

Understanding the Referendum:

WE ARE NOT TRYING TO STOP ALL DEVELOPMENT IN THE NVOZ! There are many reasons why this cannot be done. There are also many reasons why development planning for the NVOZ is presently not being done right and ways to fix it.

Why are you doing this? Because we think the CITY's NVOZ code is much worse than the current code of the COUNTY regarding density. And we think density is the most important Heber Citizens are concerned about. The density code is the most important part of any agreement governing this critical scenic corridor and major artery of the City. We think we are sending a message to both the City and County – be careful of the densities along Highway 40!!!!

What will happen if you succeed? The city will have to go back and fix its density loopholes and other problems in response to the citizen's strong message. The area will have the current County's Code governing it or the City's Mountain code (which has low density). The City and the county will be put on notice to be careful in writing and implementing their code.

Why do you think the City's code is much worse than the current one? First, the City's code has lots of loopholes the County's doesn't. For example, the County assigns density units maximums based on net acre density; but the City does it on gross acres. Because of slope, drainage, or other issues, a parcel might have 100 acres but only 50 buildable. If both are giving 6 units per acre, then by County's code the developer could build 300 units, but by the City's code the developer could build 600!

Second, after the last public hearing Mike Johnston of the City Council introduced a new Density chart governing the sizes of dwellings in the NVOZ. It increased the sizes of condos, town homes, and apartments as much as 20%. Plus he took away the limits the County placed on the number of bathrooms per dwelling. Even though the number of bedrooms don't change, people can convert "dens", "offices" etc. into bedrooms, each with its own bathroom. They use more water and make more sewage.

The city didn't have another public hearing on the new "revised NVOZ" with its new high densities, even after significant citizen input.

Isn't it the number of bedrooms that determine occupancy, not size? Definitely not. There are many factors, including size and types of features, including bathroom numbers. Perhaps foremost, is economics. What drives occupancy is the gap between apartment/townhouse/condo costs and what people can afford. If a six person family thinks they can fit into an apartment they will, and a larger apartment makes that easier. Again, we have all shoehorned into housing we could afford. We are not opposed to larger apartments, just that you have to account for the increased size with an increased density unit.

We note one big danger, however, to the larger apartments. Because of their location in the NVOZ they very likely may be bought up by nearby ski/summer resorts for use as workforce housing. That has its own sociological issues, but it will greatly increase density because the purchasers will want to cram into the apartments as many adult workers as they can. Count on 2 bedroom apartments with a “den” being used as a 3 bedroom apartment. Also count on each of the occupants having a car.

P.S. We are not opposed to having larger apartments, but you have to account for their increased size in the density. The City refuses to do this and wants them to have the same density value in their planning as the County’s smaller units. We note, however, that larger apartments will be more expensive and will likely decrease the number of affordable units.

Third, and perhaps most importantly, we believe the City has a code so bad regarding commercial density as to be useless. The County straightforwardly assigns a density unit to every 2000sq ft of commercial, or any part of 2000 sq ft. The City didn’t even put commercial in its density unit chart. Instead it wrote in the text “As part of the overall residential calculation commercial . . . shall be included in the residential calculation.” What does this mean? How could it ever be implemented? The fact that the City steadfastly and repeatedly refused to adopt a clear density code for commercial says they want to promote high density commercial, particularly around the River Road intersection.

Doesn’t the City Code help save the North Fields. Possibly, but not probably. The City’s NVOZ code about collecting fees for saving the agricultural land is equivocal and they refused to tighten it even after significant citizen input. They say they “may” collect fees. There will be significant pressure from developers not to. In any event, no money would be collected for the purpose for some time down the road, and then it is a long road to getting it to the North Fields. We have no idea where they came up with their \$5,000,000 figure and it is not in the NVOZ code. Acreage in the North Fields is currently selling for up to 100K per acre. They won’t be able to save much, even if they were to reach this figure.

The important thing is to not give up proper development of the NVOZ lands because maybe, sometime, possibly it might help save a small amount of the North Fields.

I believe in property rights. A landowner should be able to do what they want with their land. Actually no. They can do with their land what the zoning code allows. That is why having a good zoning code is so important. Codes go back as early as the planning of Philadelphia and Washington D.C. hundreds of years ago. It ubiquitously came into use 100 years ago or so. It is more unreasonable to think that all zoning should be dropped as it is to believe all development can or should be stopped.

What is the worst thing that can happen if the City’s NVOZ is adopted? The County’s plan is bad enough, but the greater density potential of the City will make TRAFFIC, TRAFFIC, TRAFFIC!

We can expect to have to add two more lanes to Highway 40, an interchange at the River Road intersection, and multiple stop lights. It will not be a pleasant or a safe trip along that stretch of Highway 40. Couple that to more pollution, more stress on infrastructure, more water usage, and you get the picture.

What about taxes, won't the City get more tax revenue? Yes, and much more infrastructure and service expenses. Who do you think will be responsible for police, and other costs? The Tax impact of the NVOZ to city residents is very unclear, and experience teaches to expect higher, not lower taxes.

I like the idea of a commercial new town center at River Road. Why is that bad? Heber City has a real historic Main Street and town center. The hope has been to revitalize the downtown district. Putting commercial centers away from towns almost always devitalizes them and increases traffic as people drive between the two centers.