

1 Heber City Corporation  
2 75 North Main Street  
3 Heber City, Utah  
4 **PLANNING COMMISSION MEETING**  
5 Tuesday, September 12, 2023  
6 6:00 pm.  
7 **REGULAR MEETING**  
8

9 The Planning Commission of Heber City, Wasatch County, Utah, met in a Joint Meeting on  
10 September 12, 2023, in the City Council Chambers in Heber City, Utah.  
11

12 **1. Regular Meeting:**

13 I. Call to Order – Chairman Gunn called the Work Meeting to order at 6:05 p.m. and  
14 welcomed everyone present  
15

16 II. Roll Call

17 **Present:** **Planning Commission**  
18 Chairman Dennis Gunn  
19 Commissioner Phil Jordan  
20 Commissioner Sid Ostergaard  
21 Commissioner Robert Wilson  
22

23 **Staff:** Community Development Director, Tony Kohler  
24 Planning Manager, Jamie Baron  
25 Planner Jacob Roberts  
26 Planning Office Admin, Meshelle Kijanen  
27 Consultant Denna Woodbury  
28 Consultant Aubrey Larsen  
29 City Engineer, Gordon Miner  
30

31 **Public:** Patrick Van Horn, Shanna Horner, Keith Horner, CinDee Bangerter, Nanine  
32 Allen, Cal Johnson, Ron Phillips, Matt Wisr, Osiris Cabral, Kay Wood Adrian  
33 Guillen, Brad Allen, Russ Wit, Bill Wit, Greg Wilson  
34

35 **Online:** KPCW, Pete Gillwald, Sabrina, Sam, Tyson  
36

37 III. Pledge of Allegiance: Commissioner Dave Richards  
38

39 IV. Recuse for Conflict of Interest N/A  
40

41 **2. Consent Agenda:**

42 I. Minutes for Approval:  
43 a. July 25, 2023  
44

45 **3. Action Items:**

1 I. Public Hearing for Cottages Rezone & Master Development Agreement (MDA) at 1000  
2 South 600 West. (Planner Kohler)  
3

4 Planner Kohler provided background on the item, and noted the property in question was  
5 situated in the R-1 zone and was surrounded by an R-2 area and an industrial business park.  
6 He shared photographs of the three homes already in place, and explained the applicant  
7 wanted to remove two homes adjacent to those which were in bad shape and then add an  
8 additional three homes, for a total of six units. Planner Kohler said the current density was set  
9 at three dwelling units per acre although this proposal would bring the density to six dwelling  
10 units per acre. Other than that, he said this zone change proposal would promote development  
11 of homes in the area and was in line with the General Plan, and he shared the recommended  
12 considerations for approval, which included the burial of overhead power lines, trees be  
13 planted in each yard, and that the homes not all be identical to one another. Planner Kohler  
14 explained tonight was a public hearing in which they would take feedback from the public  
15 about this development.  
16

17 Chairman Gunn asked if the applicant was present and wished to speak, and the applicant Mr.  
18 Witt came forward to explain the two homes he wanted to remove were in bad shape and he  
19 had been unable to get them into a condition in which they could be lived in. He explained  
20 the process he had gone through so far with his proposal, and discussed that both he and his  
21 wife as well as his adult daughter lived near this area, so it was important to him that it looked  
22 nice and was well developed.  
23

24 Chairman Gunn asked if this subdivision had any terms or conditions on these homes at the  
25 time they had been built. Planner Kohler explained the homes had been built when the land  
26 was still part of the unincorporated country, and originally the plan had been to expand the  
27 industrial business park nearby. However, he explained that since there were homes nearby  
28 the area had become more residential rather than industrial over time, and said he did not  
29 think there were any terms on the two houses the applicant wanted to remove specifically.  
30 Chairman Gunn clarified the homes had been brought in as existing structures when they were  
31 brought into the City, and Planner Kohler replied that they were, and added that when they  
32 had been brought in they were considered to be conforming to the City Code.  
33

34 Mr. Witt clarified that he intended to sell some of the homes, and keep the rest to be long term  
35 rentals. Commissioner Richards asked if the homes would be sold at market rate and if they  
36 could be affordable housing units. Mr. Witt discussed this was not intended to be affordable  
37 housing, and noted he had friends and family that he wanted to be able to provide homes for.  
38 Mr. Witt imagined these would be entry level homes for someone, and noted the lot sizes  
39 were smaller, about 19,000 square feet. He added he had actually built a house with the same  
40 layout as what he was proposing elsewhere in town, and thought it was a good house layout.  
41 Commissioner Richards summarized the price point based on the size of the home would be  
42 reasonable, although not affordable. Chairman Gunn commented it was a good mid-way  
43 point between affordable and a starter home for someone.  
44

1 Commissioner Jordan confirmed this was before the Planning Commission because it required  
2 a change of zoning density, and Planner Kohler confirmed that was correct. Commissioner  
3 Jordan then asked what the City Council had requested for the area, and Planner Kohler  
4 discussed the conditions set forth by the City Council. Mr. Witts spoke about the landscaping  
5 requirements, and said he would landscape the homes before he sold them so that the  
6 landscaping would be consistent.

7  
8 Planning Office Administrator Meshelle Kijanen read aloud the rules for public comments.  
9 Chairman Gunn opened the public hearing.

10  
11 Brad Allen said he lived on 200 West, and had five children who he hoped one day would be  
12 able to own homes in the Valley. He thought six more homes would help increase the  
13 inventory of affordable housing in the area, and opined it was more helpful to have six more  
14 affordable houses rather than two more expensive ones. He pointed out all of the  
15 requirements set forth by the City Council would increase the cost of constructing those  
16 homes and thus their sale price.

17  
18 Commissioner Richards thought the large lots needed to be divided up, and expressed he was  
19 in favor of the plan and in favor of changing the zone. He thought the location was good and  
20 it was a good use of the property to build the homes Mr. Witt had planned. He added he did  
21 not think this would add too much additional traffic to the area. Commissioner Richards  
22 discussed many people wanted to own their homes, but understood the advantage to Mr. Witt  
23 to rent out the units.

24  
25 Commissioner Ostergaard agreed with Commissioner Richard's comments, and said the area  
26 was prime for redevelopment. He discussed how developers could not build larger homes  
27 anymore since no one could afford them, so he said having these slightly smaller homes  
28 would be good for the community. Commissioner Jordan echoed both of these sentiments,  
29 and thought it was great that the homes would not be cookie cutter and have nice curb appeal.

30  
31 Commissioner Ostergaard made a motion to approve the zone change and MDA, with the  
32 conditions that the City Council's points be considered and an effort be made to keep costs  
33 low. The motion passed unanimously.

34  
35 II. Public Hearing for Wittco Rezone and Master Development Agreement (MDA) at 801  
36 South 100 West. (Planner Kohler)

37  
38 Planner Kohler indicated the properties he would be discussing that evening, and said the  
39 petitioner was again Mr. Witt. He highlighted some issues with the properties, namely their  
40 location, as the City had plans for future roads which would intersect with the intersection where  
41 the property was situated. Planner Kohler explained the zone the properties were located in was  
42 R-2, with some commercial located on the south end, and he shared a map listing existing  
43 improvements. He said the concept had not been totally finalized, but clarified it had been  
44 updated from the concept he had included in his presentation.

1 Planner Kohler circled back to the planned roads, and noted the intersection met UDOT's  
2 standards as to where a stop light could be placed. He reported the City Staff had met with  
3 several developers about putting a street in the area where the properties were located. He  
4 elaborated they did not have a specific timeline as to when they would put the street in, and  
5 added they would not do the alignment for the road until they had plans to develop it.

6  
7 Planner Kohler shared some other conceptual maps which showed how the building layout  
8 would work, and said it would likely be a two or three story building. He discussed the area  
9 currently had a density of six dwelling units per acre, although this new plan would bring the  
10 density to about 18 dwelling units per acre. He also explained the R-2 zone had an 8,000 square  
11 acre lot size minimum and a minimum frontage of 80 feet. He added that many of the twin  
12 homes in the neighborhood had been grandfathered into the City and were legal non-conforming.  
13 Planner Kohler discussed that this redevelopment would give the City the opportunity to acquire  
14 a right of way that they would ultimately need to develop the downtown, and also would allow  
15 them to redevelop some of the more tired units in the area. He said the plan promoted  
16 redevelopment in the area, had good walkability to nearby stores, and in all, was consistent with  
17 the General Plan.

18  
19 Planner Kohler went over the City's requirements and conditions, which included that no  
20 driveways be placed on the new road, building heights not exceed three feet, and that the right of  
21 way be dedicated to the City.

22  
23 The applicant, Mr. Witt explained that he was the owner of the properties. He said the buildings  
24 were tired and old and had been built in the 1950s, and he felt it was time to do something new  
25 with the land. He clarified he would be preserving the mature trees on the lot. Mr. Witt also  
26 clarified he had nothing to do with the road; that was the request of the City and he had not asked  
27 the City for a new road. Mr. Witt explained the design of the building, and said it would be  
28 apartment buildings. He noted historically, the apartments had been rented out by people who  
29 worked in the surrounding commercial area, so it was a good area in which people could live,  
30 work, and shop without needing a car. He reported that the plan was to have 13 units, one of  
31 which would be an affordable housing unit and another one would be an ADA unit on the ground  
32 floor. Mr. Witt summarized that the only thing he was requesting was a zone change, and did  
33 not need any exceptions. There was some confusion as to if the main floor of a building in the  
34 C-2 zone was allowed to include housing units, and Planner Kohler noted that several years ago  
35 the Planning Commission had decided to permit housing on the main floor in the commercial  
36 zone to allow for ADA units.

37  
38 Chairman Gunn asked Mr. Witt about his plan for the commercial units, and Mr. Witt said they  
39 would need to rent out the spaces on the main level. Mr. Witt elaborated he would like to have  
40 businesses which could serve the tenants of the building, such a gym, yoga studio, or daycare.  
41 Mr. Witt thought it would be nice to have built-in customers, and he also pointed out they had  
42 limited parking so he needed to carefully consider which businesses that could move in which  
43 would not put an undue strain on the parking space they had. Mr. Witt commented as well they  
44 were just in the preliminary stages of this development, so he had not yet reached out to the  
45 surrounding businesses to see if they could share any parking. Mr. Witt added that he would like

1 to have some of the employees of the surrounding businesses live in his building, but noted that  
2 it was difficult to get in touch with some of the larger chain stores that surrounded his site. Mr.  
3 Witt discussed it was a very walkable location, and imagined if some of the employees from the  
4 nearby businesses moved into his units, they could possibly use the parking spots of whatever  
5 business they worked for. Chairman Gunn recalled they had discussed in a recent Planning  
6 Commission meeting that there was not a lot of housing for people in the area where the  
7 proposed development was, so he thought apartments could be a good idea and commented that  
8 flex space might be helpful in that area. Mr. Witt said currently, he had 47 parking stalls which  
9 came out to two parking stalls per apartment unit with 21 parking spots left over for the  
10 businesses, which did meet standards for the zone. Mr. Witt also specified the mature trees on  
11 the property would be preserved and not cut down for parking.

12  
13 Commissioner Wilson did not understand the logic of developing commercial along 100 West  
14 since the City wanted to focus on Main Street. He pointed out 100 West was a busy street and  
15 primarily residential, and he asked why not develop in an area which was already just residential.  
16 Mr. Witt replied that the C-2 zone was the easiest one to get approval, and stated he would be  
17 comfortable making this building just apartments with no commercial tenants. Planner Kohler  
18 added they did not have a zone which neatly lined up with the scope of this development, and  
19 said this seemed the easiest option, so the City had recommended this to Mr. Witt as the best  
20 course of action. Planner Kohler elaborated that if they wanted to, they could work with the City  
21 Attorney to see if this could go in the R-2 zone instead.

22  
23 Chairman Gunn opened the floor for public comments.

24  
25 Brad Allen said that he owned two homes on 200 West, right around the corner from the planned  
26 development. He expressed he had been unaware of the plan for the road, and thought that  
27 would be a huge asset to the area. He discussed how congested traffic currently was and stated  
28 how beneficial a new road would be. He also stated if there was going to be commercial, he  
29 preferred it to face east, and he also requested that the building height be two stories rather than  
30 three.

31  
32 Osiris Kabral noted there were some apartments to the west of the planned development, and  
33 thought it would be nice to have more residential rather than commercial. He thought since there  
34 were already residential units close by, it should be easier to get that approved rather than trying  
35 to push commercial through.

36  
37 Matt Wiser, the director for Lee's Marketplace, thought the multiplexes currently there were an  
38 eyesore and agreed it would be nice to have those torn down. He said they owned the parking lot  
39 behind the KFC, and said it was the employee parking lot for Lee's Marketplace. He explained  
40 if they put the new road in, the employees would have to cross it to get to work and that would  
41 be a safety hazard. Mr. Wiser said he had invested millions into the parking lot and Lee's  
42 Marketplace, and he worried the road extension would stunt their growth and diminish their  
43 ability to serve the community.

44

1 Ronald Phillips spoke and said he was working with Mr. Witt for this project. He reminded  
2 everyone this was not a public hearing about the road; this was just about the zone change and  
3 clarified that if anyone was worried about the road there would be another meeting in the future  
4 to address those concerns.

5  
6 There was one written comment which had been submitted and read as follows:  
7

8 “In preparation for the Heber City Planning Meeting tonight (9/12/2023), we wanted to share  
9 some thoughts on the major consequences that Lee’s Marketplace would be affected by if the  
10 Wittco development is given the green light. Hopefully, these can be used to aid your comments  
11 in the meeting tonight.  
12

13 Lee’s Marketplace is a community partner. The results of such partnerships are evident in the  
14 positive impact that each Lee’s Marketplace brings to its respective community. Lee’s has  
15 invested millions of dollars in the renovation and renewal of the existing grocery store and the  
16 neighboring parking lots. The Lee’s family has helped revitalize a tired grocery store and  
17 brought life back to this area. As such, it is evident that Lee’s is invested in a long-lasting  
18 partnership with the Heber City community and intends to continue serving its citizens.  
19

20 If the Wittco development is approved, the existing Lee’s Marketplace will be greatly affected  
21 by the proposed extension to 850 S, including but not limited to:  
22

- 23 1. The proposed extension of 850 S will cut right through the parking lot of the store. The  
24 ROW would directly eliminate more than 20 parking spaces (red boxes in the below  
25 screenshot). Access to an entire strip of parking would be greatly affected and  
26 potentially inaccessible (the screenshot below shows the parking spaces that will be  
27 removed or affected by the road, highlighted in the blue boxes). Additionally, the strip  
28 of parking that is currently adjacent to the Taco Bell would need to be adjusted and  
29 would create an awkward strip of land between the parking spaces and the new road.  
30
- 31 2. An entire portion of the Lee’s Marketplace parcel (the northmost section between the  
32 proposed development and the Betos/Tacobell) would be completely separated. This  
33 would restrict access to 24 more parking spaces that have traditionally been where  
34 employees of the store park. This would create an orphaned parcel which would be  
35 rendered useless. Those who park in that area would be forced to cross a main  
36 thoroughfare to access the store. This would create a potential safety hazard for those  
37 crossing this new street.  
38
- 39 3. These parking reductions would push the grocery store below its required parking  
40 capacity creating an additional adverse effect on the grocery store.  
41

42 We are in support of revitalizing these homes and aren’t opposed to a new development on  
43 those parcels. However, we strongly oppose the proposed roadway. If the city is planning on  
44 approving this roadway, there would need to be a significant amount of compensation to  
45 Lee’s Marketplace in order to justify the efforts that will be required to mediate the

1 1) acreage of the parking lot that would be reduced as a result of the road cutting through the  
2 parcel, 2) lost access to/separation of the orphaned parcel, and 3) potential of having to  
3 redesign the parking lot to accommodate existing parking requirements to service the grocery  
4 store.”

5  
6 Cindy Bangeter said she lived nearby on 100 West and owned her townhome, although many  
7 of her neighbors did not own their units. She discussed how congested traffic was where she  
8 lived, and said it was nearly impossible to get in and out on busy days or days when it  
9 snowed. She expressed concerns about parking and thought if they added another building,  
10 the issue would just get worse. Chairman Gunn noted in the winter, people were not  
11 supposed to park on the street, although many people did as there was nowhere else to park.  
12 He agreed this was an issue and it was a safety concern.

13  
14 Kay Wood said she lived on 200 West, and asked why they were allowing for three story  
15 buildings when the area was not walkable and had no sidewalks. She felt this was not safe  
16 for children, and discussed how the traffic was so bad on Main Street it was spilling over to  
17 100 and 200 West and causing accidents. She pointed out they had zoning rules in place for  
18 a reason, although the City allowed developers to have exceptions to those rules and in her  
19 opinion this caused a mess. Ms. Wood said she had moved to Heber 27 years ago, and had  
20 seen many things change for the worse as the Planning Commission allowed developers to  
21 bypass zoning rules. She clarified she was not saying the development should not be  
22 allowed; but it should only be allowed to be built within the parameters of the zone. She  
23 opined there should not be three stories if it was not allowed in the zone, and expressed they  
24 needed to know where to draw the line and adhere more closely to the zoning standards and  
25 rules set in place by the City. Ms. Wood commented she was concerned for the Valley as  
26 things were allowed to be built when she thought they should not be and caused traffic to  
27 become worse.

28  
29 Chairman Gunn closed the public hearing.

30  
31 Chairman Gunn summarized that most people were in favor of this building just being  
32 residential and were not in favor of the commercial. Chairman Gunn noted the only reason  
33 they had to do commercial was just to be in line with the Code, although the consensus was  
34 no one was actually interested in this. Chairman Gunn thought it would work if they went  
35 strictly residential and found a way to get rid of the commercial.

36  
37 Chairman Gunn also asked Mr. Witt if he was willing to go to two rather than three stories, to  
38 which Mr. Witt discussed that he wanted to build something nice that the community wanted,  
39 although it was not as financially feasible for him to make it just two stories. Mr. Witt  
40 thought that between the cost of bulldozing the existing multiplexes and new construction, it  
41 was not viable for him to make money off of the building if it was only two stories and a  
42 basement. Chairman Gunn summarized that people’s issue with the stories was the height of  
43 the building, and pointed out if they got rid of the commercial the overall building would be a  
44 bit shorter. Planner Kohler said that was correct, although not by a significant amount,  
45 maybe around three or four feet. Chairman Gunn also noted without the commercial there

1 would be less of an increase to traffic. Chairman Gunn thought they should consider just  
2 residential without any residential and asked Planner Kohler if there was a way to make that  
3 happen.

4  
5 Commissioner Ostergaard asked if there was a way to include affordable housing, and  
6 thought if the units were affordable that could be a way to incentivize doing the project.  
7 Commissioner Wilson commented how people got confused about affordable housing; he  
8 noted “affordable housing” referred to buying a home, not renting. He said if someone  
9 rented, rent prices continued to increase, although if they were able to purchase a home the  
10 mortgage payment would be consistent. Commissioner Ostergaard agreed with  
11 Commissioner Wilson in that they did need affordable housing home ownership, although he  
12 disagreed about renting not being affordable as there was also workforce housing, in which  
13 people rented although the rent price was deed-restricted and would not increase.  
14 Commissioner Ostergaard clarified these units would be for rent, and thought they could still  
15 incentivize developers to come in and do affordable housing developments even if they were  
16 for rental units.

17  
18 Ms. Bangeter again spoke about problems with the parking, and pointed out that with rent  
19 prices so high, people needed roommates and having additional tenants compounded the  
20 parking issues. Chairman Gunn asked if they could add a stipulation to the development that  
21 on-street parking could only be temporary. Planner Kohler replied that was already a City-  
22 wide rule, and that people could only park on the street for 72 hours. However, Planner  
23 Kohler added there were no limits as to how many cars a single family home could own, and  
24 he thought it would be unfair to limit the number of vehicles someone could own. Planner  
25 Kohler said they did have rules about how many families could live in one home, which was  
26 one way they could try to limit how many vehicles were parked at one property.

27  
28 City Engineer Gordon spoke about the proposed road extension. He said they wanted to take  
29 advantage of this opportunity to acquire the right of way, and Chairman Gunn agreed with  
30 this. Chairman Gunn clarified this would only be a right of way and not ownership, and  
31 Planner Kohler clarified it would be City-owned, although there was no obligation to put a  
32 road in if they decided it was not necessary. Planner Kohler added that if the City chose to  
33 vacate the right of way it would go back to the owner.

34  
35 Planner Kohler said the Planning Commission could include in their conditions that they  
36 wanted to limit the heights of the buildings and limit the use to residential, would ensure  
37 there was adequate parking, so City Council could include those things in the MDA. Planner  
38 Kohler summarized that it seemed as though the Planning Commission wanted to leave this  
39 in the R-2 zone, so they needed to work with the City Attorney to find a way to do this.  
40 Chairman Gunn agreed they did not want to do a re-zone and would prefer to find a way to  
41 keep this in a residential zone. Chairman Gunn also commented on the vagueness of calling  
42 something affordable housing, and thought they needed to specify how this would work.  
43 Commissioner Richards replied they could clarify in the MDA how many of the units would  
44 need to be affordable, and the Commissioners discussed those prices were based on average  
45 median income. Commissioner Richards pointed out if they moved to just residential, Mr.

1 Witt could increase the number of units in the building since they had the parking available.  
2 Commissioner Richards concluded that they did not want to rezone the area to commercial;  
3 they wanted to request that the building become only residential.  
4

5 Mr. Witt said he wanted to have this project approved by the end of the year. Ron Phillips  
6 spoke on behalf of Mr. Witt, and stated they preferred for the area to be rezoned C-2 and  
7 have the building heights be three stories from the ground. Mr. Phillips did not think it was  
8 legal to leave the area residential and then increase the density higher than the standards of  
9 the zone. Planner Kohler said they could do this; they would have to include in the  
10 development agreement that the density could exceed what the maximum density of the zone  
11 was. Planner Kohler explained this process, and said they still went through the rezone  
12 process for the development agreement. Planner Kohler agreed with Mr. Phillips in that C-2  
13 was a more appropriate zone for this project, and he said it would be best to rezone it to C-2  
14 with a requirement that there be no commercial on the ground floor.  
15

16 Commissioner Richards asked how they would handle the height of the building if they  
17 moved forward with the C-2 zone. Planner Kohler replied they could set conditions on it and  
18 mandate any number of stories that they wanted to have. Planner Kohler reiterated this  
19 would still just be residential with no commercial spaces, even if it was zoned C-2.  
20 Commissioner Richards thought they could go to three stories if there was affordable housing  
21 and limit it to two stories if not. Mr. Phillips did not think it was legal to limit the height in a  
22 C-2 zone, and Commissioner Richards said they would need to work with their City Attorney  
23 to find out. Planner Kohler thought they could move forward with the C-2 zone and limit the  
24 height, and Commissioner Richards commented they were just a recommending body  
25 anyway and the City Council might not move this through. Commissioner Richards  
26 emphasized they would need to do affordable housing if they wanted to push this project  
27 through.  
28

29 Mr. Witt reminded the Planning Commission that he was giving up a portion of the property  
30 to the City for not much in return, and he was also okay with having the right of way abutting  
31 his property. He expressed he was not asking for much and was being tolerant of the City's  
32 demands. He also discussed the neighbors would not be happy if they packed too many  
33 people into the new building, and he worried about maximizing the amount of parking he had  
34 available. Mr. Witt said he was hoping to attract families as well as multiple adults in the  
35 two and three bedrooms, and expressed concerns over having a large number of studio  
36 apartments. Commissioner Richards thought it would not be necessary to go up to three  
37 stories.  
38

39 Commissioner Richards asked Mr. Witt what he would do with the ground floor if they did  
40 not have commercial space, and Mr. Witt said he would be able to add four more residential  
41 units. Planner Kohler said the City required 10% of the units to be affordable, so if they had  
42 sixteen total units then there would be two units that would have to be affordable.  
43 Commissioner Richards expressed he was okay with this.  
44

1 Commissioner Ostergaard moved to approve the request for the Wittco Rezone and Master  
2 Development Agreement (MDA) at 801 South 100 West with the conditions that they will  
3 entertain a development agreement and work with the City Attorney to remove commercial  
4 from the first floor and add residential, with the 10% affordable housing component. The  
5 motion carried unanimously.  
6

7 III. Request for a Site Plan approval for Old 40 North, located at 4705 North Old Highway-  
8 40 (Parcel 20-7956, Northwest of the intersection between Old Highway-40 and SR-  
9 32)(Planner Woodbury/Engineer Miner)  
10

11 Planner Woodbury gave an overview of the request, and said the development agreement  
12 allowed for mixed-use commercial. She stated the buildings were all three stories tall and  
13 built into a slope. She explained a variety of commercial support uses were allowed on the  
14 upper floor such as a break room and locker rooms. She noted the building met the  
15 requirements for materials and colors as mandated by the Code, and stated the building met  
16 parking requirements as well. She added the plan also met the landscaping requirements and  
17 indicated the plan included new landscaping around the building and parking lot, and the rest  
18 of the property would retain its natural vegetation. Planner Woodbury shared a rendering of  
19 what the completed buildings would look like and illustrated how they would be accessible at  
20 different stories as they were built into the slope. She also shared an aerial view of the site  
21 plan and noted it was accessible off of Highway 40, with a secondary access off Route 32.  
22 Planner Woodbury also indicated the parking study which had been completed to prove the  
23 plan met parking requirements.  
24

25 Greg Wilson, engineer for the development, made some clarifications to the site plan and  
26 explained that the one shown was not the most recent one they had submitted. He indicated a  
27 portion of the site which was UDOT's property and explained UDOT had not approved the  
28 access off of their property, so their engineer had redesigned the access point so it did not  
29 interfere with UDOT.  
30

31 Planner Woodbury listed the findings and conditions of Staff, and said it was recommended  
32 to approve subject to the application being consistent with the General Plan, the Municipal  
33 Code, City ordinances and Federal and State laws. She read the conditions, which included  
34 all conditions set by the City Engineer, the Planning Commission, and all Code requirements  
35 be met. She added they also needed to get permission from UDOT to have an access off of  
36 Route 32, and the builder would have to get building permits for the retaining wall.  
37

38 Patrick Vanhorn identified himself as the application and reiterated that they were moving  
39 their access farther down on Route 32. Mr. Wilson elaborated on this and reported that they  
40 had met with UDOT to understand their concerns with the access, and had moved it  
41 accordingly. Chairman Gunn clarified that the plan met all other City standards and the  
42 Engineer replied that it did.  
43

44 Commissioner Richards clarified these units were all individually owned, and asked how  
45 many units there would be in total. Mr. Vanhorn replied there would be 20 individually

1 owned units, with both residential and commercial uses, so people could both live and work  
2 there. Commissioner Richards asked if there were any stipulations on what kind of  
3 commercial could go in, and asked for example if they would be permitted to have something  
4 like an auto body shop go in there. Planner Kohler could not recall if the North Village area  
5 Code restricted commercial uses, but did not think an auto body shop would be allowed.  
6

7 Commissioner Ostergaard asked why they were overparked, and Mr. Wilson discussed the  
8 original plan had required them to have 220 parking stalls, and this was a difficult number for  
9 them to reach so they had conducted a parking study which found that they actually only needed  
10 148. However, he said they had been able to find space for 206 spots before the study was  
11 completed, so they had left all of the stalls due to the commercial component. Mr. Wilson added  
12 they had six ADA stalls. Planner Woodbury pointed out the development agreement called for  
13 213 spaces, so they were actually under-parked by seven stalls. It was clarified that while the  
14 parking study had found only 148 stalls were needed, they were under-parked based on the  
15 standards of the Code.  
16

17 Commissioner Richards asked for the total size of the property and Mr. Wilson replied the whole  
18 property was over eight acres, although only around three of the acres were developable.  
19 Commissioner Richards clarified they had water, sewer, and power hooked up, and Mr. Wilson  
20 replied that they did, and reiterated they also had their access points worked out with UDOT.  
21 Commissioner Richards also asked about Wasatch Fire Department, and Mr. Wilson stated all  
22 their roads were graded in accordance with the fire department's standards, and he reported he  
23 had met with the fire department and they had approved the plan. Commissioner Richards asked  
24 about the topography, and Mr. Wilson replied he had sent a topography plan to the Planning  
25 Commission, although he noted the plan he had sent them also had the old point of access.  
26

27 Commissioner Wilson asked about the storm water drains and City Engineer Miner explained  
28 how the drainage worked and commented Mr. Wilson had done a great job with this. Mr.  
29 Wilson elaborated on their drainage system and commented that although it had been an  
30 exercise, they had gotten it figured out. Mr. Wilson shared some 3D renderings to show how the  
31 gradation worked with the slope.  
32

33 Commissioner Richards moved to approve the request for a Site Plan approval for Old 40 North,  
34 located at 4705 North Old Highway- 40 (Parcel 20-7956, Northwest of the intersection between  
35 Old Highway-40 and SR-32) contingent that all findings and conditions be met. The motion  
36 passed unanimously.  
37

38 The Commission acknowledged that it was a difficult site to work with and wished the applicants  
39 luck.  
40

#### 41 **4. Work Meeting:**

##### 42 I. Heber City Park Design Standards - Draft Review (Planner Baron, LDI)

43

44 Planner Aubrey Larson presented on the Heber City park design standards, and explained the  
45 standards were intended to give a cohesive and comprehensive park design. She said that

1 evening she hoped to get general feedback and points for direction from the Planning  
2 Commission. She also gave some background and emphasized Heber's position as an emerging  
3 recreation destination and noted having a comprehensive park design would be conducive to  
4 achieving this goal.

5  
6 Planner Larson shared the park standards guidebook and highlighted some key features. She  
7 noted there were seven sections and appendices. She explained the introductory section  
8 established the need to have standards as well as where they applied and where they did not, and  
9 also positioned their guidelines in relation to other city's standards. She added the introductory  
10 section also included Heber's land use plan and illustrations of the planned Envision Heber  
11 districts and listed the characteristics of each district.

12  
13 Planner Larson reported that the second section listed park type standards. She read through the  
14 minimum standards and explained this was a set standard, and as such was not flexible. She  
15 explained all parks had to meet a minimum level of amenities which would be based on their  
16 size. She said this was quantified by a point system and gave a brief explanation as to how this  
17 would work. Planner Larson also acknowledged that not all land was developable, and there  
18 were some sensitive land features which would not be subject to these same standards. She then  
19 listed some standards for bathrooms, sports fields, and trails. Commissioner Ostergaard asked  
20 some clarifying questions about the point system and Planner Larson explained that there were  
21 different kinds of parks, and indicated there were different requirements for different types of  
22 parks. She reiterated the requirements were based on the square footage of the park, so larger  
23 parks needed more amenities. She explained the parks could pick which amenities to include,  
24 and each amenity corresponded to a certain amount of points so the park would need to just meet  
25 their minimum point requirement. Planner Larson commented the more the system was used, the  
26 more clear it would become.

27  
28 Planner Baron commended Planner Larson and her team, and thought this system would work  
29 well. He explained they had based their system off of what similar sized cities had done, and  
30 thought this utilized some of the best parts of those other systems. Planner Baron elaborated that  
31 this way, they knew they were going to get consistency with things such as curbing and  
32 irrigation, and then smaller design features could be the developer's prerogative. Planner Baron  
33 added they were switching to a weather tracking system for irrigation, which was waterwise as it  
34 automatically shut their irrigation water off on days when it rained. Commissioner Jordan  
35 commented this was a significant amount of work, and Chairman Gunn agreed and said it looked  
36 very professional.

37  
38 Commissioner Jordan asked if they were embracing xeriscaping in the parks whenever possible.  
39 Planner Baron discussed they had different types of park and not all of them had a lot of  
40 irrigation, so they based the xeriscaping and irrigation requirements off of the characteristics of  
41 each individual park. Planner Baron continued to say it was not always feasible to do  
42 xeriscaping, and he added some parks really called for grass fields, although all of the parks  
43 emphasized waterwise landscaping wherever possible.

1 Planner Larson continued to elaborate on the point system, and also commented that a park  
2 should match its setting. She also indicated the third section went over park design principles,  
3 and the fourth section distinguished between softscape and hardscape. She stated section five  
4 was dedicated to park furnishings, and said all of the standards were based on the overall goals of  
5 Heber City.

6  
7 Commissioner Jordan asked if the guidebook addressed accessibility issues, and Planner Larson  
8 replied there was a section specifically dedicated to accessibility requirements for the parks.

9 Planner Larson said the section went over inclusive play areas and ADA requirements.

10 Commissioner Jordan asked if they included language specific to autism, and Planner Larson  
11 replied that the language was currently very broad to incorporate all special needs, although they  
12 could specify it if the Commission wanted to do so.

13  
14 Planner Larson said lighting and fencing were both fixed standards, and both were based off of  
15 the City Code. Planner Larson then addressed signage, and acknowledged there was not a City-  
16 wide signage system in place and thought this could be a good place to start one. She shared  
17 some images of some possible entrance signs to the parks. She proposed stone signs since they  
18 already had stone entry signs throughout Heber so this would be consistent, and added they could  
19 require that all the stone come from the same quarry for consistency, or they could use a mixed  
20 material. Planner Baron said the intent was to have a consistent sign for the parks so City parks  
21 were easily recognizable. Planner Baron said the question was if they wanted to keep the stone  
22 to be consistent with the rest of the City, or switch to mixed materials to make it clear that this  
23 was a public park. Planner Baron noted that the Trees and Trails Committee recommended that  
24 they go with the stone signs. Commissioner Jordan wanted to see more variety with signs, and  
25 wanted to move beyond the same stone material they had been using. Chairman Gunn thought it  
26 was sufficient to have the City logo on the sign, and agreed they did not have to use the exact  
27 same kind of sign that was elsewhere throughout Heber City.

28  
29 Planner Larson went over recreational and play amenities, which she noted was flexible. She  
30 highlighted the section which overviewed ADA requirements and specified that these  
31 requirements were fixed. She said parks were not required to be inclusive, although all had to  
32 meet the baseline ADA standards. Planner Larson clarified that all inclusive parks were ADA,  
33 although not all parks were inclusive. Commissioner Jordan made some comments about  
34 autism, and commented how all arenas and large event centers were adding areas that were  
35 sensitive to sensory issues and people with autism.

36  
37 Planner Larson summarized her presentation and commented they could include a table of  
38 contents or anything else the Commissioners wished to see. Planner Larson explained that the  
39 point system was based off of the Eagle Mountain City Code, and the park types were pulled  
40 from the Heber City Code. She discussed how each park was assigned a number of points based  
41 on their type and size, and then they needed to include a certain number of amenities which also  
42 corresponded to a number of points in order to reach their minimum required points. Planner  
43 Larson said she had run some tests and each time it had been pretty easy to reach the required  
44 number of points. The Commissioners commended her on her work. Commissioner Jordan  
45 noted the restroom requirement was the most expensive on the system, although Chairman Gunn

1 pointed out restrooms were the most expensive amenity to build and maintain. Planner Baron  
2 noted the restrooms were usually locked in the winter.  
3

4 **5. Administrative Item:**

5 I. City Council Communication Item (Planner Baron)  
6

7 Planner Baron went over the most recent City Council meeting, and said they had discussed fleet  
8 issues in their consent agenda. He reported a Mayor’s Award had been given out for those who  
9 had helped with the City Police Chief interview process, and a conditional authorization had  
10 been given to hire the new police chief. Planner Baron explained the police chief was from out  
11 of state, so the hire was conditional only because he needed to transfer in from out of state. He  
12 stated there had also been a discussion from the Historical Preservation Committee. He reported  
13 the Hicken fieldhouse MDA had been approved with the conditions set forth by the Planning  
14 Commission. Planner Baron also explained the Memorandum of Understanding between the  
15 County, the City, and the Church of Latter Day Saints had been approved, and this clarified who  
16 would do what within the right of way. Planner Baron announced Envision Heber had been  
17 adopted into the General Plan, so the next thing they would work on was determining what were  
18 the key code updates that they wanted to address. Chairman Gunn said it sounded like the  
19 Council had accepted the Planning Commission’s suggestions.  
20

21 **6. Adjournment:**  
22  
23  
24

25 Meshelle Kijanen  
26 Planning Department Administrator  
27  
28

1 Heber City Corporation  
2 75 North Main Street  
3 Heber City, Utah  
4 **PLANNING COMMISSION MEETING**  
5 Tuesday, September 26th, 2023  
6 6:00 pm.  
7 **REGULAR MEETING**  
8  
9

10 **1. Regular Meeting:**

11 I. Call to Order – Chairman Gunn called the meeting to order at 6:04 PM and welcomed  
12 everyone present.  
13

14 II. Roll Call

15 **Present: Planning Commission**  
16 Chairman Dennis Gunn  
17 Vice-Chairman Dave Richards  
18 Commissioner Phil Jordan  
19 Commissioner Josh Knight  
20 Commissioner Sid Ostergaard  
21 Commissioner Phil Jordan  
22

23 **Absent: Planning Commission**  
24 Commissioner Darek Slagowski  
25 Commissioner Robert Wilson  
26 Commissioner Oscar Covarrubias  
27

28  
29 **Staff:** Planning Manager Jamie Baron  
30 Planner Jacob Roberts  
31 Planning Office Admin Meshelle Kijanen  
32 Consultant Landmark Design, Inc  
33

34  
35 **Public:** N/A

36 **Online:** Planner Aubrey Larson  
37

38 III. Pledge of Allegiance: Commissioner Sid Ostergaard  
39

40 IV. Recuse for Conflict of Interest N/A  
41

42 **2. Consent Agenda:**

43 I. Minutes: Commissioner Knight moved to approve the Consent Agenda. Commissioner  
44 Ostergaard seconded and the motion passed.

45 II. Minutes: Commissioner Knight moved to approve the minutes from August 23, 2023.  
46 Commissioner Ostergaard seconded and the motion passed.  
47

1 **3. Action Items:**

2 I. Public Hearing for proposed Heber City Park Design Standards (Jamie Baron, Planner,  
3 and Aubrey Larson, Planner)

4  
5 Planner Larson went over the current draft of the Heber City Park Design Standards. She gave  
6 some history on the project, and recalled there had been a kickoff meeting in March of that year,  
7 she had presented to the City Council in April, and then she had given a presentation to the  
8 Parks, Trails, and Open Space Committee meeting in August. She reminded the Planning  
9 Commission that she had presented the proposed guidebook at their previous meeting, and  
10 explained her goal that evening was to hold a public hearing. She presented the overall goal of  
11 the park standards manual as the establishment of a coordinated and comprehensive park design  
12 and development framework for existing and future parks, and identified there were three  
13 components of the overall project, although specified she would focus that evening on the park  
14 standards manual draft.

15  
16 Planner Larson opened the park standards manual document, and indicated there were seven  
17 sections to it and briefly overviewed them. She said the introduction established the need for  
18 consistent standards and identified the park's standard's guiding principles. She stated the first  
19 section then delineated between fixed and non-fixed, or flexible standards, and explained the  
20 fixed standards would include things that were required in all parks, regardless of type or size.  
21 She elaborated things such as architectural features, special amenities, and historic or cultural  
22 features were examples of things that were flexible standards. She reported that the next part of  
23 the document discussed the Heber City image, and delved into the concept that parks should  
24 reflect the key characteristics of the specific district of the City that they were located in.  
25 Planner Larson also shared some maps which went over the Envision Heber plan as well as the  
26 land use map.

27  
28 Planner Larson next discussed how section two went over the park type standards and level of  
29 service standards. She shared some of Heber City's main goals in regards to parks, and indicated  
30 what the minimum standards were for every park. She clarified this did not mean all parks  
31 should look the same; simply that they should all include certain features while retaining their  
32 own unique look and feel. She explained they had adapted a point system from Eagle Mountain  
33 in order to ensure all Heber City Parks met their standards.

34  
35 Planner Baron explained the point system in greater detail. He first discussed Mill Road Estates  
36 Park, which was 1.27 acres and so according to the point system, they would require 127 points  
37 from that park in order to meet their minimum standards. He explained the park did earn some  
38 points for the trees in the park, although they only had one amenity, a small playground. Planner  
39 Baron discussed the park was small, and would need some investment in order to meet their  
40 point requirement. He then looked at Eagle Park, which was 1.45 acres and featured a retention  
41 pond. He noted Eagle Park did have a sports field, although was not as large as was required, so  
42 they had only received some points for it. Planner Baron added it also had several trees,  
43 benches, and picnic tables, so it had close to enough amenities to meet their point requirement of  
44 145. He elaborated they would require a couple more benches and possibly trash cans in order to  
45 fully meet the standard. He compared how many more amenities were at Eagle Park compared  
46 to Mill Road Estates Park, even though Eagle Park was older, and added City Staff was still  
47 doing research of all the parks in the City.

1  
2 Chairman Gunn expressed he liked the point system; he thought it allowed for flexibility while  
3 still maintaining minimum standards for parks. Vice Chairman Richards asked if phasing was  
4 allowed, and pointed out Eagle Park had been able to develop and add amenities over time.  
5 Planner Baron explained the standards were the minimum needed in order to approve a park, and  
6 clarified the point requirement would need to be met at the time a park was dedicated.  
7

8 Planner Larson continued, and noted they would keep refining the point system as they moved  
9 forward. She then overviewed the various park types, and noted there were different minimum  
10 amenities based on type and size. She indicated there was a table in the manual that explained  
11 which features and amenities would need to be included for a given type of park. She also noted  
12 the manual differentiated between softscape and hardscape, as well as listed the standards for  
13 park furnishings. Planner Larson noted lighting was a fixed standard, as was fencing, and  
14 showed the standards and specifications for fences. She highlighted the section on signs and  
15 discussed they were still looking for direction on signage, which would ultimately be a fixed  
16 standard, and said they still needed to determine what kind of style the signs should be and what  
17 kind of materials should be used. Planner Larson also went over ADA requirements, and  
18 clarified all parks would be ADA accessible, and inclusive to the greatest degree possible. She  
19 went over infrastructure and irrigation, and noted irrigation was a fixed standard, while green  
20 infrastructure was flexible.  
21

22 Planning Administrator Kijanen explained the rules for public comments. Chairman Gunn  
23 opened the floor for public comments and invited the public to give feedback. There were no  
24 comments and so Chairman Gunn closed the public hearing.  
25

26 Commissioner Ostergaard referenced the Landscape Standard specifications and asked how the  
27 caliper of a tree was defined. He specifically indicated section 3.5, which stated it should be  
28 measured 12 inches above grade, although he thought the standard was four feet above grade.  
29 Planner Baron replied he was unsure of what the standard was, and Planner Larson said she  
30 would consult with an expert to find out what the correct standard was. Commissioner  
31 Ostergaard commented that overall, he loved this standard as he felt it was important to protect  
32 their trees from development.  
33

34 Vice Chairman Richards moved to forward a positive recommendation of the Heber City Park  
35 Design Standards to the City Council with the three findings as outlined, as well as clarification  
36 about Commissioner Ostergaard's question about tree caliper measurement. Commissioner  
37 Knight seconded and the motion passed unanimously.  
38

#### 39 **4. Work Meeting: N/A**

40  
41

#### 42 **5. Administrative Item:**

##### 43 I. Planning Commission Training

44

45 Planner Baron explained some of the things the Planning Commission had already completed,  
46 including the Legislative update and the [Open and Public Meetings training](#), counted towards  
47 their required hours towards training. He stated the Planning Commission could select some pre-

1 recorded videos created by the Land Use Academy of Utah for them to watch together, which  
2 would count towards their training requirement, and listed some options. He clarified they  
3 needed to reach four hours in total, so the plan was to do about half an hour that evening.

4  
5 The links to all the videos referenced below can be found [here](#).  
6 Commissioner Knight requested to watch “Top 10 Things Every Planning Commissioner Needs  
7 to Know,” and the Commission watched it together. Chairman Gunn commented that he liked  
8 that video since all the presenters had previously served on a Planning Commission and as such,  
9 knew exactly what the experience was like.

10  
11 The Commissioners next watched “Definitions: Land Use Authority,” after which Planner  
12 Baron clarified that there had been a significant change at the State Legislature in the past year,  
13 and in fact the legislative body, which in the case of Heber City was the City Council, could not  
14 be the land use authority for anything that was administrative. He said it used to be the case that  
15 if no one was appointed for an administrative issue, jurisdiction reverted to the legislative body,  
16 although this was no longer the case. Planner Baron elaborated that the Planning Commission  
17 would be the land use authority for preliminary plats and site plans, and were a recommending  
18 body for all legislative matters that pertained to planning and land use. He added that City Staff  
19 was the legislative authority for things such as final plats, plat amendments, and other similar  
20 small items.

21  
22 The Planning Commission next watched “200+ Years of Sage Advice from Utah’s outgoing  
23 Municipal Leaders” as a body, which featured commentary from several people who had  
24 previously served on a Planning Commission or City Council. The Commissioners then watched  
25 “What Hat Do You Wear? How To Make Informed Decisions on Land Use Issues.” Prior to the  
26 video, Planner Baron commented that he imagined this explained what the role of the Planning  
27 Commission was; if they were a legislative or administrative arm of the City. After the video,  
28 Planner Baron explained that although the Planning Commission was not a legislative authority,  
29 they did legislative work whenever there was a public hearing or they made a recommendation  
30 on legislative items for approval. He stated everything else that they did was administrative.  
31 Planner Baron summarized that the Planning Commission did help to make laws, even if they  
32 were not the final authority. Chairman Gunn commented the video had been helpful in laying  
33 out the different levels of government. Planner Baron agreed and noted it was difficult to  
34 “juggle different hats,” in regards to having both administrative and legislative tasks, so it was  
35 helpful to have the separation.

36  
37 Planner Baron discussed the Ethics Code that all planners had to read in order to become AICP  
38 certified, and clarified it was distinct from the Ethics Code the Planning Commissioners had to  
39 read in order to become a Commissioner. Planner Baron noted this code was fairly exhaustive,  
40 and more involved than the Commissioners needed for their purposes.

41  
42 This is the link to the [revised November 2021 American Institute of Certified Planners \(AICP\)  
43 Code of Ethics and Professional Conduct](#).

44  
45 Planner Baron attempted to go through the City bylaws, although experienced technical  
46 difficulties and was unable to do so. Instead, Planner Baron spoke briefly about Envion Heber.

1 He reported Envision Heber had been adopted by the City Council, so they were ready to move  
2 onto Phase III, which was the prioritization of strategic Code amendments. He invited the  
3 Planning Commission to attend the upcoming City Council work meeting on October third, in  
4 which the Councilmembers would discuss Phase III. Planner Baron said after that, they aimed to  
5 hold some open houses.

6  
7 Commissioner Ostergaard asked if there were any updates for the planned modifications to the  
8 Ideal Theater. Planner Baron said the applicant had ultimately decided not to purchase the  
9 property, and it was now under contract with another person who had different plans for the  
10 theater. Planner Baron expressed he was under the impression the new owner intended to keep it  
11 a theater, and so would likely not need to come before the Planning Commission unless there  
12 was a significant change of use. He added they also might need to come before the Planning  
13 Commission if there was any issue with parking, since it was downtown and there was limited  
14 parking.

15  
16 The Commissioners spoke about another project which had not seen any recent developments,  
17 and Commissioner Ostergaard suggested that since interest rates were currently so high it might  
18 be difficult for many projects to be completed. Commissioner Knight commented that since  
19 election year was next year, many people were in a holding pattern with the expectation that  
20 interest rates would decrease next year.

21  
22 Planning Administrator Kijanen shared a short training video of Civic Clerk, a meeting  
23 management software which the City had recently begun to use. With that video, the Planning  
24 Commission reached an hour of training and decided to adjourn for the evening.

25  
26 Commissioner Jordan motioned to adjourn and Commissioner Knight seconded. The motion  
27 was approved unanimously.

28  
29 **6. Adjournment**

30  
31  
32  
33 Meshelle Kijanen  
34 Planning Department Administrator  
35  
36  
37