

ORDINANCE NO. 2018-35

AN ORDINANCE ADOPTING RIDGELINE PROTECTION REGULATIONS.

BE IT ORDAINED by the City Council of Heber City, Utah, Chapter 18.104 of the Heber City Municipal Code, entitled Ridgeline Protection, is hereby adopted as follows.

Chapter 18.104 Ridgeline Protection

SECTIONS

18.104.010	PURPOSE
18.104.020	APPLICABILITY
18.104.030	DEFINITIONS
18.104.040	REQUIREMENTS AND PROCEDURES
18.104.050	VIEWING PLATFORMS
18.104.060	VISUAL ASSESSMENTS
18.104.070	DESIGN GUIDELINES

Section 18.104.010 Purpose.

It is the intent of this section to protect the valuable views of the ridgelines of Heber City by providing regulations, which will limit the building of structures that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.

Section 18.104.020 Applicability.

These regulations apply to all land use applications in Heber City for which any portion of a proposed structure protrudes above ridgelines when viewed from the designated viewing platforms as shown on the adopted viewing platform map. Any rezoning, proposed development or building permit shall be subject to compliance with these regulations, irrespective of whether specific reference to the regulations is made in this title. In the event of an overlapping or conflicting requirement of this chapter and other provisions or regulations in this code, the more restrictive provision shall apply. All proposals for development of preexisting lots of record or platted plots that may be located within the primary or secondary ridgeline areas are subject to conditional use approval.

Section 18.104.030 Definitions.

- A. **Ridgeline Development Classification.** Whether or not a "ridgeline", as defined in Chapter 18.104 of this title, is regulated by this section is determined by whether or not the ridgeline is significant. "Significant ridgelines" are defined as those ridgelines that surround or visually dominate the valley landscape either through their size in relation to the hillside or mountain terrain of which they are a part as viewed from a viewing platform; their visual dominance as characterized by a silhouetting appearance against the sky as viewed from a viewing platform; as a significant natural backdrop feature or separation of communities from a viewing platform; through visual dominance due to proximity and view from a viewing platform; or as an area of significant ecological, historical or cultural importance, such as those which connect park or trail systems. If a ridgeline meets any combination of these criteria, it shall qualify as subject to regulation under this section.

- B. **Primary Ridgelines.** Primary ridgelines are those ridgelines that are characterized by any combination of significant ridgeline criteria as identified in ridgeline development classification.

- C. **Secondary Ridgelines.** Secondary ridgelines are those ridgelines that are characterized by any combination of significant ridgeline criteria as identified in the ridgeline development classification above. Secondary ridgelines are secondary in nature to primary ridgelines due to the following features:
 - 1. Smaller size and prominence of a feature or branch of a primary ridgeline; and
 - 2. Silhouette of a ridgeline against the open sky on a smaller size hill or silhouette of a ridgeline on a smaller hill which is back dropped by a significant ridgeline.

- D. **Viewing Platforms.** Viewing platforms are selected from the list in Section 18.104.050 using the ridgeline development classification of this section to determine which four (4) platforms should be used to determine whether a significant ridgeline will be violated. In the event there are not four (4) viewing platforms from any state or federal highway or major collector road, also, in the event that: a) a development is large in nature and visible from several roads or highways or different sections of roads or highways; or b) a development will encroach on more than one significant ridgeline, Planning Staff may select additional viewing platforms along state or federal highways or major collector roads up to eight (8) total viewing platforms based on the ridgeline development classification above.

- E. **Visual Assessment Model.** A visual assessment model is a computer 3-D image as viewed from the viewing platforms selected in accordance with Subsection D. The 3-D image will be used to determine if the proposed development will be considered to be on a ridgeline.

Section 18.104.040 Requirements And Procedures.

- A. **Proposed Developments.** Proposed developments shall locate lots and building pads so that structures will not violate this section. At the time a development is proposed, the applicant

shall provide a visual assessment model from viewing platforms selected in accordance with Section 18.104.030. If the proposed development is considered by the planning director to be on a significant ridgeline, the developer shall submit photo simulations, drawings, computer modeling, or some other means that will allow a determination to be made by the Planning Commission and City Council that structures will be built below the ridgeline. The photo simulations, computer modeling, or drawings shall be done from the same viewing platforms as the visual assessment model. The final plat shall have building envelopes that limit the location and height of the structure to the locations and heights used in the ridgeline modeling to ensure that this section is not violated. The ridgelines will be addressed at the preliminary and final approvals so that the final ridgeline modeling will correspond with the final plat and building envelope locations.

- B. **Existing Platted Lots or Lots of Record.** Existing platted lots or lots of record shall be reviewed by the Planning Staff. If Planning Staff and applicant cannot agree on mitigation requirements the item will be required to go to the Planning Commission as a conditional use that will be applied for with the building permit. The Planning Commission may set reasonable conditions to mitigate the visual impacts as designated in Section 18.104.070, "Design Guidelines". Existing platted lots or lots of record are those lots that were platted and recorded prior to the adoption of this title. It shall be the responsibility of the applicant to notify the planning department of their intent to build in the location of a ridgeline at which time a visual assessment model will be run from the four (4) closest viewing platforms to determine if the proposed structure is on a ridgeline. As part of the conditional use application, building renderings, colors, materials, photo simulations, computer modeling or drawings shall be submitted.
- C. **Appeals.** Appeals of the decisions of the Planning Staff will be made to the Board of Adjustment.

Section 18.104.050 Viewing Platforms.

The following viewing platforms shall be used to determine if a structure violates the ridgeline.

- A. **Highway 32.**
 - 1. Mile Marker 5
 - 2. Mile Marker 6
 - 3. Mile Marker 8
- B. **Highway 40.**
 - 1. Intersection of River Road
 - 2. Coyote Lane
- C. **Center Street (aka Lake Creek Road).**
 - 1. 1365 East
 - 2. 3600 East
 - 3. 4800 East

4. 2400 East

Section 18.104.060 Visual Assessments.

For proposed developments, the applicant shall perform a visual assessment from the viewing platform selected above, as directed by the Planning Department, depicting conditions before and after the proposed development. The visual assessment shall include the proposed location, size, design, landscaping and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to either: 1) eliminate development on a significant ridgeline; or 2) reduce any adverse impacts of development on a lot of record or existing platted lot. The visual assessment shall be conducted using techniques as approved by the Planning Department, including, but not limited to, sketches, models, hand enhanced photographs and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

Section 18.104.070 Design Guidelines.

The following design guidelines shall apply to any buildings constructed within the ridgeline as a conditional use.

- A. **Colors/Reflectivity.** All structures and accessory uses shall be constructed and maintained so that predominate exterior wall colors (including the colors of basement walls on the downhill side of the structure) and roof surfacing materials:
1. Repeat the colors found most commonly in the land and vegetation around the building (earth tone);
 2. Reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any fence, wall or roof surface.
- B. **Vegetation.** Planning Staff shall review the appearance of the structure and make a determination of any reasonable number of trees and shrubs which may be necessary to mitigate the visual impact of the placement of the structure or basement wall as visible from the viewing platforms.
1. All trees installed to meet the requirements of this subsection shall be of coniferous species, shall be a minimum of eight feet (8') tall when planted, and shall be planted before a certificate of occupancy is issued for the primary structure, or if that is not possible due to planting season or weather conditions, then within one month of the planting season for the species. A bond may be required to ensure the planting.
 2. To the maximum degree feasible, during grading, all existing mature vegetation with a height of more than five feet (5'), other than noxious plants and weeds, shall be preserved.

3. Concurrently with the building permit approval process, the property owner submitting such plan may request approval of a vegetation plan in which the vegetation requirements for certain lots or tracts may be increased, decreased or deleted, to reflect the degree of visibility of structures located in various portions of the development.
 4. The owner may request alternative placement of landscaping on certain lots and tracts if such placement provides adequate mitigation of the visual impact of the roofline of the primary structure.
 5. Landscaping required by this subsection shall be credited against the landscaping requirements imposed by any other section of the code, or the specific planned development plan.
- C. **Floodlighting.** Floodlights shall not be used to light all or any portion of any primary or accessory structure facade, or landscaping, and all outdoor light sources mounted on poles, buildings or trees to illuminate streets, sidewalks, walkways, parking lots or other outdoor areas shall use full cutoff light fixtures. For purposes of this subsection, a "full cutoff light fixture" is one in which no more than twenty five percent (25%) of the total output is emitted at ninety degrees (90°) from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that part of the light bulb or light source is not visible beyond the property boundaries. Exterior lighting in the hillside or skyline/ridgeline areas shall be shielded from direct point source view from viewing platforms selected above. Whenever reasonable, motion detectors should be considered to determine if their use would lessen the amount of time lights would actually be in use on the hillside areas.
- D. **Exposed Basements.** On the side of each primary and accessory structure facing the nearest viewing platform, as determined by the planning department, no basement wall shall be exposed for more than one-half ($1/2$) of its height, unless a vegetated berm at least three feet (3') in height is constructed between such basement and the property line closest to the nearest viewing platform. Excessively high basement walls on downhill sides of slopes will be reviewed on a case by case basis. Planning Staff may require trees and shrubs of a coniferous variety to be planted to mitigate the visibility of any basement wall that can be seen from selected viewing platform.
- E. **Viewshed Analysis.** A viewshed analysis shall illustrate existing and proposed views from selected viewing platforms. The Planning Department has or will identify several viewing platforms which the applicant is required to prepare a viewshed analysis. Compatibility to the surrounding environment and development, along with color, scale and massing, will be key elements evaluated. The visual assessment shall be conducted using techniques as approved by the county planner, including, but not limited to, sketches, models, hand enhanced photographs and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site. The location of buildings shown on the visual assessment shall coincide with the proposed building pads of the proposed buildings, as well as the maximum size of the buildings proposed.

This Ordinance shall take effect and be in force from and after its adoption.

ADOPTED and PASSED by the City Council of Heber City, Utah this 19th day of July, 2018, by the following vote:

	AYE	NAY
Council Member Jeffery M. Bradshaw	<u>X</u>	_____
Council Member Heidi Franco	<u>X</u>	_____
Council Member Jeffrey Smith	<u>X</u>	_____
Council Member Ronald R. Crittenden	<u>X</u>	_____
Council Member Wayne Hardman	<u>X</u>	_____

APPROVED:

Kelleen L. Potter
Mayor Kelleen L. Potter

ATTEST:

Amy Bridge
RECORDER

Date: 7-19-18

