had compiled thus far, and shared those with the Commission.

Community Development Director Kohler recommended that the City allow home-based residential certificates in all residential zones, regardless of classification, and said this would allow up to eight children. He said there would be no parking requirement, though the applicant would still need to get a background check and business license. He added the recommendation that home-based licensed family be permitted in all zones as well, and said this would allow for up to 16 children. He said these would need at least one parking stall per employee as well as a loading/unloading zone. Lastly, he proposed that commercial licenses be permitted in residential zones, though they would require a background check, licensing, and parking. He explained in order to allow commercial licenses, they would need to eliminate the regulations in their Code that duplicated the requirements at the State level. He added the Commission could opt to include the restrictions about front yard play areas if they wanted, and asked for their feedback on the proposals.

Commissioner Knight asked if the reasoning behind the restriction on front yard play areas was so that people could not tell what children were at the daycare. Community Development Director Kohler assumed it was so the neighborhood could maintain a residential feel, as well for safety of the children.

Chairman Gunn asked how often the City got applications for daycares. Community Development Director Kohler said in the 20 years he had been with the City, he had

not seen a lot of applications and noted there were not a lot of daycares in the City. Community Development Director Kohler added that he had met with about a half dozen people over the years who had expressed interest in opening a daycare, but had been discouraged by the complications of dealing with both State and City Code.

Commissioner Jordan asked why there was concern over employees living in the R-zone in the current requirements. Community Development Director Kohler explained that the R-1 zone used to be more exclusive, though that was not really the case anymore. Community Development Director Kohler said the original intent had been to not allow employees in the upper-eschelon neighborhoods, and recommended that they remove that restriction. Community Development Director Kohler added that daycare facilities with less than eight children did not even need extra employees.

Commissioner Knight asked why smaller daycares did not need additional employees. Community Development Director Kohler explained it was to preserve the residential feel of the neighborhood, along with concerns over parking. Commissioner Knight asked if the Council would be open to changing that restriction, and opined that he did not think an additional employee should be an issue as long as there was a place for them to park that was not on the street.

Commissioner Royall asked how there would be an issue with an employee parking on the street to work at a daycare, and pointed out they would be on a public, City street. Community Development Director Kohler said it might become an issue in the winter when the plows went through, and also noted that some residents might be bothered by someone parking in front of their home. Commissioner Royall thought that street parking was a sign of growth in the City and did not think people should be opposed to street parking. Commissioner Jordan said he personally agreed, though he understood why residents would be bothered by parking in front of their homes even if the street was public.

Commissioner Jordan asked why larger types of daycares were not permitted to be in cul-de-sacs. Community Development Director Kohler explained that bottlenecks formed in cul-de-sacs when parents picked up and dropped off their kids, and it also could pose a threat to access for emergency vehicles. Commissioner Jordan pointed out on the flip side, it ensured that traffic was not going by at fast speeds when kids were getting picked up and dropped off and Community Development Director Kohler acknowledged that point. Community Development Director Kohler added that the

State Code did not prohibit cul-de-sacs. Chairman Gunn did not think they needed to do more than the State requirements. Commissioner Knight did not think cul-de-sacs posed a safety issue.

Commissioner Broughton asked what counted as a loading zone. Community Development Director Kohler thought a driveway would constitute a loading zone and said there was no specific definition. Commissioner Knight commented that he knew of a daycare that had their pick-up area on the street.

Commissioner Knight commented that as more young people moved to Heber City that wanted to have children, the City should work to make daycares easier to establish in the City. He said not everyone was able to get their kids into preschool, so it was important that the City allow for larger daycares as the population grew. Commissioner Broughton thought the ratios would split things up, since if there were more than eight kids in the daycare then additional employees and a loading zone were going to be needed. Commissioner Broughton said those requirements would eliminate some people. She also noted it would be good to keep a daycare within the same neighborhood that people lived in, as that would cut down on traffic overall.

Commissioner Broughton added that one's own children counted as part of the eight children in a daycare. She said since children in the household counted, the development of more daycare facilities would actually cause less overall impact in neighborhoods since it spread out the density. The other Commissioners agreed that was a good point. Commissioner Royall added that all daycares were priced differently which would also spread people out. Chairman Gunn noted daycare was expensive and having more daycares at different price points would facilitate affordable housing as well.

Community Development Director Kohler pointed out that generally, people only had daycares for a couple years anyway while their own kids were young, and then gradually phased out of the daycare as their own children got older. Commissioner Knight noticed that most of the daycares in town were concentrated on the east side of town. Community Development Director Kohler said preschools in particular tended to come and go.

Commissioner Broughton asked if there was a way to tell how many people in the City were taking care of other people's kids, and Community Development Director Kohler

said the State had regulations in place to make sure that family members other than parents who watched kids did not need to get a license. Commissioner Broughton wondered if people sometimes did not get licenses because it was a complicated process and she wondered if they would get a license if the process was easier.

Commissioner Royall asked if there were square footage requirements for the building and Commissioner Knight said the square footage requirements were per child, and said there were minimum indoor and outdoor square footage requirements listed in the Code. Community Development Director Kohler recommended that Heber update their square footage cutoffs to match the State requirements, noting that it was confusing to have the figures be different. Community Development Director Kohler recommended that their Code just mandate that the State requirements be followed, rather than list their own numbers.

Chairman Gunn thought as long as Heber met the minimum State requirements, they were good and did not need to add additional requirements in their ordinance. Commissioner Knight opined that he did not like how the State only required a four-foot fence around the play area, and noted that Heber required five feet. Commissioner Broughton thought they should require a taller fence if there were more than a certain number of kids. Chairman Gunn and the Commissioners discussed that it was the responsibility of whoever was watching the kids to make sure they did not get over the fence. Commissioner Broughton asked why the schools needed a six-foot fence and Chairman Gunn pointed out those schoolchildren were taller.

Community Development Director Kohler summarized the main issue was that Heber and the State had different requirements, but Heber could expand on minimum State requirements if they wished. Community Development Director Kohler said the problem was that Heber and the State measured square footage in different ways and recommended that Heber follow the State's lead with how to measure space.

Commissioner Jordan said he would be interested in limiting the number of daycares that would be allowed in a certain area or neighborhood, in order to protect quality of life for residents in the neighborhood. He thought it was the role of the City to make sure they did not end up with too many daycares in one area. Commissioner Knight said they could mandate that there only be one daycare per a certain number of feet, but worried they were over-regulating. Commissioner Jordan argued it was the job of the

City to determine where businesses should be located, especially businesses that were potentially busy, and pointed out these daycares would be in residential areas. Community Development Director Kohler agreed it would be a challenge if there were multiple daycares in one neighborhood. Chairman Gunn thought they should leave it up to the State and added that an HOA could decide to add other restrictions if they wished.

Community Development Director Kohler said there would be a public notice of the ordinance change, so local businesses would have a chance to share their opinion about the issue.

Commissioner Slagowski asked if daycares were allowed in their medical zone and Community Development Director Kohler said they were not, though he noted there was only one medical zone within Heber. Commissioner Slagowski thought they should be allowed in any kind of business zone so that there could be on-premises daycares for employees.

Community Development Director Kohler summarized that he would take the Commission's feedback into account and continue working on the ordinance. He said this would come back before the Commission for further discussion, and to hear public comments. Commissioner Knight said it was important to hear the daycare center's needs.

5. Administrative Items:

I. City Council Communication Item

Community Development Director Kohler gave a report on the most recent City Council meeting. He said representatives from Wasatch Highlands came to Council to discuss the possibility of amending the Heber City Annexation Policy Plan, and explained this proposal would be brought to the Planning Commission for their consideration. He also announced Oscar Covarrubias would be speaking to the Commission about touring the property and directed the Commissioners to meet with Mr. Covarrubias to get more details. Community Development Director Kohler commented he had toured the property and found the visit to be enlightening.

Mr. Covarrubias addressed the Commission. He said he had been working on the planning for Wasatch Highlights for the last year and a half and invited the Commissioners for a presentation and tour at 11:45 AM on Friday of that week. He acknowledged how important the Commission's input would be, noting that he was a

former Heber City Commissioner. He explained that they needed to amend the Annexation Plan, then ask for annexation to Heber City. He said SITLA representatives would be there on Friday and urged the Commissioners to ask them questions. He commented that they were in a long process and thought that visiting the site would give the Commissioners a better sense of what needed to be done at the site. Mr. Covarrubias expressed that there would be many amenities on the property that would be beneficial for the community, but said there was still a lot of work to be done and the City's feedback was greatly appreciated. He said he wanted to work with the City Staff, Council, and Commission, and thanked them for their time and willingness to work with him on the development.

Community Development Director Kohler said there would be at least two or three more meetings about the Annexation Policy Plan amendment, as well as a public hearing. He said he would come back to the Commission with a map at their next meeting about this item.

Community Development Director Kohler then discussed Crossings Resort Annexation. He reported the Council had talked about the impact on the bypass and had decided to move forward.

Community Development Director Kohler said the Council was going to consider a development agreement for Karl Malone, and had held a preliminary discussion about this at the last Council meeting.

Community Development Director Kohler said there had been a nomination for the POSTT Committee, though he could not remember the names. He also stated there had been a presentation about new branding for the Pedestrian Pathway and Festival Street. He then said there had been a discussion about Code enforcement issues in the City, led by the Chief of Police and Code Enforcement Officer.

Community Development Director Kohler then reported on the Highlands Residential Subdivision Preliminary Plat approval. He said the Council had upheld the Commission's recommendation on this item and granted approval. He added Highlands would come back to the Staff for final approval and had already started breaking ground.

II. Planning Commission Training -

Chairman Gunn confirmed the Commissioners had read through the Heber City bylaws and Code of Conduct. Planning Admin Kijanen said they also had a video about Land Use 101 and determined which Commissioners had already watched the video.

Planning Admin Kijanen went through the Heber City Planning Commission bylaws with the Commissioners. She read through the bylaw document, which noted things such as the length of terms, the number of required Commissioners, and definition of duties. The document also explained the process for electing the Chairperson and outlined their duties. Planning Admin Kijanen explained that if neither the Chair or the Vice-Chair were present, the remaining Commissioners would elect a temporary replacement.

Community Development Director Kohler suggested that they edit item 3B, which stated that the Chair would sign all final plats and transmittals to the City Council. He explained the document had been written at a time where the Council approved all the plats, but this was now done at the Staff level. Chairman Gunn thought it would be a good idea to amend it. Community Development Director Kohler pointed out it did not make much sense for the Planning Chair to sign approval on a final plat, since those did not come before the Planning Commission. Community Development Director Kohler added there was a signature line for the Planning Commission Chair on the plat documents, though it was a formality. Community Development Director Kohler and Chairman Gunn discussed that the change from Council approval to Staff approval had been done at the State level, so it made the most sense to amend the document to match State Code. Community Development Director Kohler said he would bring this to the attention of the City Attorney to determine if they needed to hold a public hearing in order to make adjustments to the bylaws.

Planning Admin Kijanen continued to read the duties of the Chair and Vice-Chair. She then went over the duties of the Secretary, which included the taking of minutes. She also listed what details needed to be provided in the minutes. Community Development Director Kohler said these were specific bylaws for Heber City, and the State Code required that only findings and motions be in the minutes and an audio link was optional. Planning Admin Kijanen explained that she provided more content than what was required by the State.

Planning Admin Kijanen then went through the duties of staff of the Commission, and noted that the City Attorney was considered to be the legal counsel for the Planning Commission and any subcommittees. Planning Admin Kijanen also read the public noting requirements for meetings. Chairman Gunn confirmed there was a 24-hour notice requirement before a Planning Commission meeting.

Planning Admin Kijanen then explained the reasons that a Planning Commission member may need to recuse themselves from a discussion. Community Development Director Kohler added if the Commissioners were ever unsure if they needed to recuse themselves, they could reach out to the City Attorney. Commissioner Broughton asked what constituted a conflict of interest. Community Development Director Kohler explained that some of it was up to State Code, although it could also be the Commissioner's personal opinion. Community Development Director Kohler said that generally, if the Commissioner stood to have a financial benefit from a decision, they needed to recuse themselves, although if they knew an applicant or were related to them, those cases were up to their discretion.

Chairman Gunn added that the other Commissioners could also offer their input as to if there was a conflict of interest or not, and added it was always best to err on the side of safety. Chairman Gunn also stated it was always best to determine in advance of a meeting if there would be a conflict. Commissioner Jordan added that it was also possible to announce a conflict of interest but still participate in the discussion, as long as the Commissioner then excused themselves from the vote. Community Development Director Kohler said when that happened, the Commissioner usually left the room during the vote.

Planning Admin Kijanen explained how tie-breaking was done in the event of a tied vote. She also went over the process for creating the agenda, which included a requirement that no materials could be submitted less than six days before the meeting. Chairman Gunn pointed out that there had been cases in which an applicant had come in last minute with photos or other presentation materials and asked if those would be prohibited.

Planning Admin Kijanen said they could amend the text to allow for that and the Commissioners discussed this briefly. Commissioner Hewlett-Smith, who was seated in the audience, said she liked to go through the agenda in advance of the meeting so she was not in favor of allowing last-minute additions. Commissioner Knight replied that the Commission would be able to discuss additional materials in the meeting. Commissioner Jordan thought it should be within the purview of the Chair to allow or

deny last minute materials to be added to agenda packets. Chairman Gunn added that the Commission could always vote to continue or table an item if they felt they had not been given enough time to read through the materials. Commissioner Hewlett-Smith continued to explain her reasoning for not allowing last-minute changes to the agenda and the other Commissioners explained to her that they were not voting on any changes that evening; just noting items in the bylaws that might need to be amended.

Planning Admin Kijanen explained the order of items in the regular meeting, though noted this section was more relevant for the City Council. She also went through the protocol for public comment periods and making a motion. Community Development Director Kohler noted that there were rarely denials from the Planning Commission since by the time applications reached the Commission, they had already been vetted by City Staff to make sure they were eligible for consideration.

Commissioner Hewlett-Smith began to make another comment and Chairman Gunn invited her to come up to the podium, and noted that generally, audience members needed permission from the Chair to speak during a meeting. Commissioner Hewlett-Smith addressed the Planning Commission and said she thought the only reason applications came to the Planning Commission was if they were not in compliance. Community Development Director Kohler explained that was not correct. He said the Planning Commission was the land use authority for preliminary plats and so they needed to approve applications. Commissioner Hewlett-Smith thought there were cases in which an applicant could build without the Commission approval and Community Development Director Kohler explained further why all applicants needed Commission approval of their site plan.

Planning Admin Kijanen next explained the requirements for the submission of requests. She also overviewed the administrative calendar. She then went through the conduct of members of the Planning Commission. She noted that any Commissioner who was absent for more than three consecutive or four total meetings without approval could be removed from the Commission. She also explained how the Commissioners must disclose conflicts of interest or recusal to the Commission. Planning Admin Kijanen then read through how amendments to the General Plan could be made and added that a public hearing always needed to be held as part of the amendment process.

Commissioner Hewlett-Smith asked for clarification about full-time Commissioners and alternates and Chairman Gunn elaborated to her. Chairman Gunn commented it

seemed to him that there had been an issue in the past with Commissioners being late or not showing up, although that was not a significant issue with the current Commission. Chairman Gunn said they needed four people to have a quorum, although they could have up to seven. Commissioner Jordan asked if a fifth Commissioner could be seated if there were four Commissioners holding a meeting and a fifth Commissioner joined the meeting. Chairman Gunn said the fifth Commissioner could join as long as there was permission from the Chair.

Planning Admin Kijanen noted that the Code of Conduct was quite lengthy. She said there was also a video that some of the Commissioners still needed to watch. Community Development Director Kohler explained the Code of Conduct was about how the Commissioners personally conducted themselves, and the bylaws were the rules for the Commission as a whole. Chairman Gunn said as long as the Commissioners complied with the Code of Conduct and Planning Commission bylaws they were protected from being accused of engaging in a conflict of interest.

6. **Adjournment:** Commissioner Knight moved to adjourn the meeting. Commissioner Jordan seconded the motion and the meeting was adjourned.

Meshelle Kijanen, Administrative Assistant

DRAFT

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
October 8, 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 Josh Knight
Commissioner Tori Broughton
Commissioner Darek Slagowski
Commissioner Greg Royall
Commissioner Jami Hewlett-Smith

Planning Commission Absent:

Chairman Dennis Gunn
Commissioner Robert Wilson

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
City Engineer Ross Hansen

Staff Participating Remotely:

Commissioner Phil Jordan

Also Present:

N/A

Also Attending Remotely:

Jacob Jorgenson

III. Pledge of Allegiance: By Invitation

Commissioner Tori Broughton led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation ()

Vice Chairman Richards offered a prayer

V. Recuse for Conflict of Interest N/A

2. Consent Agenda:

- I. 08.13.2024 Minutes for Approval

3. Action Items:

- I. Power Industrial Park Lot 8 Amendment & Preliminary Condo Plat (Planner Jacob Roberts)

Planner Jacob Roberts explained the Agenda Item

City Engineer Ross Hansen explained their conditions

Dave Richards asked if the Engineer would like specific conditions. These are existing buildings.

Engineer Ross Hansen commented

Applicant Jake Jorgenson commented to the Engineer

Jami asked why weren't the buildings SR...

Mr. Jorgenson responded

Jami commented to the applicant and asked the Engineer a question about the water.

Engineer Ross Hanson answered Jami's question.

Jami asked if this was adding density

Mr. Richards responds to Jami, Jamie Baron added to the response

Jami asked for clarity of why the Agenda Item was being brought before the Planning Commission

Jamie Baron, applicant tat Engineer responded.

Greg asked about the meters

Engineer explained to Greg

Mr Richards asked the applicant if they had any other comments or questions

The applicant made a comment.

4. Work Meeting: N/A

5. Administrative Items:

Jamie discussed the Field Trip

Discussed the APA conference

Jamie Baron explained the CC Agenda from 10.01.2024

Darek asked if the existing state will be there Jamie responded

6. Adjournment:

Meshelle Kijanen, Administrative Assistant



Planning Commission Staff Report

MEETING DATE: 10/22/2024

SUBJECT: The City Council will be in attendance for a presentation regarding, "The Future of City Square (Main City Park), Heber City's Central Downtown Gathering Place". (Presented by Roger Brooks and Kerri Smith)

RESPONSIBLE: Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

Roger Brooks has been working on a programming study for the city's Park, now known as City Square. Mr. Brooks is the city's consultant and has been working for several months on parking, plaza layouts, etc. to implement the City's vision for the park. The purpose of the item is to present the findings of this study.

RECOMMENDATION

N/A

BACKGROUND

N/A

DISCUSSION

N/A

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning

Staff member: Tony Kohler, Community Development Director

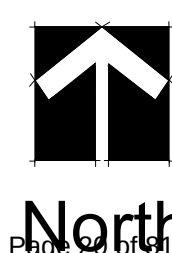
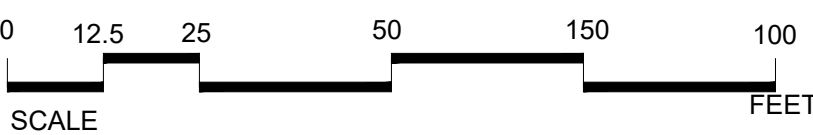
EXHIBITS

1. CitySquareMasterPlan



Heber City, Utah

City Square Master Development Plan





Planning Commission Staff Report

MEETING DATE: 10/22/2024

SUBJECT: The City Council will be in attendance for a presentation regarding a discussion of the recent Salt Lake City/Heber City Tour and provide feedback on Envision Central Heber Implementation. (John Janson)

RESPONSIBLE: Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

Recently, the City toured portions of Heber City, Holladay, Millcreek and Salt Lake City. The tour explored historic preservation, activity plazas and infill development types such as flag lots, duplexes, townhomes and private right of ways. The purpose of this agenda item is to obtain feedback from the City Council and Planning Commission on these concepts and determine how these concepts might fit within Heber City's future Central Heber Zoning. John Janson, the City's Envision Central Heber consultant, will be guiding Council and Planning Commission through the presentation, seeking feedback, in anticipation of returning with a plan for adoption and implementation.

RECOMMENDATION

N/A

BACKGROUND

N/A

DISCUSSION

N/A

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. CHOZ workshop 2



Heber City Council/Planning Commission Work Session

Envision Central Heber Implementation
Central Heber Overlay Zone

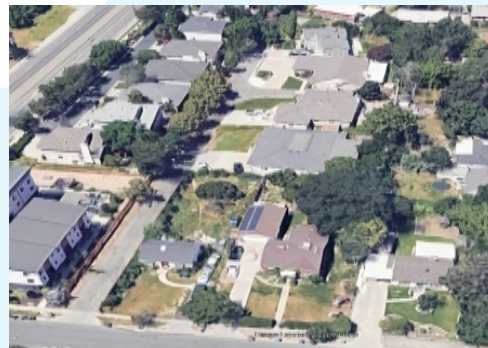
October 22, 2024

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



Any thoughts from the tour that you would like to share?



Questions we want to address tonight

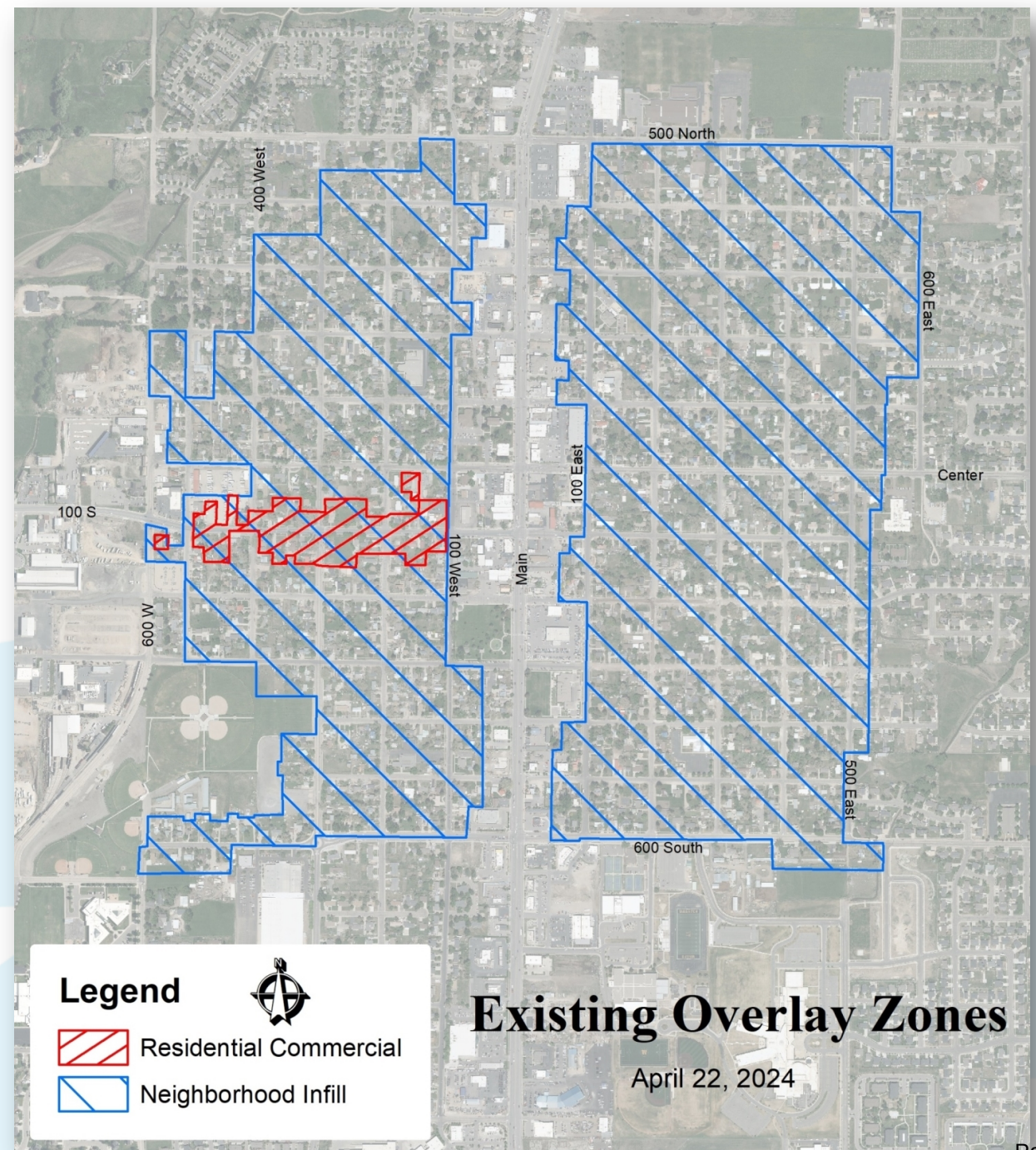
- Which concepts do you support and in which District/Overlay?
- How could the possibility of an historic district fit in?
- Could there be ordinance incentives for historic home preservation?
- We need your thoughts/direction to move ahead with the Overlays



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

Future C-3 Zone

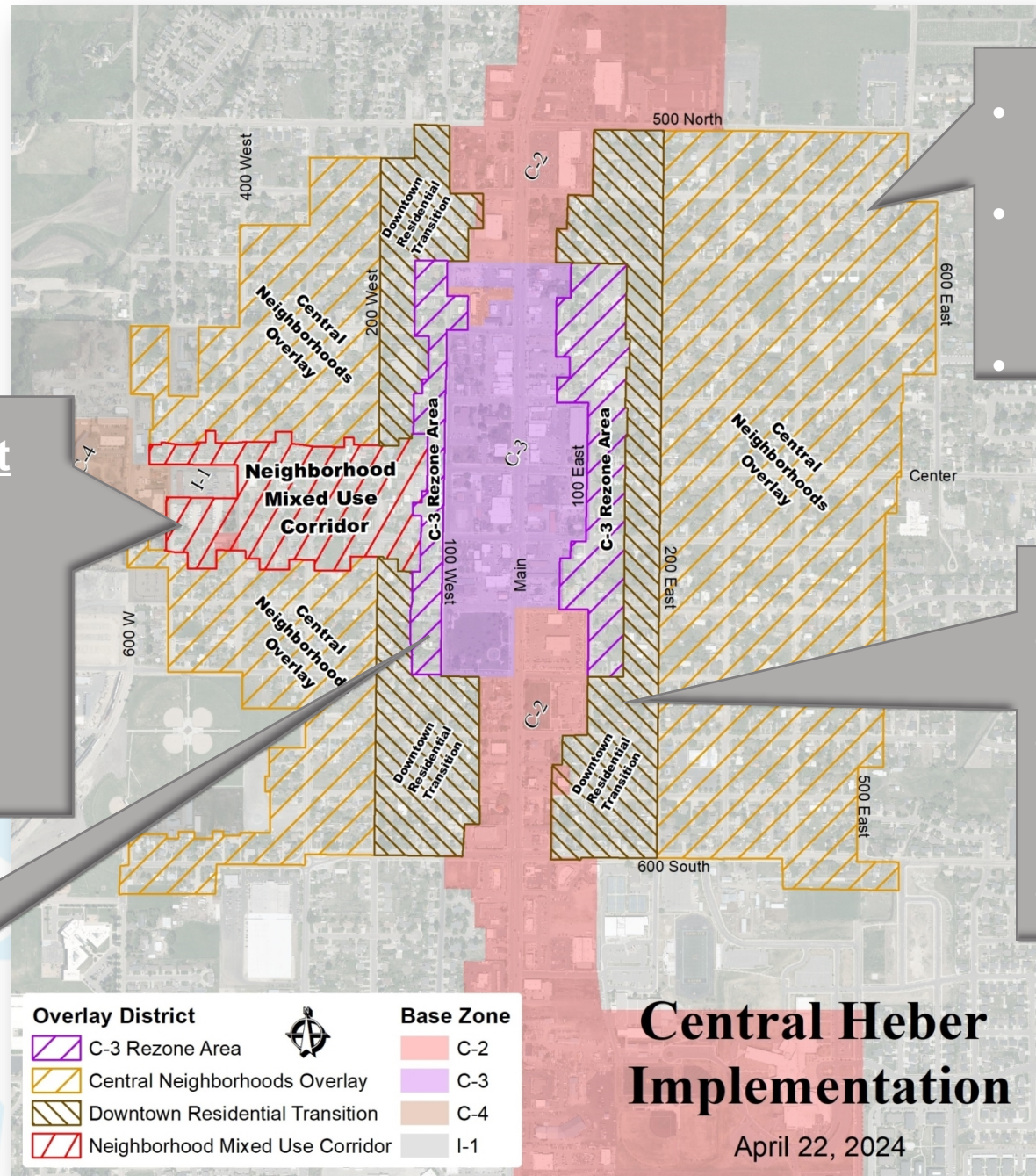
- Could expand as requested

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

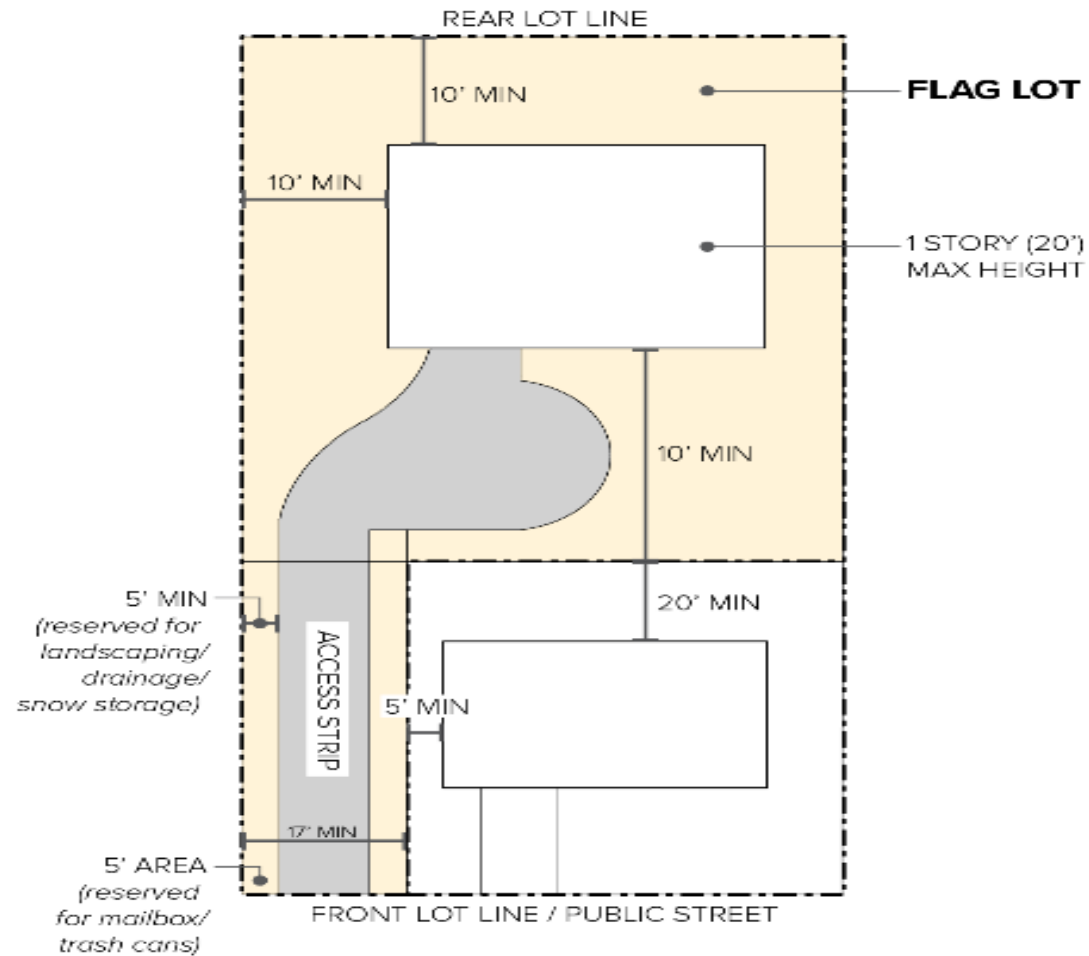
- **Zone:** Modifies portions of existing Overlay Zone
- **Uses:** Missing Middle Residential, Corner Commercial
- **Height:** 35 feet



Within the Overlays, there are new and/or revised Land Use concepts and some architectural Standards

- Flag Lots
- *Detached ADUs on a separate lot accessed by a permanent easement*
- Lots on a Private ROW
- 5' side yard homes
- Duplex and Twin home
- Mansion Homes (3 and 4-plex)
- Townhouse
- Multi-family courtyard-oriented development
- Mixed Use Buildings
- Commercial Buildings

Flag Lots with Revised Standards

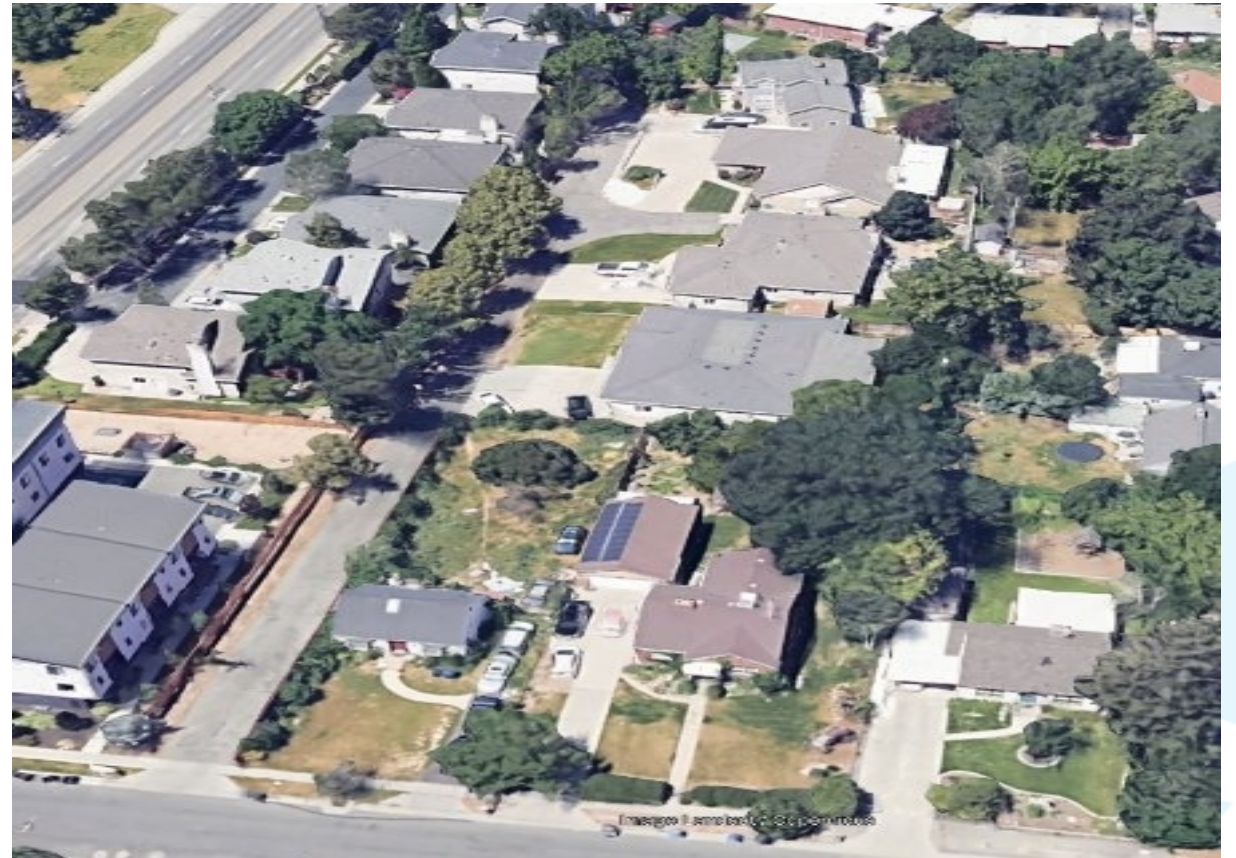
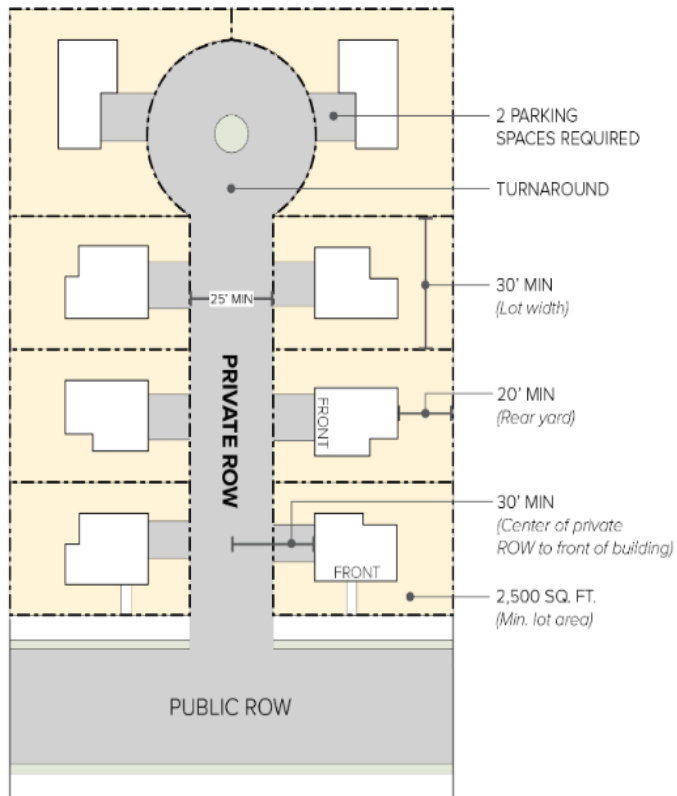


Separate lot, detached ADU

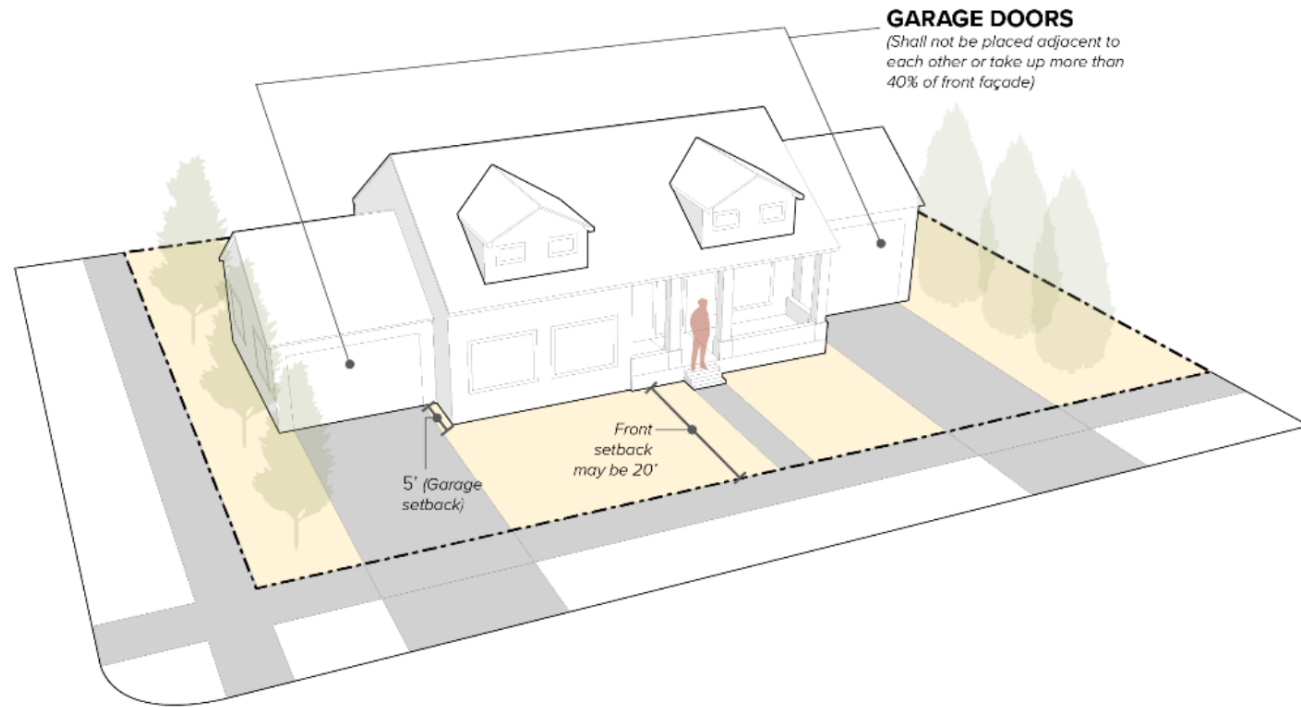
- A small subdivided lot behind the home fronting
- Accessed by a permanent easement
- Need to accommodate 1 parking space off street
- Subordinate in height and size to the existing home



Lots on a Private Right-of Way

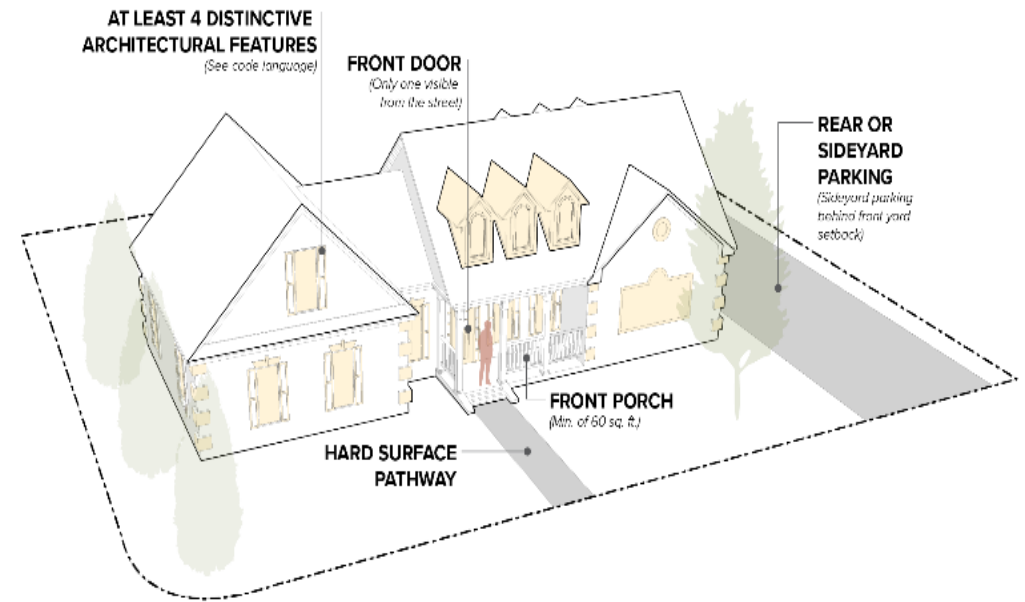


Setback garages for Duplexes and Twin Homes (State Law may prevent this!)

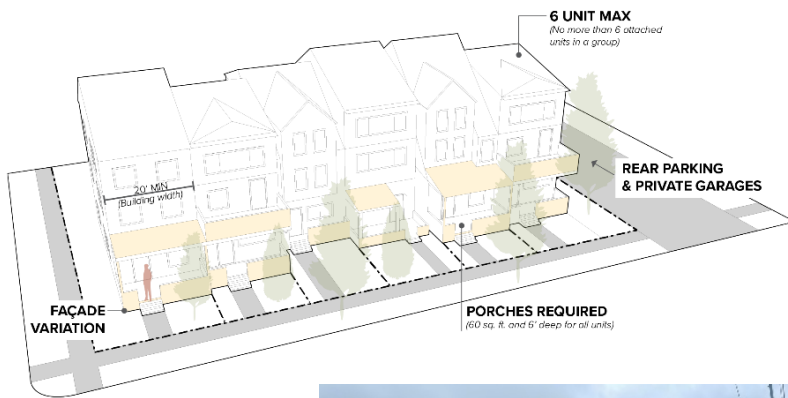


Mansion Homes – 3 and 4-plexes

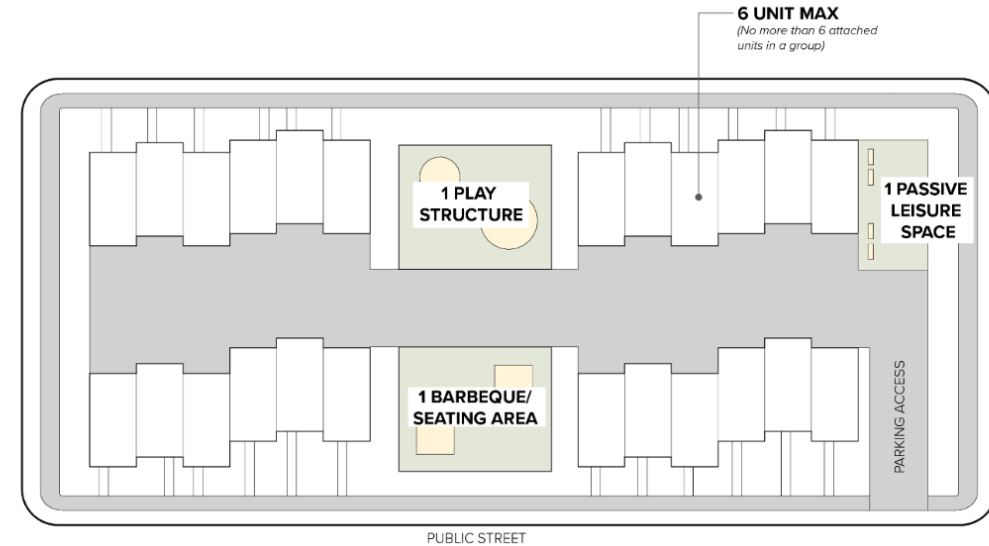
- Parking to rear or side
- Front porch
- No vinyl or aluminum siding
- Then choose 4 features from the list



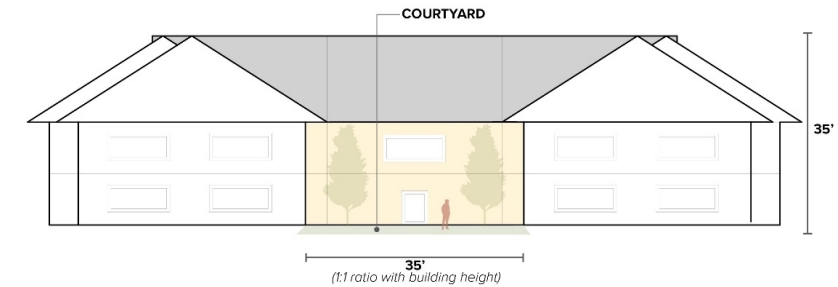
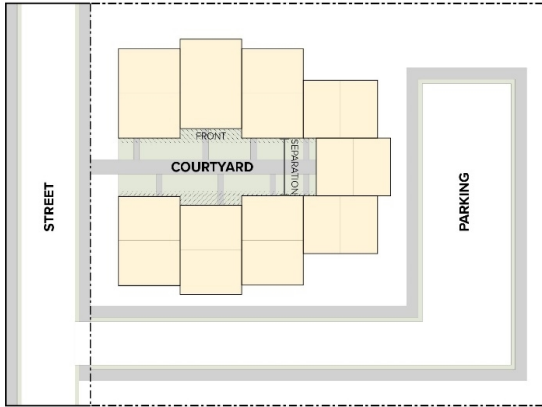
Townhouses – Two configurations



Notice the use of brick!

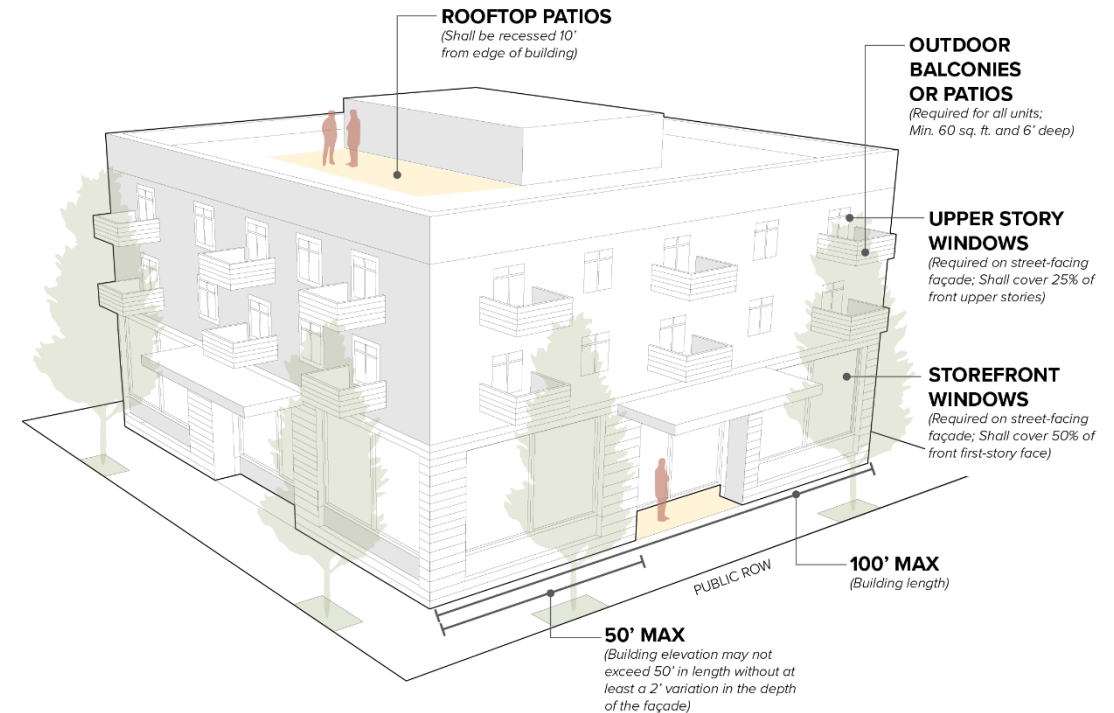


Multi-family Courtyard developments



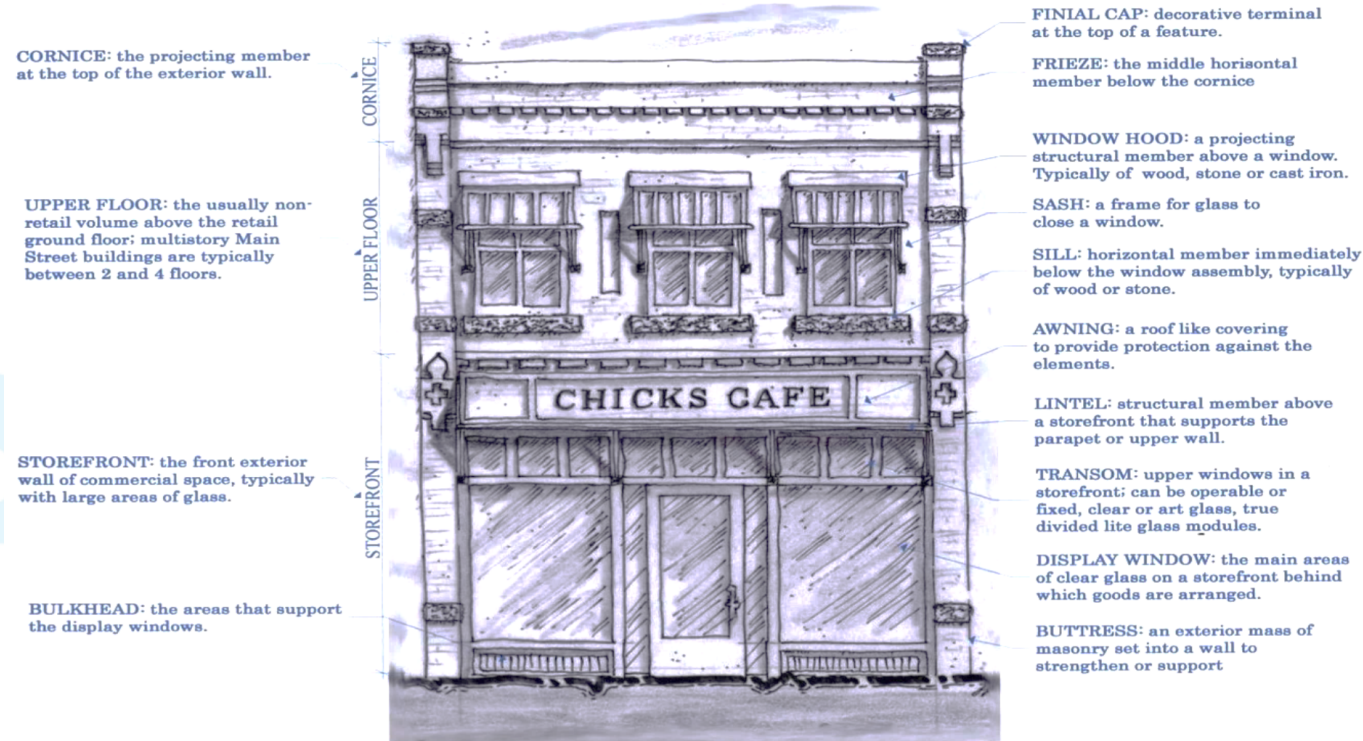
Mixed-Use Buildings

- 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 (fewer requirements than the C-3 zone)

ANATOMY OF A MAIN STREET BUILDING:



Draft CHOZ infill options for Midway Lane

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

Draft options for the Transitional Overlay

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

Draft suggestions for the Central Neighborhoods (Infill District)

- Flag Lots
- *Detached ADUs on a separate lot accessed by a permanent easement*
- Lots on a Private ROW (conditional)
- 5' side yard homes/small lots
- Duplex and Twin home
- Mansion Homes (3 and 4-plex) (conditional)
- Townhouse (conditional)
- Commercial Buildings limited to Daycare

New potential concepts for Historic Building Preservation

- **Create Incentives**

- Certain housing types only allowed if existing front home is retained (deed restrictions) – could be universal in the ID
- Consider a Transfer of Development Rights (TDR) incentive

Need something that helps an historic homeowner financially to accomplish upkeep and repairs

Can it be guaranteed the dollars will be used for that?

- **TDR for historic homes**

- Many programs across the Country
- Need to define what types of historic homes (age and/or character)
- City sets up the framework – private transactions
- ***Determine where the credits can be used***
- Developer buys TDR credits from homeowner
- Credits allow developer something extra (more height/more density)
- Deed restrictions and long term tracking

Questions, Thoughts, and Thank you!





Planning Commission Staff Report

MEETING DATE: 10/22/2024

SUBJECT: The City Council may be in attendance for a Public Meeting with Affected Entities regarding proposed amendment to the City's Annexation Policy Plan (Tony Kohler)

RESPONSIBLE: Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

Heber City has been approached by the SITLA Lands and Christensen properties for potential annexation into Heber City. These properties are not part of Heber City's Expansion Area Map. The City Council recently asked for the Planning Commission to review the Annexation Policy Plan so Heber City can be part of the discussion about how these properties will be developed. October 22 is set as the first discussion with Affected Entities, including Wasatch County and the Twin Creeks Special Service District about adding these properties to the City's Annexation Policy Plan Expansion Area Map.

RECOMMENDATION

Staff Recommends the Planning Commission discuss the proposed map amendment with Wasatch County and Twin Creeks SSD, and solicit comments on the proposed map amendment.

BACKGROUND

Section 10-2-401.5 of Utah State Code specifies the requirements for adopting an Annexation Policy Plan, including:

1. Public Meeting with Planning Commission and Affected Entities;
2. 10 day comment period;
3. Public Hearing with Planning Commission and Affected Entities; and
4. Public Hearing with City Council and Affected Entities.

DISCUSSION

While the City is exploring the potential for amending its Annexation Policy Plan, additional conversations will be occurring with Wasatch County, special service districts and the developers to better understand the proposed development, development issues and Heber City's potential role with the development. The City is currently trying to meet with Wasatch County to understand current permitted densities per the County's zoning ordinance.

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. Annexation Policy Plan Update
2. Annexation Policy Plan
3. 10-2 Utah Code Annexation Policy Plan

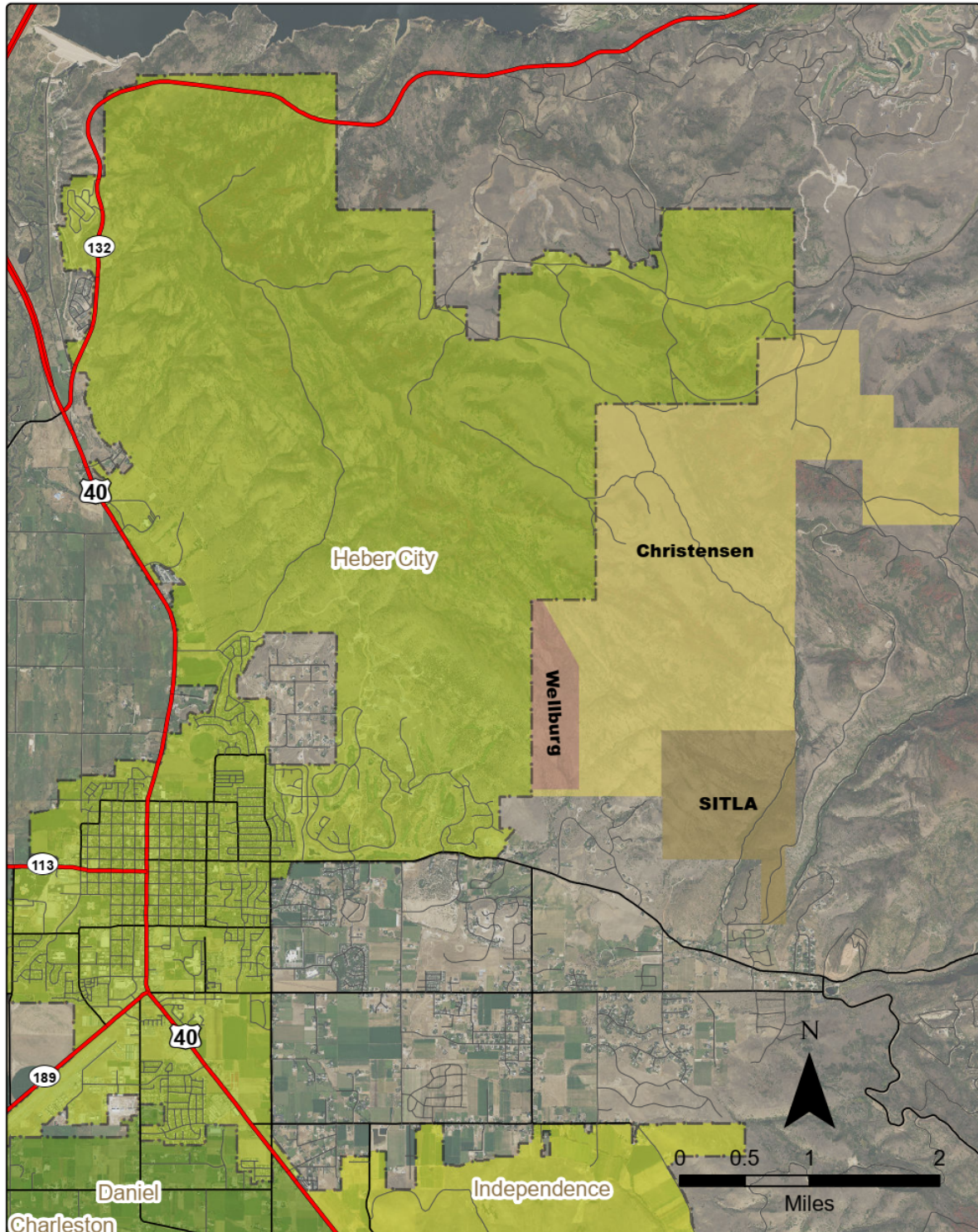
Annexation Policy Plan Update

Planning Commission Meeting Date: October 22, 2024

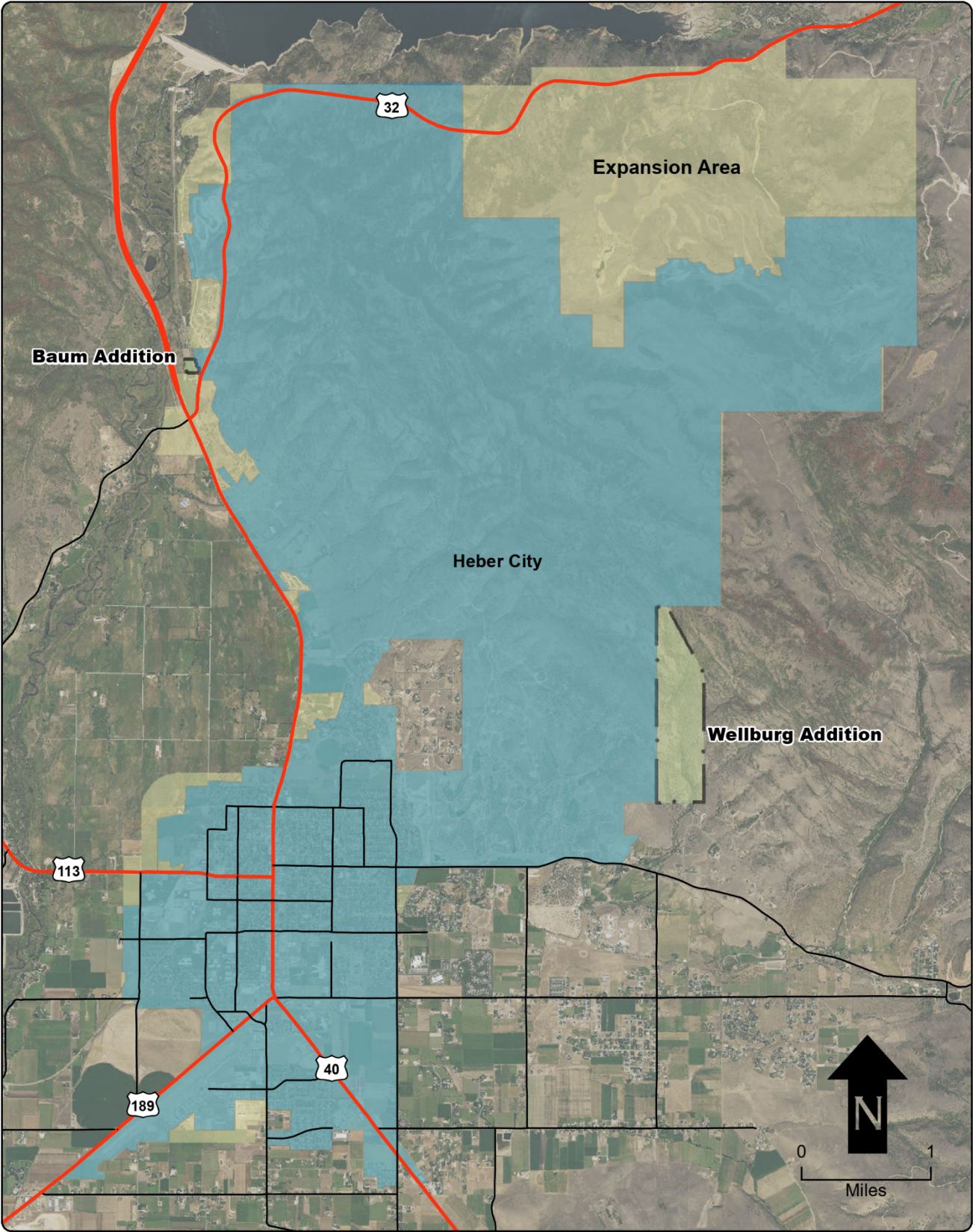
SUMMARY

The proposed map amendment adds the Christensen properties and SITLA properties to Heber City's Expansion Area Map

Vicinity Map



Current Heber City Expansion Area Map



Heber City Annexation Policy Plan

Adopted: September 4, 2018 by Ordinance 2018-42

Amended: July 6, 2021 by Ordinance 2021-21

Amended: August 6, 2024 by Ordinance 2024-16

Heber City Corporation

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INTRODUCTION

In accordance with the provisions of 10-2-4, Utah Code Annotated, all municipalities within the State are required to adopt an Annexation Policy Plan. In this Annexation Policy Plan, cities are required to develop an expansion area map and plan for the future growth of the community for the next 20 years.

The Annexation Policy Plan is intended to guide decision making regarding future annexations. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan.

Heber City adopted its first Annexation Policy Plan over a decade ago. In 2017, several property owners requested Heber City consider amending the expansion area map to include their properties. The process for adopting the amendment in 2017 illustrated the need for the City to dramatically overhaul its Annexation Policy Plan to incorporate informal policy into writing. Additionally, the City identified a need to update relevant portions of the General Plan that are out of date.

EXPANSION AREA MAP

As per Utah Code, Section 10-2-401.5 (4) and 10-2-401.5 (3) (c), the City has considered the following six points in developing, considering, and adopting this Annexation Policy Plan as follows:

GAPS AND OVERLAPS

Heber City has attempted to avoid gaps between or overlaps with the expansion areas of other municipalities. However, overlaps do exist between Heber City and Charleston and between Heber City and Daniel Town.

Heber City has the municipal services that are necessary for industrial and retail development that both Charleston and Daniel Town lack. Heber City is desirous to attract industrial and retail development within its expansion area as designated on the General Plan and has therefore included these overlap areas within its Expansion Area Map. Additionally, these overlapping areas are near the Heber City Airport and/or are part of the HVSSD Sewer Fields, both of which Heber City has an interest in how they impact the City..

20 YEAR POPULATION PROJECTIONS

Heber City has considered population growth projections for the municipality and adjoining areas for the next 20 years. Population projections by Mountainland Association of Governments (MAG) show Heber City will grow from 15,723 persons in 2017 to 25,321 persons in 2037. The current 4.7% annual growth rate is projected to drop to 2.26% after 2021, and to 1.66% after 2031.

20 Year Population Projections

Year	Annual Growth Rate	Population	Population Change	Residential Units
2017	4.70%	15,723	706	211
2018	4.70%	16,462	739	221
2019	4.70%	17,236	774	231
2020	4.70%	18,046	810	242
2021	2.26%	18,454	408	122
2022	2.26%	18,871	417	124
2023	2.26%	19,297	426	127
2024	2.26%	19,733	436	130
2025	2.26%	20,179	446	133
2026	2.26%	20,635	456	136
2027	2.26%	21,102	466	139
2028	2.26%	21,579	477	142
2029	2.26%	22,066	488	146
2030	2.26%	22,565	499	149
2031	1.66%	22,939	375	112
2032	1.66%	23,320	381	114
2033	1.66%	23,707	387	116
2034	1.66%	24,101	394	117
2035	1.66%	24,501	400	119
2036	1.66%	24,908	407	121
2037	1.66%	25,321	413	123
	Total	25,321	10,304	3076

CURRENT AND PROJECTED COSTS OF INFRASTRUCTURE AND SERVICES

Heber City, the North Village Special Service District (NVSSD), the Jordanelle Special Service District (JSSD), and the Twin Creeks Special Service Districts (TCSSD) have adopted Capital Facilities Plans that consider current and projected costs of infrastructure, urban services, and public facilities necessary to facilitate full development of the area within their respective jurisdictions. These plans identify the necessary infrastructure, services, and facilities in the City's expansion area.

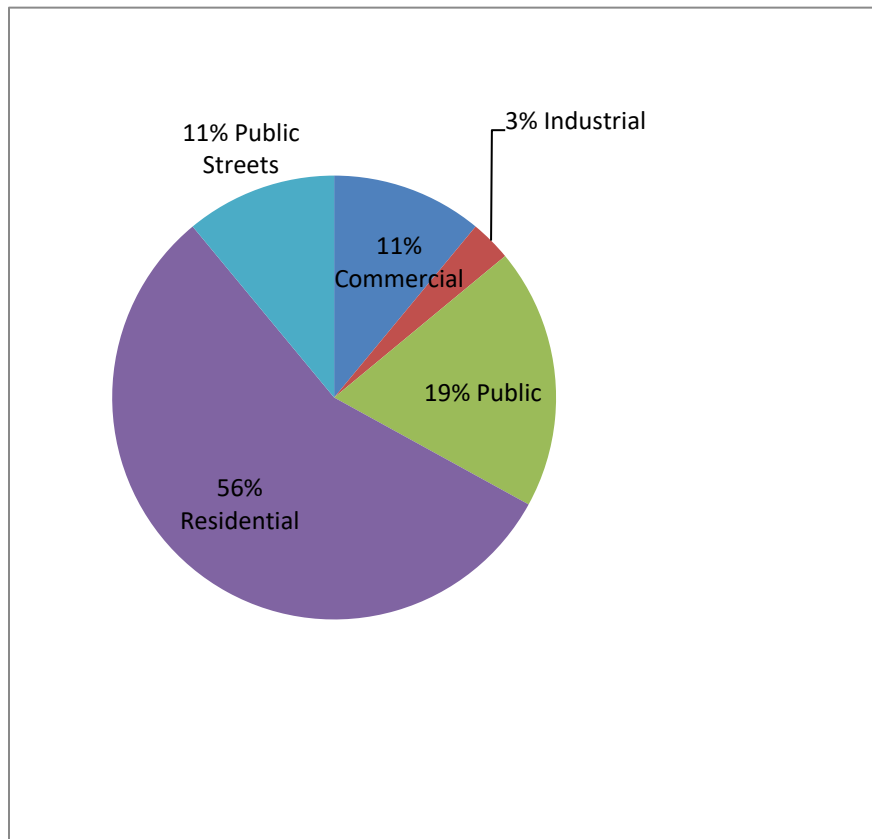
NEED FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL LAND

Heber City has considered, in conjunction with its General Plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development. As shown in the table below, the City needs an additional 3,449 acres (5.39 square miles) to accommodate growth for the next 20 years, based on the growth rates projected for the City. This area consists of 378 acres of Commercial Land, 112 acres of Industrial Land, 645 acres of Public Land, 1936 acres of Residential Land, and 378 acres for Public Streets.

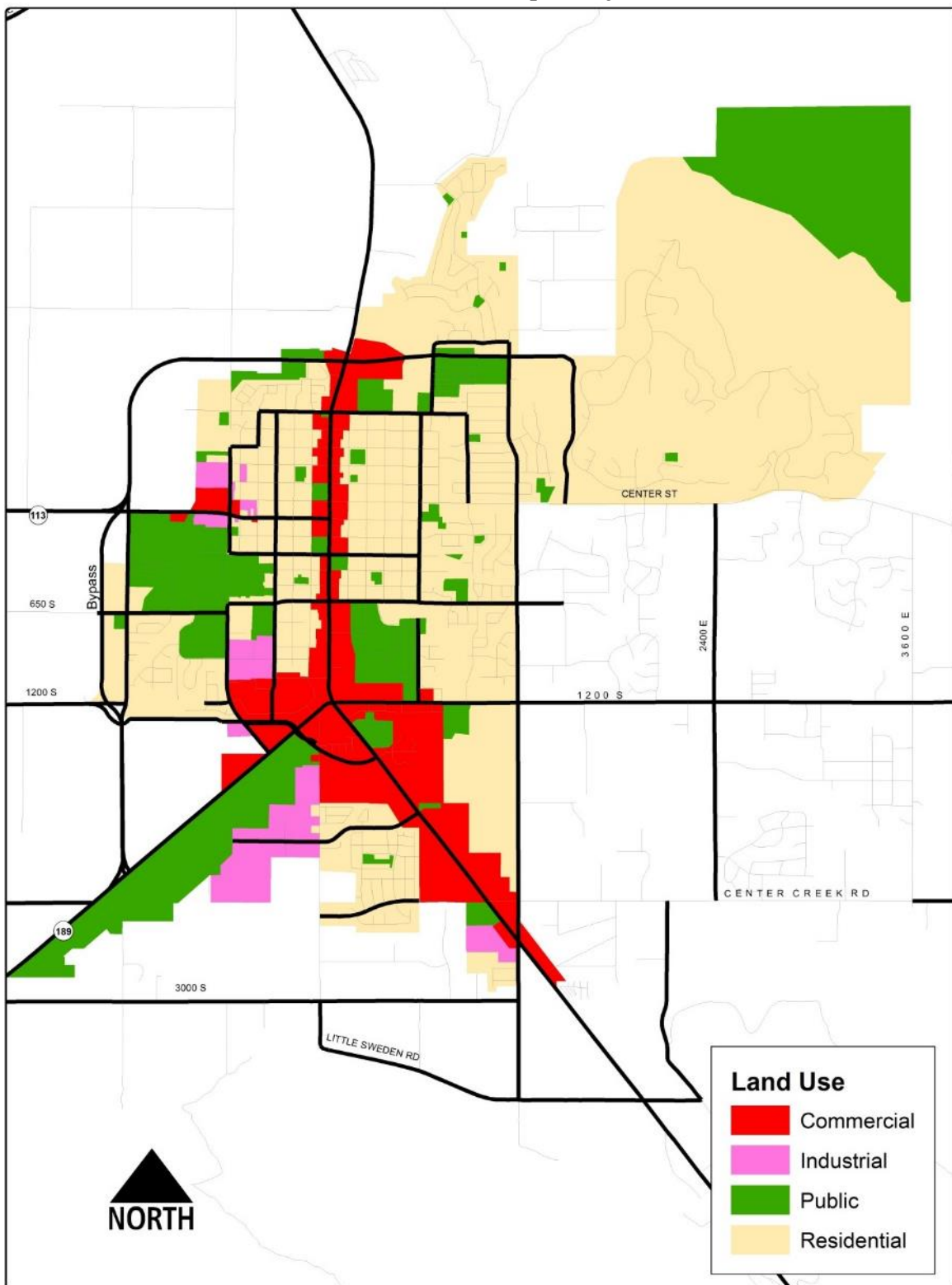
20 Year Land Needs

Land Use	2017 Area (sq. mi)	Additional 20 Year Land Need	Total 20 Year Land Need
Commercial	0.97 sq. mi. (11%)	0.59 sq. mi.	1.56 sq. mi.
Industrial	0.29 sq. mi. (3%)	0.16 sq. mi.	0.45 sq. mi.
Public	1.65 sq. mi. (19%)	1.01 sq. mi.	2.66 sq. mi.
Residential	4.95 sq. mi. (56%)	3.03 sq. mi.	7.98 sq. mi.
Public Streets	0.97 sq. mi. (11%)	0.59 sq. mi.	1.56 sq. mi.
Total	8.83 sq. mi.	5.38 sq. mi.	14.21 sq. mi.

2017 Land Use Analysis



2017 Land Use Map Analysis



REASONS FOR INCLUDING SENSITIVE LANDS IN EXPANSION AREA

Heber City's expansion area includes some agricultural lands and forested areas. Recreational and wildlife management areas are not part of the City's expansion area.

The agricultural lands are located in the Twin Creeks area east of 1200 East. The City also included an agricultural area on the northwest corner of Heber City from current boundaries up to the future highway bypass because the bypass serves as the City boundary elsewhere. It is the intention of Heber City to maintain agricultural zoning or a conservation type subdivision development pattern in these areas that preserve agriculture and open space.

Forested areas are included within the City's expansion area. Wasatch County has zoning that permits higher density master planned communities in the forested area with open space requirements. Heber City envisions significant amounts of open space in that forested area with densities no more than that planned by Wasatch County. The Cooperative Wildlife Management Unit (CWMU) designation in the area will likely be dissolved, whether it is developed by Wasatch County or Heber City.

JUSTIFICATION FOR EXCLUDING AREAS FROM EXPANSION AREA WITHIN ½ MILE OF CURRENT BOUNDARY

North Fields

Consistent with the General Plan, Heber City will not annex properties in the North Fields. It is the intent of Heber City to promote the North Fields to remain as an agricultural area, and the City opposes the extension of any municipal services into the area. The Expansion Area Map utilizes the future Main Street Bypass as the future north and northwest municipal boundary adjoining the North Fields. The City will only entertain annexations of property up to and including the bypass upon condition of dedication of the requisite right of way for the bypass according to current UDOT requirements. Additionally, annexation in that area should include efforts to preserve agriculture in the North Fields, such as Transfer of Development Rights, Purchase of Development Rights, Large Lot Agricultural Zoning, and/or Conservation Developments that preserve natural and agricultural areas.

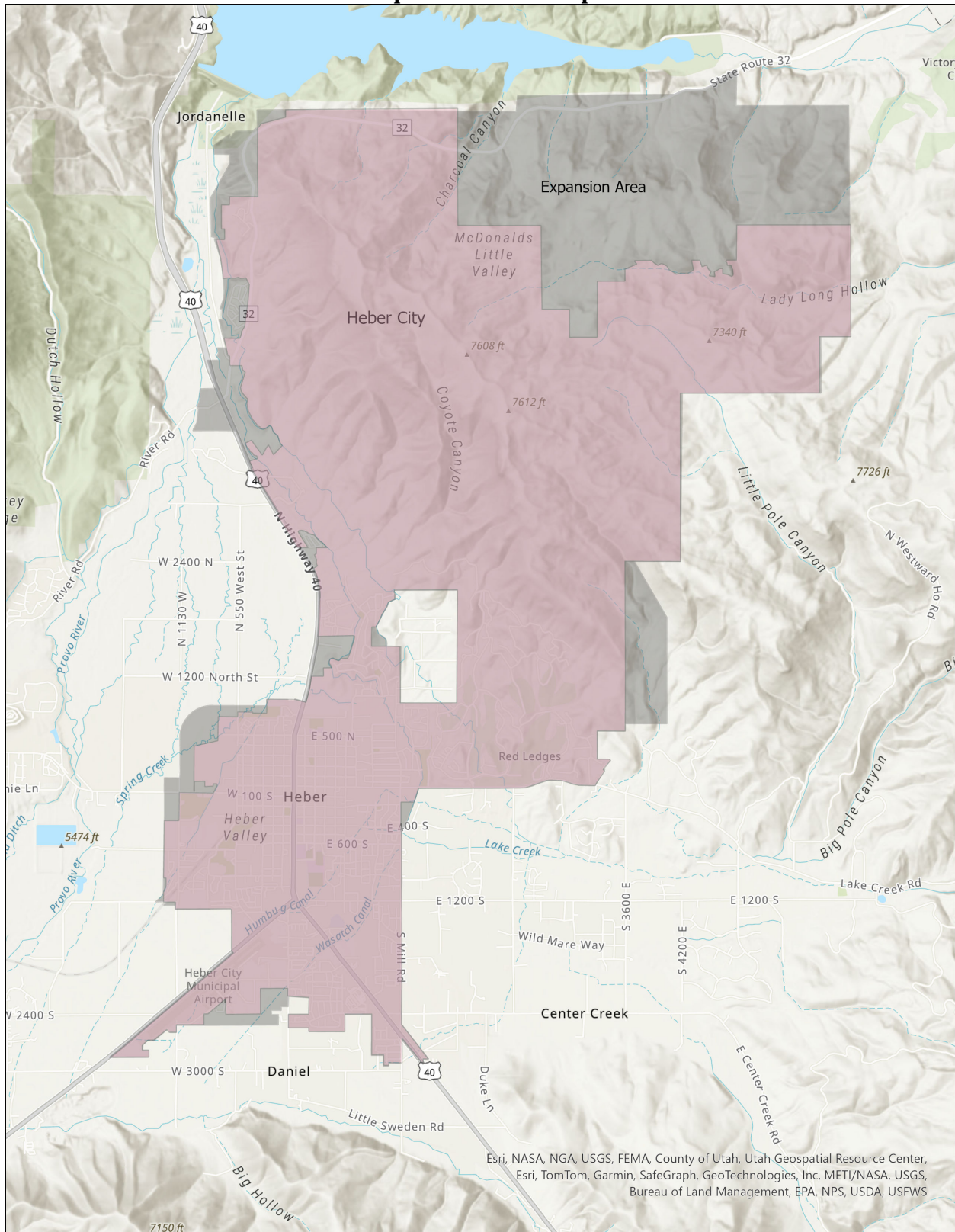
South Fields

Heber City desires a separation between itself and other municipalities with agricultural and/or open lands. The City supports keeping the land west of that canal as low density agricultural lands, either in Charleston Town or within the unincorporated area. The City opposes expansion of municipal services west of the canal.

Twin Creeks Area

The area between 1200 East 2400 East serves as a suburban transition zone to the lower agricultural densities envisioned east of 2400 East. A significant part of that area is contained within a master planned subdivision, the Crossings at Lake Creek. It is unlikely there would be any interest in annexing that area, as it is already developed. South of 1200 South, some large lot agricultural subdivisions exist that should remain as agricultural lots. East of the City's expansion area should remain as an agricultural area, decreasing in density as one travels away from the City. Greener Hills Subdivision exists to the east of Red Ledges and this area should remain at a lower density, as it has been developed. Much of the area east of 1200 East and North of 1200 South has already been developed in the unincorporated County at suburban style densities, and much of the area is therefore unlikely to be annexed into the City.

Expansion Area Map



CRITERIA FOR CONSIDERING ANNEXATIONS

The policy of the City Council is to ensure that proposals to annex territory to the City are based on compliance with Utah law, the General Plan, and the development policies as may be amended from time to time by the Council. The following criteria will be used to evaluate annexation proposals:

CONFORMANCE TO UTAH LAW AND LEGISLATIVE POLICY

1. A petition is to be submitted requesting annexation meeting the requirements established by the State Legislature.
2. The territory proposed for annexation shall be contiguous to corporate boundaries of Heber City and be a contiguous area.
3. The territory proposed for annexation will not leave or create an unincorporated island or unincorporated peninsula except as provided by Utah Code Subsection 10-2-418 (3) or unless the County and City have otherwise agreed.
4. The plat of the territory shall be drawn by a surveyor licensed to practice in the State of Utah.
5. Action to approve, approve with modifications, or deny an annexation shall be made in conformance with the provisions of Utah Code Title 10, Part 4.
6. The Council may add or delete territory from the annexation proposal to remove islands or unincorporated peninsulas created by the annexation.

CONFORMANCE TO CITY COUNCIL POLICY

The City Council establishes policies to ensure that annexations are added to the City in a systematic pattern that provides for logical expansion of City boundaries. The City Council recognizes that the Legislature from time to time may enact laws that are contrary to established practice and such laws shall supersede Council policy if conflict exists. Policies of the City Council follow:

1. The Council may accept territory proposed for annexation when the petitioned lands are located within a Township in order to protect the City's future growth options and programs.
2. Annexed territory shall be assessed to ensure that boundaries follow ownership, topography, natural features, and other readily defined boundaries.
3. To ensure efficient street and utility maintenance, the annexed area shall, whenever possible, include both sides of a street.
4. Arterial and collector roads should remain within one community for as great a distance as possible to ensure efficient street layout, control, and maintenance.
5. All major streets shall be as defined by the Heber City General Plan and Transportation Master Plan.
6. If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

- a. along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities;
 - b. to eliminate islands and peninsulas of territory that is not receiving municipal-type services;
 - c. to facilitate the consolidation of overlapping functions of local government;
 - d. to promote the efficient delivery of services; and
 - e. to encourage the equitable distribution of community resources and obligations.
- 7. The annexation shall be in conformance with the provisions of the Annexation Policy and any future Annexation Elements of the General Plan and the Annexation Policy Plan and Capital Facilities Plan.
- 8. The Council shall consider the fiscal impacts of development within the territory proposed for annexation, including both the cost of delivering services and the revenue stream generated by new development.
- 9. For large Annexations that exceed 500 acres, the City will analyze the need for regional facilities such as parks, trails, fire stations, police stations etc., and will consider the need to request dedications from annexation petitioners.
- 10. Annexation petitioners shall provide the following information:
 - a. Accurate map showing the territory as proposed for annexation. The Council may direct the Administration to require additional mapping information with submittal of petitions for annexation.
 - b. The Council shall require that a feasibility report be prepared by City staff when time and resources are available with costs paid by petitioners, or be submitted by a consultant of the City with costs paid by petitioner for the following:
 - i. Existing and proposed population density;
 - ii. Geology, geography, and topography of the area and its surroundings;
 - iii. Determination of islands or peninsulas remaining in the unincorporated area;
 - iv. Fiscal impact of the proposed annexation on the unincorporated area, other municipalities, other government entities, special districts, and school district;
 - v. Current and five year projections of demographic and economic base for the proposed annexation area and surrounding unincorporated area;
 - vi. Projected five year growth for the proposed annexation area and surrounding unincorporated area;
 - vii. Current and five year projections of the cost of government services for the proposed annexation area;
 - viii. Present and five year projection of revenue to be received by the City resulting from the annexation; and
 - ix. Projected tax impact the annexation will have for the next five years on affected property owners.
- 11. The Council shall require an annexation agreement be recorded with the annexation plat, outlining specific circumstances relating to services, transportation corridors, zoning, and other issues identified by the City during the annexation process.

12. The Planning Commission shall review and provide a recommendation on each annexation petition received by the City.
13. Each Petition for Annexation shall include a concept plan. What is required in the concept plan at the time of filing the Petition for Annexation is limited to the best knowledge of the Petitioner at the time of said filing. This requirement to submit a concept plan with the petition, shall in no way limit or restrict changes, amendments, alterations or modifications to said concept plan throughout the annexation and development process as may be desired either by the Petitioner, Developer, Planning Commission or City Council.
14. Within Special Service Districts, the City could offer services or temporary services to areas that contain existing homes or in areas where it is infeasible for a Special Service District to provide sanitary water, sewer, or irrigation service. However, the City will need to carefully coordinate such effort with the district to ensure that financing for the district is not harmed by the City providing that service. It is generally understood that the primary utility provider for districts areas will be the districts.
15. Heber City prefers to not extend its services beyond its boundaries. The City Council may extend municipal services to the unincorporated areas if they find that such expansion is consistent with the overall Annexation Policy Plan and General Plan, will not present barriers for future annexation, and is acceptable to a Special Service District, if applicable. The petitioner will be charged an impact fee and be required to pay 1 1/2 times the monthly service fee. Additionally, the petitioner for services will be required to enter into an agreement to annex when the City reaches the property or to not oppose an annexation if one occurs.

CHARACTER OF THE COMMUNITY

Heber City is located about 45 miles from Salt Lake City, 20 miles from Park City and 27 miles from the Orem/Provo area. Heber is a high-amenity mountain valley community which provides an excellent location for individuals and families interested in an outdoor lifestyle surrounded by a scenic environment.

Heber City has been and will continue to be Heber Valley's center of commerce, industry, education, and government. The community has taken the initiative to provide the services for supportive land uses. In addition, the City has taken the lead in providing diversified housing to meet the needs of all people without regard for social or economic status. Housing development needs to be supported by adequate commercial and industrial development to allow a City revenue base that is broad and diverse. Future annexations should be considered from this perspective.

Agriculture and open spaces, especially on the community's periphery, are important community pursuits. Community separation that exists between communities is a tradition in Heber Valley. Heber City reserves the right to maintain agricultural land and/or open space between its self and other municipalities and to protect agricultural lands and lands containing natural hazards where it is in the best interest of the community. Annexations that can help preserve open space will be considered, as will annexations that can provide a developed setting that is consistent with community goals.

Heber City's development patterns are somewhat unique from smaller communities that are not part of a suburban environment but are separated from major population

centers. It is important that Heber City take a long-range view, at least 20 years, at its potential for expansion. At the same time, growth needs to be in areas where the City can efficiently extend municipal services and discourage leap frog and rural sprawl development which increases the costs and places a higher tax burden on the citizens.

The City has adopted a General Plan with Land Use, Open Space, Parks, and Transportation elements. This Plan identifies and defines community and neighborhood character. Heber City is a City of neighborhoods, and newly annexed areas are to be developed to either mesh with established neighborhoods or to create new neighborhoods.

It is the policy of the City to avoid development of wetlands, steep-slope, critical environmental habitat areas, shrink-swell soils or any other environmental conditions that threaten the integrity of the City infrastructure unless, in an annexation agreement, the developer can show how they will mitigate these issues in conformance with the City Ordinances, Code and Federal and State Regulations.

THE NEED FOR MUNICIPAL SERVICES IN DEVELOPED AND UNDEVELOPED UNINCORPORATED AREAS

In the past, Heber City has had limited extension of urban services in the unincorporated areas. A fundamental policy is that if someone desires urban services, they must be annexed into the City. In most of the residential areas, urban services have been extended. In the commercial area along Highway 40, there has been a limited amount of municipal services provided; however, full service needs to eventually be extended as the areas further develop and annexed.

SEWER

The valley's sewer treatment is addressed through two means. The Heber Valley Special Service District (HVSSD) provides waste water treatment to Heber City and Midway City. Those facilities are located near Midway on the west side of the Provo River. The district treats water through both mechanical means and through application of treated water to the Sewer Fields located along the north side of Highway 189.

Currently HVSSD also provides treatment for waste water from the Twin Creeks Special Service District (TCSSD), Jordanelle Special Service District (JSSD), and the North Village Special Service District (NVSSD). In the long term, these three SSD's intend to move some or all of their waste water treatment needs to the JSSD waste water treatment facility that is located along the old Highway 40 route, south of the Jordanelle Dam. This facility provides all of its treatment through mechanical means.

The County established a minimum five acre lot size many years ago for lots on septic tanks to protect the ground water in the valley. Any new lot less than five acres requires connection to a central sanitary sewer system. The City anticipates that all new growth occurring within the City will require central sewer service. Outside the City, sewer service availability and necessity depends upon location.

For the North Fields, an undeveloped area, County zoning requires 20 acres per lot. There is not a need for sanitary sewer service in that area, and there are no plans for the City or County to provide sewer in that area. Heber City has provided a handful of sewer connections to lots outside of the City that front Midway Lane in the North Fields, as the lots were within 300 feet of the sewer outfall line. There are numerous lots of record in the North Fields that are less than five acres in size that are near the City's sewer outfall line. The City should not provide additional sanitary sewer services to the North Fields area.

For the South Fields, an undeveloped area, County zoning requires 20 acre minimum lot sizes in part of the area and five acre minimum lot sizes near the western edge of the City. There is not a need for sewer services in the area. A few non-conforming lots and homes exist on lots that are smaller than five acres.

The Sewer Fields, north of the Highway 189, are currently undeveloped and the city wishes them to remain so to protect the rural environment, provide a buffer zone between the city and surrounding cities/ and support lower sewer rates. If the sewer fields are not needed in the future, the City should consider annexation of this area and provide sanitary sewer service to the area. On the south western portion of the City's annexation expansion area, there may be a need to provide sanitary sewer service.

East of Mill Road, the County has formed the Twin Creeks Special Service District to provide sanitary sewer service. The zoning in the unincorporated County in the area permits lots of 1 acre in size and larger. The area has a mixture of lot sizes and has some non-conforming lots less than five acres in size that are serviced with septic tanks and drain fields. Given availability of the Twin Creek's Special Service District (TCSSD) sewer system, Heber City will not need to provide sanitary sewer service for the area. The City is capable in servicing portions of the TCSSD. The City could offer service to areas that contain existing homes or in areas where it is infeasible for the TCSSD to provide sanitary sewer service. However, the City will need to carefully coordinate such effort with the TCSSD to ensure that financing for the district is not harmed by providing that service. It is generally understood that the primary sewer provider for this area will be the TCSSD.

North of Coyote Lane and north of existing City limits, Wasatch County has formed the North Village Special Service District (NVSSD), and Jordanelle Special Service District (JSSD) which will be capable of providing sanitary sewer service to the North Village and southern portion of the Jordanelle Planning Area. The area is planned to have densities that necessitate sanitary sewer service. Similar to the TCSSD area, the City is capable in servicing portions of the NVSSD. The City could offer services or temporary services to areas that contain existing homes or in areas where it is infeasible for the NVSSD to provide sanitary sewer service. However, the City will need to carefully coordinate such effort with the NVSSD to ensure that financing for the district is not harmed by the City providing that service. It is generally understood that the primary sanitary sewer provider for this area will be the NVSSD.

WATER

Residential Densities in the North Fields and South Fields are low enough that homes will not need access to a central water supply for culinary or fire protection uses. Most, if not all existing homes in the area are serviced with individual culinary wells. Heber City does not intend to provide, and opposes extension of culinary water into these areas.

The Sewer Fields are currently undeveloped and the city wishes them to remain so to protect the rural environment, provide a buffer zone between the city and surrounding cities, and support lower sewer rates. If the sewer fields are not needed in the future, the City should consider annexation of this area and provide central culinary water service to the area. On the south western portion of the City's annexation expansion area, there may be a more urgent need to provide water for culinary and fire protection purposes.

The TCSSD, JSSD, and NVSSD provide culinary water to the Twin Creeks area east of Mill Road, and much of the area north of Coyote Lane and the current City limits. The residential densities in the Twin Creeks area are about 1 unit per acre and generally require central culinary water. In the NVSSD and JSSD, densities exceed one unit per acre, and can approach 20 to 30 units per acre, necessitating culinary water service as well. The City is capable in servicing portions of the NVSSD, TCCSSD, and JSSD, but the overall demand and topography exceeds the City's ability to provide water service. The City could offer water services or temporary services to areas that contain existing homes or in areas where it is infeasible for the districts to provide culinary water service. However, the City will need to carefully coordinate such effort with the districts to ensure that financing for the district is not harmed by the City providing that service. It is generally understood that the primary culinary water provider for these areas will be the NVSSD, TCSSD, and the JSSD.

PRESSURIZED IRRIGATION

Pressurized irrigation is offered by Heber City, Special Service Districts, and the Central Utah Project (CUP) in many areas of the City's expansion area and unincorporated areas. In the unincorporated areas, irrigation is provided by a combination of canals, ditches and pressurized irrigation. In the North Fields, South Fields, TCSSD, NVSSD, and JVSSD, it is anticipated the CUP and/or Special Service Districts will provide irrigation water services. Heber City has its own pressurized irrigation system that relies on CUP facilities for access to irrigation water. Heber City will not offer irrigation services outside of its boundaries. As properties are annexed into the City, Heber City anticipates offering PI to properties as they develop, or having the Special Service District provide that service if the district provides that service. Consultation with districts, canal companies and the CUP will be necessary to determine how irrigation service will be provided.

POLICE AND ANIMAL SERVICES

Heber City has a Police Department that is responsible for police protection within its borders. Given Heber City's central location in the valley, Heber City Police often serve as the first responder outside of Heber City limits, particularly to higher density housing in the North Village and to commercial areas along Highway 40.

Heber City is unique in that many tourists pass through the City as they are enroute to nearby tourist destinations such as Strawberry Reservoir, Jordanelle Reservoir, Wasatch Mountain State Park, and Park City Ski Resorts. The primary transportation route from areas along the Wasatch Front to these destinations is Highway 40, which passes right through the middle of the City, and Heber City receives the tax benefits, as well as the crime and traffic that accompany the tourist visits.

Animal Services is provided by the Police Department. The Police Department also oversees various volunteer organizations such as CERT and VIPS that assist with emergency management and event management.

JUSTICE COURT.

Heber City provides a Justice Court that serves the needs for civil cases and non-felony crimes. Increases in population in and around the City, as well as increases to tourism in the valley, impact the Justice Court similar to the Police Department.

PARKS AND CEMETERY

Heber City's Parks and Cemetery Department provides maintenance services to City owned neighborhood parks, trails, cemetery, City buildings and grounds, downtown trees and planter strips, entrance features and other open spaces. Access to these facilities is open to the public, including residents of the unincorporated area. Heber City has a policy requiring at least 1.5 acres for any new City owned park. The City collects impact fees for parks and trails, based upon the Parks and Trails Component of the Heber City Capital Facilities Plan. As properties are annexed, the City should analyze the need for neighborhood parks in those areas, as well as the potential need for privately owned parks.

COMMUNITY DEVELOPMENT SERVICES

Heber City provides planning services through the staff of the Planning Department. The Building Department provides inspection to ensure compliance of all construction with the adopted International Building Code. The City's Engineer ensures compliance of new development with City Standards and Specifications.

PUBLIC WORKS

Heber City Public Works has responsibility for flood control, street, water, sewer, irrigation, storm drainage, street plowing and ditch and canal maintenance, excluding JSSD and NVSSD infrastructure.

PLANS FOR EXTENSION OF MUNICIPAL SERVICES

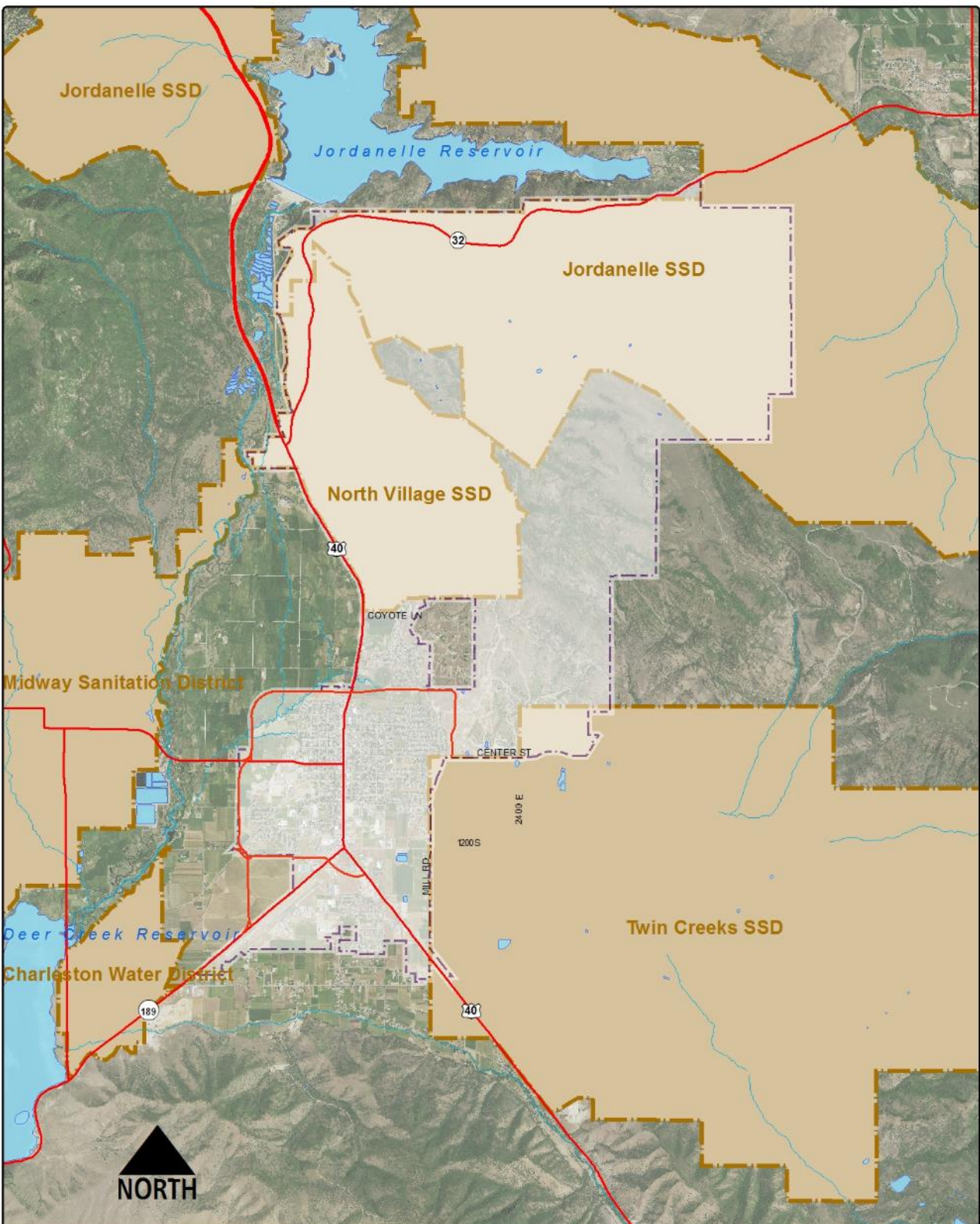
The plan for extension of municipal services is represented in the General Plan and the Capital Facilities Plan. This policy document is developed around the General Plan's Land Use Map. An important component of this extension of municipal services is the ability of the City to effectively serve these areas; therefore, development should be consistent with the General Plan, notwithstanding it may be amended from time to time. The Capital Facilities Plan is comprehensive in its analysis of utility needs, extension and financing of those facilities; therefore, a brief summary of its philosophy will suffice for the Annexation Policy Plan.

The City requires development to construct and dedicate all new public facilities needed for a new development. Heber City collects impact fees that upsize sewer, water,

irrigation, and street facilities to meet the needs of development. As a condition of annexation, developments may be required to extend streets, water and sewer, and other vital public facilities consistent with the Heber City Public Facilities Master Plan. It is the policy of Heber City to extend a high quality of municipal services delivered efficiently throughout the City, including areas of annexation. Such services may be provided directly by Heber City, through inter-local cooperative service agreements, or through creation of such special improvement districts as determined by Heber City to be in the best public interest of its citizens.

For areas located within a special service district, Heber City will rely upon the district to provide water, sewer, and irrigation services. The districts extend services when the services are needed or requested and do so in different ways. Developers often extend services, though the district has extended services as well.

Special Service District Locations



HOW MUNICIPAL SERVICES WILL BE FINANCED

Financing of services in the expansion area will be accomplished in the same manner as financing of infrastructure and services within the corporate limits. Infrastructure needed to service developed properties is installed at the expense of developers. Upon dedication to, and acceptance of the infrastructure by the City, maintenance is provided by the City with costs of operation and maintenance offset by a combination of property tax and sales tax revenues, class B and C road funds, and utility franchise fees. In addition the City will impose impact fees to offset the impact of offsite infrastructure systems needed for new development.

Heber City has adopted a Capital Facilities Plan that addresses future services for parks, trails, sewer, water, irrigation, and streets. The document identifies services that need to be addressed in order to accommodate growth areas at a level of service provided to current residents. This document serves as the basis for determining impact fee amounts and also the location and size of planned facilities such as streets, water, sewer and parks and trails. The Capital Facilities Plan is comprehensive in its analysis of utility needs and financing of those facilities; therefore, a brief summary of its philosophy will suffice for this Annexation Policy Plan.

New development is required to install the base sized facilities needed for their development. Impact fees are then used to upsize some of those facilities to accommodate new growth and development.

Upon an annexation petition, the City may require a developer to install offsite facilities as a condition of annexation. When a developer installs an offsite facility such as a road, waterline, or sewer line, the City, at the request of the developer, can put reimbursement agreements in place so that future development that benefits from those new services must pay their proportionate share back to the original developer.

The City requires all new development to provide water rights of the type and quantity as determined by the State Engineer that can be utilized for the City's culinary water supply and secondary irrigation system. Water rights are required to be conveyed to the City (or applicable Special Service District) prior to recording a subdivision plat, or prior to approval of a non-residential or multi-family residential building permit.

Another financing mechanism available to the City is the creation of a Special Improvement District or the creation of an Economic Development Area. The City should consider these options when a proposed development furthers the economic development or transportation goals of the City's General Plan, but these mechanisms should be used sparingly. A potential consideration could be an SID for 500 East between 1200 South and Highway 40, which provides a necessary transportation link in the City, but where the cooperation of several property owners is necessary to see that street constructed.

The Twin Creeks Special Service District, North Village Special Service District, and the Jordanelle Special Service District have plans for servicing their respective areas, separate from Heber City's water, irrigation, and sewer plans. The districts have adopted capital facility plans that specify necessary infrastructure to accommodate growth. The districts collect impact fees based on those plans to help pay for future infrastructure.

These impact fees are used to oversize facilities for future growth as well as pay for the extension of necessary infrastructure.

The districts have financed and extended infrastructure in various ways. In the past assessments on various properties were used to finance infrastructure. Currently the district relies more on impact fees. Developers usually install and dedicate the required infrastructure to the Special Service District, and the district can reimburse developers or put reimbursement agreements in place. Once constructed, the county Special Service Districts will operate and maintain such dedicated infrastructure. Developers can also prepay impact fees to move a planned Capital Facility Project forward sooner to accommodate a proposed development. If an area within a Special Service District is developed in the City, Heber City will need to ensure that impact fees are collected by the district prior to issuing a permit.

The Special Service Districts have limited capacities. Any development proposed within the City, within those respective districts, should closely consult with the SSDs to ensure service availability and available capacity to provide services. New developments should have a density near those planned for in the unincorporated area.

Between the three Special Service Districts, several different water rights may be used. The water rights and system is complex, and Wasatch County has established a Water Board to review water related issues for proposed developments. Wasatch County's water right process differs from Heber City's process in that the Water Board must review all developments prior to the developments receiving entitlements (see figure below). Heber City should establish a policy whereby City development located within a Special Service District should comply with established County Water Board processes. The City should consider requiring annexation petitioners to complete the first steps during the annexation process so the City can place conditions of annexation within an annexation agreement.

The Special Service Districts have differing definitions of Equivalent Residential Units (ERUs) for sewer versus water. Water right requirements vary between the various districts. Differences may exist between district and City water right and ERU definitions.

Wasatch County Water Board Process for Development

Development Path		
COUNTY	DEVELOPER	DISTRICT
		1. "Water Supply" Review
		2. Feasibility Letter (not a will serve letter)
3. Development Water Review Panel (Action Plan) Chapter 10.01		
4. Master Plan Chapter 16		
		5. Draft Will Serve Letter
6. Preliminary Approval		
		7. Source, Delivery, Treatment, Storage - Development Agreement - Applicable Fees and Associated Costs - Account Current = Proceed - Not Current = Stop
		8. Will Serve Letter
9. Final Approval		

ESTIMATE OF TAX CONSEQUENCES TO RESIDENTS BOTH CURRENTLY WITHIN THE CITY AND IN THE EXPANSION AREA

Annexing into any municipality will increase the tax liability for property owners. Table 1 below illustrates the tax implications for primary homes, secondary homes, and businesses. Current state law levies taxes on the full property value for secondary homes and non-residential land. Property taxes on primary homes are levied against 55% of the assessed value. The added annual tax for the owner of a primary home in the City valued at \$300,000 would be \$220.28. The added annual tax for a business in the City valued at \$500,000 would be \$667.50.

Property Tax Consequences (2016)

Type	Value	Unincorporated Tax Amount (1.1460%)	Incorporated Tax Amount (1.2795%)	Difference
Primary Dwelling	\$300,000	\$1,890.90	\$2,111.18	\$220.28
Business or Secondary Dwelling	\$500,000	\$5,730	\$6,397.50	\$667.50

Heber City does not intend to raise property taxes for the City as a result of annexation of any specific properties within the proposed annexation area. In considering proposed annexations, Heber City will assess the existing capacity of services, along with the additional demand for services that will be required of the City as a result of the annexation. Additional service demands from unincorporated areas will be weighed against potential revenues and other benefits that can be expected to accrue to the City as a result of the proposed annexation. The potential revenue and benefits may include 1) Property tax; 2) Sales tax; 3) Utility hookup fees; 4) Utility Franchise Fees; 5) Impact fees; and 6) exaction or related fees based on rough proportionality to city and county costs; 7) Intangible benefits that accomplish a stated goal of the General Plan or other City planning document. The City Council will weigh these factors in determining whether or not to grant a petition for annexation.

INTERESTS OF AFFECTED ENTITIES

The affected entities are municipalities, the school district, special service districts and County government. It is important that the affected entities be involved during the annexation process

The school district should coordinate their future development and facility needs consistent with the growth plans for the City. The County should have growth policies that reinforce and are complementary to the City's growth policies so that a cooperative and coordinated development within the County and City occur.

The effect of annexation on the tax base of the County will be either neutral or positive. Annexed properties will continue to pay Wasatch County property tax assessments. It is likely that the value of these properties will increase when improved by municipal services resulting in a net increase in tax revenue to Wasatch County. Wasatch County also benefits from annexations by reduced cost of service to annexed properties.

The Wasatch County School District serves the entire County and benefits from annexation by receiving additional tax revenue as property values increase. New residential development obligates the District to educate new students. New commercial and industrial development will be a windfall increase in tax revenue to the District.

Heber Light & Power (HLP) is not an affected entity, but is impacted by Heber City annexations. HLP is required to provide power service within Heber City Limits. If an annexation includes customers being served by another power provider, Utah law would require HLP to reimburse the other power provider "for the value of each facility used to serve each electric customer within the annexed area . . .[and] dedicated to provide service to the annexed area." *Utah Code Ann.* §10-2-421(2). The "value" or purchase price is based on data and costs provided to HLP by the other power provider. The annexation agreement shall provide: (1) that the parties seeking annexation shall pay HLP for its cost of acquiring the other provider's facilities required to serve the customers in the annexed area and (2) that these costs not be borne by Heber City and its residents or by HLP and its customers.

STATEMENTS MADE BY AFFECTED ENTITIES AT APRIL 27, 2017 PUBLIC MEETING

On April 27, 2017, the Heber City Planning Commission hosted a public meeting with Affected Entities to receive comments on the proposed amendment to the City's Annexation Policy Plan. Ron Phillips, Director of the Special Service Districts, submitted a letter listing the concerns of the SSDs in relation to the City's potential adoption of an amended expansion that includes portions of the SSDs, shown below.

Subsequent to that meeting, Heber City and Wasatch County discussed various issues additional concerns pertaining to services, utilities, transportation and zoning that have illustrated the need to update the plan and the General Plan.

Special Service District Written Concerns (page 1 of 3)



Jordanelle Special Service District

P.O. Box 519
Heber City, UT 84032
OFFICE: (435) 654-9233
FAX: (435) 657-9582

May 8, 2017

Heber City Planning Commission
Attn: Keith Rawlings, Chairman
75 North Main Street
Heber City, UT 84032

RE: Comments on the Proposed Heber City Annexation Policy Plan

Mr. Rawlings:

Thank you for the opportunity to provide comments on Heber City's proposed amendment to its Annexation Policy Plan (the "Annexation Plan"). The Wasatch County Council, acting as the Governing Board of the Jordanelle Special Service District ("JSSD"), the North Village Special Service District ("NVSSD"), and the Twin Creeks Special Service District ("TCSSD"), has asked me to submit these comments as the Annexation Plan includes land within the existing boundaries of JSSD, NVSSD, and TCSSD. JSSD, NVSSD, and TCSSD are separate legal entities, but are managed in coordination with each other, sharing costs of staff and overhead to provide greater efficiency to the public. I serve as the General Manager of the three Districts, and submit these comments on behalf of the Governing Board each of the three Districts.

As an initial matter, it is important to comment on what is *not* in the Annexation Plan posted for public review in advance of the April 27, 2017 Planning Commission meeting. Utah law requires that each annexation policy plan include the following, along with a map of the expansion area:

- A statement of the specific criteria that will guide future decisions on annexation petitions, addressing:
 - The character of the community;
 - The need for municipal services in undeveloped and developed unincorporated areas;
 - The municipality's plans for extension of municipal services;
 - How the services will be financed;
 - An estimate of the tax consequences to residents already within the municipal boundaries and in the expansion area;
 - The interests of all affected entities, such as special service districts; and
- A justification for excluding from the expansion areas containing urban development within ½ mile of the municipality's boundary

Wasatch County's SSD Written Concerns (page 2 of 3)

As far as the Districts can tell from documents posted for public review, the Annexation Plan consists of an old Annexation Policy Plan, dated June 1, 2006 (the "2006 Plan"), coupled with a new map (the "2017 Map"). The 2006 Plan contains only very generalized statements regarding the criteria listed above, which do not provide the Districts — or the general public — with enough information to assess the ramifications of annexation of unincorporated areas. As just one example, in addressing the tax consequences of annexation for current and future residents, the 2006 Plan simply states that: "It is anticipated that areas annexed into the City will increase in value, and the tax assessment on newly developed areas, along with impact fees, development fees, and additional revenue assessments will generate revenue to help support the new services." 2006 Plan, at p. 7. The Districts find this statement to be unhelpfully vague. If revenues from annexed areas merely "help support" the new services, will current residents of Heber City need to fund the balance of the cost of services? Furthermore, it is not clear why the City believes that land will automatically increase in value upon annexation into the City, especially when the land already has access to water and sewer services from the Districts. In short, the Districts do not believe the general statements in the 2006 Plan — which are now over a decade out of date — adequately address the specific criteria required by Utah law.

Moreover, the 2017 Map encompasses large swaths of additional land that were not considered by the 2006 Plan. Nothing in the 2006 Plan addresses the factors listed above with respect to the area encompassed by the 2017 Map, which contemplates annexing areas far removed from the City's existing infrastructure, and already served by infrastructure owned and operated by the Districts. For instance, NVSSD owns extensive culinary water infrastructure in the proposed annexation area, as well as extensive water rights necessary to serve those areas. The City's Annexation Plan does not even acknowledge these facts, let alone explain why it is necessary or prudent, in the City's view, to annex areas that already have access to municipal services. The District believes that the City must address the factors listed above as they apply to the new areas proposed to be included in the new expansion areas.

In addition, Utah law requires the City to consider the following:

- Population growth projections for the city and adjoining areas for the next 20 years;
- Current and projected costs of infrastructure, urban services, and public facilities necessary to facilitate full development within the city and to expand infrastructure, services, and facilities into the expansion area;
- The need for additional land over the next 20 years for additional land for residential, commercial, and industrial development;
- The reasons for including agricultural lands, forests, recreational lands, and wildlife management areas in the municipality;

Again, the Annexation Plan put forward by Heber City consists solely of the 2017 Map showing new areas eligible for annexation, coupled with the 2006 Plan. Both the 2017 Map and the 2006 Plan are completely silent as to the four factors listed above. There are no population growth projections, no projected costs of infrastructure, and no explanation why the City needs the vast amount of land encompassed by the 2017 Map.

Wasatch County's SSD Written Concerns (page 3 of 3)

Finally, Utah law requires the Planning Commission to be guided by certain factors as it develops, considers, and adopts an annexation policy plan. Specifically, if practical and feasible, the boundaries of areas proposed for annexation must be drawn:

- Along the boundaries of existing special service districts;
- To eliminate islands and peninsulas of territory that are not receiving municipal-type services;
- To facilitate the consolidation of overlapping functions of local government;
- To promote the efficient delivery of services; and
- To encourage the equitable distribution of community resources and obligations.

The Annexation Plan is again silent on all of these matters. There is no explanation as to why it is not practical or feasible to draw the annexation area along the boundaries of the three Districts, rather than swallowing up large portions of all three. There is no analysis as to how annexing the areas within the expansion area will promote efficient delivery of services. Nor is there any discussion of how the City intends to encourage the equitable distribution of community resources and obligations.

Given all these omissions, the Districts object to the adoption of the Annexation Plan in its current form. Moreover, even if the City amends the Annexation Plan to address the omissions described above, the Districts are fundamentally concerned about annexation of any land within their defined service areas. The Districts acquired water rights and designed infrastructure based on anticipated densities in unincorporated areas. If the City annexes areas within the Districts' service areas and increases allowable densities, the Districts may not have enough water to serve the new residents, and existing infrastructure may not have the required capacities.

Finally, the TCSSD specifically objects to the annexation of areas east of Mill Road and the Wasatch/Humbug Canal. As Heber City staff acknowledged at the April 27, 2017 Planning Commission meeting, there has been a "gentlemen's agreement" between the City and Wasatch County that the City would not annex that area. TCSSD requests that the City honor that agreement and remove that area from its annexation expansion area.

Sincerely,



Ron Phillips
General Manager of JSSD, NVSSD, and
TCSSD

cc: Mayor Alan McDonald
Mark Anderson, City Manager

Responses to Special Service District May 8, 2017 Letter

Concern	Response
The draft Annexation Policy Plan lacks detail for the 8 points required by Utah Code, Section 10-2-401.5 (3)	The text of the draft Annexation Policy Plan has been modified to specifically address the required 8 points of Utah State Code, Section 10-2-401.5 (3) (b), and the 5 points of Utah State Code, Section 10-2-401.5 (4).
The draft Annexation Policy Plan lacks detail for the 5 points required by Utah Code, Section 10-2-401.5 (4)	
Why don't the annexation boundaries follow SSD Lines?	The map has been modified to follow JSSD and TCSSD boundaries.
The Districts are fundamentally concerned about annexation of any land within their defined service area. If the City annexes areas...and increases densities, the Districts may not have....capacities.	It is the intent of the City to establish land uses in the General Plan that have densities no more than envisioned by Wasatch County within the district areas so district capacity will not be an issue. A General Plan Amendment to the Land Use Plan will be adopted in conjunction with the Annexation Policy Plan that solidifies this commitment.
TCSSD...objects to the annexation of areas east of Mill Road and the Wasatch/Humbug Canal.	The area east of Mill Road has been removed from the expansion area map.
Utah law requires the [City] to be guided by certain factors.....the Annexation Plan is silent on all of these matters.	The Annexation Policy Plan incorporated the guidance of Utah Code, Section 10-2-403 (6) into the Annexation Policy Plan.
Why is it...necessary and prudent to annex areas that already have municipal services?	By state statute, the City as a normal course of business cannot annex properties on its own, annexations occur through petition of private property owners. The expansion area gives property owners the choice of services between Heber City or Wasatch County.

10-2-401.5. Annexation policy plan.

- (1) No municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided in this section.
- (2) To adopt an annexation policy plan:
 - (a) the planning commission shall:
 - (i) prepare a proposed annexation policy plan that complies with Subsection (3);
 - (ii) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;
 - (iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;
 - (iv) accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii);
 - (v) before holding the public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within 10 days after the public meeting under Subsection (2)(a)(ii);
 - (vi) hold a public hearing on the proposed annexation policy plan;
 - (vii) provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing;
 - (viii) make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input provided at the public hearing; and
 - (ix) submit the planning commission's recommended annexation policy plan to the municipal legislative body; and
 - (b) the municipal legislative body shall:
 - (i) hold a public hearing on the annexation policy plan recommended by the planning commission;
 - (ii) provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;
 - (iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and
 - (iv) adopt the recommended annexation policy plan, with or without modifications.
- (3) Each annexation policy plan shall include:
 - (a) a map of the expansion area which may include territory located outside the county in which the municipality is located;
 - (b) a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:
 - (i) the character of the community;
 - (ii) the need for municipal services in developed and undeveloped unincorporated areas;
 - (iii) the municipality's plans for extension of municipal services;
 - (iv) how the services will be financed;
 - (v) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and
 - (vi) the interests of all affected entities;
 - (c) justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and

- (d) a statement addressing any comments made by affected entities at or within 10 days after the public meeting under Subsection (2)(a)(ii).
- (4) In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:
 - (a) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
 - (b) consider population growth projections for the municipality and adjoining areas for the next 20 years;
 - (c) consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - (i) to facilitate full development of the area within the municipality; and
 - (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - (d) consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
 - (e) consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and
 - (f) be guided by the principles set forth in Subsection 10-2-403(5).
- (5) Within 30 days after adopting an annexation policy plan, the municipal legislative body shall submit a copy of the plan to the legislative body of each county in which any of the municipality's expansion area is located.
- (6) Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan.



Planning Commission Staff Report

MEETING DATE: 10/22/2024
SUBJECT: Review of C-2, C-4 setbacks. (Jamie Baron)
RESPONSIBLE:
DEPARTMENT: Planning
STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

Staff Recommended Option - Approval

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Continuance

I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 3 - DENIAL

I move to **deny** the item with the following findings.

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member:

EXHIBITS

None