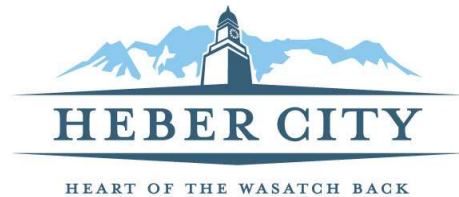


City Council Staff Report



MEETING DATE: November 17, 2020
SUBJECT: NVOZ Discuss & Approve Ordinance 2020-42 Adopting NVOZ
RESPONSIBLE: Anthony L. Kohler, Planning Director
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community & Economic Development

SUMMARY

With the adoption of the Envision Heber 2050 General Plan on March 17, 2020, staff immediately pivoted and begin phase three of the general plan update, which included updating the City's land use codes. Over the past 6 months, staff has been working closely with People + Place consultant John Janson on an update to Wasatch County's North Village Overlay Zone (NVOZ) code. The City's Open Space Committee and Planning Commission have reviewed and provided input on the code. Staff has also interfaced with land owners and developers on two occasions seeking their input and feedback.

The policy question includes the following:

1. What changes does Council want made to the proposed NVOZ?

RECOMMENDATION

After discussing public comments from the recent public hearing, Staff recommends Council consider approval of Ordinance 2020-42 adopting the revised NVOZ as follows:

- A. NVOZ text be approved as presented with the following changes:
 1. ERU Table on page 9: "Student Housing/Work Force Housing. Units may contain 2-4 beds with 2-4 bathrooms with one common area and kitchen: shall count as .25 ERU per unit. Such units can count towards meeting affordable housing requirements."
 - **Note:** The Highlands developer has met with the UVU Wasatch Campus Director. UVU is in need of student housing soon for its upcoming new hospitality program. This change will assist in the Highlands development being able to provide housing for the campus. The City should utilize an MDA to further define the Highland's role in providing affordable and student housing.
 2. Page 59, Delete Purple Robe Locust.
- B. Staff recommends adoption of the Stack Compromise Map, but with the following additional changes (further described in Discussion section below):
 1. Modified Highlands Development Land Uses.
 2. New Minor Collector.

3. Resort Hwy 40 Land Use.
4. Resort West Area Land Use.
5. North Village Views Land Use.
6. Heiner Property Land Use

BACKGROUND

Council continued their review of the proposed NVOZ on October 6 and October 20, following the October 20 Public Hearing. November 17 is a continuation of this dialogue. Draft Planning Commission minutes are shown in Exhibit 2. The proposed NVOZ has been updated as directed by Council and is shown in Exhibit 3.

DISCUSSION

NVOZ Text

At the last Council meeting, Council made changes as shown in blue/red/orange to the text of the revised NVOZ (see Exhibit 3). The Council discussed the following changes:

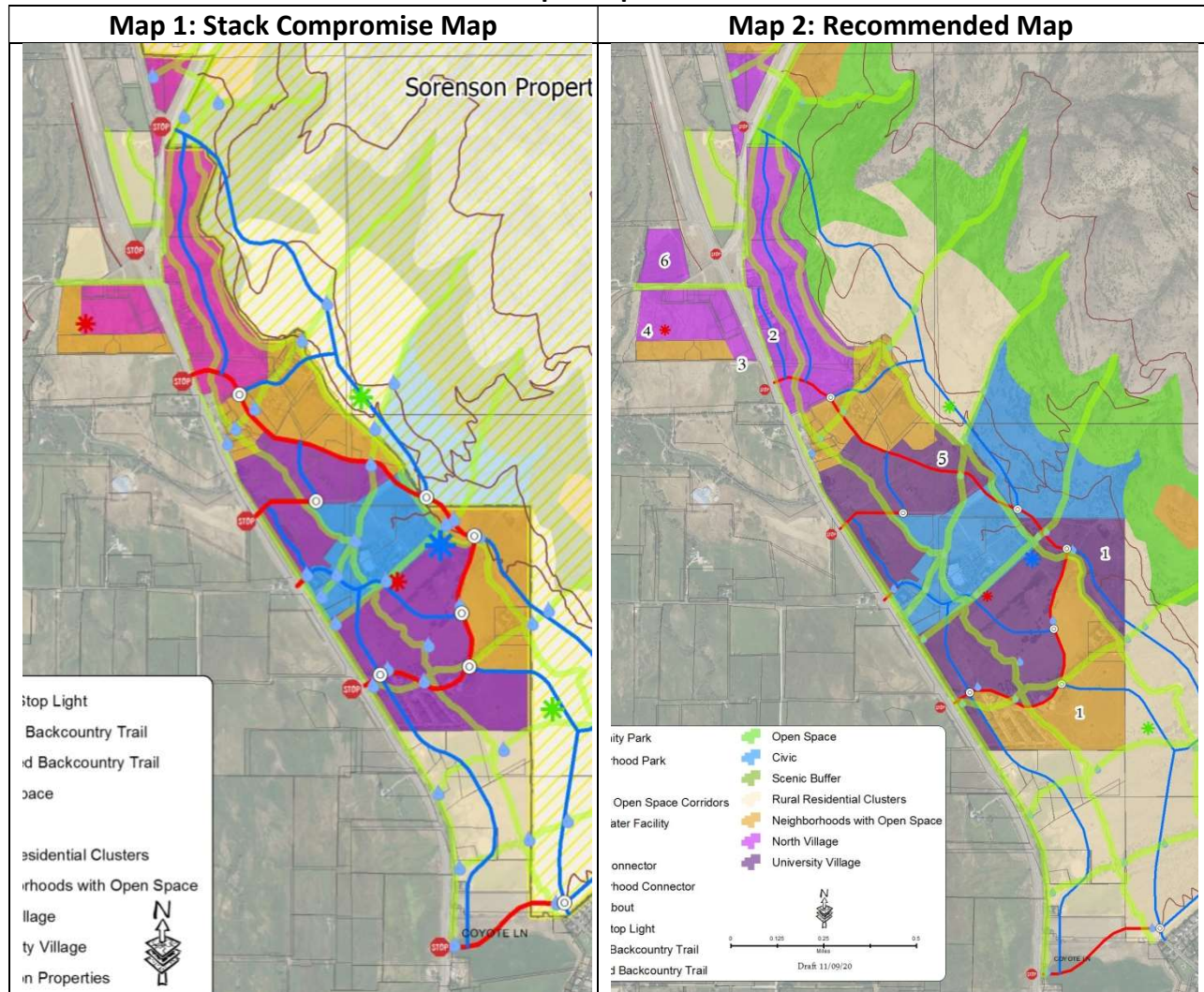
Page	Change
2	Power line easement/Buffer
5	Net zero buildings, MS4
5	Sign Reference
6	Stack Compromise Map
6	Alternatives to buffer trail location near wall area: collector has trail requirement
7	Increase office footprint to 30,000 sf
7	Add "climate controlled" to Storage Rentals
8	Prohibit apartments, townhomes and condos in RR
8	Prohibit stacked flats and apartments in NOS
9	Change ERU count to 2 for, 3.5 for NOS and 6 for Villages
9	2.1.2 Density Increase, clean up language
9	Incentive for more open space near Highway NOS
9	0.75 ERU, allow 2.5 bath
10	Mixed Use Buildings Charging Stations
11	Open space buffers between MFD and existing SFD
11	Permit 4 story average/5 story max for mixed-use buildings within 800' of UVU
13, 15, 17	NOS, limit buildings to 3 story
13, 15, 17, 19, 31, 32	Vegetative roof permitted
19	Townhomes to be alley loaded
47	Nature preserve 2(11) & (12) and Table 5.1 (red/orange)
48	Paved trail to meet ADA standards
48	Play structures design for population; different amenities, picnic area
49	Trail buffer as phase 1 and fee in lieu option
54	2 (3) Canal Trails to be asphalt
54	Natural Open Space Equestrian amenities
55	Sensitive Lands wetland buffer requirement
59	Delete Purple Robe Locust (not shown in blue)

NVOZ Map

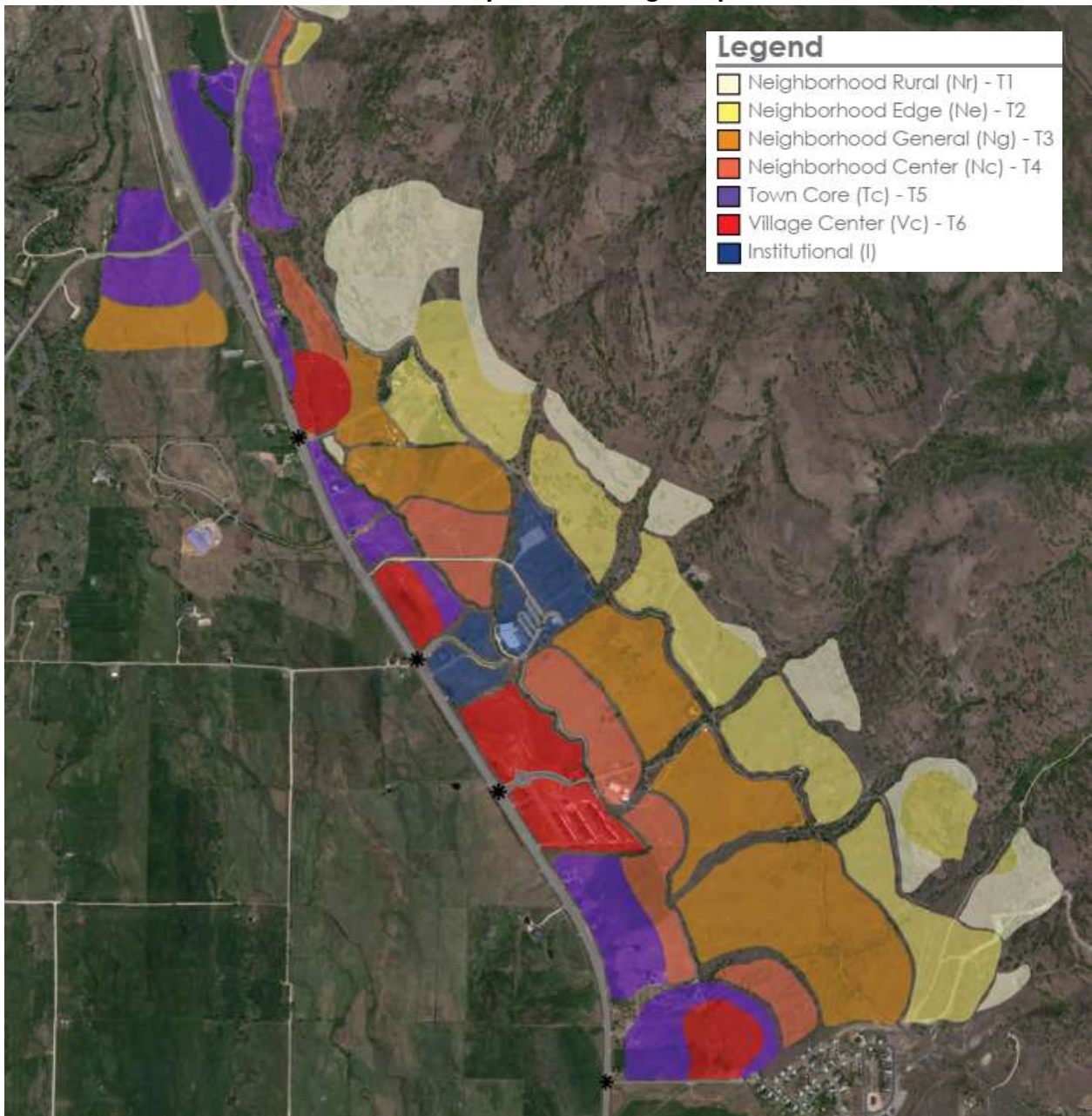
Council has expressed support for the Stack Compromise map shown in the table below as Map 1. Ryan Stack, Michael Johnston and I met on November 3 to discuss the Stack Compromise map and came up the following suggested changes for Council consideration (shown as Map 2 in the table below). The numbers below correspond to the numbers on Map 2.

1. **Modified Highlands Development Land Uses.** The area south of the red collector road is shown as Neighborhoods with Open Space (NOS, orange) instead of University Village (UV, purple) to decrease the size of the village center. The area above the canal changed from NOS to UV to accommodate the developer's recently revised open space concept that eliminates most of the proposed housing above the canal and replaces it with more open space. The open space concept is still being worked out, but would be something akin to Red Butte Gardens with an amphitheater that is much larger than originally proposed for the Highlands. In order to accommodate that commercial type recreational use, the UV Zoning is necessary. Staff recommends Council utilize an MDA at the time of annexation of the Highlands to address this use in that area to limit housing and require the open space.
2. **New Minor Collector.** Added a minor collector road (blue) that connects to the Red collector and traverses north towards the Highway 40 and 32 intersection to provide access to the Resort.
3. **Resort Hwy 40 Land Use.** Modified the NOS strip in the Resort adjacent to Highway 40, changing the land use along Highway 40 from NOS to North Village (NV) Center, as that area should be commercial, not residential. Staff recommends Council utilize an MDA at the time of annexation to address height and intensity for this area of the property. The MDA would also need to permit commercial uses in the NOS area along the south part of the property where NOS remains.
4. **Resort West Area Land Use.** Changed the zoning along the western boundary from NOS to NV. This change ensures that commercial uses are located within a commercial zone, as the Resort is entirely commercial. Staff recommends Council utilize an MDA at the time of annexation to address height and intensity for this area of the property.
5. **North Village Views Land Use.** Staff is recommending the map be revised above the collector for the Views development to accommodate proposed apartments/condos. The developer has consistently promised the Council to utilize land uses consistent with what was being proposed in the County. The UV district would permit the proposed condos/apartments consistent with the plan proposed to the County. The proposed condos/apartments are located within 1,000 feet of UVU's property line, the typical pedestrian walking distance.
6. **Heiner Property Land Use.** Staff is recommending the Heiner property be designated as NV Center because Wasatch County's North Village map designates the Heiner property as Town Core (See Wasatch County's map below).

Map Comparison



Wasatch County's North Village Map


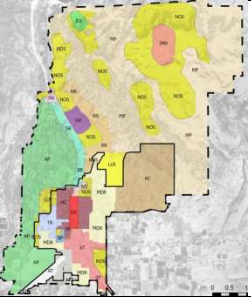



FISCAL IMPACT


There is no fiscal impact to the City to adopt the North Village Overlay Zone. The City already has a North Village Code; the proposed NVOZ Code replaces the existing one in its entirety; the two codes have similar process requirements.

CONCLUSION

NVOZ is consistent with General Plan as follows:

NVOZ and the General Plan		
Page	Findings	
5-16	<p style="text-align: center;">GUIDING VISION PRINCIPLES</p> <p><i>NVOZ implements standards that are consistent with the 7 guiding principles identified by the public in developing the vision for the General Plan:</i></p> <ul style="list-style-type: none"> • Quality Neighborhoods, • Centers and Gathering Places, • Open Space and Rural Character, • Outdoor Recreation, • Parks and Trails, • Mobility and Streetscapes and • Jobs and Economic Development. 	
17-22	<p style="text-align: center;">FUTURE LAND USE</p> <p><i>NVOZ implements the General Plan’s identified Land Use Districts:</i></p> <ul style="list-style-type: none"> • North Village Center (NV) • University Village Center (UV) • Neighborhoods with Open Space (NOS) • Rural Residential (RR) 	
23-34	<p style="text-align: center;">QUALITY NEIGHBORHOODS</p> <p><i>NVOZ creates quality neighborhoods:</i></p> <ul style="list-style-type: none"> • Walkable neighborhoods • Housing clustered to reserve lands for open space • Neighborhoods include housing variety and amenities • Quality building materials and architectural standards • Open space amenities as central feature • Trail system separated from roadways • Increased densities in village centers • Street connectivity plan • Increased hospitality and entertainment options near highway 	

<p>15, 35- 48</p>	<p align="center">CENTERS AND GATHERING PLACES</p> <p><i>NVOZ promotes Village Centers:</i></p> <ul style="list-style-type: none"> • Town core increased density • Varied housing and lot sizes • No strip commercial • Workforce housing • Architectural design standards • Trails connect parks & plazas • Concentration of hospitality uses • Dark sky lighting 	
<p>49- 52</p>	<p align="center">OPEN SPACE AND RURAL CHARACTER</p> <p><i>NVOZ promotes Open Space and Rural Character:</i></p> <ul style="list-style-type: none"> • Work to create permanent farmland protection • Cluster development to protect open lands from dispersed development. • Develop a system for Purchase of Development Rights • Ordinances promote clustering 	
<p>53- 60</p>	<p align="center">OUTDOOR RECREATION, PARKS & TRAILS</p> <p><i>NVOZ promotes outdoor recreation, parks and trails:</i></p> <ul style="list-style-type: none"> • Trails connect residents to other neighborhoods • Trails access lakes, river and mountains • Parks located within walking distance • Trails parallel canals 	
<p>61- 68</p>	<p align="center">MOBILITY AND STREETSCAPES</p> <p><i>NVOZ promotes mobility and streetscapes:</i></p> <ul style="list-style-type: none"> • <i>Emphasizes inviting streets</i> • <i>Encourage street connectivity</i> • <i>Consider all modes of transportation</i> • <i>Consider public health and reduce air contaminants by encouraging designs that encourage walking and biking.</i> 	
<p>69- 74</p>	<p align="center">JOBS AND ECONOMIC DEVELOPMENT</p> <p><i>NVOZ promotes jobs and economic development:</i></p> <ul style="list-style-type: none"> • Fosters an environment that supports local business • Supports emerging recreation and tourism industry • Promote opportunities for professional office • Attract businesses that have reduced impacts on air and water quality • Foster connections with UVU 	<p align="center">Key Facts: Heber Jobs</p> 

75-58	<p style="text-align: center;">GENERAL PLAN PRIORITIES</p> <p>NVOZ promotes:</p> <ul style="list-style-type: none"> • Areas for mixed use housing in emerging centers • Open space amenities as a central feature in neighborhoods • Compact neighborhoods with significant natural open space and mountain themed town centers • Develops a purchase of development rights process through MDAs during annexation 	
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ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Staff Recommended Option – Approve

I move **to approve** Ordinance 2020-42 adopting the revised North Village Overlay Zone as presented, according to the findings and conditions as presented in the conclusion above, with the following map and text changes:

- A. NVOZ text be approved as presented with the following changes:
 1. ERU Table on page 9: “Student Housing/Work Force Housing. Units may contain 2-4 beds with 2-4 bathrooms with one common area and kitchen: shall count as .25 ERU per unit. Such units can count towards meeting affordable housing requirements.”
 2. Page 59, Delete Purple Robe Locust.
- B. The Stack Compromise Map be adopted with the following changes described in the Discussion Section above:
 1. Modified Highlands Development Land Uses.
 2. New Minor Collector.
 3. Resort Hwy 40 Land Use.
 4. Resort West Area Land Use.
 5. North Village Views Land Use.
 6. Heiner Property Land Use

Alternative 2 – Approve as Amended

I move **to approve** Ordinance 2020-42 adopting the revised North Village Overlay Zone as recommended in the Staff Recommended Option above, subject to the following changes:

Alternative 3 – Continue

I move to **continue** consideration of Ordinance 2020-42 to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 4 – Deny

I move to **deny** Ordinance 2020-42 with the following findings.

ACCOUNTABILITY

Department: Planning Department, Planning Director
Staff Member: Anthony L. Kohler

EXHIBITS

- Exhibit 1: Recommended Map
- Exhibit 2: Planning Commission Minutes
- Exhibit 3: Ordinance 2020-42

Exhibit 1: Recommended Map

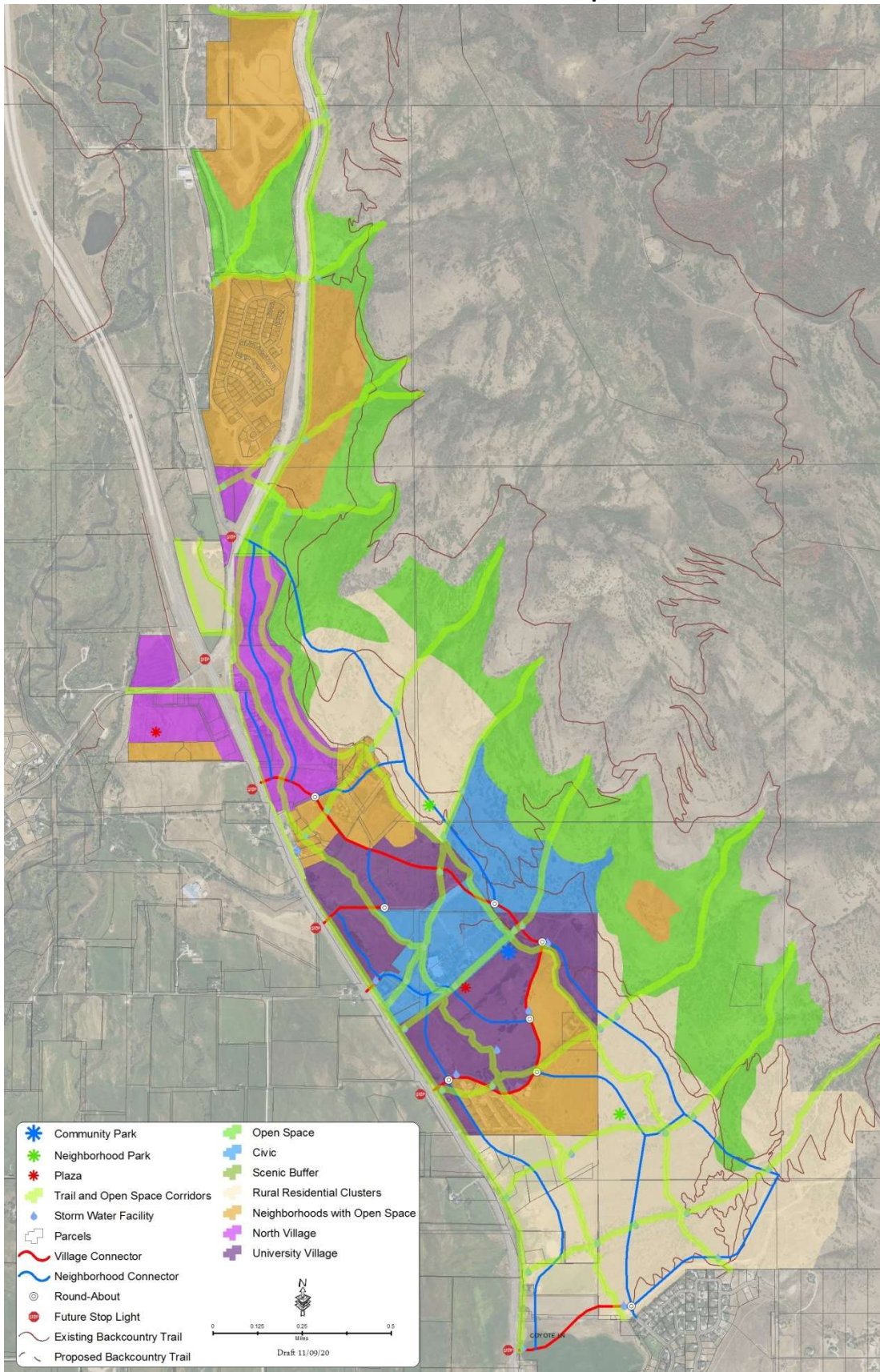


Exhibit 2: Planning Commission Minutes

July 28, 2020 Special Combined Meeting to discuss the pending NVOZ

City Consultant John Janson stated he had recently found an ordinance needed for the Transferring of Development Rights (TDR). A small paragraph in the Mountain Community Zone explaining the TDR; the City may not designate municipalities beyond their city's boundaries. The North fields were not yet in the City. However, the County TDR ordinance did reach out to the communities to join a TDR effort through a Wasatch County Open Space Board. According to the Cities of Leagues and Towns, if Heber City joined that board, an interlocal agreement may supersede the TDR ordinance. Regardless, a TDR ordinance did need to be developed to fit the city. The North Village Overlay Zone (NVOZ) Ordinance was written before realizing the TDR issue.

Mr. Janson continued with the NVOZ ordinance discussion and stated, the Equivalent Residential Unit (ERU) definition had been added. Additionally, a Master Development Agreement (MDA) for 50% preservation of the north fields had been discussed. Still, Mr. Janson believed a 50% preservation of the north fields with an MDA was not realistic. Additionally, as mentioned above, the ordinance did need to show a TDR philosophy, including a map showing the TDR system. Mr. Janson explained, Mr. Kohler had sent the Planning Commission and the City Council a TDR strategy, but it may still be off base with the 50% preservation of the north fields.

City Council Member Heidi Franco mentioned the information she had emailed regarding a TDR system, which suggested TDR's would have a better chance of working if the City allowed the TDR's for the Downtown Revitalization as a Receiving Zone. Also, the South Town Zone area as a Receiving Zone because of the high-density requests coming into the south town area. Council Member Franco continued, she had also suggested a Memorandum of Understanding (MOU) with Midway City to accept TDR credits. Additionally, Heber City had joined the Wasatch Open Lands Board in an interlocal agreement three years ago and could increase the TDR coverage as a possible opportunity to meet the goal.

Mr. Janson responded, Council Member Franco's ideas were great but would need ordinance support. Additionally, the goal was to create a TDR concept for a 50% reservation for the north fields within the North Village area. If downtown and south town were added, the 50% might have to be reduced.

City Council Member Ryan Stack asked Mr. Janson why he thought the goal to preserve 50% of the north fields needed to be reduced. Additionally, if it were reduced, could the City look at a corresponding decrease in the maximum amount of units an applicant could receive in exchange for participating in the TDR program? Mr. Janson responded it would not be achievable to preserve 50% of the north fields if the North Village did not contribute. Mr. Janson stated density would always be a big issue, and the development community was concerned about density.

Mr. Kohler added, he had received calls from every related developer indicating the density proposed in the NVOZ was unacceptable and a deal-breaker. However, some developers had voiced they were willing to continue discussions. Still, the density would need to look different

from currently proposed, including assurance that densities would be the same as the County densities.

Mr. Janson stated it had been an interesting philosophy to transfer more parcels in the NVOZ, but the City needed to adopt a TDR system that made more sense.

Mr. Kohler read a comment from Ms. Barbara Boss; allow the developers the densities granted. If a developer were to go over the granted density limit, they would be willing to purchase TDR's. Mr. Kohler agreed, identify the density the County had approved, and if developers go over the agreed upon density limit, they would buy into the TDR program. Mr. Kohler stated this type of agreement could be in an MDA.

City Council Member Mike Johnston commented, preserving the agricultural condition and heritage of the north fields would be a significant accomplishment of Heber City, working in conjunction with the County, Midway City, and the owners of properties developing in the City. Council Member Johnston continued, the reason they were discussing the preservation of the north fields was that the City was considering a brand new area of growth. Council Member Franco had an excellent point; other areas of City growth would also need to participate. If the City densified the downtown corridor and moved the zoning from where it was or west of town, the area would provide much of the same idea. Mr. Johnston did not believe the idea could only be achieved through a TDR credit program. It was also not a good idea to make each property owner or developer find a willing party and negotiate one-on-one every time a landowner wanted to develop. This was the Counties process, and it was a complicated process.

Council Member Johnston continued, the City could take the lead and form a North Fields Open Land Trust that could work for everyone involved. There were other ways to reach the preservation goals, but fees would be an essential part of the process. The City could not have help from a developer of how to fund the preservation goals upfront, as the process would be too difficult to find financing and money. Council Member Johnston believed perhaps the payment should be at the building permit stage when there might be a buyer. He thought the property owners were most likely willing to craft a program or a working plan because this would be the view the developer or landowner. The North Village would be successful because the view across the west and the 3000 acres of agriculture land with the mountains behind would be a huge selling point for people to live in the area. Council Member Johnston understood the North Village Overlay, as proposed, was a non-starter, but it was the start of a discussion. Council Member Johnston encouraged the developers to bring their ideas to craft a win/win solution. The numbers proposed were only a guess of where to start. The City does not need to buy off agriculture easements off every property in the north fields. Council Member Johnston concluded, handled correctly, the north fields could be more valuable as it becomes rare north fields ranch ground.

City Council Member Rachel Kahler stated she would like to understand the change in density as she had not been part of the reduced density conversation, even though she had been an advocate for reduced density. Council Member Kahler stated she understood Ms. Boss's concerns about the City stripping away densities allocated to them by the County. Council Member Kahler asked if the City's densities were lower than the County had offered, and if so, how did the City get to that density number?

Mr. Janson responded the densities were not lower than what the County had offered the landowners. Mayor Potter asked if Mr. Janson was referring to base density or bonus density. Mr. Janson stated he didn't believe the numbers referred to were base but explained the density was reduced because TDR's keep changing. If the development community can receive the density they want without a TDR, they do not need the TDR program. Reducing the density assured every development would most likely want to either acquire TDR or pay a fee. Mr. Janson believed the base numbers were too low but needed to have a few more meetings with the Development Community and discuss the issue.

Council Member Stack stated he was not comfortable moving forward with any of the annexation applications for Heber City until there was a meaningful TDR program in place because many of the applicants wanted to see the bonus densities the County had offered.

Council Member Johnston mentioned table 2.1 Density; of the proposed ordinance showed the added density, but on the bottom line, it said 0.8 ERUs for commercial. Council Member Johnston did not want to require density ERUs for commercial developments as it could discourage commercial development. Instead of assigning 0.8 ERUs for commercial, Council Member Johnston advocated encouraging as much commercial as a developer was willing to build in Heber City. Mr. Janson agreed and stated units per acre did not cover previously commercial and industrial properties. Council Member Johnston added, he would like the studio apartments with 500 or less square feet to have .25 ERUs as there was a need for one bedroom, one bath studio apartments especially next to UVU. If there were more than 500 square feet, they would move up to .33 ERUs depending on the size.

Council Member Stack added while talking about density; the affordable housing requirement may need to go in this section and keep consistent with what was already happening in this area and the Sorenson MDA. Council Member Stack suggested to remove the fee in lieu option in the NVOZ and only allow 10% affordable units because of all the town homes and multi-family proposed. It seemed it would be a target-rich environment to provide affordable units.

City Attorney Mark Smedley liked Council Member Stack's idea, but he wanted to check if there was a state code requirement as the State may offer two affordable housing options. The City would like to make sure to comply with at least the minimum. The idea could be possible if contractually, they would voluntarily enter into an MDA.

Developer Mr. Terry Diehl stated his projects were already planning on building the affordable units. Mr. Janson said the idea would make sense in the villages as there would already be serviced with short walks and further walking from rural and residential.

Council Member Stack commented to City Attorney Smedley's two options that it would be either 10% or land dedication, Mr. Smedley agreed.

Mr. Janson continued with building types stating there were five building types, and within those building types, different uses could occur. Mixed-use, stacked flats, and commercial would not be allowed in Rural/Residential. The stacked residential would be permitted along the major collector corridors (the mountain collector).

Council Member Franco asked about Buildings 3.2 (6), where it stated the City would allow four attached residential buildings to have the same exterior architecture. Council Member Franco continued. She had noticed developments in the City where building after building was the same and believed four residential attached buildings were too much for the same architecture and asked if other panel members would be interested in reducing the number from four.

Council Member Johnston stated sometimes it would make sense to have some things look similar but liked the following sentence that read. This consideration depends on the degree of aesthetic judgment. The staff could review the issue on a project by project basis.

Council Member Kahler added what would happen when apartment or condo complexes use the same rule? Mr. Janson replied it would be possible to make the design more specific to each type. Mr. Janson addressed having four townhomes the same. A project could have four to six same units, but then the next townhome would be different.

Discussion continued on grouping four single-family homes with the same architecture. Mr. Janson stated he would make the language more specific to single-family homes versus townhomes in a courtyard.

Planning Commissioner Sid Ostergaard added it would be more about mixing up windows, porches, and other such materials as it would be difficult to dictate everything, the City may have to be more general.

Council Member Kahler asked for language to allow for variety in general requirements. Mr. Janson stated the feedback from developers was that, the City requiring strict restrictions, limits their affordability. However, the City would like some variety, and we do have specifications in building types from groups of buildings or single-family building to building. This would be a façade issue to add variety, but you may get push back from developers.

Planning Commissioner Oscar Covarrubias stated there would be no more cost to change colors or standard windows. There would be a lot of things to make the aesthetics look different from building to building. A variety of buildings should not be a problem for an architect and what Council Member Franco mentioned was not a difficult request.

Council Member Johnston suggested focusing on the façade, colors, materials for exterior finishes and different mixtures of materials. Commissioner Ostergaard added, keep percentages of masonry and window openings more general because some architects can design well with small parameters.

Council Member Kahler commented on street façade requirements; it stated no front façades anticipated along US Highway 40. Council member Kahler's concern was for the buildings backside as they would be unsightly as the entrance of the City moved closer to Highway 40, and Highway 40 became a vibrant Heber City main street. Mr. Janson responded, the principle for no front facades was to create an additional parking lot and a large buffer area along Highway 40. The primary street would then be interior away from the Highway. Commissioner Covarrubias stated, sometimes the elevations of the back of the buildings were not any higher than the front

of the buildings, but the elevations may need to be discussed. Commissioner Covarrubias preferred not to see the front of the home from the street or Highway, to see the front of the home from the interior primary road makes the homes more welcoming.

Council Member Franco stated any drive-up would need to be on the back of the building, which might be against what the City Council was thinking for overall esthetics. Mr. Janson responded that there would be 75 feet to the building from the main road or Highway, with the primary entrance street to the homes other side away from the Highway. The 75 feet then becomes the more logical areas for more commercial development.

Mr. Janson stated many standards ensured the buildings look good; the buildings' back needs to be addressed if they were to face the Highway as the main emphasis had been on the street-facing facades.

Council Member Stack asked about 3.5 subsections 1: Description and Intent; would the footprint be limited to 10,000 or 100,000 square feet? Mr. Janson responded that the limited footprint would be 100,000 to avoid many big box stores lining the street. 100,000 would be approximately one half of the target. Discussion continued about the limit of the footprint. After debating the footprint's size, 60,000 was decided as the intent for NVOZ for storefronts to want to participate in the area. Still, buildings would be broken up instead of one long frontage of commercial buildings.

Mr. Janson continued with the four proposed architecture styles, which were Craftsman, Farmhouse, Mountain Modern, and North Village Natural, based on Red Ledges with a Development Agreement allowance to create specified standards. There would be five building types for four architectural styles. Mr. Janson continued one of the significant changes we added from the North Village discussions was to check the required boxes making it more clear what would be expected for each of the building types.

Council Member Franco stated the proposal was not allowing the Craftsman style of architecture to be in the mixed-use or commercial building types and asked why that decision was made as she believed Craftsman style was timeless. Mr. Janson responded he thought the decision was subjective but was also determined from the General Plan conversations, where Mountain Modern style in the villages' commercial areas had been decided.

Mr. Janson explained the colors of buildings would be earth tones and then discussed the proposed materials. Council Member Franco expressed she did not prefer the metal paneling even though it was part of Mountain Modern, but 30% was high unless that number was including the roof. Discussion continued on the percentage of metal allowed on buildings. Council Member Franco stated she did not want the metal to be the majority of the building and referenced a picture on page 35 of the proposed NVOZ. Mr. Janson suggested taking the roof out of the metal percentage for the building and working with the percentage of metal on buildings.

Mr. Janson continued with the types of buildings. Chairman Rawlings stated he would not be concerned with the drive-throughs as there would be a trail, berm, landscaping, and cars. The drivers would not see a drive-through from their perspective. Council Member Franco stated her

concern was not as many drive-throughs on the highways as landscaping to hide the drive-throughs as it could take some time for trees and shrubs to mature.

Mr. Janson continued with the street sections and mentioned many good conversations regarding streets had taken place, and the street sections were a derivative of those conversations. The proposal was to support soils, block lengths, swells, trails, and sidewalks. The connectivity standards were all pertaining to the walkability of the City and Villages.

Council Member Stack commented on section 4.3 Intersections and asked how everyone felt about exhibiting a preference regarding roundabouts over intersections to avoid signal lights in the overlay zone on highway 40. Council Members Johnston and Kahler both confirmed they agreed with the roundabouts. Mr. Janson stated there might need to be a study to make sure a roundabout would serve the community and work well. Mr. Janson continued the downside to a roundabout would be pedestrian traffic. Planning Commissioner Ostergaard agreed.

Council Member Johnston stated roundabouts were most important where traffic needs to be moved rather than pedestrians. Roundabouts were most useful in residential areas and they would not work well in downtown areas, commercial village centers, or on campus. Planning Commission Covarrubias agreed. Mr. Janson agreed but stated a study would be needed. Chairman Rawlings added crosswalks would not be a concern and explained how crosswalks with roundabouts worked. Mr. Janson agreed but added the problem with pedestrians and roundabouts would be that drivers look left, not right. If a pedestrian were coming from the right, the driver would not see the pedestrian.

Commissioner Covarrubias gave an example of the roundabout on River Road and Interlaken in Midway, where there was not a pedestrian designation. The conversation continued with the roundabout and pedestrian traffic, and it was decided more studies were needed.

Mr. Janson continued with stormwater and stated that stormwater could be counted as long as there were amenities or other benefits besides just the stormwater as the City would not want to encourage an Engineer to design holes in the ground.

Council Member Franco asked how the amenities would be protected if they were to become flooded. Mr. Janson responded most stormwater ponds would not receive water all the time, and the amenities could be designed for functionality within the stormwater collectors.

Mr. Janson continued with sensitive land issues on sites. The City would be suggesting a design process that would identify and delineate sensitive lands and attempt to design around the sensitive lands. Rather than have the developer think about how many houses he could design into the plot. Council Member Franco reminded the Committee she had emailed other ideas of how to strengthen the wetlands delineation. Council Member Franco explained, Midway City did not allow any impact to streams, wetlands, and waterways with a 25-foot buffer requirement, which could be a minimum standard for Heber City. However, Council Member Franco continued, if a Developer would want to go within the 25-foot buffer, the developer should be required to provide the wetlands delineation and the Army Core of Engineer's permit showing required mitigation. The City had not required this level of protection before. Still, the Open Space Committee's goal would be to have citywide sensitive land or natural resource ordinance

submitted into the North Village Code and have the ordinance applied across the City to provide and protect the beauty Heber City would like to maintain and preserve.

Guest Todd Amberry explained a typo regarding neighborhoods with open space. The neighborhoods with open space was supposed to be 30%, what was listed was 45% in Rural residential and 20% on the other two, but thought they would all be listed at 30%. Mr. Janson responded, 25% for open space and 20% for traditional park space would be 45%. Mr. Janson continued, there were two types of parks; natural parks and a manicured type park.

Council Members asked for clarity on the percentages. Mr. Janson responded, the 25% would be a natural park space preserving existing open space with perhaps trails and a park bench placed here and there, with connectivity for longer trail systems, and this was according to the General Plan.

Council Member Franco stated her concern regarding the required amenities for traditional parks and open space. The amenities options depending on density within projects were good, but would there be anything in the proposed code to require developers to design more significant parks rather than smaller half-acre parks in the 10% traditional or 20% open space. The concern would be; the developer might be much more inclined to do less expensive amenity options, and how can we require or create an incentive for developers to design bigger parks with pickle ballparks, pools, or baseball fields or a community center. Mr. Janson responded that the City had talked about combining park spaces and creating larger parks with the parcels coming up next to each other; the idea was promoted within the code.

Mr. Mark Vlasic stated the Parks and Trails Committee would be presenting the Parks and Trails draft master plan to the public and the City Council in a few weeks, and it might be advantageous to coordinate the master plan with the NVOZ trails chapter. It appears there was terminology different than the Parks and Trails Master plan, and it would be good to have the language consistent and aligned together. Mr. Janson agreed, but the standards had been there for a while for the terminology. Mr. Vlasik mentioned perhaps the Parks and Trails Committee could coordinate their language to the NVOZ as well. Planning Commissioner Sid Ostergaard and Council Member Franco agreed with Mark Vlasic on the Parks and Trails Committee.

Council Member Johnston was concerned if the City had too many parks and trails, the City may not be able to take care of them all. Council Member Johnston asked how the funding would work with the parks and trails. The City needed to be careful structuring the details of the Parks and Trails. Mr. Janson confirmed there were communities having problems keeping up with the Parks and Trails maintenance. However, 35% of Open Space areas and Rural Residential trails and open space considered against a ball diamond in a traditional park or a manicured big open space area was vastly different in maintenance.

Mr. Janson continued with trails and stated the trails on the community design map were required instead of optional. The required trails would be along the canals and gullies. Council Member Johnston mentioned his concern regarding street cross-sections with twelve-foot minimum trails. The City had a maximum of ten foot trails for the major trails at one point, but most trails did not need to be even ten feet. The trail from Midway to Heber City was nine to ten feet wide, and there would not be a reason to add more asphalt when the City was trying to

preserve green space and stormwater runoff. Council Member Johnston continued he believed minor trails could be six feet and major roads could be eight feet, and perhaps the trail along the Highway could be ten feet. Chairman Rawlings agreed with Council Member Johnston.

City Planner Tony Kohler explained there were some reasons to have wider trails. On the 600 South trail, the City designed a ten-foot trail on the advisement that it would qualify the City for a grant with Udot, allowing Udot to assist with an overpass. If the trail were designed to six or eight feet, the trail would not have met the Federal Standards. Mr. Kohler agreed, not all trails needed to be ten feet, but if there were two-way traffic with bikes and pedestrians, the trail should be ten feet. If only pedestrians and bicycles were present, then the City could design an eight-foot trail. A six-foot trail would only be a sidewalk, and then the City would need to build a sidewalk on the other side of the street that parallels. Discussion continued on the trails' width and in which places would be the adequate width, keeping the grants in mind for the discussion.

Council Member Franco summarized that master plan trails would be the major trails connecting from development to development. The canals could be the larger trails, maybe not twelve feet but still the larger trails. The neighborhood or residential trails could be the smaller trails.

Mark Vlastic commented from a community perspective, the Parks and Trails Master Plan had standards depending on the types of trails on everything from a regional trail to a local trail with coordinating section according to sizes. Mr. Vlastic again stated the importance of the NVOZ and the Parks and Trails Master Plan coordinate the language. Mr. Janson agreed and noted the natural trails category could explain the natural open spaces.

Mr. Janson continued with the sensitive land section that had been beefed up but was unsure if it would meet the citywide concept yet or not, but solid basics existed. A design process that looks at the sensitive lands would be important for the NVOZ.

Mr. Janson concluded with the last section of the NVOZ, which was landscaping, and stated there was now more detailed information in the section which discussed landscaping and parking lots. The section also included planning groves of maple and oak along the park strips and front yards. Mr. Janson continued, all of the tree types mentioned were from Utah State.

In the proposal she had emailed earlier, Council Member Franco mentioned the Master Plan trails be completed in phase one or at least in one year. Council Member Franco suggested observing Midway and the County as they were implementing this plan, gave examples of specific locations to be observed, and pointed out the trails and the streets were being completed first before building on the lots. The City's new Master Plan trails were just as important as the other infrastructure. Council Member Franco hoped the City would consider the Master Plan Trails in phase one as a new City requirement.

Council Member Stack thanked Mr. Janson for all the work he had done for the NVOZ and continued; there was a comment on land uses regarding permitted zones for certain types of uses, particularly payday lenders and such. Council Member Stack wanted thought on which areas in the North Village the City would like to allow, commonly viewed as less desirable, but otherwise required to be offered. The Council Member gave examples; title loans, payday loans, pawnshops, sexually-oriented businesses, tattoo parlors, smoke shops, and asked if an area could be identified away from residential and away from mainstream commercial attractions but the

City allowed as required by law. Still, the City would choose where they would be allowed. Mr. Janson responded, the businesses Council Member Stack mentioned could be covered in the limitations section of the NVOZ, but there would need to be an agreement on the language.

Council Member Franco stated the current City Code allowed for businesses in the Industrial Park Zone around the airport. Do we need to specify another area in the NVOZ? Council Member Stack stated his concern as he had seen pawn shops and payday lenders on the main street. Council Member Franco said they could have been grandfathered in as these would be for new businesses.

Discussion continued for daycares as Heber City had a shortage of daycares. Mr. Janson stated daycares were considered under General Commercial.

Council Member Franco concluded with air quality and stated that the City needed to prevent as much pollution as possible and conduct research on Heber City pollution. Council Member Franco added the air quality could be a new section seven in the General Purpose section. Council Member Franco asked for feedback on the air quality prevention suggestions and if there could be an agreement to add the air quality initiatives into the NVOZ.

Planning Commission Public Hearing for NVOZ August 25, 2020

Tony Kohler, Planning Director, introduced the first action Item. He noted that there were about 15 changes that had been made to City Code since July which he read aloud. He indicated the purpose of this Item was to gather the public's input on the proposed zone and zone map. He suggested they hold another developer meeting if a lot of public comments were made. He presented further recommendations which included that the Affordable Housing Ordinance remain separate from the Code and that Transfer of Development Rights (TDR) be removed from the Code. Mr. Kohler requested they take the Sensitive Land Ordinance out of the North Village Code and make it a stand-alone ordinance.

Mr. Kohler explained that Council wanted to work with developers on preserving the North Field. Protection strategies included charging fees that went to a conservation fund for the City to buy development rights in the North Field. He shared comments submitted prior to the meeting which included several recommendations made by Highland Annexation.

John Janson provided further information regarding the NVOZ. He pointed out some of the language changes in the statement that addressed the purpose and intent of the code. He stated that a recent change made was to allow the scenic buffer to decrease as they got closer to Redwood Road. He emphasized most of the developments that had come in would have an annexation agreement which could take precedence over the Ordinance. He shared maps which identified the different existing and proposed areas/corridors, roads, trails, and more.

Mr. Janson continued with his presentation and reviewed their proposal regarding density for the NVOZ and noted there were ways for developments to get increased density if desired. He presented a chart on the five proposed building types that would be allowed and style guides which included colors, materials, roofing, and more. Mr. Janson provided further information on trails, parks, open space, parking lot buffering and landscaping in the North Village Overlay Zone.

Chairman Rawlings opened the public hearing for this Item.

Barbara Boss stated that she was comfortable with higher density if they were transferred out of the North Fields. She expressed concern that the North Village Center would become a whole bunch of town homes if they allowed for six units per acre. She indicated that they needed more density if they wanted to make this a walkable community. She noted that the more density they had at the center the more open space they could protect in the North Fields. She added that higher densities would also allow for more amenities at a more reasonable cost for residents.

Mr. Kohler commented that he liked the idea of people getting more density in exchange for open space but believed that Council still expected a cap on the allowed density. He reiterated some of the recommendations he made previously.

Paul Linford stated that there were several developers that were told they would get more density by the County. He shared that he did not have an issue with people getting more density or the discussed impact fees but asked that those who were told they would get more density could get it without any issues.

Mr. Kohler read into the record comments made by Bruce Eric. His comments included that hotel units should be pulled out of the ERU chart.

Mr. Kohler commented that the removal of hotel units from the ERU charts had already been requested by Council.

Mr. Kohler continued sharing Mr. Eric's comments which included support for additional landscaping and allowing a height average of four stories which would allow for more variation in the roofline.

Chairman Rawlings closed the Public Hearing.

Vice Chairman Allen stated he wanted to further discuss the Item. He added that he felt the 26-foot street would be too narrow and did not believe it was an effective means for slowing traffic. He stated that he was also concerned about snow removal on the 26-foot road.

Mr. Kohler pointed out that comments could be emailed to tkohler@heberut.gov for those unable to make comments during the meeting.

Discussion was made regarding the width of the streets. Bart Mumford, City Engineer, clarified the new road standards for the City were around 32 feet width with high back curbs for residential and major local roads and 26 feet width with low profile curbs for minor local roads.

MOTION: Commissioner Richards moved to continue the Item. Commissioner Slagowski seconded the motion. Voting Aye: Chairman Rawlings, Vice Chairman Allen, Commissioners Gunn, Covarrubias, Slagowski, Richards. Absent: Commissioner Ostergaard. The motion passed unanimously.

Planning Commission Meeting Minutes September 8, 2020

Planning Director Mr. Tony Kohler stated he had presented the Item on August 25th, for the Planning Commission Public Hearing for the North Village Overlay Zone (NVOZ). There had been comments received, and he had encapsulated the comments in the Staff Report from last week.

The Commissioners did not need to go through each item one by one.

Mr. Kohler noted some questions needed to be addressed.

Chairman Rawlings stated the meeting was not a Public Hearing, but comments were always welcome.

Mr. Kohler stated the new draft would incorporate the changes made to the General Plan for the North Village.

Mark Reese asked for his comments and concerns to be considered.

Planning Assistant Meshelle Kijanen read the comments previously submitted by Mr. Reese of Cedar Springs Partners, 3390 N Highway 40. Mr. Reese's property was previously zoned as North Village in the Master Plan of Wasatch County. The property was now in the NOS Zone, but he wanted the property to remain in the NVOZ. Exhibit three was a site plan; the plan encroaches on property not owned by North Valley Ranch. Additionally, the future connector road would eliminate parking for the commercial area. Mr. Reese concluded by asking if North Valley Ranch would have additional parking to not interfere with the road?

Mr. Kohler referred to the site plan and commented, the site plan would be different once complete. If front doors were along the freeway, parking in the back of the property could be

problematic. Mr. Kohler noted Mr. Reese was concerned they had to build to a zone of 0-15 feet when there was a minimum requirement of 60-75 feet. Mr. Kohler added he had made recommendations to resolve the issue and the Staff Report should clarify those concerns.

Mr. Kohler continued there had not been a site plan approval, and the site plan was to visualize the development. Mr. Kohler's recommendation was to add a landscape buffer to the Build-To Zone. The principal entrance location would be on the front or side corner façade in the Commercial (C-2) Zone. In the North Village, they wanted commercial oriented to the center of the property, not toward the highway. The code would need to read a rear entrance to a parking lot to enable the access to be oriented to the road or side street.

Mr. Russ [surname inaudible] commented they could make the building along the highway appear to be the front. The entry needed a landscape buffer and would eliminate parking along the side of the structure. Their request was to allow access from the back and the front of the building.

Mr. Kohler asked if there were any issues with the recommendations.

City Consultant Mr. John Janson noted there was no intent to make Highway 40 the main entrance. They had allowed parking on that side, but there would need to be an entrance. The primary access would have been a road acting as the main street paralleling Highway 40.

Mr. Kohler stated this would not be near the Highland area but farther north. The project came with specific site plan issues.

Mr. Janson stated they also required a landscape buffer facing the highway.

Mr. Kohler wanted to be more specific on the 50-75-foot buffer. He wanted to work with Mr. Janson to clarify what was needed with the buffer.

Mr. Janson commented the practicality of accommodating the code would be worth a discussion. He wanted to work with the City to create the community.

Mr. Reese stated the site plan was conceptual and not site-specific.

Mr. Robert McConnell, Highland Development Group, commented on the NVOZ Ordinance, and that the sensitive land language would be acceptable, but there were issues with some Ordinances making development difficult. The present code would not allow them to move forward with the way they had designed the project. There was no definition of sensitive land. The developer would need guidelines for sensitive land requirements. Mr. McConnell concluded concerns could be adequately addressed concerning the 25-foot buffer from stream land and wildfire mitigation. If the plan were required to be changed, it would be costly and raise housing costs.

Mr. Janson noted he had defined the sensitive land as the features on the plan, but they had struggled to preserve all of the Maple trees.

Mr. McConnell had issues with the qualifiers being modified in Subsection One of the code he was referencing and spoke about preserving sensitive land areas. He felt the qualifiers applied to all of the features and not just the scrub oak trees. The land was to be preserved if over 5000 square feet, and clarification would be needed if the preserved area could be modified.

Mr. McConnell asked if there was an Ordinance protecting scrub oak trees and asked why this was the only concern for preservation.

Commissioners discussed other developments like Red Ledges and the uniqueness of the Town Center area. The intent was to make it feel open.

Mr. Janson commented they wanted to preserve the ledge and vegetation from the high density developed in the area.

City Council Member Heidi Franco referred to table two of the Sensitive Lands Requirements section presented on screen. She was confused about the section regarding buffers and asked for clarification.

Mr. Janson clarified it required a 50-foot space for gullies or wetland and a 25-foot buffer around them as trails may need to move in and out of areas.

Council Member Franco wanted a 25 to 50-foot buffer but felt the language should be clarified.

Council Member Franco was grateful for recognizing sensitive lands and felt a wetlands delineation should be due when an application for development took place. They should preserve the wetlands or enhance the wetlands.

At the beginning of the chapter, Mr. Janson referenced a section on the design process. A concept plan identified sensitive lands on the property and wetland delineation. They suggested a design process locating the land features first and then a design for preservation as much as possible.

Council Member Franco stated the section was vague and asked for a timeframe in the process for the wetland delineation to be included.

Mr. Janson stated it should have been done on the concept page. However, the application would detail all of the concerns.

Brent [inaudible surname] commented there was not a wetland on any of their properties.

Mr. Rawlings noted the report would have reflected there was not a wetland.

Mr. Ken Puncerelli, LAI Design Group, stated on page 55 that the word "encouraged" should be included under Preservation. There was a conflict between higher density being in demand and land preservation. Encouraging preservation would allow for developers' leniency in areas it was not possible to preserve.

Planning Commissioner Covarrubias disagreed with Mr. Puncerelli's statement. He believed it should be a mandate so the land could be protected.

Mr. Puncerelli note had only referred to the scrub oak and maple groves. The Wetlands were managed through the Army Corp.

Mr. Janson stated the language could be made clear. However, the word encouraged usually meant it could be ignored.

Mr. Puncerelli noted the Ordinance written created conflict to the Highland project and the sensitive land stipulation in the code. He stated a landscape could replace these areas, but the location of features with development may not be in line with each other.

Council Member Franco continued by referring to page forty-nine, number four, regarding the idea of adjoining open spaces allowing a five percent reduction in the overall area. She felt the Commission should have considered clarifying the Ordinance of contiguous open space between neighboring areas before the five percent minimum was reduced. She hoped the open space between the two areas could be clarified.

Mr. Puncerelli noted there were different zoning districts and neighborhoods with adjoining open space. If they were attempting to meet the overall goal of open space, then the reduction was granted. Twenty-five percent of their property was open space, and seventy-five percent was University Village. The stipulation of the five percent reduction would be a permitted consideration.

Mr. Janson noted a five percent reduction was an incentive to create open space between properties and also the issue of overlapping districts with an averaging provided.

Council Member Franco wanted to create a percentage of open space requirements qualifying the percentage reduction of open space.

Mr. Puncerelli replied the requirements protected Heber City in maintaining the beauty of the city and believed the table stipulations would be adequate protection.

Council Member Franco was concerned about the details of where the five percent reduction would take place.

Mr. Puncerelli read the total mandate for open space. The aggregate overall would have had to be met. The property would need to be part of the overall park and open space system.

Council Member Franco did not want the twenty percent in North Village and University Village to be brought down to fifteen percent. She asked if the total twenty percent overall area had to be met or if they would receive the five percent reduction meaning only fifteen percent overall area had to be met.

Mr. Janson commented the intent was an incentive. The five percent was meant to achieve larger open space.

Council Member Franco was concerned if the incentive minimized the total minimum overall space. She did not feel it was clear. In section 5.2.5 discussed trails constructed with roads as they develop. She was concerned the master plan and highway trails would be developed and not postponed until the last phase. She wanted to require the trails to be in place by the first phase of development.

Mr. Reese commented safety would need to be considered when trails were installed, providing access through construction areas. He felt there might have been risks involved.

Council Member Franco referred to a trail where the New Park was located and stated it had taken years for the trail to be completed. She did not want the Master Plan for trails to be postponed.

Mr. Terry Diehl noted there were five miles of trail in their development. He did not know how the trails would be installed in phase one. There was to be a complete trail system along roadways and throughout the development.

Council Member Franco stated she was referring to the Master Plan for the trails.

Mr. Janson noted the trails that had been referenced were on the Community Design Map.

Mr. Puncerelli commented the new trails might need to be ripped out to accommodate future developments.

Council Member Franco believed air quality was a large aspect of the NVOZ. The area's growth would impact air quality and suggested page two of the draft indicates a purpose added to maintain the city's air quality. She wanted to apply this to the new growth and create standards for growth and emissions.

Mr. Puncerelli added Council Member Franco's suggestion had sounded positive. Green development and clean air started with high-density walkable communities. The City had developed a code supportive of green development. The Highland Development wanted to find a way to provide a transportation service to connect the surrounding areas. This initiative could support the effort.

Additionally, Mr. Puncerelli noted he had joined the meeting late but wanted to ensure the five-story buildings could meet a ten-foot setback if decks and façade were substituted.

The Commission discussed the items sent as a recommendation to the City Council regarding five-story buildings. Other features were proposed instead of the ten-foot setback. The building setbacks were more appealing to the Commission.

Mr. Janson added an option had been added to address additional façade and deck variations.

Mr. Puncerelli noted they provided the developer with different options regarding the façade, decks, or amenities.

Commissioner Allen liked the idea of mixing the setbacks and balconies with façade changes throughout the buildings.

Chairmen Rawlings agreed with Commissioner Allen's statement and asked if any Commissioners had comments about the trails being finished in phase one of developments.

Commissioner Gunn agreed with Ms. Franco's comments regarding the trails and added when projects move to finish, the amenities can be forgotten. Commissioner Gunn agreed that developers might find it challenging to keep the trails during construction, but wanted to be proactive regarding air quality and wanted action to be taken before the Town Center area development began.

Commissioner Richards commented building the trails throughout development in the first phase of development was not plausible, but there were other ways to enforce the trail development. He did not agree with all of the suggestions made for air quality and was not ready to support all of the suggestions. Commissioner Gunn agreed and added the City needed to be careful of what they limit for air quality control. He did agree air quality was important, and developments should be encouraged to manage their emissions.

Commissioner Richards asked, regarding air quality, where the line needed to be drawn on what was allowed in the city for meat smokers and similar amenities.

Council Member Franco noted there might be amenities needing elimination and sacrifices to live in the valley, including smokers. However, smokers could be allowed if they met the EPA emissions standards.

Commissioner Gunn agreed with Ms. Franco and added addressing drawing a line on what was allowed or not allowed would be difficult regarding air quality.

Commissioner Richards commented there were EPA rated boilers and fireplaces but did not know what a price to pay for living in the valley would entail.

Mr. Puncerelli stated from an architect's viewpoint; open fireplaces were uncommon and impractical. Most fireplaces used natural gas, and fireplaces in new construction could require guidelines written in the building codes.

Commissioner Allen stated snow removal equipment could be proposed as electrical, but was not worried about the wood-burning fireplace as the new homes coming into the valley would need to be gas.

Chairman Rawlings asked if anyone would like to make a motion.

MOTION: Commissioner Allen motioned to approve as proposed with the findings of the Staff Report. The motion was not seconded. The motion failed.

MOTION: Commissioner Covarrubias motioned to continue the Item to another meeting with the direction for the applicant to review the height of the buildings, and the concerns discussed in the meeting, and Staff recommendations or changes needed be rendered from the recommendations of Council Member Franco and for further conversation regarding the building heights. Commissioner Richards seconded the motion. Voted Aye: Commissioner Slagowski, Richards, Covarrubias, Gunn. Voted Nay: Commissioner Allen and Chairman Rawlings. The motion was approved to continue the Item

Commissioner Gunn noted significant items were needing to be addressed.

Chairman Rawlings felt many of the items discussed in their meeting were previously discussed. Building height had been discussed multiple times.

Commissioner Richards was concerned with trails and air quality pollutants needing clarification.

Commissioner Covarrubias agreed with Commissioner Richards and added perhaps the Staff could clarify the developer to the north regarding open spaces height of five-story buildings.

Chairman Rawlings felt a trail installed in the first phase was unsafe.

Commissioner Covarrubias agreed about the trails but wanted clarification on the open space reduction incentive.

Chairman Rawlings believed the percentages for open space needed to be clarified. Air quality and electric charging stations were fine and asked how to hold a new development responsible for air quality.

Chairman Rawlings asked for the Commissioners to send any comments to Mr. Janson or Mr. Kohler.

Mr. Kohler commented he was unclear on what the Commission needed him to provide or what action to take.

Commissioner Covarrubias stated some Commissioners understood the buildings in the front of the development were four stories, not five stories in height, and needed clarification. Additionally, Commissioner Covarrubias wanted the twenty percent open space with a five percent reduction for open space to be clarified.

Chairman Rawlings stated he had always been aware of the five-story buildings proposal.

Chairman Rawlings noted the five-story buildings were not in the front of the development. The five-story buildings were behind the four-story buildings.

Mr. Puncerelli detailed the placement of the buildings in question. There would be two five-story buildings behind the four-story buildings.

Mr. Covarrubias agreed he had misunderstood the heights' information.

Mr. Puncerelli clarified an elevation in the slide show showing the Wasatch Apartments taller than the five-story buildings. Mr. Puncerelli detailed the topography of the buildings.

Mr. Covarrubias understood but wanted time to process the information and was concerned about how much open space would be provided.

Mr. Diehl noted trails would be installed in the first phase if they did not interfere with the development.

Commissioner Covarrubias explained he was not concerned about placing the trails in the first phase; he was concerned about reducing the five percent and the requirement be; fifteen percent or twenty percent from the developer or twenty to fifteen or fifteen to ten percent. Commissioner Covarrubias clarified he disagreed with placing trails in the first phase as it would be a hazard; he was only concerned with the trails' and open space percentages.

Commissioner Gunn was not aware there was a five-story building as he might have missed the meeting where the building heights were discussed. Commissioner Gunn disagreed with the five-story building heights.

Commissioner Covarrubias understood the building heights now, but wanted to review and process the information.

Chairman Rawlings reiterated if the Commissioners had additional comments, they needed to submit the comments to Staff.

Planning Commission NVOZ Minutes September 22, 2020

Planning Director Mr. Tony Kohler presented an overview of the recommended changes. The first amendment included district boundary changes on the Community Design Map and additional properties to become part of the Village Center. Then secondly, the Mark Reese property would become part of the Village Center. Mr. Kohler added garage doors cannot be more than 50% of the building lot width and recommended the word lot be included and explained. He continued with another change and suggested under section K on page 13 to change the word “maximum overall height” to “average overall height,” which would align with page 11 language, and an additional amendment change on page 47 regarding nature preserves.

Mr. Kohler stated he believed the code was consistent with the General Plan and specified why he believed they were aligned, which included the promotion of Village Centers. The Town Core had increased densities with varied houses and lot sizes, a call to prevent strip commercial, and promoting workforce housing. The NVOZ had a Future Land Use Plan, which would be consistent with the General Plan. The General Plan's guiding principles in the North Village would be mountain modern architecture, trails connecting parks and plazas, concentration of hospitality uses, and dark sky lighting. The NVOZ calls for a UV Center. The plan calls for parallel roads to US 40, supportive businesses to UVU, workforce and student housing, trail head connectivity to mountains and along canals, and a scenic buffer and transit connections. Mr. Kohler continued with Open space and rural character, open space and trails, and jobs and economic development, which were all addressed in the NVOZ code. Mr. Kohler concluded Staff recommended approval with the four changes listed in the Staff Report.

Commissioner Richards asked if some of the recommendations went against the idea of trying to get density more centralized.

City Consultant, Mr. John Janson, responded concerning the garage size and lot width, stating it may not be what they wanted visually in the area, but felt the decision was ultimately up to the Planning Commission.

Commissioner Covarrubias stated he did not like the look of the height of the homes and the space between houses, and having garages take up more than 50% of the lot.

Commissioner Slagowski added that another problem with the housing would be too many cars parking on the street because there would not be parking for guests; Chairman Rawlings agreed.

Mr. Kohler pointed out both front-loaded and ally loaded garages had issues. He suggested if they did front-loaded garages, they would require a larger setback, wide planter strips for snow storage, and they should not be allowed along large or arterial streets. He pointed out as an alternative; they could recommend to only allow 50% of the units in a development to be front-loaded as the City would not want to see an entire endless subdivision of front-loaded homes.

Commissioner Covarrubias suggested as long as there was a deed restriction, the City could waive the requirement for rear-loaded garages and require only front-loaded product for the affordable housing requirement.

Commissioner Richards stated he was willing to allow a certain percentage of zoning, allowing the front-loaded garages, only if it would allow for more density.

Mr. Janson stated the code did not have a certain percentage for this particular type of housing. There was a strict definition of what affordable means and Mr. Janson was unsure if this type of housing would fall under the affordable housing definition. However, the code could apply some percentages for these types of houses. Commissioner Richards was willing to move forward with the proposal if there were a limited percentage with assistance in clustered density, Chairman Rawlings agreed.

Commissioner Covarrubias asked how many units of the front-loaded garage housing was being proposed. Mr. Kohler explained the developer hoped to have 72 single-family units with front-loaded garages on a 35-foot lot. He added the proposal would be for 31 units at 40 feet wide, and 52 units were planned to be 20 feet wide, all of which would have front-loaded garages.

Commissioner Covarrubias remarked he felt 72 was too many on the smallest lots.

Chairman Rawlings commented that 155 of the smaller lots was not a significant percentage of the overall 1470 units in the NVOZ.

Mr. Kohler suggested they could require half of the units to be front-loaded, and the other half would need to be rear or side loaded.

Commissioner Covarrubias stated he would be okay with 72 lots at 35 feet wide if mixed in with some of the larger lots.

Mr. Janson agreed, varying the lot widths created more interest along the street.

Chairman Rawlings shared that the developer indicated that different builders produced different products, so it would be challenging to intermix them.

Mr. Janson noted he could add language that no more than two in a row could be at the same setback for single-family homes, which created more variety in the streetscape.

Commissioner Slagowski stated the housing lined-up seemed more urban than rural.

Chairman Rawlings reported the developer believed they could make varying setbacks work, as the developers were in the Chambers.

Commissioner Richards asked if they were considering creating pockets of parking to meet parking needs in the neighborhood.

Mr. Kohler replied they had not investigated that issue much and were unsure if supplemental parking was needed. He explained they could put requirements on the maximum driveway width to allow some on-street parking between units.

Mr. Janson reviewed the redline changes to the NVOZ text. Changes included alterations to the conservation fee, promotion of preservation, illumination of redundancies, restrictions on wood-burning stoves to improve air quality, clarification on door requirements, information on nature preserves, and a proposed fee-in-lieu of parks and open space among other changes.

Commissioner Richards asked if the elimination of wood-burning appliances would not allow barbeques or smokers to cook.

Mr. Janson stated his intent was for wood burning heating. He shared they could clarify that barbeques and smokers would be permitted.

Chairman Rawlings invited City Council Member Heidi Franco to make her comments.

City Council Member Heidi Franco indicated she was speaking as a private citizen and member of the Open Space and Trails Committee and stated the Committee was concerned about getting the highway buffer trail built in Phase One and asked if figure 1.1 on page five was accurate.

Mr. Janson replied the illustration was accurate, but the numbers were not.

Ms. Franco expressed concern there was not a buffer between the high-density University Village and low-density Rural Residential Zone on the east. Ms. Franco then asked what, less than 50% of the space, meant concerning Commercial Office Business Craftsmen Industrial Zone on page seven.

Mr. Janson explained less than 50% of the overall building could be Craftsmen Industrial. Ms. Franco asked that the language be made more transparent. On page eight, Ms. Franco shared her concern regarding apartments in the Neighborhood Open Space (NOS) Zone and requested they have clustering and open space requirements. Also, what would be the conditions for condominiums greater than fifteen units to eliminate masses of condominiums in the Rural Residential (RR) Zone?

Chairman Rawlings stated he believed the purpose of the NVOZ was to allow for more density.

Mr. Kohler pointed out much of the rural residential was on the Sorenson property, which would be regulated by their Master Development Agreement (MDA).

Ms. Franco responded the MDA stated that if the City Council deemed an ordinance to be critical for the health, safety, and welfare of the city, Sorenson should be required to follow that ordinance. Ms. Franco believed preventing masses of condominiums would fall under critical, for the City did not think Sorenson would follow the stated guideline. Regardless, Ms. Franco asked again, what would be the criteria for conditional uses of condominiums greater than fifteen units in the NOS and RR Zones? Mr. Janson responded the State Law required general criteria in a Conditional Use Chapter and explained how the Conditional Use Chapters language worked generally. Mr. Janson stated the code had conversations about condominiums on the major streets only further back in the document. Ms. Franco asked that those conversations be stated in the chart as well for clarity. Mr. Kohler responded they would recommend it be included in the Annexation Agreement.

Ms. Franco asked if they could add commercial and mixed-use developments to the charging station requirement under section 8B. She suggested the Planning Commission support one

charging station for every ten stalls within a quarter-mile of the development and added they could have a cap of four or five charging stations.

Commissioner Richards stated he did not like using the word shall in section 8B that required charging stations in all garages but believed the provision could be made, but they should not be required.

Mr. Janson commented there was no additional cost for the charging station to be put in when a house was built. Commissioner Richards did not like the language of all and shall as charging units should be market-driven, not required.

Ms. Franco asked the Planning Commission to consider adding more details about nature preserves and amenities in parks on page 47. She clarified she believed sizes and equipment of amenities should be included. On page 55, they may want to clarify an additional 25-foot setback to the existing 50-foot sensitive land buffer for wetlands. Mr. Janson confirmed Ms. Franco's information was correct and mentioned the park amenities could have more specific language.

Commissioner Richards commented there were many items to consider in the NVOZ in which he did not agree but was wanting to move the document forward since there was so much information in the document, and not everyone would agree.

Chairman Rawlings remarked the developer said they would mix 35, 40, and 50-foot lots as he was not concerned with changing the lots' size, and two parcels on the map would be changed from yellow to purple on two parcels. Mr. Kohler reviewed the map changes and also reviewed all four proposed changes for the Planning Commission. Mr. Kohler noted variety in the setbacks and lot width could be added to the motion as well.

Chairman Rawlings asked if it would be feasible to allow for trails to be developed in Phase One. Commissioner Richards responded he was not part of the Trails Committee, and he had not seen a proposed plan eliminating any hazards and supporting safety, and therefore Commissioner Richards did not know how to support the recommendation.

Commissioner Covarrubias clarified that the average four-story height change was only for commercial and not residential units. Chairman Rawlings confirmed the information was correct.

MOTION: Commissioner Richards moved to recommend approval of the North Village Overlay Zone (NVOZ) as presented in Exhibit two with the following changes: Four changes: first change is to amend the Community Design Map as shown in Exhibit one to adjust the district boundary to align with property lines on the Zitting property. Change two, addressing single-family dwelling lots by varying the setbacks, adjusting the single-family lot widths, and adding the word “lot.” Change three, average four-story height change. Change four, the nature preserve changes as presented by Mr. Kohler and included in the Staff Report. Commissioner Slagowski seconded the motion. Voting Aye: Chairman Rawlings, and Commissioners Slagowski, Covarrubias, and Richards. Absent: Vice Chairman Allen and Commissioners Gunn and Ostergaard. The motion passed unanimously.

Exhibit 3: Ordinance 2020-42

ORDINANCE NO. 2020-42

AN ORDINANCE ADOPTING A REVISED NORTH VILLAGE OVERLAY DISTRICT.

BE IT ORDAINED by the City Council of Heber City, Utah, Chapter 18.21 that the “North Village Overlay District” is hereby replaced with the revised North Village Overlay District depicted in Exhibit 1.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2020.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____
Wayne Hardman	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

APPROVED:

Mayor Kelleen L. Potter

ATTEST:

RECORDER

Date: _____

Exhibit 1: Revised North Village Overlay Zone