

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Planning Commission Meeting**

**July 8, 2025**

**6:00 p.m. – Regular Meeting**

-Time and Order of Items are approximate and may be changed as Time Permits-

Public notice is hereby given that the monthly meeting of the Heber City Planning Commission will be in the Heber City Office Building, 75 North Main, South door, in the Council Chambers upstairs.

**1. Regular Meeting:**

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance: By Invitation
- IV. Prayer/Thought by Invitation ()
- V. Recuse for Conflict of Interest

**2. Consent Agenda:**

- I. Approval of 04.08.2025 and 04.22.2025 and 06.10.2025 PC Minutes Drafts

**3. Action Items:**

**4. Work Meeting:**

- I. Airport Setback and Airport Zone Discussion (Jamie Baron)

**5. Administrative Items:**

- I. City Council Communication Item

**6. Adjournment:**

Ordinance 2006-05 allows Commission Members to participate in meetings via telecommunications media. In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Meshelle Kijanen at the Heber City Offices at 435.657.7898 at least eight hours prior to the meeting.

Posted on 07.02.2025, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at [www.heberut.gov](http://www.heberut.gov), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting**  
**April 8, 2025**

**DRAFT Minutes**

**6:00 p.m. – Regular Meeting**

**1. Regular Meeting:**

I. Call to Order

Chairman Phil Jordan called the Planning Commission Meeting to order at 6:05 PM and welcomed everyone present.

II. Roll Call

**Planning Commission Present:**

Chairman Phil Jordan  
Vice-Chair Tori Broughton  
Commissioner Dennis Gunn  
Commissioner Josh Knight  
Commissioner Robert Wilson  
Commissioner Greg Royall  
Commissioner Robert McKinley  
Commissioner Darek Slagowski- *Present but non voting*

**Planning Commission Absent:**

Commissioner Dave Richards

**Staff Present:**

Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
Planning Office Admin Meshelle Kijanen  
City Engineer Ross Hansen

**Staff Participating Remotely:**

Public Works Manager Mathew Kennard  
Wasatch County Fire Clint Neerings

**Also Present:**

Kent Shelton, Larson Quick, DeAnna Lloyd, Yvonne Barney, Ron Carlise

**Also Attending Remotely:**

Marly Butterfield, Paul, Rebecca McAlister, Rock Schutjer, Jamie Hewlett

III. Pledge of Allegiance: By Invitation

Commissioner Dennis Gunn led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation: N/A

V. Recuse for Conflict of Interest: N/A

## **2. Consent Agenda:**

I. Planning Commission Minutes for Approval: 02.11.2025, 02.25.2025, 03.11.2025

**Motion:** Commissioner Knight moved to approve the items on the Consent Agenda. Board Member Broughton made the second.

**Discussion:** N/A

**Voting Yes:** 7. **Voting No:** None.

The Motion Passed 7-0.

## **3. Action Items:**

I. Public Hearing for a Text Amendment to Chapter 18.110 Telecommunications (Jamie Baron)

Planner Baron explained the purpose of the public hearing that evening was to consider the modification of the height of a cell tower. He explained that the applicant was concerned the height maximum of 35 feet was not sufficient to provide the coverage needed for the area. He read the policy questions, which were: should the height of cell towers should be increased in non-residential areas, should cell towers be restricted to the downtown area, and should the City support the use of stealth poles. Planner Baron provided a summary of the City Council's comments on the item as well as an overview of nearby city's policies about cell towers. He noted that generally, the cell towers in other cities were 60 feet and above.

Planner Baron read the applicant's proposal, which was to change some of the language in the Code and increase the cell tower height to 120 feet and permit them across the City. Planner Baron said the City Staff had made a counter-proposal to increase the height only in non-residential areas, based off of comments in the work session. He then summarized the changes that the City Staff had made to the Code, which were: the addition of 'lattice' or 'guy' towers, an updated definition of monopoles, and the creation of a spreadsheet that showed the uses. He noted that there were only minor changes to the uses and highlighted where the changes were in the spreadsheet.

Planner Baron discussed colocation next. He stated that each new monopole must be able to support three wireless telecommunication providers and said each provider needed 15 feet of height on the tower. He noted that the applicants wanted heights of above 100 feet, though a maximum height of 100 feet was amenable to them. Planner Baron also said the applicant had proposed that the distance between monopoles be changed to one mile, and he noted this distance meant there could be less poles overall in the City, although the poles would have to be taller than 35 feet. Planner Baron

commented the applicant planned to share a presentation about stealth poles.

Planner Baron outlined the process going forward and explained the noticing protocols that the City Staff had followed in notifying the affected members of the public about this issue and the public hearing.

Chairman Jordan asked Planner Baron about the height requirements in residential areas of other cities. Planner Baron replied that it varied, and said Midway had an conditional use between 40 to 60 feet, Wasatch County had a conditional use of 60 to 100 feet, and Saratoga allowed up to 100 feet, depending on the size of the property.

The applicants, APC Towers Project Manager Brandon Whitard and Vice President of Site Development Aaron Garcia shared their presentation online. Mr. Whitard shared an image of a tower that APC Towers had built in West Jordan and said they hoped to build a similar tower in Heber City. Mr. Whitard outlined APC Tower's proposal and explained the goal was to create better cell coverage in the City and allow other providers to colocate. Mr. Whitard said 120 feet was the height preferred by major wireless providers, and he listed the advantages of taller height on cell towers. Mr. Whitard showed a map which indicated the proposed site of the tower and showed how the tower would improve the the coverage that T-Mobile could provide in Heber City. Mr. Whitard elaborated on the problems that came from poor coverage.

Mr. Whitard explained the non-stealth telecom facilities were better was because stealth options actually drew more attention and required more maintenance. He shared a map that showed the area they wanted to build the tower, located off of Highway 40 as well as images of both a 100-foot and 120-foot monopole.

Mr. Garcia said he and Mr. Whitard were the main applicants for the text amendment and stated they planned to build the tower for T-Mobile. Mr. Garcia emphasized that he wanted the Commission to understand the difference between the various height options. He opined it was not a significant difference between 80 and 100 feet and between 100 and 120 feet when viewed from the road. Mr. Garcia also discussed that leaving the towers unpainted actually allowed them to blend in to the landscape better, since painting the towers drew attention to them. He said APC Towers had spent a long time trying to figure out the ideal location for the cell tower and expressed that this was a perfect location, but the tower needed to be taller than 35 feet in order to be useful. He also noted that T-Mobile would be the main anchor on the top of the tower, but there would be an additional two tennants on the tower as well.

Chairman Jordan asked about the difference in coverage in the different zones. Mr. Garcia went through the coverage map in greater detail and indicated that the green zones were the areas with the best coverage as they had in-building commercial coverage, the yellow zone represented areas with in-home residential coverage, and the orange and blue zones represented areas that only offered outdoor coverage. Mr. Garcia said that the higher the pole was, the more parts of the City would fall within the green zone.

Planner Baron affirmed that the existing cell tower that the Planning Commission was currently reviewing would not be affected by the text amendment since it was in a residential area. Planner Baron said there were setbacks requirements in the text amendment that ensured cell towers were not placed too close to a residential area.

Commissioner Broughton asked if the text amendment could be applied to existing poles in Heber's commercial zone, or if the text amendment only impacted future developments. Planner Baron replied that if the pole was non-conforming the changes could apply, but if the pole was a non-permitted use in the area then the text amendment would not apply.

Chairman Jordan asked if there were any changes to the rules about access to the poles in commercial zones, and Planner Baron replied that was a separate issue because the landowner was the entity who granted access, not the City.

Chairman Jordan opened the floor for the public hearing. Planning Office Admin Kijanen read the rules for public comments.

Deanna Lloyd spoke on behalf of John W. Lloyd Construction and said the company had several towers. She asked how the existing towers that they had would be impacted. Planner Baron clarified that the company's towers were located in an Industrial zone, so they would not be impacted. Planner Baron said the spacing in between the poles would be the only element that was in non-compliance, but because the towers already existed they would just be considered non-conforming.

Vickie Darbow expressed that she was concerned about the health impacts of the poles. She said she was a resident of Heber City and had chosen the area specifically because of the low radiation levels in the area. She stated she was a health professional and had seen increased cases of chronic illnesses in the last five years, which was the amount of time that 5G towers had been in the area. Ms. Darbow emphasized that there was limited research about the health affects of 5G infrastructure. She also noted that there were many countries around the world that were banning, delaying, or restricting the rollout of 5G over health concerns. She felt that the United States should do the same and conduct more research about 5G before moving forward with installation.

Jami Hewlett opposed the installation of cell towers in Heber City as she felt it threatened the character, value, and integrity of the City. She opined that the towers dominated skylines and detracted from the aesthetic value of the City. Ms. Hewlett elaborated that people came to Heber City for an escape to nature and small town charm, not comprehensive cell coverage. She also stated that cell towers negatively impacted property values. She emphasized that they needed to protect the character of Heber City and oppose the cell towers.

Kent Shelton said the cell tower that was being discussed was located on his family's property. He said that his family had allowed Heber City to extend a water line through their property and reported the water line served a school and some residences, some of which were not even located within Heber. He said his family had allowed the water line in good will since they understood the water line was needed for development and growth, and said the cell tower served the same purpose. Mr. Shelton said the cell tower was part of the process of growth in the valley.

Ms. Hewlett spoke to Mr. Shelton's comment and said the text amendment was not just focused on one cell tower, but the height limits for all towers in the future. Planner Baron explained that the applicant wanted a text amendment rather than a development agreement, which would only impact one cell tower. Planner Baron clarified that the Heber City Planning Commission DRAFT Minutes

height increase proposal only impacted towers in non-residential areas and he listed the zones that would be impacted by the change. Chairman Gunn asked if the text amendment only applied to monopoles and Planner Baron replied that the amendment applied to all poles, but said the amendment had prohibited all uses other than monopoles or stealth poles.

Chairman Jordan closed the public hearing. Chairman Jordan suggested that the Commission defer their vote and decision until the next meeting and asked if there were any questions.

Commissioner Gunn asked if the text amendment allowed for the poles that looked like fake trees. Planner Baron said that was up for consideration and said that the applicant had requested that the fake trees be taken out of the Code. Commissioner Gunn thought they should get rid of fake trees and opined they did not look aesthetically pleasing. Commissioner Gunn said the fake trees were a waste of money and time and did not blend in with the landscape.

Commissioner McKinley expressed concern about the way the ordinance was crafted in that a public hearing was not required to install a new tower. He said he wanted to see notice sent out in order to solicit public feedback, or at least a setback requirement. Planner Baron replied that there was a setback requirement of 115% of the height of the pole and said if the Commission wanted to increase the setback they could do that. Commissioner McKinley said he also wanted members of the public to be noticed for towers that were installed in a commercial area adjacent to a residential area. Planner Baron explained that the City did not require noticing for anything that was an administrative approval item, and he elaborated that public hearings were held for issues that discussed policy changes. However, Planner Baron said the Commission could opt to expand their noticing for new construction even if there was not a public hearing. Commissioner McKinley thought more noticing was better than less. Planner Baron replied that the Commission could add additional noticing requirements.

Commissioner Jordan spoke about impacts in residential areas. Commissioner Jordan asked if the Commission could make the towers conditional uses in order to mitigate health and aesthetic impacts on residential areas and Planner Baron replied that the Commission could do so. Planner Baron outlined all of the options that the Commission had for their recommendation to the Council. Planner Baron reminded the Commission that 'conditional' did not necessarily mean that the Commission would have the power to approve or deny individual towers, but that applicants would have to prove that they had mitigated individual impacts.

Commissioner McKinley commented that he lived far south in Heber City and had great cell service. He said he understood why developers wanted to have the tower as they could make more money, but he did not think there was a need for greater cell coverage for residents.

Commissioner Knight acknowledged concerns over the radiation levels coming from cell towers and said there was minimal research about them. Commissioner Knight was worried that Heber had two proposals for cell towers and said he wanted to do more research about the towers before they moved forward. He noted that the Commission



had received pushback from the public about the towers and expressed the opinion that they should move cautiously.

Commissioner Broughton brought up the zone map and asked about height requirements. Planner Baron went through the zoning map and indicated the areas in which taller towers would be permitted if the text amendment was approved. Planner Baron also noted the locations of cell towers that were already in Heber City. Planner Baron said there was only one agricultural zone in the City that had a cell tower. He also noted towers were not permitted in the C-3 zone. Commissioner Broughton asked if towers were permitted on government property and Planner Baron replied towers were conditional uses on government property. Commissioner Broughton asked how many towers were currently within City limits and Planner Baron confirmed there were four and listed their locations.

Commissioner Royall asked the applicants for clarification about the 15-foot spacing between each carrier, and Mr. Whitard discussed that a carrier located 90 feet or below on the tower would be able to provide some coverage, but it would not be as good as the coverage offered by providers located at 120 feet on the tower. Commissioner Royall commented that the need to be at the top of the tower would result in the need for more towers. Mr. Whitard replied that was the reason they had required at least a mile in between towers.

Chairman Jordan asked if the 5G technology was replacing 4G. Mr. Whitard replied that 5G was layered on top of the existing 4G infrastructure. Chairman Jordan asked about the benefits of retrofitting existing poles with 5G. Mr. Whitard replied that 5G allowed for greater bandwidth and download speeds and noted that nearly all of his customers had switched over to 5G. Chairman Jordan asked if taller poles were required if the technology changed and Mr. Whitard replied that the design of the poles was based on 5G. Planner Baron elaborated and commented that cellular data could be like a traffic jam in that connections could get slowed down in areas where many people tried to pull data. Planner Baron reminded the Commission that the question at hand for the evening was if they supported the modifications to the poles.

Commissioner Gunn thought it was not the Commission's place to determine how a business operated and noted that if there was no money in cell towers, the applicant would not be petitioning to increase the height of the towers. Commissioner Gunn expressed that their job was to set the standards about how the towers should be set up.

Chairman Jordan summarized that one of the main concerns was about the health risk posed by radiation and asked if there were any studies available to help guide their decision. Planner Baron replied that his understanding was that there was one study regarding health and cell towers, but the FCC had stated the study could not be used as leverage for either approving or denying a permit. Planner Baron said the main thing the City could consider was the location of the poles rather than the number of poles or their height. Planner Baron said that health considerations were beyond the Commission's expertise and Chairman Jordan agreed with that point, though he commented that there were some resources available to the Commission that they

could use to get more information. Planner Baron said he could access some data from the State and other sources for the Commission to review. Planner Baron said that based on federal and State-level legislation, the City could not prohibit a cellular company from installing a small wireless facility as long as it met the design requirements of the City.

Commissioner Gunn commented that the risk of cell towers was unknown and said if it was a known fact that cell towers caused harm, the construction of the towers would have stopped years ago. Commissioner Gunn commented that COVID had stopped the world in its tracks years ago and opined that if cell towers posed the same level of risk, tower development would have stopped as well. He felt since there was no solid evidence about the health risk, concerns about health should not be a determining factor in the Commission's decision.

Commissioner Broughton if the City could face any liability if a resident was unable to access emergency services. Planner Baron replied he was not sure of the details, but he knew that the FCC had required all facilities to have a generator backup in light of the California wildfires last year. Planner Baron said he had seen many applications for generator backups in Heber over the last year, but said he was not sure of the City's liability in regard to that requirement. Commissioner Royall said that cell phone companies gave priority to first responders during an emergency so he did not think there would be liability to the City. Commissioner Royall said that phones usually could connect to 911 even without a cell plan. Commissioner Broughton asked if there was liability if the City did not provide cell service and Chairman Jordan said there was no legislation that required the City to offer cell coverage.

Chairman Jordan said he did not want to vote on this issue that evening. Commissioner Gunn asked about obtaining more information about the health risk before they made a decision. Chairman Jordan reminded all in attendance that the Commission was just a recommending body and did not make the final decision.

Planner Baron said a motion would be helpful in order to give the Staff direction about the text amendment and asked if there were major concerns besides the health risk.

Chairman Jordan said he wanted to know how the height and setback requirements in the existing ordinance had been determined. Planner Baron replied that the setback distance was 115% of the height of the pole and said that had been determined to avoid any possible damage to residential areas if the tower was to fall. Commissioner Broughton thought it might be better to make all the setbacks 120 feet regardless of the height of the pole. Planner Baron said a 120-foot setback might not always be reasonable but said the Commission could opt to increase the percentage to 150% or 200%.

Commissioner Gunn thought approving the 120-foot height was the best option, since if the towers were shorter than that there would need to be more of them. He pointed out if the height was increased to 120 feet the Commission would not have to reevaluate the towers in a couple years.



Planner Baron asked the Commission what they wanted the setback rule to be. Chairman Jordan asked the applicant how much setback requirements constrained their work and Mr. Whitard replied that 115% was a standard rule and was workable for them. Commissioner Knight thought 115% was reasonable and said they should certainly not go any smaller than that. Chairman Jordan acknowledged Commissioner McKinley's previous comments about the setback, but also agreed that 115% seemed appropriate.

Planner Baron said if the Commission was on board with the text amendment, there was limited value in continuing the item. Chairman Jordan said he wanted to respect the public's comments and give ample time for the Commission to consider their feedback. Chairman Jordan said the Commission would bring Planner Baron their questions at the next meeting.

## II. Central Heber Overlay Zone (CHOZ) and Use Options for Historic Buildings. (Tony Kohler and John Janson)

Chairman Jordan prefaced the conversation by stating that he had sent the Commission information about the issue of separating the boundaries of the zone from the building types themselves. He asked Community Development Director Kohler if they could split the two items into different votes and Community Development Director Kohler replied they could do so, and also have a separate vote for the historic buildings. Chairman Jordan asked if they could move the historic buildings vote to another evening and Community Development Director Kohler said the Commission could opt to delay the historic buildings vote. Chairman Jordan commented that this was a significant decision and reiterated that if the Commission wanted to make a decision that evening that was fine with him, but he wanted to consider the boundaries as a separate issue.

Commissioner Wilson commented that he was fine with separating the issues into two items, but said he wanted to vote on at least one of them that evening so that the process moved forward. Commissioner Wilson asked what would happen if the Commission voted aye on one item but nay on the other. Chairman Jordan explained that he just wanted to break the items into two motions in order to make the decision making clear.

Commissioner Broughton asked if she could make a motion to approve the area that the Staff had presented for the Central Heber Overlay zone. Chairman Jordan was dissatisfied with that. Community Development Director Kohler reminded the Commission that the district was already split into two forms: the infill zone and the Midway Lane mixed-use zone. Community Development Director Kohler emphasized that they were not creating a new zone, just splitting an existing zone into several parts.

Commissioner Gunn asked City Engineer Hansen if he had received the letter of opinion from the Fire District. City Engineer Hansen replied though it was unintelligible due to his distance from the microphone. [01:52:13] Commissioner Gunn reported that the Fire Department had requested that the Code be amended to give them the ability to manage fires inside tight areas, and he said he wanted to attach that request to the entire zone. Commissioner Gunn clarified that the letter had been sent to the Engineering Department, not the Commission. Commissioner Gunn expressed the importance of giving the Fire Department the tools they needed to keep the community safe.

**Commissioner Broughton made a motion to accept the Central Heber Overlay Zone map as suggested by Staff. Commissioner Wilson made the second.**

**Discussion:** Commissioner Broughton thought that Commissioner Gunn's suggesting about attaching the Fire District's request made more sense to include in the second motion. Chairman Jordan affirmed that building types would be voted on in a separate motion.

Commissioner Wilson asked for clarification that they were just approving the geographic overlay and not the specific building types and parking requirements within the zone. Chairman Jordan confirmed that was correct. Community Development Director Kohler noted that if the Commission failed to act on the second vote, this vote was effectively useless. City Engineer Hansen clarified that this first motion was contingent on the second motion.

Chairman Jordan asked if there were any concerns about the boundaries presented by the Staff. There were none.

**Chairman Jordan withdrew his request for two separate motions and said they would move forward with one motion.**

Chairman Jordan asked if the Planning Commission had received anything from the Fire District. Commissioner Broughton replied they had not, but recalled that the Commission had requested to hear from the Fire District at a previous meeting. Chairman Jordan called the Fire District to the podium to speak about any concerns they had.

Eric Hales introduced himself as the Fire Chief of the Wasatch Fire District and stated that he and his staff were in full support of the process and overlay zone. He said his main concerns were that the residences were addressed appropriately as well as ensuring that the firefighters had access and a water supply. He discussed that he was in favor of residents utilizing their properties in new ways, but emphasized it was important that firefighters still had ample access to the structures in case of emergencies. He apologized for not having sent the letter to the Commission and said the main points outlined in the letter were the points he had just discussed.

Commissioner Royall asked how much room a fire engine needed in order to access a flag lot. Chief Hales explained how the Fire District determined the amount of access needed for a single family home and said generally, a 20-foot access was needed. Chief Hales acknowledged that 20 feet could not always be accommodated on smaller lots and said the goal was to get as close to 20 feet as possible. Chief Hales said if the lot was substantially smaller, they could think about options like turnarounds. Chief Hales also noted that in some cases, just an ambulance could be sufficient rather than a full size fire truck. Commissioner Royall also asked about the current height of the truck and ladder. Chief Hales replied that their largest ladder could extend to 170 feet and said they would likely not get anything taller as it was impractical. Chief Hales commented that Midway had a 175-foot ladder truck in use.

Planner Janson reported that the Staff had met with the Fire District during the planning process and said Staff had attempted to accommodate the issues that the Fire District had raised. Chief Hales reiterated that he was in support of the plan. Chairman Jordan said it was good to know that the Fire District's concerns were being taken seriously.

Community Development Director Kohler said he and Planner Janson could go through the draft so the Commission could ask questions and offer their comments. Community Development Director Kohler provided an overview of the process thus far and stated that the copy of the plan posted on the website was current.

Planner Janson discussed the changes that had been made since the last presentation. He noted that he had incorporated the input from the public as well as the input that the Commissioners had given him. He said they had clarified a discrepancy between the posters and the draft about the number of attached units in a townhome and decided that five attached units was the maximum, which was less than what the original draft had proposed. Chairman Jordan noted that spacing out the townhome units would help solve parking issues. Planner Janson said they had addressed parking in a separate section.

Planner Janson said they had taken out duplexes and twin homes from the plan based on the negative feedback that the public had provided about them. Commissioner Broughton opined that she wanted to keep duplexes. Planner Janson discussed that the public felt duplexes were problematic because of absentee landlords, though he acknowledged that they did help with affordability. Commissioner Broughton said that their Code did not allow for any multi-family housing in their downtown area, and she thought that duplexes and twin homes should be allowed, assuming that they had the correct design criteria. Commissioner Broughton expressed that duplexes allowed for affordability in the downtown area. Commissioner Knight said duplexes only worked if there were deed restrictions, and noted that the City Council did not support that. Planner Janson added that duplexes were allowed in the transition corridor.

Planner Janson discussed garages and noted that Staff and the Commission had differing opinions: Staff thought garages should be separated, but the Commissioners had argued that attached garages were better.

Planner Janson said that daycares in the residential area had solicited negative feedback from the public, so they had prohibited commercial daycares as a use in the central neighborhood district. He said they were still permitted in the transition corridor.

Planner Janson said they had also removed double deep flag lots due to negative public feedback. Chairman Jordan thought that might cause issues for the fire department, however, Chief Hales said he had no issues with that. Commissioner Broughton disagreed with dropping the double flag lots as it was property rights infringement. Commissioner Broughton noted that double flag lots affected a small number of people and said banning them put undue pressure on those homeowners.

Chairman Jordan asked the Commissioners to not bounce around on topics so they could get through the draft more effectively.

Planner Janson continued to discuss the draft. He said they had limited the number of attached residential units to five units. Planner Janson shared a chart that showed all of the housing types and continued to list permitted and non-permitted types. He discussed that subordinate dwelling units were permitted in the central neighborhood district, but they had to be owner-occupied. Planner Janson noted that subordinate dwelling units facilitated affordable housing, unlike flag lots which typically had more expensive properties.

Planner Janson highlighted that townhouse complexes and mansion-style apartments

had been changed to non-permitted in the central neighborhood district and were conditional in the transition corridor.

Commissioner Slagowski agreed with Commissioner Broughton's comments about flag lots. He noted that double deep lots could be more affordable. He said as long as there was access for the fire department, there was no reason to limit the number of buildings that could go on the lot. Commissioner Slagowski emphasized that their goal was affordability. Commissioner Broughton explained that since the lots were smaller, the buildings had to be smaller as well and thus were more affordable. Planner Janson said that the depth varied, but he knew of double flag lots in Mill Creek that were around 250 feet deep.

Commissioner Slagowski agreed with Commissioner Broughton's comments about duplexes as well. He asked why they would permit a fiveplex but not a duplex, and said although a fiveplex might be more cost-effective to build, the developers generally did not pass those savings onto the buyer or renter. Commissioner Slagowski acknowledged there was a stigma about duplexes, but said the same stigma applied to fiveplexes. Commissioner Broughton said there were many nice duplexes and said as long as they adhered to the design criteria, she thought duplexes were a good option for affordable housing.

Community Development Director Kohler made a comment about fire safety in duplexes and fiveplexes and noted that if a duplex caught fire, it would likely result in the entire structure burning down. He said that duplexes did have a firewall, however. From the audience, Councilmember Barney made a comment in response but it was unclear.  
[02:27:09]

Community Development Director Kohler said if they wanted to promote home ownership, they could promote twin homes and not allow duplexes. Commissioner Broughton thought twin homes and duplexes should not be in the same category and Planner Janson explained that it was standard in city planning to consider them together. Commissioner Broughton said if they wanted to prioritize affordable housing, they needed to allow people to convert their single family homes into duplexes. Commissioner Broughton suggested that duplexes be conditional and twin homes be permitted.

Chairman Jordan asked if any of these building types required an HOA. Planner Janson noted this created more costs for the homeowner. Chairman Jordan asked if they could make any of the buildings conditional with an HOA, and opined that the HOA ensured that a level of neatness and safety be maintained. Planner Janson thought that would be fine, but he did not think an HOA made sense for a single duplex. Planner Janson said they could create bylaws or some other kind of agreement for twin homes.

Chairman Jordan asked if the Planning Commission should move forward. Community Development Director Kohler replied it depended on how many changes the Commission had and said if they had substantial changes to make, the Staff could work on the draft and bring it back at the next meeting. Community Development Director Kohler asked if there was a third vote to keep the townhomes and duplexes.

Chairman Jordan asked if another Commissioner wanted to keep townhomes. Based on the vote, Chairman Jordan announced that they would be kept. Chairman Jordan then asked for a show of hands about double flag lots and only three of seven Commissioners raised their hands, so double flag lots were dropped. Commissioner

Broughton said she was not in favor of mansion style or courtyard style buildings.

Commissioner Broughton said there were not many lots in the City that were big enough for a courtyard buildings, and she said since courtyard style buildings were controversial anyway she thought it made sense to drop them. Chairman Jordan commented he had seen courtyard buildings in downtown Salt Lake. Chairman Jordan invited Councilmember Barney to speak, and Councilmember Barney explained that she found courtyard style buildings appealing because they resembled old cottages that could be seen in parts of Los Angeles. Councilmember Barney said they were small, affordable units though she acknowledged that some people might consider courtyard buildings undesirable in their neighborhood.

Councilmember Barney also discussed pocket neighborhoods and expressed that she supported pocket neighborhoods. She explained that pocket neighborhoods had rear parking for vehicles and noted there was easy access for emergency vehicles. She said the homes had basements and were deed-restricted so that the property owner could add on additional bedrooms if they needed to. Councilmember Barney clarified that the rear parking was a covered garage, not street parking.

Planner Janson explained that courtyard buildings had been removed because of the negative public feedback. He also agreed that courtyard buildings required a large lot. Planner Janson shared some images of courtyard apartments and pocket neighborhoods to illustrate Councilmember Barney's comments. Chairman Jordan thought pocket neighborhoods added a lot of character to a neighborhood and felt there was sufficient access for emergency vehicles since the parking was in the rear. Chairman Jordan asked if other cities had limited the number of properties that could be in a pocket neighborhood and Planner Janson said he did not know of any.

Commissioner Royall asked if an HOA would be required for courtyard apartments. Community Development Director Kohler asked Planner Janson if courtyard buildings could be turned into condominiums and Planner Janson replied that they could be, although that was not included in their draft. Chairman Jordan thought there should be an HOA since there were multiple owners and common areas. Planner Janson said if they wanted to require ownership then they would have to change the language in the draft. Commissioner Broughton stated she was still opposed to courtyards. Commissioner Royall said he was opposed to anything that required an HOA.

Chairman Jordan asked if the Commission wanted to make courtyard buildings conditional. Commissioner Broughton reiterated that she did not want to have courtyard style buildings since the public was so opposed to them, and she thought courtyard buildings would bring a level of density that the public was not in favor of. Commissioner Broughton thought courtyard-style buildings were opening the door to something that would look like apartments. Commissioner Broughton thought mansion-style apartments posed the same issue.

Commissioner Knight agreed with Commissioner Broughton's concerns that the courtyard buildings would look like apartments and said the courtyard buildings went against the wishes of the public. Commissioner Knight said deed-restriction and owner-occupied requirements were better ways to create affordable housing. He said rows of courtyard buildings- even with different architectural features- would look like



row houses and said that went against the character of Heber City. He expressed that courtyard buildings created a bigger problem down the road.

Commissioner Broughton said she only felt that way about courtyards. She expressed she was okay with duplexes and twin homes since they just had two units, but she felt the courtyard buildings had too many units. Commissioner Broughton reiterated that currently, there were only a couple lots in the City that could accommodate courtyard buildings anyway and so she suggested that the Commission remove them. She thought small lots and flag lots were better options.

Chairman Jordan noted that Chief Hales left the meeting.

Chairman Jordan asked the Commission if they wanted to drop courtyard residential buildings. Six of the seven Commissioners wished to drop them. Commissioner Royall said the Commission needed to show that they were listening to the public feedback. Community Development Director Kohler said that the public feedback on courtyard buildings in the transition zone was mixed, but overall the feedback for courtyard buildings in the central neighborhood district was negative.

Planner Janson said that results on mansion-style homes had been mixed, and Staff had opted to limit them to only the transition zone. Planner Janson noted that these buildings had only one entrance facing the street, with parking on the back side of the building. Chairman Jordan asked the Commissioners about their opinion on mansion-style homes and the Commission was divided. Commissioner Slagowski was on the fence about them and Commissioner Broughton opined she would only permit mansion-style for historic buildings. Commissioner Broughton thought mansion-style buildings looked like boarding houses and thought they were too similar to apartment buildings. Planner Janson said they were conditional in the transition corridor and elaborated on what that meant. Planner Janson summarized that conditional uses were essentially permitted uses unless there was a detrimental affect that could not be mitigated at all.

Chairman Jordan asked if the Commission was in favor of subordinate dwelling units in both areas. Commissioner Broughton did not understand why the Commission allowed SDUs but not double flag lots.

Chairman Jordan invited a member of the public to speak.

Quinn Davis approached the podium and introduced himself as the Heber City Wasatch County Building Official, though he said his position did not impact his opinion on the topic of flag lots. He said his family had been in the valley for four generations. Mr. Davis contended that separation was a better system and said his property would work for a flag lot. He said he had a large family and being able to divide his property into a flag lot would help his children and grandchildren be able to stay in the area. Mr. Davis noted that the houses on the lots were smaller, although they could be taller the farther back they were located.

Commissioner Knight spoke to Mr. Davis's comments and said that buildings in flag actually were capped at lower heights since tall buildings infringed on the privacy of the neighbors. Planner Janson said there was a 20-foot setback to ensure privacy.



Commissioner Broughton reiterated that flag lots enabled affordable housing.

Zackery Butterfield, another member of the public, said that he and his wife had a vacant flag lot and had been living in his in-laws home as they waited to build on the lot. Mr. Butterfield said he had received a variance since his lot was only 19 feet wide, though it was 120 feet deep. He said he hoped to create a double flag lot so they could allow their relatives to live on the lot with them. Mr. Butterfield expressed that he did not want to develop the lot and make money off of anyone; he just wanted to be able to afford to live in Heber City.

Jami Hewlett, spoke from the online comment section and asked Commissioner Broughton why she was okay with duplexes since that meant a historic home needed to be torn down and rebuilt. Commissioner Broughton explained duplexes allowed two people to own their home and said she was not in favor of rentals, noting that rentals did not actually create affordable housing. Ms. Hewlett said duplexes could not be sold individually. Commissioner Broughton explained that there were several people in the City that wanted to convert their single-family home into a duplex in order to make it more affordable for themselves. Ms. Hewlett thought that was the same thing as a townhome and thought that a duplex could not be subdivided. Commissioner Broughton repeated that she supported duplexes. Ms. Hewlett continued to comment about duplexes and flag lots.

Commissioner Knight clarified how double flag lots would be laid out. He said he was not a fan of the layout, but acknowledged it helped with affordability. Chairman Jordan asked for a poll and all the Commissioners expressed that they were in favor of double flag lots. Planner Janson said he would adjust the text to permit them in both zones.

Chairman Jordan asked Community Development Director Kohler to summarize all the changes they had made so far in the conversation and Community Development Director Kohler began to recap the determinations made in the Commissioner's discussion. Commissioner Broughton proposed that duplexes be conditional and twin homes be permitted and the other Commissioners were in favor of that. Community Development Director Kohler said courtyards had been dropped from both the central neighborhood district and transition corridor, and Planner Janson said they were going postpone a decision about mansion-style homes. Chairman Jordan thought mansion-style homes should be not permitted, but they could reconsider them only for historic buildings.

Planner Janson went through the changes for townhouses. He offered to go through the details of each type, though he noted the lateness of the hour and said he could discuss the details at a future meeting.

Chairman Jordan directed the Staff to come back with more information and make the changes to the table as they had discussed.

City Engineer Hansen said he wanted to see Engineering's comments incorporated in the draft as well. City Engineer Hansen elaborated on Engineering's requirements and said fire safety requirements should be applicable to all building types, not just townhouses. City Engineer Hansen then stated that they had a requirement under Section L for mixed-use buildings that stated dry utility placement could occur in the public right-of-way, and explained he wanted to change the language of "could occur" to

“may occur with the approval of the City Engineer.” He also expressed that should be applicable to all building types, not just mixed-use. Planner Janson acknowledged they had discussed public utility easements in the past and noted that the language currently in that section was the same as what was in the C-3 zone. Community Development Director Kohler said a 15-foot setback from the right-of-way was required for all building types. Planner Janson said they could change the language to “may.”

Commissioner Gunn said that City Engineer Hansen's comments needed to be incorporated into the next draft that the Commission viewed, and City Engineer Hansen expressed that his main concern was ensuring that his requirements were applied to all building types.

Chairman Jordan confirmed that Planner Janson and Community Development Director Kohler had direction and ended the discussion. Commissioner Jordan asked for an otherwise light agenda on the evening that they continued the conversation.

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

#### **5. Administrative Items: These items were not discussed**

##### **I. City Council Communication Item**

##### **II. 2025 PC Training:**

The Planning Commissioners will need one hour of training from the link below to fulfill four hours for 2025.

As you complete your training please email Meshelle Kijanen with the Code or Codes where you took your training from:

Any Parts 3 through 6:

[https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a\\_1800010118000101](https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a_1800010118000101)

#### **6. Adjournment:**

**Motion:** Board Member Broughton moved to Adjournment. Commissioner Knight made the second.

**Discussion:** N/A

**Voting Yes:** Commissioner Gunn, Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Royall, Commissioner McKinley, Commissioner Broughton.

**Voting No:** None. The Motion Passed 7-0.

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Meshelle Kijanen, Administrative Assistant

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting \*Amended**  
**April 22, 2025**

**DRAFT Minutes**

**6:00 p.m. – Regular Meeting**

**1. Regular Meeting:**

I. Call to Order

Chairman Phil Jordan called the Planning Commission Meeting to order at 6:03 p.m. and welcomed everyone present.

II. Roll Call

**Planning Commission Present:**

Chairman Phil Jordan  
Vice-Chair Tori Broughton  
Commissioner Dave Richard  
Commissioner Darek Slagowski  
Commissioner Greg Royall  
Commissioner Robert McKinley  
Commissioner Dennis Gunn

**Planning Commission Absent:**

Commissioner Josh Knight  
Commissioner Robert Wilson

**Staff Present:**

Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
Planner Jacob Roberts  
Planning Office Admin Meshelle Kijanen  
City Engineer Ross Hansen

**Staff Participating Remotely:**

Anthon Beales

**Also Present:**

Vickie and Mike Buongiorno, Chris Grange,  
Larson Quick, Angela Morrill, Jason  
Glidden, T.J. Stephens, Valalle Kamdar,  
Laura (?), Dette Auazoa, Cmoore T.  
Morales, Kent Shelton, Zach B, Quinn  
Davis, Gary Bradley, Jaimi Hewlett, Gaylyn  
Latimer, Lynn Fautin, Thereer, Morn, Bart  
and Michele Munteer, Deb Stengel

**Also Attending Remotely:**

Rock Schutjer, Lauri, JS, H, Grace KPCW,  
Brandon Woodard, Aron G. APC Towers

III. Pledge of Allegiance: By Invitation

Commissioner Broughton led the recitation of the Pledge of Allegiance. IV.

Prayer/Thought: By Invitation

Commissioner Richards offered a prayer

V. Recuse for Conflict of Interest: N/A

## **2. Consent Agenda:**

### **I. 03.25.2025 Planning Commission Minutes for Approval**

**Motion:** Commissioner Royall moved to approve the items on the Consent Agenda. Commissioner McKinley made the second.

**Discussion:** N/A

**Voting Yes:** Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Jordan, Commissioner Royall, Commissioner McKinley, Board Member Broughton.

**Voting No:** None.

The Motion Passed 6-0.

## **3. Action Items:**

### **I. Affordable Housing Survey**

Jason Glidden of the Mountain Lands Community Housing Trust introduced himself as the executive director of the organization and explained the functions of the trust. He said that they had been working with Heber City over the course of the last year to identify strategies to bring affordable housing into the city. He said his organization had sent out a housing survey in August 2024 and said that he would be discussing the findings from the survey that evening. Mr. Glidden discussed some of the parameters that they used to measure affordability and provided an overview of the businesses that had responded to the survey. He noted that major employers in Heber, including the school district, Intermountain Health Care, the City, and the County, had responded to the survey.

Mr. Glidden went over the current Wasatch County annual median income (AMI) limits, though he noted that AMI was not a holistic way to evaluate wealth, since it only took into account AMI of people who lived in the city, but not people who worked in the city. He said it was better to look at workforce wage, which he said was done at the State level. Mr. Glidden said the best thing to do was to compare AMI to workforce wage. He said overall, there had been an increase of about 10% from 2024 to 2025, which he said was a substantial increase. He noted that increase could cause rent prices to increase.

Mr. Glidden went over the respondents of the survey in greater detail and noted where the employees were from. Mr. Glidden said 71% of the employees who had responded to the survey lived within Heber City, with the remainder living outside. He said the remainder of employees who lived outside the City limits were the population that they should focus their affordable housing initiatives on. He said that within the

71% of people within Heber, about 32% of that population were renters who wanted to become homeowners.

Mr. Glidden went over demographics and average household size in the City. He said the average family size for households that wanted to purchase property was 2.65 and the AMI was 94%, which he noted was high. He also quickly provided the history of a housing study that had been conducted back in 2016 and compared that to their current statistics. Mr. Glidden highlighted that there had been greater need for lower AMI levels back in 2016 compared to 2024.

Mr. Glidden stated that based on the findings in the survey, there was a need for 400 affordable owner-occupied units and 600 affordable rental units in the City. He acknowledged the limitations of the survey, stating that only about a third of the workforce had responded to the survey. Mr. Glidden said the best unit types for affordable rentals were multifamily apartments since there were tax cuts and government subsidies associated with them. He said the best type of affordable housing for ownership were townhomes.

Mr. Glidden listed some possible strategies for affordable housing, including tax rebates, land donations, the use of public/private partnerships, and waiving impact fees. He then went over the challenges to affordable housing, including zoning, the threat of tariffs, increases to construction costs, and a lack of coordination between cities. Mr. Glidden highlighted that there was an overall lack of sustainable funding which posed a threat to affordable housing. He also discussed that the public needed to be educated about the value of affordable housing and noted that public support was important. Mr. Glidden said the Wasatch Housing Authority and fee-in-lieu had been great resources, and he also noted that there was ample land in the area that could be used to develop affordable housing units.

Mr. Glidden outlined the next steps. He said the Housing Authority needed to form a subcommittee that could investigate some of the options that he had just presented on. He noted that Commissioner Broughton had attended the most recent interlocal agreement and had invited him to come speak to the Commission about affordable housing, and he expressed that he was happy to answer questions.

Chairman Jordan thanked Mr. Glidden for his presentation and commented that affordable housing had been the Commission's main focus that year.

Commissioner Richards echoed that affordable housing had long been an issue in the region, and he opined that the area in which the Commission had the most control was zoning. He commented that affordable housing was subjective. He also noted that in addition to rising construction costs, the costs of mortgages had increased as well. Chairman Jordan asked if people could obtain cheaper loans by working closer to their homes, and Mr. Glidden replied that the self-help program did assist with that, though he noted the waitlist for the program was very long. Mr. Glidden elaborated about the self-help program, and he also opined that they needed to build smaller, 'starter homes' to help with affordability. Chairman Jordan commented that was the 'missing middle' and Mr. Glidden agreed.

Commissioner Broughton commented that the average household size reported on the survey was 2.6, which was smaller than the average family size in the overall area. She stated that this highlighted the need for smaller housing types in Heber City.

**Chairman Jordan acknowledged the Action Item III, which discussed the cell tower, was not a public hearing and noted that there were many people in attendance that evening who were interested in hearing that discussion. Given the level of interest, Chairman Jordan asked the Commission if they wished to move that action item higher on the agenda, and the Commissioners agreed that was a good idea. Chairman Jordan briefly spoke about the history of the item and reiterated this was an extension of a previous discussion and was not a public hearing.**

## II. Central Heber Overlay Zone (CHOZ)

Chairman Jordan indicated that the Wasatch County Building Department Manager was present that evening and expressed they would be available to answer questions.

Planner Janson explained this agenda item. Planner Janson moved through the changes that had been made since the last meeting and first reported that the townhouse section had been updated to allow five units total. He also went through changes to the list of permitted building types in each district. He noted that the height requirement had been decreased for flag lots and ADUs, though it had been left at 35 feet for other types of buildings.

Chairman Jordan brought up possible parking issues with having multiple families in one building and said they needed to find ways to promote parking for residents only in those zones. Planner Janson said that was important to think about and said he did not have a definitive answer at the moment. Chairman Jordan noted that parking was something that had been brought up by the public, so it was important to keep it in mind. Community Development Director Kohler recalled the complaints from the public that they had received about parking in the front yard and said that Code Enforcement could help resolve issues like that, though he acknowledged things got more complicated when there were households with multiple cars. Chairman Jordan asked if complaints made to Code Enforcement were anonymous, and Community Development Director Kohler replied that they technically were anonymous, though functionally it was generally easy to tell where complaints came from.

Planner Janson continued to overview the changes that had been made to permitted building types and noted that courtyard style buildings had been completely removed in both districts. He highlighted that townhomes were conditional in the TCD, though they had to be smaller than what had been previously discussed. Commissioner Slagowski asked if duplexes needed to be owner-occupied and Planner Janson responded that was not a current requirement, but they could add that if they wished. Planner Janson said the only instance in which owner-occupation was a requirement was the subordinate dwelling units, since the idea behind those was to create a less expensive opportunity for ownership.

Commissioner Broughton asked for more details about duplexes. Planner Janson provided greater detail about how utilities, emergency access, and other specifics



would operate. Planner Janson also went over small lots, which had to be at least 3,500 square feet. He noted that small lots also provided an opportunity for affordability.

Planner Janson next discussed flag lots as well and highlighted the change that now up to two flag lots could be created on a single parcel. Commissioner Slagowski asked for clarification about the wording of that language and Planner Janson elaborated about how two flag lots could exist on one property. Chairman Jordan asked if there would be two points of access for multiple flag lots on one parcel and Community Development Director Kohler replied that people were allowed to create multiple points of access, but functionally might not be able to do given a small lot size.

Commissioner Broughton asked if they could make flag lots conditional and Planner Janson replied that they could do so, but opined that going through the conditional use process might be cumbersome for applicants and hurt the affordability of the lots. Commissioner Broughton replied that the value of making the flag lots conditional would be to ensure they were being used for affordable housing and avoid having them turned into investment properties. Community Development Director Kohler recommended that they require flag lots to be owner-occupied. Chairman Jordan cautioned they did not want to overreach into private property. Planner Janson said they could require owner-occupancy for now, though it may change in the future as State law evolved. Commissioner Slagowski said if they made the lots owner-occupied, it would inhibit landowners from using their flag lots to make additional income.

Mr. Glidden commented that the Commission could consider either owner-occupancy or a long-term rental, and said the Commission could set parameters about what constituted 'long term.' He acknowledged that State law might prohibit owner-occupancy requirements in the future, but said that for now it was still legal. He elaborated about the benefits of long-term rentals and noted it achieved many of the same goals that owner-occupancy attempted to achieve. Chairman Jordan asked Mr. Glidden what he felt was 'long term' and Mr. Glidden said six months was generally the minimum, and 12 months was common as it ensured that the property was not being used as a vacation home like Airbnb.

Planner Janson continued to explain the chart of permitted building types. He spoke about subordinate dwelling units and said this was an affordable option for ownership. He said SDUs had the option to have a permanent access easement and explained how that would work. He also discussed parking options for SDUs. He said the idea behind SDUs was that they would be a smaller house on a smaller lot, though they had to be at least 300 square feet. Community Development Director Kohler commented about tiny homes and asked if they could allow less than 300 square feet for a true tiny home. Commissioner Broughton opined there was no value in setting a minimum size; she thought the only important thing was to require owner-occupancy. Commissioner Slagowski and Royall agreed and Planner Janson said he would remove the minimum size requirement.

Planner Janson moved on to duplexes and twin homes and indicated the portions that had been modified since their last discussion. He noted that State guidelines inhibited how much the City could require. He asked the Commission if they wanted to worry

about garages outside of the duplexes, and noted that most duplexes he had seen did not even have garages. Commissioner Broughton thought the Commission should stipulate where the garages were located, if the duplex had one. Chairman Jordan said he did not care where the garage was located or if the duplex had one at all. Community Development Director Kohler said if it was up to him, he would want to see the garages in the back and he listed the reasons that was preferable, namely that it was more aesthetic. Community Development Director Kohler acknowledged it was a subjective issue and the Commission continued to discuss garages. Commissioner Broughton said she wanted to avoid having garages on the facade of all the buildings and Planner Janson said they had required the garages to be alternating, which would help avoid that issue.

Commissioner Broughton asked if duplexes and twin homes had an owner-occupancy condition. Community Development Director Kohler replied that twin homes were designed for ownership, though duplexes could be rented. Chairman Jordan asked if they could require long term rentals for duplexes and the Commission discussed this option. Community Development Director Kohler proposed that all residential uses have a 12-month minimum if they were to be rented. Chairman Jordan said he would like to see that, though Commissioner Slagowski opined that he did not think that requirement would work for flag lots. The Commission briefly discussed flag lots and ADUs. Planner Janson noted that if they only permitted long-term rentals, that would create challenges for employees that needed short-term housing if they came to the area for work. Community Development Director Kohler added that some building types, like mansion-style apartments, were specifically designed to be rentals.

Planner Janson said they could add blanket language to the zone to only permit long-term rentals and added that the Commission might need to make changes to the STR ordinance, though he was not certain. Commissioner Broughton clarified that they could still permit short-term rentals for ADUs, which would allow property owners to supplement their income.

Planner Janson went over the design criteria for mansion-style apartments and clarified they did not have to be owner-occupied. He shared a list of features that mansion-style apartments were required to have and explained the purpose of the features was to ensure that the buildings blended in with the rest of the zone.

Commissioner Broughton asked if the Senator worked in this zone and Community Development Director Kohler replied that bed and breakfasts were permitted in the underlying zones, R-2 and R-3.

Planner Janson moved on to townhouses. He stated that although moving the units back and forth added cost, it enhanced the aesthetics. He added that was a subjective choice and said they could discuss that further. He noted there was an open space requirement for larger projects, as well as that the units included a patio or balcony space. Chairman Jordan asked the City Engineer if he had any concerns about this building type and City Engineer Hansen replied, though his comments were not discernible due to his distance from the microphone.

Planner Janson spoke about mixed-use buildings and said they were very similar to what was in the C-3 zone, but without as many requirements. He said commercial

buildings in the TCD were very similar to the C-3 zone as well.

Chairman Jordan questioned if it made sense to include commercial buildings since the zone was primarily residential. Community Development Director Kohler noted that although commercial buildings were permitted in the TCD, there were several restrictions. Community Development Director Kohler elaborated that commercial buildings could only go on certain roads within the zone. Chairman Jordan asked if there was a definition for 'commercial' and Community Development Director Kohler indicated a chart that included the list of commercial uses that were permitted. Planner Janson added there was a 5,000 square foot maximum for commercial buildings, so there would not be any big box stores; just smaller businesses. Planner Janson further stated that the intensity of commercial businesses decreased as they got farther away from the downtown area.

Chairman Jordan clarified that commercial buildings were only permitted in the TCD, not CND. Community Development Director Kohler acknowledged that point and noted that commercial buildings needed to be two stories and he also discussed mixed-use building requirements. Planner Janson commented about live-work buildings and went over some of the requirements. Chairman Jordan observed that live-work was becoming increasingly popular in urban areas. Community Development Director Kohler stated that all building types had a required front lawn of at least 15 feet.

Chairman Jordan asked if any substantial changes had been made and Planner Janson replied that other than occupancy requirements, there had been no major changes. Commissioner Slagowski voiced concern about the 20-foot height limit on the SDUs as he felt that was too restrictive, noting that even one story buildings could be about 24 feet. Community Development Director Kohler agreed with Commissioner Slagowski.

Commissioner Broughton opined that there should be occupancy stipulations for townhomes in the CND. She thought they should at least require long-term rentals to avoid short-term rentals. Community Development Director Kohler reminded her there was a blanket rule that prohibited short-term rentals. Chairman Jordan recalled mansion-style homes and SDUs were exceptions to the short-term rental rule. Planner Janson clarified SDUs were considered differently, so the only exception that needed to be made was for mansion-style homes. Community Development Director Kohler said that the City Council had prohibited short-term rentals in any attached housing unit, such as a townhome or a duplex.

City Engineer Hansen commented about mansion-style homes, though he was in the audience and the entirety of his comment could not be heard. In response to his comments, Chairman Jordan said mansion-style homes were apartments/condos. Community Development Director Kohler replied to City Engineer Hansen that every owner-occupied type of housing had a separate utility to each unit.

Chairman Jordan asked Community Development Director Kohler to summarize the changes. Community Development Director Kohler stated that they would increase the height minimum for ADUs and flag lots to 25 feet from 20 feet; add long-term rental occupancy requirements for most residential building types; remove the 300 square foot minimum for SDUs; add a picture with an additional option for garages in

duplexes and twin homes; increase the quality of the included pictures; and add 'condo' to the description of mansion-style homes. Chairman Jordan asked if Planner Janson had any comments and he expressed he felt good about the changes. Commissioner Royall suggested that the Staff look at design standards for affordability at some point in the future, but said the changes they had made that evening looked good overall. The other Commissioners and Community Development Director Kohler also expressed they were in favor of the changes.

**Motion:** Commissioner Broughton moved to approve the proposed changes to the CHOZ that had been made by staff, as well as the changes that Community Development Director Kohler had listed. Commissioner Gunn made the second.

**Discussion:** N/A

**Voting Yes:** 6.

**Voting No:** None.

The Motion 6-0.

The Commissioners thanked Community Development Director Kohler and Planner Janson for their work. Commissioner McKinley noted that the zone increased the need for parking in the area, and he thought it would be beneficial to review their parking ordinances as their needs changed. Commissioner Gunn agreed. Chairman Jordan acknowledged this point as well and said that it might be worth reconsidering their current ban on overnight parking. Community Development Director Kohler said the City was considering a parking district in the downtown area and possibly doing fee-in-lieu. Chairman Jordan commented that in his experience, overnight parking was a good solution.

III. \*Text Amendment to Chapter 18.110 Telecommunications (Jamie Baron)

**This item was discussed after Action Item I.**

Planner Baron provided a history of the item. He explained that a cell tower company, APC, had requested a text amendment to increase the height of cell towers in the City. He said that cell towers were limited to 35 feet in Heber City, although there were several towers in the City taller than 35 feet which had been installed before the current ordinance had been put into place. Planner Baron said that APC wanted to address gaps in coverage and provide service now that the population in Heber had increased and there was greater demand. He reported that initially, APC had requested the height of the poles be increased to 120 feet throughout the City, although the company and the City Staff had worked together to come up with a new proposal of commercial, industrial, and mixed-use zones only. Planner Baron compared Heber's height restrictions with restrictions in other nearby cities. Planner Baron stated the final proposal was to increase the height limit of cell towers in certain commercial, mixed-use, and industrial zones. Planner Baron then listed the types of cell towers that would be permitted in the City. He further stated the proposal would increase the distance

required between two poles.

Planner Baron referenced there had been previous discussion about possible health concerns from the towers. He said that at the Planning Commission's direction, he had looked into State guidelines and reported that the State had not found an association between the cell towers and an increased risk of cancer. Planner Baron added that the State had found there was no research to indicate that additional regulation should be put in place beyond what was required by the FCC.

Planner Baron went over the text amendment. He shared maps that showed APC's plans for increased T-Mobile coverage in the area. He highlighted the difference in coverage that would be possible with 100 and 120-foot poles. Planner Baron moved through the language in the text amendment and indicated the sections that had been altered. Planner Baron stated that all 800 residents who were potentially impacted had been noticed about this item.

Chairman Jordan invited the applicant to speak.

Larson Quick of APC Towers introduced himself.

Commissioner Richards noted that the City had received a letter from the applicant's attorney. Planner Baron summarized the contents of that letter and said the letter had essentially reiterated the FCC guidelines about the health risk. Commissioner Richards asked if the City Attorney could help interpret the letter. Planner Baron said he could send the letter to the Heber City Attorney. Planner Baron also noted that the letter affirmed what he knew to be true of the FCC guidelines. Commissioner Richards expressed he did not want to give an opinion until he had heard from the City Attorney.

Commissioner Slagowski opined that having as few towers as possible was preferable, and said he would prefer to have three or four taller towers than multiple smaller towers. Chairman Jordan confirmed the distance between towers and Planner Baron said the current limit was 2,000 linear feet between towers. Planner Baron said he had not yet done the analysis to determine how many total towers could be in the City given that limitation, but said he could do so. Commissioner Richards agreed with Commissioner Slagowski in that he would prefer to have fewer towers in the City, even if that meant each tower needed to be tall.

Commissioner Royall agreed with Commissioner Richards in wanting to hear from the City Attorney before they moved forward.

Commissioner McKinley asked if individual cell tower companies would need permission from the Commission to increase the height of increasing cell towers in the City, and Planner Baron replied that companies would have to come back to the Commission for approval of their site plan and a telecommunications permit, but he clarified that would just be an administrative issue. Planner Baron also noted that all of the existing cell towers in the City were already above 100 feet tall and said there had not been a new cell tower constructed in Heber for some time.

Commissioner McKinley also inquired about the minimum distance that towers could be located to a residential lot line, and Planner Baron replied the requirement was 115% of the tower's height. Planner Baron noted this requirement had not changed, and recalled there had been a previous discussion at the Commission about possibly



increasing the distance to 150% of the tower's height. Commissioner McKinley commented about the minimum distance that a cell tower would need to be located from a residential area in order to avoid obstructing the resident's view. Planner Baron discussed that depending on topography and the characteristics of the residence, that minimum distance could vary greatly.

Planner Baron explained the applicant had requested that the requirement about stealth technology be removed from the ordinance, though it was still in the current proposal. Chairman Jordan asked if it was required or conditional and Planner Baron replied it was conditional. Planner Baron explained that the Commission had the ability to make modifications to the proposal. Chairman Jordan commented that he was not in favor of stealth technology.

Commissioner Broughton asked how many cell towers were in Midway and Planner Baron said he was not sure. Chairman Jordan said that Midway allowed towers to be up to 60 feet as a conditional use and up to 80 feet as a variance, though only in commercial zones.

Commissioner McKinley asked what the process would look like for an applicant who wanted to install a tower higher than 100 feet if the ordinance were to be passed. Planner Baron outlined the process and said that although the applicant would still need to come to the Commission, a public hearing would not be required, since it would be administrative rather than legislative. Planner Baron clarified that the meeting would still be public, though there would not be a section for public comment during the meeting. Planner Baron elaborated that the Commission could issue a recommendation that a public hearing be included as part of the process for the site plan at the Planning Commission, and he noted that would be fairly simple to add. Chairman Jordan clarified the intent of Commissioner McKinley's comment. Commissioner McKinley said he wanted any member of the public to have the opportunity to speak about the cell towers if they felt they would be impacted by their installation. Planner Baron explained that because it was an administrative item, the towers would have to be allowed unless the public comments could prove that there was evidence that the tower did not meet the provisions of the ordinance. Planner Baron elaborated about ordinance rules.

Chairman Jordan stated the Commission was willing to answer questions from the public, though he emphasized this was not a public hearing.

Lori Gaiden thought Planner Baron's previous comments about the health risks of towers were incorrect, and said the website [mapper.net](https://mapper.net) provided more information about cell signals. She commented that as the height of a tower increased, the more devices and extenders could attach to the tower. She said the FCC had not updated their wireless exposure for 25 years, and back then there had been no 5G. Mrs. Gaiden said if the towers were raised in commercial areas, it would impact the citizens in residential areas and asked about the impacts to the residents if the height of cell towers were increased. Mrs. Gaiden elaborated about the increased number of cell towers in the region and opined they were dangerous and an eyesore.

Planner Baron spoke about what was attached to the towers and said that there were generally antennas for each of the major carriers, usually up to three, and there was also equipment on the ground that provided backup power. Mr. Quick affirmed that was correct and emphasized that there was no additional equipment attached to the towers



other than the carrier's antennas.

Jamie Hewlett thought Heber City was 28 square miles. Planner Baron replied it was roughly 16 square miles. Ms. Hewlett asked if this was a legislative item or administrative, and Planner Baron replied this was a legislative change. Planner Baron explained that the previous conversation held by the Commission had been about what the administrative process would look like if the ordinance were to be passed. Ms. Hewlett asked why the Commission was looking at a blanket Code change if the applicant only had one tower. Planner Baron explained the value of doing an MDA versus an ordinance change and provided some history of the item. Planner Baron reported that the City Council had agreed that 35-foot-tall towers were too short, so in this case it made more sense to do a text amendment rather than a single development agreement. Planner Baron added that cities generally updated their Code through text amendments rather than MDAs. Ms. Hewlett repeated her original question and Planner Baron continued to explain why the text amendment made more sense than doing individual agreements. Ms. Hewlett asked how many public emails had been received complaining about the towers and Planner Baron replied he did not have that number ready.

Chairman Jordan reiterated that the Commission only had time for questions and emphasized this was not a formal public hearing. He expressed that since there were so many members of the public present, the Commission wanted to hear from them even though this was not a public hearing.

Christopher Grange asked if having taller towers would eliminate the need for the tower at Wasatch View. Mr. Grange also asked why the towers were disguised as pine trees and commented that towers could be configured to look like other things that were more aesthetic. Planner Baron shared a map that showed the current coverage in Heber City and explained that the additional tower at Wasatch View would still be needed since the radius of the proposed taller towers did not reach the area that the Wasatch View tower would affect. Planner Baron also spoke to the second question and said that while the City ordinance did require stealth, it did not define stealth as the fake pine tree and he said the City was open to other options. Planner Baron commented that while it was an option to disguise the towers as clocks, that generally happened when the tower was attached to a building and he said that these towers were going to be located in rural areas where there were no surrounding buildings. Mr. Quick added there were also limitations about how many carriers could fit when the tower was configured as a clock.

T.J. Stevens introduced himself as an attorney at Hoggan Lee Hutchinson. He commented that the City was requiring co-locations, which meant there would be multiple providers on one tower. He asked if there would be separate clusters for each provider and Mr. Quick responded that each cell provider needed their own height, and said each provider needed 15 feet and about eight to ten feet for their antenna. Mr. Stevens also inquired about the location of the towers and asked how condensed the clusters would be. Planner Baron said the current proposal would increase the minimum distance between the towers from 200 feet to one mile, so there would not be clusters of towers close together on the same parcel. Mr. Stevens noted that since the towers were required to have co-locations, there could be conflict if a 35-foot monopole

was placed in a residential area, since that could not accommodate three providers. Planner Baron replied that was correct and agreed that would be an issue in the Code. Planner Baron said they could change the language in the Code to ensure that the residential towers did not exceed 35 feet in height. Planner Baron also provided information about administrative versus legislative changes.

Gary Bradley commented that they lived in an age of increased technology and artificial intelligence. Mr. Bradley asked if the City had considered using AI to determine the most optimal locations for towers that would provide the most efficient coverage in the City. Mr. Bradley said that AI was easy to use and would provide more authority about the feasibility of the locations for towers. Planner Baron said the City had not explored using AI and added he did not know of any cities that had done so. Planner Baron provided details about how the locations were determined and said that generally, the locations were determined by the cell tower company and private landowners, rather than by the City.

Chairman Jordan announced the Commission would not hear more questions. He said the Commission had been looking at this issue for some time now and he asked if they were ready to make a motion.

Commissioner Slagowski opined there was no real risk of putting three carriers on a 35-foot pole, since no carrier would want to be at the bottom of the tower. He agreed that they should still include language in the Code to ensure that did not happen, but felt there was not a significant concern of that happening. Chairman Jordan asked Planner Baron if they needed to modify the text amendment before they could move forward and Planner Baron replied that as long as the Commission referenced the change in their motion, they could move forward that evening.

Planner Baron said that was a straightforward change. Planner Baron also asked the Commission to clarify the setbacks in their motion and if the Commission wanted to require a public hearing for each tower application. Commissioner Slagowski questioned the value of holding a public hearing if the Commission did not have the power to control the installation of a tower. Planner Baron said that was a good question and noted a previous Commission had voted to remove public hearings from administrative items several years ago for that reason. Chairman Jordan clarified there would still be a public hearing for a tower proposal that went above the height requirement and Planner Baron confirmed that would trigger a public hearing. Planner Baron said the Commission could also opt to require a public hearing for any proposal that was above a certain height, but said those towers would still be permitted as long as they met the Code.

Chairman Jordan asked how the 100-foot requirement had been determined. Planner Baron replied that the applicant had originally asked for 120 feet, but Staff had felt that would not be accepted by the Commission and City Council and so Staff and the applicant had worked together to compromise on 100 feet. Planner Baron said the Commission had the ability to suggest a lower number. Commissioner Slagowski said if they went lower, they would need more towers.

Commissioner Gunn commented online and spoke about the airport zone and FAA requirements. He asked the City Staff to confirm there would not be cell towers in the way of the airport zone. Planner Baron replied that anything within the FAA zone

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needed to go through a separate process and said that the FAA had the ability to block any construction.

Commissioner McKinley was uncomfortable with the proposal including so many items for the Staff to work through and thought they should continue the motion. Chairman Jordan asked Commissioner McKinley which parts he was unsure about and Commissioner McKinley said he wanted more clarity about the public input mechanism. Planner Baron asked how the Commission wanted to deal with public feedback. Chairman Jordan said that public hearings could also have no impact given the nature of the system and the fact that the proposals would be administrative items. Commissioner McKinley wanted more time to think about how they could handle public feedback. Chairman Jordan said if the towers were a conditional use, then as long as the proposals for towers met those conditions then they had to be permitted and he said that creating false expectations by holding a public hearing could be damaging. Planner Baron said if they made no changes to the Code, anyone who wanted a taller tower in Heber would have to apply for a development agreement or petition to make a Code change. Planner Baron said the Commission would have to go through this process for every MDA.

Planner Baron asked the Commission if they wanted to have the public hearing each time there was a tower application, and if so, what the trigger for the public hearing would be. Commissioner Slagowski suggested that the 100-foot allowance be dropped to 80 feet, and if the applicant wanted 100 feet then they would have to go through a public hearing and a conditional use permit. Planner Baron said they could do that, but they would have to clarify what the conditions were. Planner Baron said if the only additional condition was that a public hearing be held, then the tower would have to be permitted regardless of the feedback received at the public hearing. Chairman Jordan asked if it would be too restrictive to increase the setbacks from residential areas if the towers were 100 feet and Planner Baron responded it depended on what the setback requirements were.

Commissioner Gunn asked what the desired outcome of a public hearing would be and wondered if there was a benefit to the public or the overall process. Commissioner McKinley thought it was important to get the public involved and said he did not want the public to feel they were not a part of the process. Commissioner Gunn agreed that public involvement was important but doubted there was significant value in holding a public hearing if their dissent was not responded to. Chairman Jordan said there needed to be a possible causal action that came from the public hearing in order to be respectful of the public's time. Commissioner Broughton said they could not legally make the condition of the towers to be the public's approval or disapproval of them. Commissioner Slagowski said the Commission needed to take into account the public feedback that they had received over the course of the last several weeks about this item when they crafted the ordinance, and by doing so they ensured that the public's voice was heard.

**Motion:** Text Amendment to Chapter 18.110 Telecommunications: Commissioner Royall moved to drop the height from 100 down to 80 feet; keep 5,000 feet (1 mile) of separation between poles; keep the setback at 115% of the tower height; and confine

the towers to commercial zones. Commissioner Broughton made the second.

**Discussion:** Planner Baron asked for clarification if the 80-foot requirement was only in the commercial zones, or in all zones that currently permitted towers of 100 feet. Commissioner Royall confirmed that all zones should have the height lowered to 80 feet, including commercial zones as well as industrial and mixed-use. Commissioner Royall thought 80 feet was an appropriate compromise. Chairman Jordan suggested that they add a condition to the future understanding of how cell tower technology affected humans and public health. Commissioner Broughton said they could only do what the FCC guidelines were and Planner Baron replied that was correct. Planner Baron elaborated about the extent to which the City needed to comply with FCC guidelines and State law, and he said that Heber City Staff were updated when there were changes to State statute.

**Voting Yes:** 6

**Voting No:** None. The Motion 6-0.

Chairman Jordan thanked the public for their attendance and continued feedback.

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

#### **5. Administrative Items:**

##### **I. City Council Communication Item**

*This item was not discussed.*

##### **II. 2025 PC Training:**

*This item was not discussed.*

The Planning Commissioners will need one hour of training from the link below to fulfill four hours for 2025.

As you complete your training please email Meshelle Kijanen with the Code or Codes where you took your training from:

Any Parts 3 through 6:

[https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a\\_1800010118000101](https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a_1800010118000101)

#### **6. Adjournment:**

**Motion:** Commissioner Gunn moved to adjourn. Commissioner Broughton made the second.

**Discussion:** N/A

**Voting Yes: 7**

**Voting No: None.**

The Motion Passed 7-0.

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Meshelle Kijanen, Administrative Assistant

DRAFT

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting Amended**  
**June 10, 2025**

**DRAFT Minutes**

**6:00 p.m. – Regular Meeting**

**1. Regular Meeting:**

I. Call to Order

Vice Chair Tori Brououghton called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

**Planning Commission Present:**

Vice-Chair Tori Broughton  
Commissioner Dave Richards  
Commissioner Dwerek Slagowski  
Commissioner Greg Royall  
Commissioner Robert Mckinley

**Planning Commission Absent:**

Chairman Phil Jordan  
Commissioner Dennis Gunn  
Commissioner Josh Knight  
Commissioner Robert Wilson

**Staff Present:**

Community Development Director Tony Kohler  
Planning Office Admin Meshelle Kijanen

**Staff Participating Remotely:**

Planning Manager Jamie Baron  
Aubrey Larsen (Consultant  
Landmark Design Inc)

**Also Present:**

Michael Plowman, Craig Hancock, Kevin Devine, Josh Lythgoe, Lane Lythgoe, Max Cohen

**Also Attending Remotely:**

Kweren Smith, Carly Cheryl Hansen,  
David Bohn, Grace Doerfler (KPCW),  
Jim  
Hennessy, Josh Lythgoe, Kevin Devine,  
Laura Manning, Laurie Lythgoe, Lisa,  
Bryan Wyble



III. Pledge of Allegiance: By Invitation

Commissioner Robert McKinley led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought: by Invitation N/A

V. Recuse for Conflict of Interest: N/A

**2. Consent Agenda:**

I. 05.13.2025 Draft Minutes for Approval

**Motion:** Commissioner Royall moved to approve the items on the Consent Agenda. Commissioner McKinley made the second.

**Discussion:** N/A

**Voting Yes:** Vice-Chair Tori Broughton Commissioner Dave Richards, Commissioner Dwerek Slagowski, Commissioner Greg Royall, Commissioner Robert McKinley

**Voting No:** None. The Motion Passed 5-0.

**3. Action Items:**

I. Public Hearing for Jordanelle Ridge MDA Amendment Transportation Master Plan Exhibit Update (Aubrey Larsen)

Planner Aubrey Larsen led this portion of the meeting. Planner Larsen said there was additional information she was not aware of when preparing for the meeting and explained City Engineer Russ Funk would fill in after she presented context. Planner Larsen said they were ultimately giving a positive recommendation.

Planner Larsen said this was a Master Plan Exhibit Update. Planner Larsen said the project was over 8000 acres and was located South of SR32 in the Mount Community Zone. Planner Larsen said they were anticipating 6,052 lots. Planner Larsen said the applicant would like to amend the existing Master Plan transportation agreement in Jordanelle Ridge in order to reflect significant changes to road classifications, alignments, and traffic volumes within villages 1 and 3 through 5 in the Jordanelle development. Planner Larsen showed some zoning maps to the Commission.

Planner Larsen presented the original transportation plan from 2020 along with submitted roadway cross sections. Planner Larsen gave her time to City Engineer Funk.

City Engineer Funk said much of Planner Larsen's information was outdated. City

Engineer Funk said they worked through initial review comments and asked for additional information. City Engineer Funk said they need to have a public hearing. City Engineer said they will need to take the amendments back to the city council if the Planning Commission feels there were additional recommendations to make. City Engineer Funk said he planned on showing the original application along with suggested changes. City Engineer Funk said he can also answer any questions.

City Engineer Funk began talking through the original agreement. City Engineer Funk said there were several issues needed to work through. City Engineer Funk said they originally needed decisions on a private road running through Jordanelle which was proposed to change to a collect road. City Engineer Funk said another change proposed a new road connection and fire access road. City Engineer Funk said the last change proposed was to keep all changes in Jordanelle and keep the roads private. City Engineer Funk said they ultimately recommended treating roads in Jordanelle as a private road until 50% of the units in the neighborhood had occupancy. City Engineer Funk said at that point, the roads would become the city's responsibility.

City Engineer Funk there were a few other small changes proposed but nothing as major.

Commissioner Dave Richards asked what 50% occupancy actually is. City Engineer Funk ran through recommended conditions as a way of answering this. City Engineer Funk said developers were meant to receive written approvals as they make these changes to private roads. City Engineer Funk said City Council was originally concerned with the phasing plan and dead end plans. City Engineer Funk said they also need to get all the necessary UDOT plans. City Engineer Funk said they have to get a conditional access permit. City Engineer Funk said they must conform to build-out requirements when building the new road. City Engineer Funk said they were requiring the new road to be totally built out instead of constructing it from scratch. City Engineer Funk said all of these changes need to be reflected in the Master Plan.

City Engineer Funk said they also need to assess roads which will leave the county. City Engineer Funk said some of these roads will be annexed into the city. City Engineer Funk said if any inefficiencies were identified during changes, the developer was required to make the necessary changes. City Engineer Funk got to Commissioner Richards' questions and noted that a certificate of occupancy in half of the units constitutes 50% occupancy.

City Engineer Funk said developers were required to perform all necessary maintenance until the roads were given to the city. City Engineer Funk then referred to a visual aid to show the major cross sections facing changes. City Engineer Funk said one cross section next to the cemetery was widened to 20 feet to maintain minimal fire emergency access width.

City Engineer Funk opened up for more questions. City Engineer Funk said he had

concerns over the occupancy for the new road - Skyridge Drive.

An unrecognizable voice [00:23:40] said there were 600 units, so 300 units of occupancy will initiate the shift to the city.

Vice-Chair Tori Broughton opened the Public Hearing.

Kevin Devine came forward. Mr. Devine asked if the Little Pole role was public or private. The answer was unintelligible [00:25:50].

Craig Hancock came forward next and asked if these were new connections. City Engineer Funk said yes.

Vice Chair Tori Broughton closed the Public Hearing comments.

Commissioner Richards asked what has been approved on existing access points. Vice-Chair Broughton re-asked the question on Little Pole. City Engineer Funk said it would be a dedicated public right-of-way of 62 feet. City Engineer Funk said they will likely build an additional 20 foot road to comply with the fire code. City Engineer Funk said he believed there was existing access in line with the agreement.

Applicant Dave Bradshaw answered these questions as well. Applicant Bradshaw said they get required changes as they build and confirm them all with UDOT. Commissioner Richards asked about access through the trail systems and asked how they will keep the trail accessible and wide enough.

Applicant Bradshaw said they will add an additional three feet to the trail systems and said he will continue to keep the public trails maintained. Applicant Bradshaw said there would be a few more switchbacks. Applicant Bradshaw said they entered into an agreement to help ensure this.

Vice-Chair Broughton said the city needs to understand why there were smaller capacities required on some of the roads. City Engineer Funk said when they originally adopted the master transportation plan, there were some areas that were significantly different. City Engineer Funk said they asked for a traffic impact study in response to this. City Engineer Funk said they wanted to consider everything in the area. City Engineer Funk said the initial estimate was 17,000 trips down the road which concerned him. City Engineer Funk said they managed to bring down the estimate to 15,000. City Engineer Funk said some roads simply have more traffic.

Commissioner Richards asked about the existing mass excavation shown on the map. Applicant Bradshaw said that section of road was located in the county and they were looking at annexing it into Heber.

City Engineer Funk said the staff report recommends continuing the project. City Engineer Funk said they will restart the process if their recommendation was different.

Commissioner Slagowski said they normally did not approve during planning meetings and waited until public hearings.

**Motion:** Commissioner Slagowski moved to Public Hearing for Jordanelle Ridge MDA Amendment Transportation Master Plan Exhibit Update. Commissioner McKinley made the second.

**Discussion:** Commissioner Slagowski if the information they had was different. City Engineer Funk said they had attached recommendations in the Staff Report.

**Voting Yes:** Planning Commission Vice-Chair Broughton, Commissioner Slagowski, Commissioner Royall, Commissioner McKinley, Commissioner Richards

**Voting No:** None. The Motion Passed 5-0.

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

##### **I. Housing Report by Josh Lythgoe**

Lane Lythgoe presented Josh Lythgoe. Mr. Lane Lythgoe said he was a partner in Lythgoe design which was a local architecture firm. Mr. Lane Lythgoe said he has seen phenomenal growth since the 2002 Olympics. Mr. Lane Lythgoe thanked the Commission. Mr. Lane Lythgoe quoted Governor Cox and said that housing was the greatest economic threat in Utah. Mr. Lane Lythgoe quoted Governor Cox again and said that affordable housing was a dream slipping away. Mr. Lane Lythgoe said his children cannot afford to live here and his grandchildren will certainly not be able to live here. Mr. Lane Lythgoe said they were incredibly invested in the community. Mr. Lane Lythgoe introduced his son, Josh. Mr. Lane Lythgoe said he has spent the last several years - including his capstone - on affordable housing challenges. Mr. Lane Lythgoe turned the time to Josh to present his capstone.

Mr. Josh Lythgoe came forward and thanked the city for its support. Mr. Josh Lythgoe went through his presentation in three sections. Mr. Josh Lythgoe said the first section looks at an affordable housing neighborhood and was his capstone project itself, the second section was a piece of a group study on incremental development and how to sprawl without overexpanding, and the third section looks at possible next steps.

Mr. Josh Lythgoe called the neighborhood in the first section "Penny Commons." Mr. Josh Lythgoe presented some statistics related to Penny Commons. Mr. Josh Lythgoe noted the median home sales price was \$704,000 while the median household income was \$86,000. Mr. Josh Lythgoe said most experts recommend housing comprise 25% of income and not 61%. Mr. Josh Lythgoe showed some different designs which

reflected different housing cost estimates. Mr. Josh Lythgoe said he looked at different materials and provided some quick stats on his slides.

Mr. Josh Lythgoe presented his overall findings. Mr. Josh Lythgoe said cutting back on lifestyle and emphasizing simplicity. Mr. Josh Lythgoe said the least expensive were simple four corner homes with double sloped roofs. Mr. Josh Lythgoe said standard detailing was also cost effective. Mr. Josh Lythgoe said he looked at pioneer era homes to get an idea of simple construction techniques. Mr. Josh Lythgoe went into his site plan and said diversity in housing types was ideal for Penny Commons. Mr. Josh Lythgoe said this would also be a mixed use community. Mr. Josh Lythgoe said there would be roughly 4.8 units per acre.

Mr. Josh Lythgoe went through some example housing units with costs on his slides.

Mr. Josh Lythgoe said he wanted to focus on walkability and diversity of housing types. Mr. Josh Lythgoe presented a visual overview of the neighborhood.

Mr. Josh Lythgoe moved to section two. Mr. Josh Lythgoe presented some images representing overdevelopment and “not-so-walkable” communities. Mr. Josh Lythgoe then showed some zoning maps which reflected overdevelopment and sprawl. Mr. Josh Lythgoe presented a quote from Charles Marohn Jr on neighborhood change.

Mr. Josh Lythgoe showed some different housing types which were better suited for incremental change. Mr. Josh Lythgoe presented some photos of residential and commercial, and noted that his group had applied some trees and different building types to illustrate their points on incremental development. Mr. Josh Lythgoe gave some projected statistics on growth.

Mr. Josh Lythgoe then moved on to possible next steps. Mr. Josh Lythgoe said the city was looking to implement positive changes which include preserving historical spots, reducing restrictions on zoning, adding SDUs and ADUs, and changing architectural requirements. Mr. Josh Lythgoe said having applicants have historical references and installing an architectural review board could also be helpful. Mr. Josh Lythgoe presented more visuals on a case study on possible affordable housing units. Mr. Josh Lythgoe recommended looking through case studies and running them through the permitting process. Mr. Josh Lythgoe said they could also create some good approval templates which could reduce costs and wait times. Mr. Josh Lythgoe recommended familiarizing people with different housing types and encouraged the city to push different educational opportunities.

Mr. Josh Lythgoe said he and his dad have started a subcompany based on affordable housing and assured the Commission they were committed to Heber’s community.

Commissioner Richards said the public has been suddenly opposed to many affordable housing initiatives. Commissioner Richards said people were very hesitant when it



comes to land acquisition and housing materials. Commissioner Richards said people don't like doing things as cheaply as possible even when that was the point.

Commissioner Slagowski thanked Mr. Josh Lythgoe for his presentation.

Vice-Chair Broughton said she knew her home would be much more expensive to build now than it was then. Commissioner McKinley said he was concerned over the quality of housing materials. Commissioner McKinley said they need to consider what they will have in 30 years.

Vice-Chair Broughton asked Mr. Josh Lythgoe about the kind of feedback he received. Mr. Josh Lythgoe said many people thought "somewhere else, these were great ideas." Mr. Josh Lythgoe said engineer proposals have been mostly high rise apartments which were exempt from growth. Mr. Josh Lythgoe said he got a lot of positive feedback on his capstone. Mr. Josh Lythgoe said he was not recommending using low quality material. Mr. Josh Lythgoe said there was a balance. Mr. Josh Lythgoe said there was also a huge supply of laborers. Mr. Josh Lythgoe said they could also explore options of concrete or woodframing.

Vice-Chair Broughton asked if there were other examples of his planning. Mr. Josh Lythgoe said there was a company called Daybreak which was trying some of these things, though it's still not terribly affordable. Mr. Josh Lythgoe said he was hopeful these materials would stay affordable.

Commissioner Slagowski said other cities were fighting similar battles. Vice-Chair Broughton said she would love to talk to Mr. Josh Lythgoe about this more. Vice-Chair Broughton said there seem to be some hurdles when you run these plans through overlay zone plans. Mr. Josh Lythgoe said there were hurdles in subdividing lots. Mr. Josh Lythgoe said this was difficult with costs and restrictions. Vice-Chair Broughton said she appreciated the visual aids Mr. Josh Lythgoe presented. Mr. Josh Lythgoe said the key to reaching the "not my backyard crew" was taking baby steps.

Commissioner McKinley said people were very protective of their home views. Commissioner Slagowski said there was not much open space left which also complicated things.

## **5. Administrative Items**

Planning Office Admin Meshelle Kijanen said early registration was cheaper and encouraged commissioners to go ahead and sign up. Commissioner Richards joked that he wasn't sure if he'd even be alive in October.

Vice-Chair Broughton said previous conferences were focused on different kind of planners. Planning Office Admin Kijanen said the conference goes towards their required education hours.

## **6. Adjournment:**

Commissioner Richards motioned to adjourn the meeting. Commissioner Slagowski seconded.

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Meshelle Kijanen, Administrative Assistant

DRAFT



# Planning Commission Staff Report

**MEETING DATE:** 7/8/2025  
**SUBJECT:** Airport Setback and Airport Zone Discussion (Jamie Baron)  
**RESPONSIBLE:** Jamie Baron  
**DEPARTMENT:** Planning  
**STRATEGIC RELEVANCE:** Community and Economic Development

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## SUMMARY

Mel McQuarrie is asking the planning commission to consider changing the setbacks in the I-1 Industrial Zone for projects within the Airport. Planning Staff is questioning whether the Airport should have it's own zone?

## RECOMMENDATION

Staff is seeking feedback on potential changes to the I-1 or adoption of a new Airport Zone

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## BACKGROUND

Mel McQuarrie is proposing a new hanger at the airport. There is a 30' setback from the right of way, which is the fence line of the airport. Mel is proposing a 11 foot setback. In addition to the setback conversation, there has been some discussion about airport standards and uses. Staff is wondering if it would be beneficial to adopt an Airport zone rather than continuing to use the I-1 Industrial Zone to regulate land use.

## DISCUSSION

Setbacks in I-1

The I-1 setbacks are 30' from the right of way. This is to ensure there is adequate space for visibility, access, and the maintain the esthetics of the zone. Currently the closest hangar to Airport Road is approximately 30' from the fence.



### Airport Standards and Uses

In addition to the 30' setback from airport road, the airport would like to maintain separation of building for access, fire, and other airport operations. Additionally, there are some uses that should not be permitted at the airport, such as commercial storage.

### FISCAL IMPACT

N/A

### CONCLUSION

The airport has always been a part of the I-1 zone, however the question has come up as to whether the airport should have different standards, whether in the I-1 zone or an independent zone it's self. Staff is seeking feedback from the Planning Commission.

## ALTERNATIVES

Not an action item.

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## POTENTIAL MOTIONS

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## ACCOUNTABILITY

**Department:** Planning  
**Staff member:** Jamie Baron, Planning Manager

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## EXHIBITS

None