

1 Heber City Corporation
2 City Council Meeting

3
4 June 24, 2008

5
6 7:00 p.m.

7
8 SPECIAL MEETING
9

10 The Council of Heber City, Wasatch County, Utah, met in **Special Meeting** on June 24, 2008, in
11 the City Council Chambers in Heber City, Utah.

12
13 Present: Mayor David R. Phillips
14
15 Council Members Jeffery Bradshaw
16 Elizabeth Hokanson
17 Eric Straddeck
18 Nile Horner
19 Robert Patterson

20
21 Also Present: City Manager Mark K. Anderson
22 City Engineer Bart Mumford
23 City Planner Allen Fawcett
24 Chief of Police Ed Rhoades
25

26 Others Present: Tony Kohler, Ray Whitchurch, Doug Smith and others
27
28

29 Tony Kohler introduced Doug Smith with the Wasatch County Planning Department. Smith
30 gave a presentation to the Council on his experience with the Planned Community Mixed Use
31 Zone in the County. North Village was done in a form based code. In 2000-2001, the County
32 Council began the process to write a new code. A consultant was hired to help with the drafting
33 process. There were many different owners in North Village which made the process more
34 difficult. The code was written under the three member County Council. In 2002, one of the last
35 things the Council did was adopt the code before leaving office. It was done in a hurried
36 manner. They didn't really catch the vision of the form based code. They knew it would
37 increase density, and have commercial and mixed use. Smith was used to a more traditional
38 code in residential areas. For the County, the form based code was the best non-development
39 code you could ask for. Nobody who looked at the code could understand it. Smith had to come
40 up to speed on terms such as streetscape, pedestrian friendly communities, and mixed use. Form
41 based code was not the enemy but it was what you wanted in order to achieve a vibrant
42 community. The new Council came in and they didn't understand the code either. Developers
43 came in and said they didn't want to do PCMU because they didn't understand it. They wanted
44 to do their typical subdivision. The Council said that was fine. But it created problems because
45 there was no mixed use. To sum up, if this code was passed in Heber City, staff would need to
46 understand the code and the elected officials would need to buy off on what the code was hoping

1 to produce. There were a number of projects going on now in the North Village community.
2 There was discussion on what the homebuyers might want as far as lot size was concerned.
3 Smith said Heber City might have the advantage because staff was on board with the form based
4 code and there were only three property owners to deal with.

5
6 There was discussion on possible pitfalls of this new zone since the City was used to traditional
7 zoning. Smith said the City needed to embrace going from rural to a more urban plan. Higher
8 density was needed to sustain the mixed use form of zone.

9
10 Mayor Phillips asked if Smith thought the zone in the County would ever change back to the
11 traditional form. Smith responded that the upper end above the canal would still have bigger
12 lots. But as development got closer to town, they wanted to have mixed use and commercial that
13 was self-sustaining. The code allowed high density and mixed use. A piece of land having
14 10,000 square foot lots wouldn't mix very well sitting next to a high density zone that had 20
15 units per acre.

16
17 Now that North Village had this zone and the City was trying to adopt this zone, there was
18 discussion of the entities possibly competing with each other. Smith responded that it was
19 always intended that there wouldn't be destination commercial but rather neighborhood
20 commercial. He was seeing that change though. Mixed use did not allow for big box
21 commercial like Walmart or Home Depot but there might be local stores that people would drive
22 to. The idea for commercial would be something like a coffee shop next to the college or
23 something that the neighbors could walk to, grab something and walk home.

24
25 Councilmember Straddeck asked if developers now had these master plans and were interpreting
26 the code differently than the County. Smith had seen some of that. They did not want to see
27 Highway 40 become another Orem State Street. The County wanted to see the commercial in
28 those locations limited. But in other places they wanted to see multi family, office, and
29 residential. The densities would support a commercial area because there were 6-12 units per
30 acre in some areas and 20 units per acre along the highway. The County Council did have
31 disagreements on what would go where. There was concern expressed that the PCMU Zone
32 would not have enough structure. Smith's opinion was that form based would actually give more
33 structure than a traditional residential because in R-2 for example, there was no control over
34 architecture. People could build whatever they wanted. Smith indicated that a form based code
35 was a more staff intensive review.

36
37 There was concern and discussion on requests for smaller road widths. Smith said the County
38 code required that developers push back on alleys. He said the alleys were 24 feet in width but
39 were private. The roads would allow a narrower width if there was no street parking. Engineers
40 set their own standard, which was 30 feet of asphalt. If there was on-street parking (angled or
41 parallel) additional width was needed. Councilmember Horner asked if the County Council had
42 increased road width from 26 to 30 feet. Smith said yes. Mayor Phillips verified that 30 feet
43 was the County-wide standard. Tony Kohler asked if the width was 30 feet including the curb.
44 Smith responded 34 feet with curb. Smith said when the code was adopted, engineering was not
45 on board. They were given a 500 page code and told to review it and they didn't get too far.

1 Councilmember Patterson asked if North Village would have both residential and commercial
2 fronting the highway. It would have. Kohler pointed out that vehicles could access from the
3 side streets. There would be four potentially live intersections. It was intended to have a
4 frontage road run the length of North Village and then have a minor collector that would run
5 from Coyote up to Highway 32.
6

7 There was more discussion concerning the roads. Smith looked at the 30 foot width standard and
8 didn't think it was detrimental to the code, since a place was needed to store snow. Health and
9 safety would override Planning, so engineering won out and it was adopted. Mayor Phillips
10 asked about Cobblestone which had narrow roads. Smith said Public Works was OK with it.
11

12 Mayor Phillips asked when North Village built up, would the zoning stand and would the project
13 fill up the way it was originally conceived, or did he think changes would need to be made.
14 Smith said they were up above the upper canal and he thought the owners were going to want to
15 maintain the density as building got closer to the core. This would be the only type of code that
16 would allow this. The build-to lines would be a lot shallower to the road and sides, and it would
17 give the County architectural control too.
18

19 Councilmember Hokanson asked if this new zone would not work with lower density. Smith
20 said if you go to a less urban standard you were going to lose the plazas and parks and open
21 space which was the point of PCMU. In Europe, people were in the plazas and shopping, which
22 was the intent of this proposal.
23

24 Councilmember Horner asked if the mixed use zone would compete with Main Street. Smith
25 said if there were appealing shops, then it probably would. Councilmember Hokanson said
26 Heber already had a town center and wanted to know if the Council wanted to create another
27 one. Kohler said according to form based code, there should be businesses within a quarter mile
28 walk. So even if you have a town center, there would still be less intense regional centers in
29 other areas of the City.
30

31 Councilmember Horner said the City did not have the density to support Main Street and
32 wondered why there should be more. Kohler said we needed sufficient population around the
33 commercial or people will just drive, park and walk. Mayor Phillips said people would drive to
34 wherever the store was so they could buy what they wanted. If it was something you like, you
35 would drive and get it.
36

37 Councilmember Horner said form based was more about shopping in your neighborhood. But he
38 thought that would be hard to develop because there would still be destination shopping. Kohler
39 said the City did not want to compete with downtown, but rather compliment it.
40

41 Councilmember Hokanson said the Council needed to be thoughtful about the commercial
42 because so many of the little stores struggle. The Council needed to look at Heber and what
43 would work in Heber. In Europe, people did not drive and so they needed accessible amenities.
44

45 Councilmember Horner said there were a lot of things he liked about PCMU, but Heber was
46 rural. People move here for the open space. He didn't think the people that could afford to drive

1 from Heber to Salt Lake everyday wanted the form based plan. He said the Council needed to be
2 careful about what it turned Heber into.

3
4 Anderson said businesses would always come and go. But if there was a good business plan out
5 there and good service was provided, there would be success. Mayor Phillips asked Smith what
6 his first impressions were when he heard this plan had come before the City Council. Smith said
7 he had seen some that were done right and also some that were hybrids and done wrong. If it
8 was done right, it would be a great asset. If the City Council decides to do a mixed use or high
9 density, a form based code was something that would allow them the control to do that. He had
10 seen the ones that were done right and they were very vibrant.

11
12 Councilmember Patterson saw one problem in that the code of Wasatch County had been diluted
13 somewhat. The town core part of the code would still be viable according to Smith. Kohler said
14 one benefit of the City was that it had limits so this plan would only work in some areas.

15 Councilmember Straddeck asked if the roads between the three owners would connect and he
16 was told yes.

17
18 Mayor Phillips asked how the Council would determine if this plan was a success. If people
19 bought the homes and filled up the businesses, would that be considered successful. Muirfield
20 did that and it was considered a failure. Mayor Phillips asked if the Council was trying to fill a
21 need or create a need.

22
23 Councilmember Hokanson said this was the last big piece of property in the City and it was on
24 the highway. She wanted to consider what the City wanted to do with it. If it fit the need of
25 affordable housing, then the Council would have to look at it completely differently. Or, if the
26 Council wanted this area to be a nice place to live and maybe it would be expensive, then the
27 Council had to look at it from that perspective. She did not see density as a big draw in this area
28 because Heber had plenty of affordable housing in Muirfield, Ranch Landing and the little
29 homes in downtown. She asked if there was a need for more.

30
31 Anderson said this zoning was not affordable housing. It was a master planned area. It might be
32 a side benefit but the Council needed to determine how the City was going to develop this and be
33 mindful of the natural settings there. Red Ledges was a planned community but it was a million
34 dollars to live there. Mayor Phillips wanted whatever came there to look nice because many
35 people pass it twice daily going to and from Salt Lake. Councilmember Horner asked if we had
36 to have this kind of a zone to capture the beauty of the natural springs and trees. Councilmember
37 Straddeck asked if there was not a better alternative for that area. He wanted to know if
38 commercial never filled in, what would happen to that area. Anderson said it would be open
39 space that the owner would maintain.

40
41 Councilmember Hokanson said this was the time to decide because it was not annexed yet. She
42 said there were many things that she liked about this zone including the greenbelt, street trees,
43 and garages not showing. But there were also a lot of things she was extremely concerned about
44 because she used to live in the place where the Council went on the tour. She couldn't stand it
45 anymore and moved to Heber. Necessity had forced people into those situations because they
46 needed to be close to work and amenities. In Provo, Ogden, and Logan there were small areas

1 that were clustered but it had only been in Salt Lake where it worked really well. She said the
2 Council could not recreate in Heber what was created in Sugarhouse. She suggested to look at it
3 again and be careful about it. Like Smith said, it was an urban look. It was not a rural look. She
4 was not telling the Council to do it or not to do it because there were a lot of great things about it.
5

6 Mayor Phillips pointed out a lot of people were moving to cities to get away from maintaining
7 yards. He thought the type of housing that would go in there would sell fast. People would love
8 getting out and walking to the park. The architecture was great.
9

10 Kohler said in earlier times people lived in the city and farmed the outlying areas. In his opinion,
11 it was not just about density but also diversity in uses and housing types. He said Heber Landing
12 was the worst example of open space. The developer had good intentions but wanted to make
13 money. Kohler said he would be too afraid to go into that open space at night. It was dangerous.
14 There were no standards on open space there. Kohler said the City's hands were tied with Heber
15 Landing because they met the code of having 15% open space. Now, that was not the case
16 because staff looked at each situation. With PCMU there were a variety of options to choose
17 from in the building process.
18

19 Councilmember Horner asked if the City had to own the parks that would be built. Kohler said
20 no. Hokanson didn't agree. HOA's exist but the City had to deal with it if it looked bad.
21

22 Mayor Phillips felt like the County wasn't scared about bringing residential and commercial
23 together. The County tweaked the code to meet its needs. He thought this City Council was
24 concerned about combining the residential and civic aspects together. The College needed bonds
25 to justify the infrastructure but now they said it was something they had to deal with and they
26 wanted to do something good. Smith said at first the code was too loose and they could not
27 embrace it. But the more he and others looked at it, they saw that they had more control on how
28 things were done.
29

30 Councilmember Horner thought as soon as the zone was passed, then staff would have more
31 control than the Council. Kohler pointed out that the Council had to pass the master plan. The
32 Council could say what they wanted preserved, how wide they wanted the roads, etc. Kohler
33 also expressed that there was safety in sticking to what you've always known. With the PCMU
34 Zone, the City knew some of the things it was going to get but there was more flexibility and
35 room to let the market decide which housing goes in there. There was more discussion on the
36 pros and cons of PCMU.
37

38 Kohler said there would be several legislative decisions that the Council would have: ultimate
39 discretion in saying yes or no on the adoption of the zone, the decision whether to annex or not to
40 annex, and the approval of the master plan. There would be several opportunities to control what
41 went in there. The Council could attach conditions on an annexation or a master plan or the
42 subdivision process. The City now had more staff now, more eyes on the projects going on.
43

44 Mayor Phillips said his biggest concerns were the alleys and snow removal. He suggested
45 everyone email each other their questions and also consider what had been discussed tonight.

1 Councilmember Straddeck suggested submitting questions and concerns to Kohler and have him
2 sort them and address the issues they were most concerned with. Anderson asked the Council to
3 bring or email questions to the next Council Meeting so, in two weeks, the questions could be
4 addressed.

5
6
7
8
9

Michelle Kellogg, Deputy City Recorder

DRAFT