

**Plea For Citizen Involvement – A Letter from Friends of Heber Valley**  
**February 27, 2021**

Folks, we will be facing an important moment in history at the Heber City Council meeting on Tuesday, March 2<sup>nd</sup>. Many people have been concerned about our uncontrolled growth, and now is the time to **ACT**. Send your comments to [CCPublic@heberut.gov](mailto:CCPublic@heberut.gov), and attend and comment at the virtual Council meeting at 6:00 pm on Tuesday, March 2<sup>nd</sup> using this link: <https://global.gotomeeting.com/join/768927629>

The biggest threat to Heber Valley's future quality of life is being considered by Heber City with its proposed development known as the **North Village Overlay Zone (NVOZ)**. This area extends north of Heber City, (mostly) East of Highway 40, and past the junction of Highway 40 and Highway 32/River road.

This is the only time that these issues governing the entire NVOZ code can be addressed. **Citizens must NOT buy the argument that density and other deficiencies in the code can or will be addressed "at later stages." The same pressures from developers that have resulted in this flawed NVOZ code will be exerted at all subsequent stages.**

It is urgent that the citizenry help postpone approval of the North Village Overlay Zone (NVOZ) code, especially given the huge, spontaneous changes to the code proposed by council member Mike Johnston at the February 2<sup>nd</sup> City Council meeting (**see below**). The potential negative impact of Mike Johnston's changes to the North Village Overlay Zone code is enormous. This code governs all the development closest to Highway 40, primarily on its east side, but Mike Johnston wants it to also include land for annexation and development on the west side of Highway 40 around the Highway 40/River Road junction as well. **This site is arguably the most iconic and beautiful entry corridor into our valley and, indeed, the very gateway to Heber Valley.**

We ask citizens to get involved at the March 2<sup>nd</sup> meeting. Please feel free to use any of the following concepts (copy and paste, or put into your own words) and please share with us any other threats/deficiencies you see in the current NVOZ code. **Citizens need to request that the NVOZ not be approved until at least the following have been achieved:**

- 1) The NVOZ code in its current form should not be passed. The issues described in 2 -6, below, should be addressed and rectified. And given the changes that were introduced into the NVOZ code by Mike Johnston at the February 2<sup>nd</sup> meeting, **another public hearing should be held before this code is approved.**
- 2) **Lower density.** All residential **AND COMMERCIAL** buildings in the NVOZ must be accounted for by assigning them density units (ERUs) that are exactly commensurate with, or more stringent than, the County's density ERU designations. The **Memorandum of Understanding** with the County (signed 2/4/19) promised that the City would honor the County's densities.

You can view the **Memorandum of Understanding** using this link:  
<http://wasatchtaxpayersassociation.com/wp-content/uploads/2020/04/2019-Wasatch-Co-Heber-City-MOU-annexations.pdf>

- 3) **More environmental/traffic studies must be done on the entire NVOZ before granting levels of density.** It is inappropriate to propose densities that will not be doable. This is particularly true of the large commercial area (referred to in the code as the “North Village,” but which here we call the “Commercial Corners” at the junction of Highway 40 and River Road/Hwy32. Acknowledge past traffic studies, which were required by the County, that showed huge and unacceptable impacts of traffic at this site.
- 4) **Impacts on the existing Heber City downtown by the proposed “commercial corners” and the University Village should be assessed prior to approval of these commercial centers in the NVOZ.** Otherwise, the “commercial corners” should be rezoned or eliminated.
- 5) **Full sign-off by Wasatch County on the NVOZ code with its allowed ERUs and other features, including the proposed commercial center, should be obtained prior to approving the NVOZ.** It is important that Heber City is in full compliance with the Memorandum of Understanding signed with the County, regarding the City getting the County’s approval of any changes from County code in this area.
- 6) **The City must take into account all failure-to-perform actions by developers as well as “conditions” placed on developer agreements by Wasatch County** before granting such developers ERUs.
- 7) **Environmental protection language must be strengthened.** For example, change “may’ to “shall” for requirement of preservation fees. Better define air and water goals and standards that must be adhered to. Increase electrical charging stations for automobiles. Assess the serious issues of stormwater impacts on surface and groundwater quality. Stop all targeting of the Middle Provo River system, including Rock Creek, for discharge of stormwater from the NVOZ.

“Friends of Heber Valley” has tried hard to get a transparent, unambiguous NVOZ code the past few months. This has been hard to do because Heber City has been very dismissive so far about actually listening to citizen input about the big issue of density. An independent professional land use expert hired by “Friends of Heber Valley”, Bruce Parker, confirms that the NVOZ code incorporating Mr Johnson’s changes is still very ambiguous, and therefore weak in trying to solidify the future vision of this area.

**Our goal has been to make sure the NVOZ truly adheres to the wishes of the citizenry which were expressed in the General Plan, “Envision Heber 2050,” and does NOT violate the “Memorandum Of Understanding” between Heber City and Wasatch County regarding this area of land.**

**In our opinion, the current NVOZ violates the MOU and guarantees a worst-case scenario with regard to development densities of the Highway 40 corridor. It is not what the citizens wanted for Envision 2050.** The City has criticized the County for its plans for Highway 40 as

“suburban sprawl”. The City’s current NVOZ plan can be characterized as “urban sprawl interspersed with suburban sprawl.” The code facilitates too high of density and does not match the City’s rhetoric for protection of a quality environment. Indeed, talk is cheap.

Here is what is wrong with the current NVOZ code and why it must be changed before it is enacted.

- 1) Mike Johnston **inflated most of the sizes of dwellings such as apartments, condos, some hotel rooms, and town homes relative to what the County allows for the same ERU value.** The current code posted by the City (see [heberut.gov](http://heberut.gov), agendas and minutes, staff report on NVOZ for March 2<sup>nd</sup> meeting) contains apparent typographical errors in their ERU chart, making it difficult to interpret. Here, we refer to the original Johnston proposal. Bruce Parker, our land use consultant, calculated the following increases (his full report can be found on our website, [friendsofhebervalley.com](http://friendsofhebervalley.com)): Hotel suites and one-bedroom apartments are inflated 14.3%, one to two-bedroom bedroom apartments are inflated 20%, Apartment/condos and similar buildings are inflated 6.6% above what the County would allow. Together, this increases the footprints of buildings, their accommodation potential, and creates negative environmental/visual and population impacts.
- 2) In addition to inflating the square footage allowance of dwellings under the City plan, Mike Johnston also **eliminates restrictions on the number of bathrooms** a dwelling can have. The more bathrooms, the more water use and sewage and the potential to house more occupants, particularly unrelated ones.
- 3) Mike Johnston also changes the **categories of dwellings**. This change is so large it will take more time to sort out potential impacts.
- 4) Finally, and perhaps most importantly, the Mike Johnston plan **gives no ERUs to commercial buildings**. Instead, the City proposes a confusing plan that has, in our opinion, no ability to be used or enforced. Outside of the City’s ERU chart on page 9 in the most recent NVOZ code, it is stated: “As part of the overall residential density calculation, commercial ERU’s (.86 ERU per every 2000 sq ft) shall be included in the residential density calculation.” Disregarding that this amount is less than the County’s, ERU value for commercial, which requires .86 ERUs per every 2000 sq ft, or each Part of 2000 sq ft, this approach is undoable, unenforceable, and unverifiable. Residential and commercial will not be built at the same time by the same people. Typically, residential is built first, then commercial. How would already built residential be reduced to account for subsequent commercial? Raze buildings? Similarly, how would the City choose which residential developer to ding for fewer ERUs because of commercial development being done elsewhere in the NVOZ?
- 5) The truth is that the City is not assigning any ERUs to commercial developers. Moreover, **Mike Johnston’s proposal seeks to make the intersection of Highway 40 and River Road a high-density commercial development on all 4 corners**. We see nothing in the code to govern that density. On page 9, the City code limits density in the North Village (ie: the region around the Hwy 40/River

Road intersection) to 4.5 ERUs per acre, but since only residential is given ERUs, if developers put in solely commercial, there is nothing to limit their density. The negative impact of this high commercial density with 0 ERUs has been clearly stated by Bruce Parker as impacting infrastructure, but most importantly, increasing residential density to the “worst case scenario” as defined by the City itself, and **killing the commercial viability of downtown Heber City**. We also point out, specifically, that it will increase traffic along both Highway 40 and River Road/Highway 32 perhaps more than any other factor in the NVOZ code by creating a commercial magnet at this intersection.

- 6) **The NVOZ code pays lip service to preserving the quality of life in Heber Valley, as desired by citizens in “Envision Heber 2050,” but the code itself is weak and equivocal in doing so.** For example, some landowners whom the City seeks to annex into the NVOZ have old agreements with Wasatch County, but some of these have important “conditions” attached that the developers have not met. The City (page 9) implies they will honor “formal entitlements from approved plans” but **does not reference nor require compliance with the “conditions” placed on the development agreements by Wasatch County**. Thus, properties awarded County ERUs that are now undevelopable because of inability to comply with Wasatch County’s “conditions”, simply could be allowed to go forward with the same ERU values under the City’s code with no “conditions.”
- 7) Furthermore, the City claims it plans to help save the North Fields or other agricultural open space in the Valley by assessing “**preservation fee(s)**.” But the two times this aim is addressed on page 9 it is so equivocal as to be meaningless: “Such agreements may include North Fields preservation requirements or the payment of fees for open space/agriculture land preservation.” And “All development/ERUs may be subject to a negotiated preservation fee ...”  
[emphasis added]
- 8) **The larger the sizes of dwellings, the more they will cost.** The inflation of dwelling sizes under the Mike Johnston plan makes those dwellings less affordable for citizens, rather than more affordable.
- 9) **Citizens, if you see deficiencies in the code that we are not addressing here, please let us know by posting on the Friends of Heber Valley Facebook page or by private message, or send them directly to the Heber City Council at CCPublic@heberut.gov.**