

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

**July 22, 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:**

**3. Action Items:**

- I. Public Hearing to amend fence heights for Sports Courts
- II. Public Hearing for a Development Agreement for accessory building setbacks at 525 N 600 W
- III. Public Hearing for Downtown Heber Food Truck Rendevous Development Agreement

**4. Work Meeting:**

**5. Administrative Items:**

**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 July 17, 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.



# Planning Commission Staff Report

<b>MEETING DATE:</b>	7/22/2025
<b>SUBJECT:</b>	Public Hearing to amend fence heights for Sports Courts
<b>RESPONSIBLE:</b>	Jamie Baron
<b>DEPARTMENT:</b>	Planning
<b>STRATEGIC RELEVANCE:</b>	Community and Economic Development

## SUMMARY

A code enforcement case in the city brought up the issue of fencing around sports courts. Council has asked staff to bring forward a code amendment to permit some fencing for sports courts. The proposal is to allow fences up to 10 feet high for the use of sports courts.

The Policy Questions are as follows:

1. Should the City permit 10 foot fences when used as part of a sports court?

## RECOMMENDATION

Staff is recommending the Planning Commission hold a public hearing and forward a positive recommendation of the proposed amendment.

## BACKGROUND

Code Enforcement received a compliant about a fence as it is taller than 6' in height. In the research of the complaint, staff identified that the fence is 10 feet tall on the end of a sports court. The fence is only along the edge of the sports court. The property owner approached City Council to consider changing the code to allow for up to a 10 foot fence to be used with a sports court. Council directed staff to bring forward a text amendment to address the issue.



## DISCUSSION

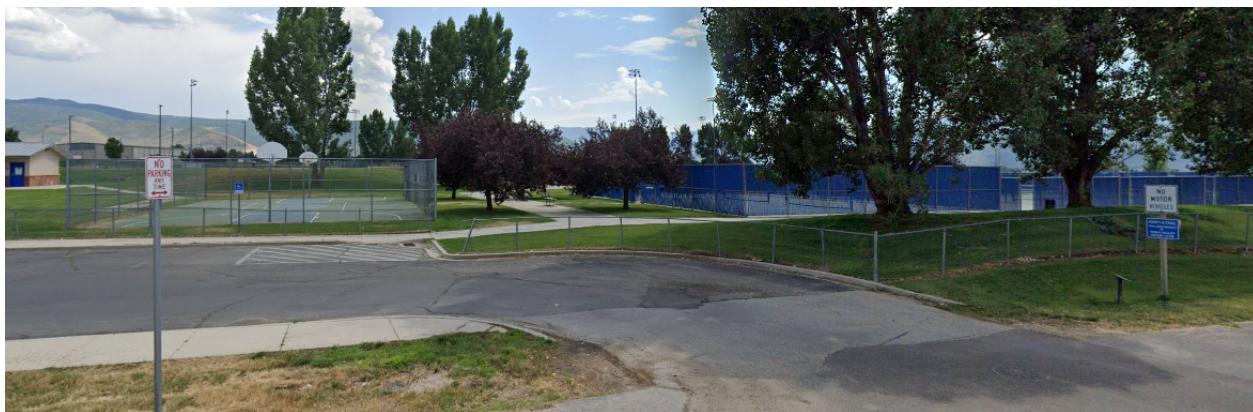
### Current Code

#### 18.68.120 Heights Of Fences And Walls

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

### Sports Courts

Sport Courts include but are not limited to, tennis, basketball, and pickle ball courts. With the sports, it is typical to see some sort of fencing or netting that maintain the balls within the sport court. Some examples that are around the City would Valley Hills Park and Southfield Park.



## Proposed Code Change

### **18.68.120 Heights Of Fences And Walls**

E. Sports Courts, in all zones, may have fencing or netting not to exceed ten (10) feet in height. Such fencing and netting shall be transparent and not extend beyond the area or extent of the Sports Court.

## **FISCAL IMPACT**

N/A

## **CONCLUSION**

The purpose of the ordinance is to allow 10 foot fencing and netting for Sports Courts to allow for private property owners to keep balls and equipment within the sports court and protect surrounding properties. Staff is recommending the Planning Commission hold a public hearing and forward a positive recommendation to the City Council with the following findings:

## Findings

1. The proposed text amendment is consistent with the General Plan.
2. The proposed text amendment would allow property owners to protect surrounding property owners and maintain sports equipment within their own property.
3. The Planning Commission held a public hearing on July 22, 2025.
4. The Planning Commission forwarded a positive recommendation on July 22, 2025.

## ALTERNATIVES

### Staff Recommended Option - Positive Recommendation

I move to forward a **positive recommendation** of the sports court fencing text amendment as presented, with the findings as presented in the conclusion of the staff report.

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## POTENTIAL MOTIONS

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## ACCOUNTABILITY

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

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## EXHIBITS

1. Sports Court Fencing Code

### **18.68.120 Heights Of Fences And Walls**

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

1. New subdivisions must have Covenants, Conditions, and Restrictions for the subdivision approved by the City through the subdivision process and recorded with the subdivision plat, addressing standardized fence height, materials, and color for fences constructed within the subdivision.

B. Fences and Walls in Non-Residential Zones. No fence or wall shall be constructed to a height of greater than eight (8) feet in any non-residential zone. The permitted fencing materials for non-residential zones are as follows:

Zone	Barbed or Razor Wire	Chain Link	Vinyl	Wood	Decorative Metal
C-3	N	N	N	P	P
C-2	N	N	N	P	P
C-4	N	N	N	P	P
MURC	N	N	C	P	P
NVOZ	N	N	C	P	P
MBP	P	P	P	P	P
I-1	P	P	P	P	P
I-2	P	P	P	P	P
CMP	N	N	P	P	P

(P) Permitted (N) Not Permitted (C) Conditional **Conditions:** Welded Wire is only permitted when used with another permitted material in the applicable zone. Field Fence is only permitted for properties with an agricultural use or in keeping of grazing animals. CMU Block must be split face, honed, or covered with a decorative veneer. Vinyl, where conditional, is only permitted for residential uses. \* **Where these provisions conflict with individual zones, the stricter shall apply.**

C. The provisions of 18.68.150 shall apply to all fences on all corner lots.

D. Outdoor swimming pools shall be completely enclosed by a six (6) foot tall fence.

**E. Sports Courts, in all zones, may have fencing or netting not to exceed ten (10) feet in height. Such fencing and netting shall be transparent and not extend beyond the area or extent of the Sports Court.**

FE. All private fences, regardless of fence height or property zoning classification, shall be constructed upon private property and not within the street right-of-way.

GF. No fence shall be constructed near any driveway which would interfere with the visibility triangle required in Section 18.68.155.

HG. Fences and walls may be extended to eight (8) feet in height with the top two (2) feet constructed of barb-wire in the following institutional use areas: around culinary wells and springs, pump houses, airport, sewer facilities and electrical transmission and telecommunication facilities. When institutional fences are adjacent to residential zones, residential fences immediately adjacent to an institutional fence may be extended to eight (8) feet in height. However, no part of an institutional fence may hang over a residential lot

IH. Any fence constructed on top of or along a retaining wall, which is legitimately retaining, shall have their regulated height measured from the highest point of the top of the retaining wall. However, any fence constructed within a driveway visibility triangle or street visibility triangle as regulated by Section 18.68.155 and 18.68.150 shall not exceed the height limits for those respective code sections, with such height measured along street grade for street visibility triangles and driveway grade for driveway visibility triangles.

JJ. All fences constructed prior to May 19, 2011, which conform to Sections 18.68.155 and 18.68.150, shall be considered legal.



# Planning Commission Staff Report

<b>MEETING DATE:</b>	7/22/2025
<b>SUBJECT:</b>	Public Hearing for a Development Agreement for accessory building setbacks at 525 N 600 W
<b>RESPONSIBLE:</b>	Jamie Baron
<b>DEPARTMENT:</b>	Planning
<b>STRATEGIC RELEVANCE:</b>	Community and Economic Development

## SUMMARY

John and Charlotte Scheid are seeking a Development Agreement to allow them to build an accessory building 3' from the Right of Way on 500 North. This is to mitigate the impact of the new school site from their home and store farm equipment.

The Policy Questions are as follows:

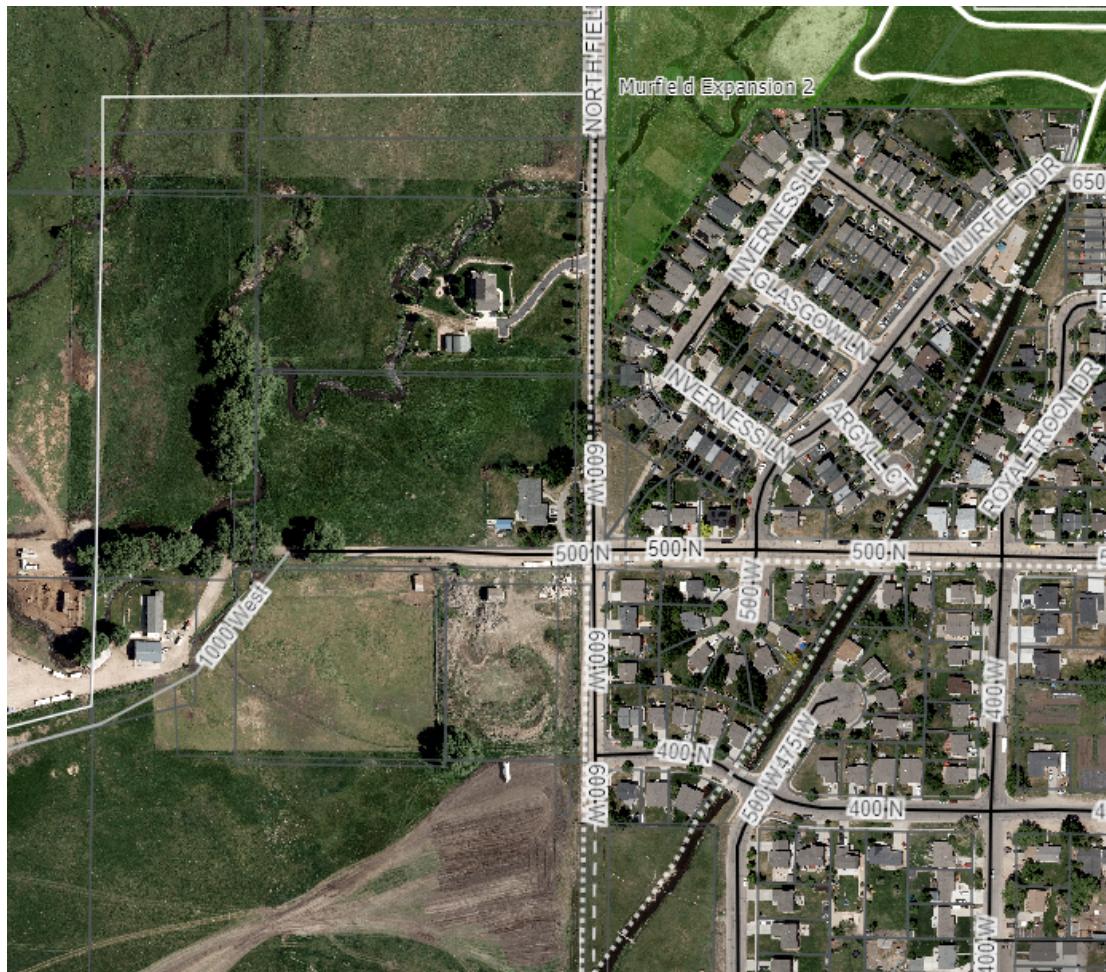
Should the City enter into a Development Agreement to permit an accessory building to be 3' from the ROW on 500 North?

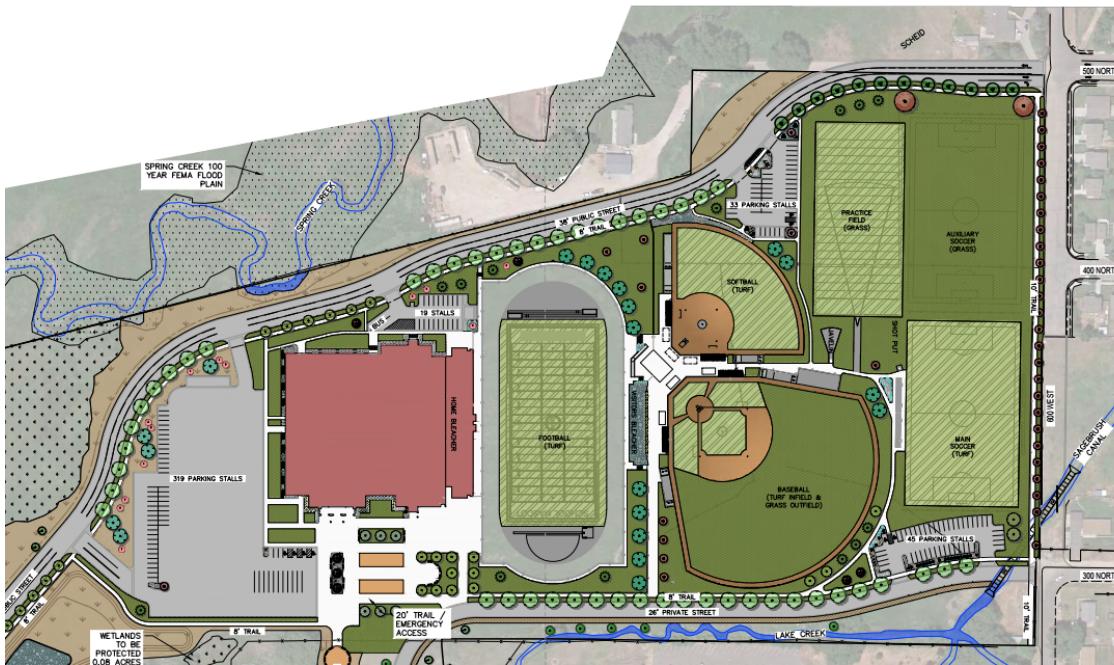
## RECOMMENDATION

Staff is Recommending the Planning Commission hold a public hearing and forward a positive recommendation to the City Council.

## BACKGROUND

John and Charlotte Scheid live on the NW corner of 600 West and 500 North. The property is approximately 5 acres in size and Zoned RA-2. The new Deer Creek High school site is located directly south of the Scheid's. As part of the development requirements for the new school, 500 North had to be widened. In the process of widening the road, the Scheids gave up some property. The new sports fields are directly across the street. The Scheid's are requesting a development agreement to permit the building of a barn between their house and the street, with a setback of 3 feet from the public right of way (ROW). The current code would require 10 feet. The barn is needed to house their farm equipment and the placement is to mitigate the noise and other impacts of the new school site. The Scheid's visited with City Council about their proposed setbacks. The Council supported the development agreement path and reduced the fees for their application.





## DISCUSSION

### Set Backs

The City's code used to allow accessory buildings to be 3 feet from the property line so long as the water off the roof didn't drain toward the property line. This was later changed to 5 feet to be consistent with the change in building code for fire rated walls. A 5' setback is required to not have to add a fire rated wall. Additionally, on the street side yard, the setback was increased to 10' so maintain some additional setback from the street.

### General Plan

The proposed amendment is to an accessory setback and does not alter the zoning or general plan designations.

### Review Conditions

Planning - None

### Engineering

1. There is a water service approximately 83 ft east of the existing fence line near the west side of the proposed structure. This service will be located 2 ft north of the fence to be constructed by the High School in approximately the same location. The structure shall be constructed to provide a minimum of 10 ft clearance to the City's water service.
2. The Owner shall provide a 15 ft wide access easement through their parcel for the City to access the water service box.
3. Any required utility relocations shall be the responsibility of the property owner and shall be

completed per City Standards and Procedures before the new road is paved. Coordination for any such relocations shall be the responsibility of the property owner.

## FISCAL IMPACT

N/A

## CONCLUSION

John and Charlotte Scheid are seeking a Development Agreement to allow them to build an accessory building 3' from the Right of Way on 500 North. This is to mitigate the impact of the new school site from their home and store farm equipment. Staff is recommending the Planning Commission hold a public hearing and forward a positive recommendation with the following findings and conditions:

### Findings

1. The requested development agreement is consistent with the General Plan.
2. The Planning Commission held a public hearing on July 22, 2015.
3. The Planning Commission forwarded a positive recommendation on July 22, 2015.

### Conditions

1. There is a water service approximately 83 ft east of the existing fence line near the west side of the proposed structure. This service will be located 2 ft north of the fence to be constructed by the High School in approximately the same location. The structure shall be constructed to provide a minimum of 10 ft clearance to the City's water service.
2. The Owner shall provide a 15 ft wide access easement through their parcel for the City to access the water service box.
3. Any required utility relocations shall be the responsibility of the property owner and shall be completed per City Standards and Procedures before the new road is paved. Coordination for any such relocations shall be the responsibility of the property owner.

## ALTERNATIVES

### Staff Recommended Option - Positive Recommendation

I move to forward a **positive recommendation** of the Scheid Development Agreement as presented, with the findings and conditions as presented in the conclusion of the staff report.

## POTENTIAL MOTIONS

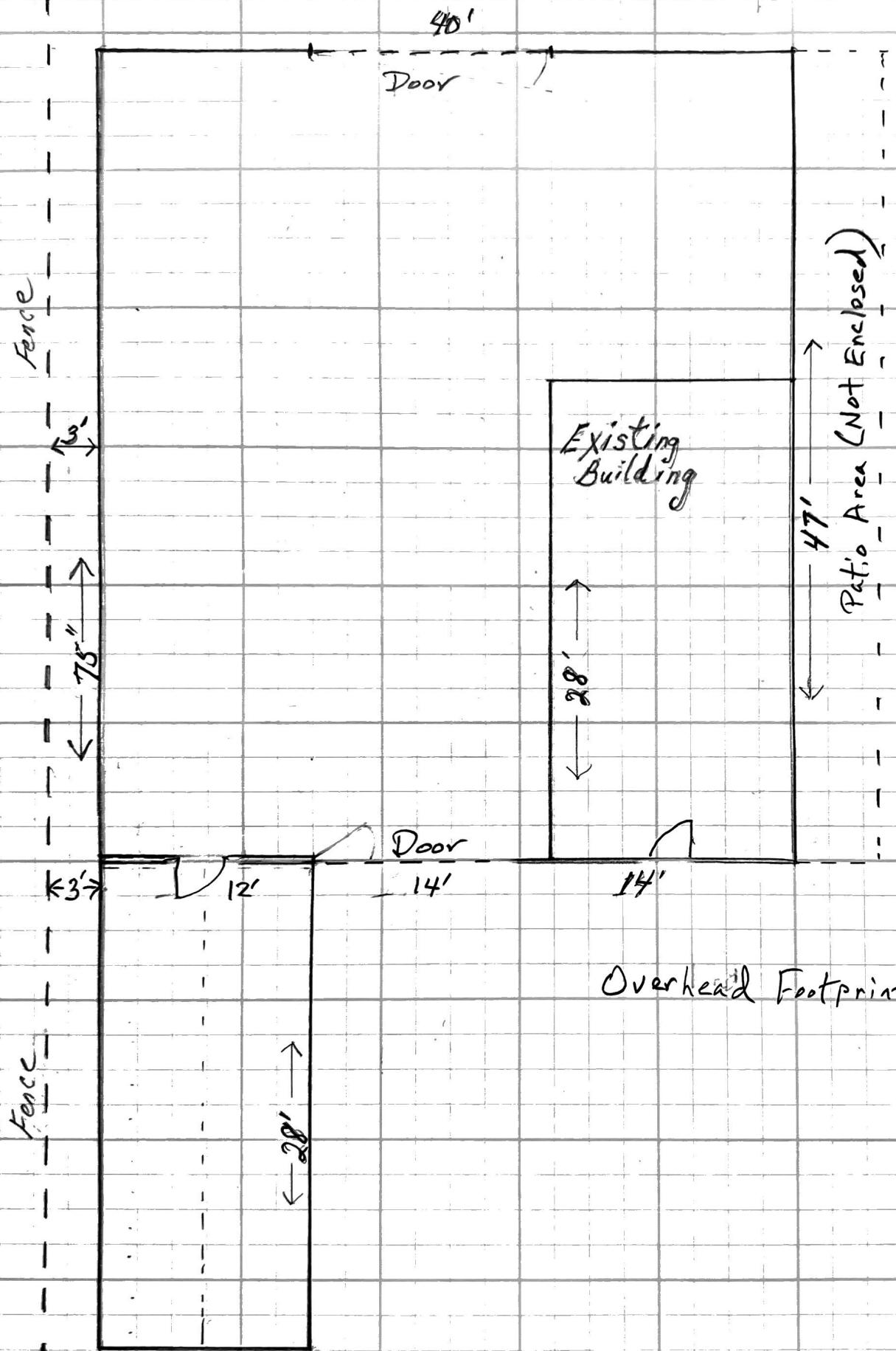
## ACCOUNTABILITY

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

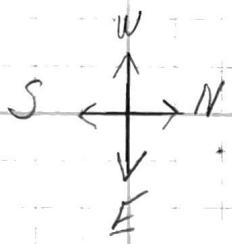
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## EXHIBITS

1. Conceptual Layout
2. Conceptual Building Elevation and Materials
3. Barn Presentation
4. Phasing Plan

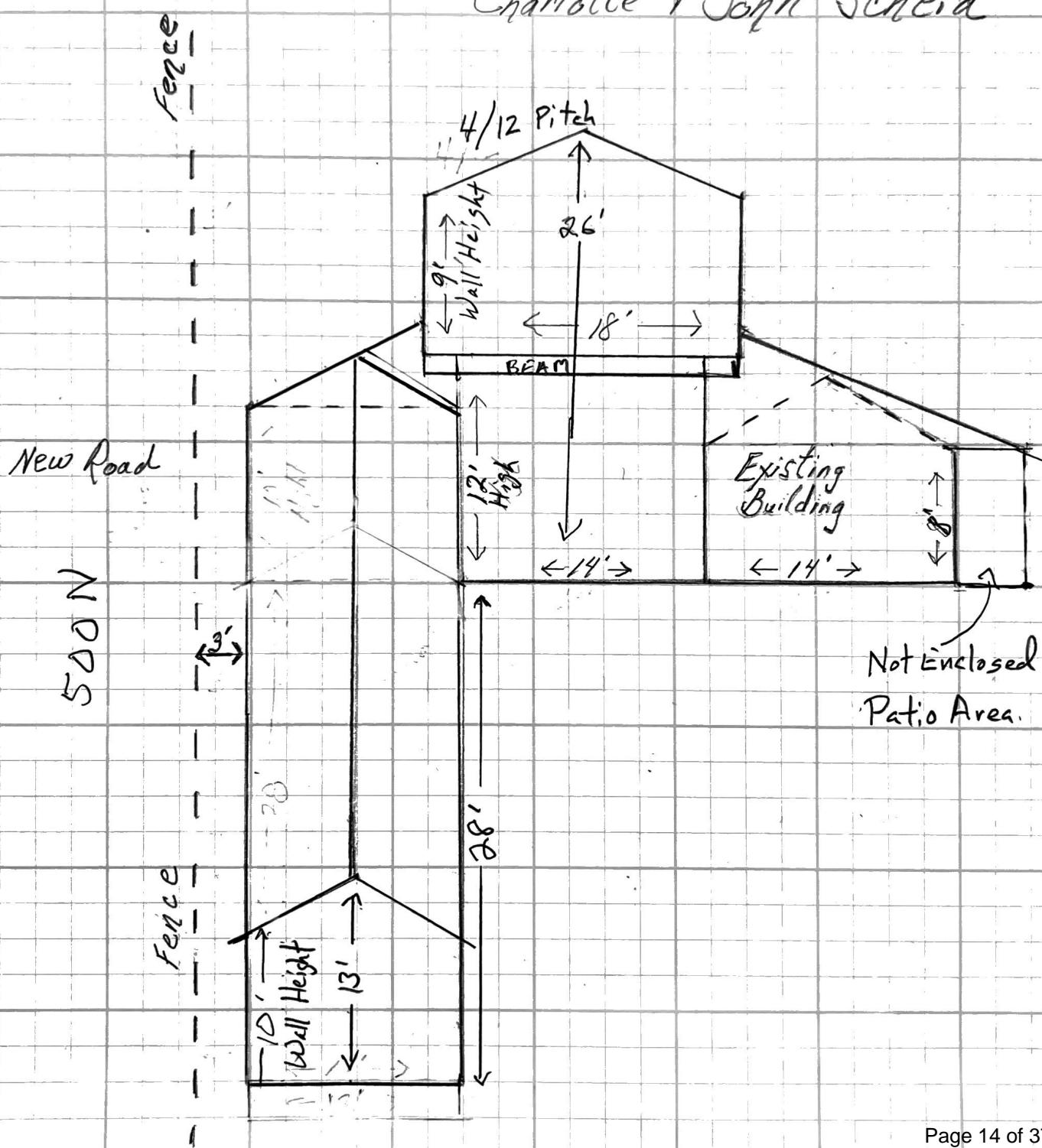


Scale: 1sg = 2ft

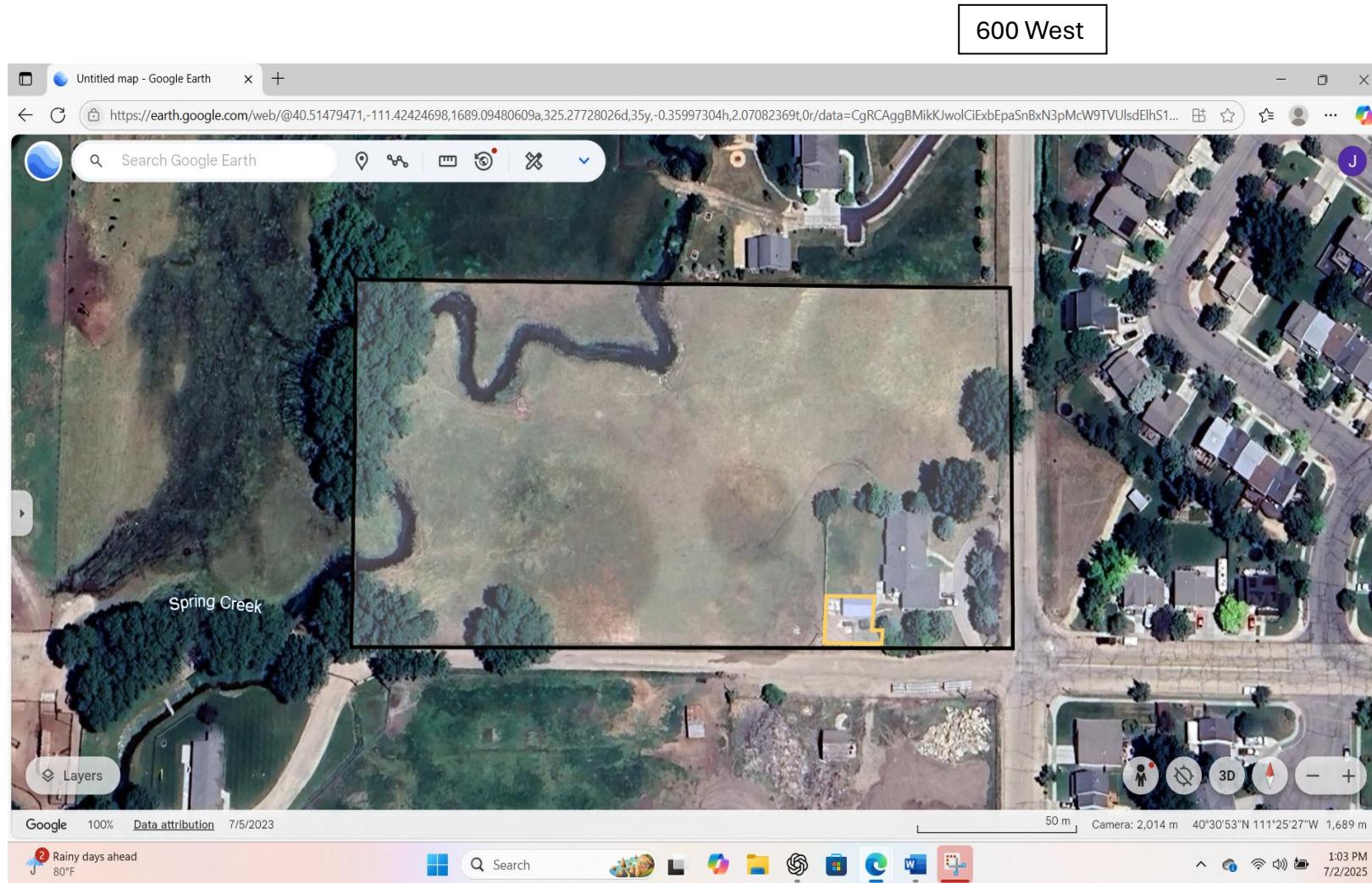


Concept Drawing - Barn at  
525 N 600 W, Heber

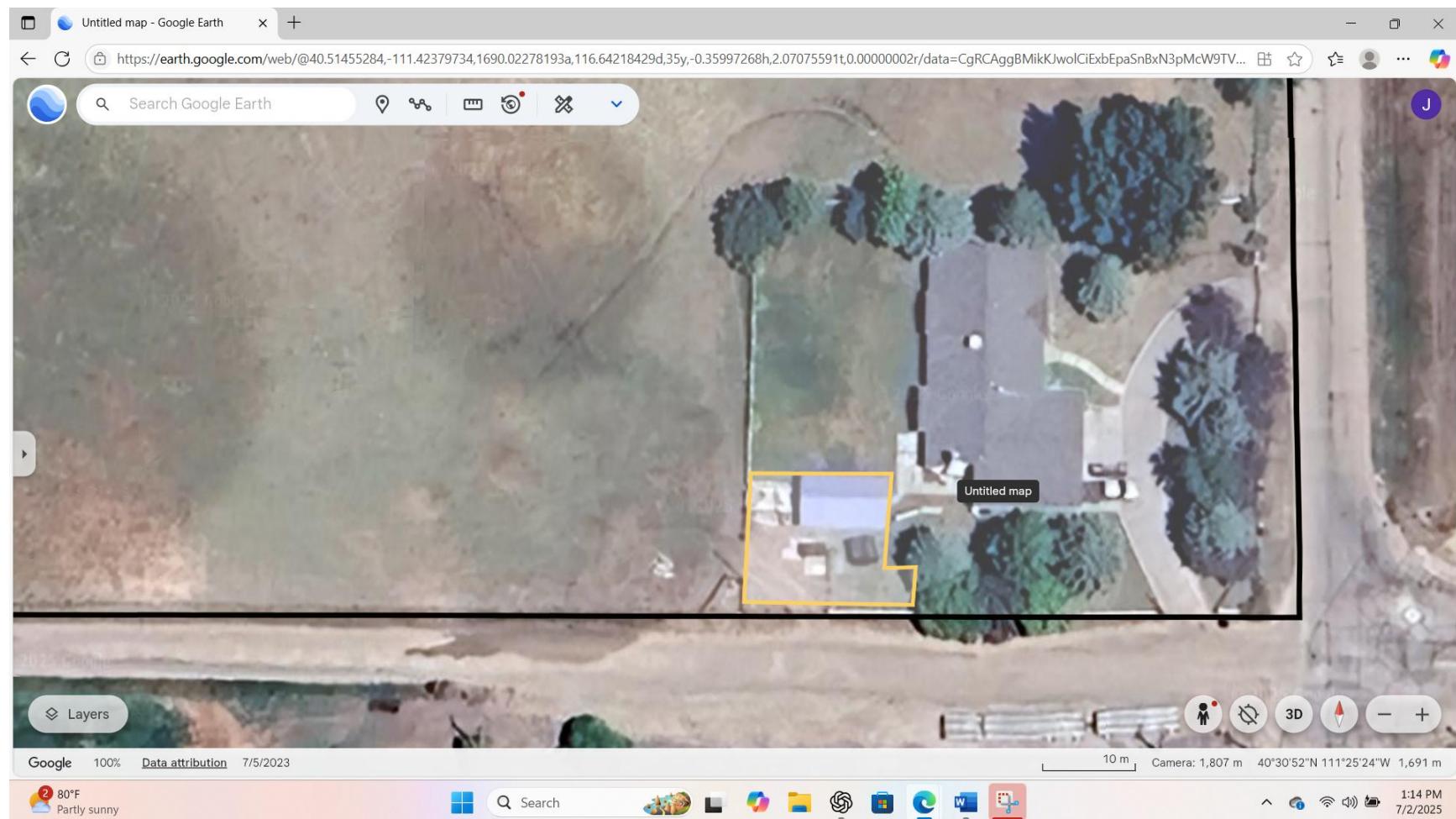
Charlotte & John Scheid



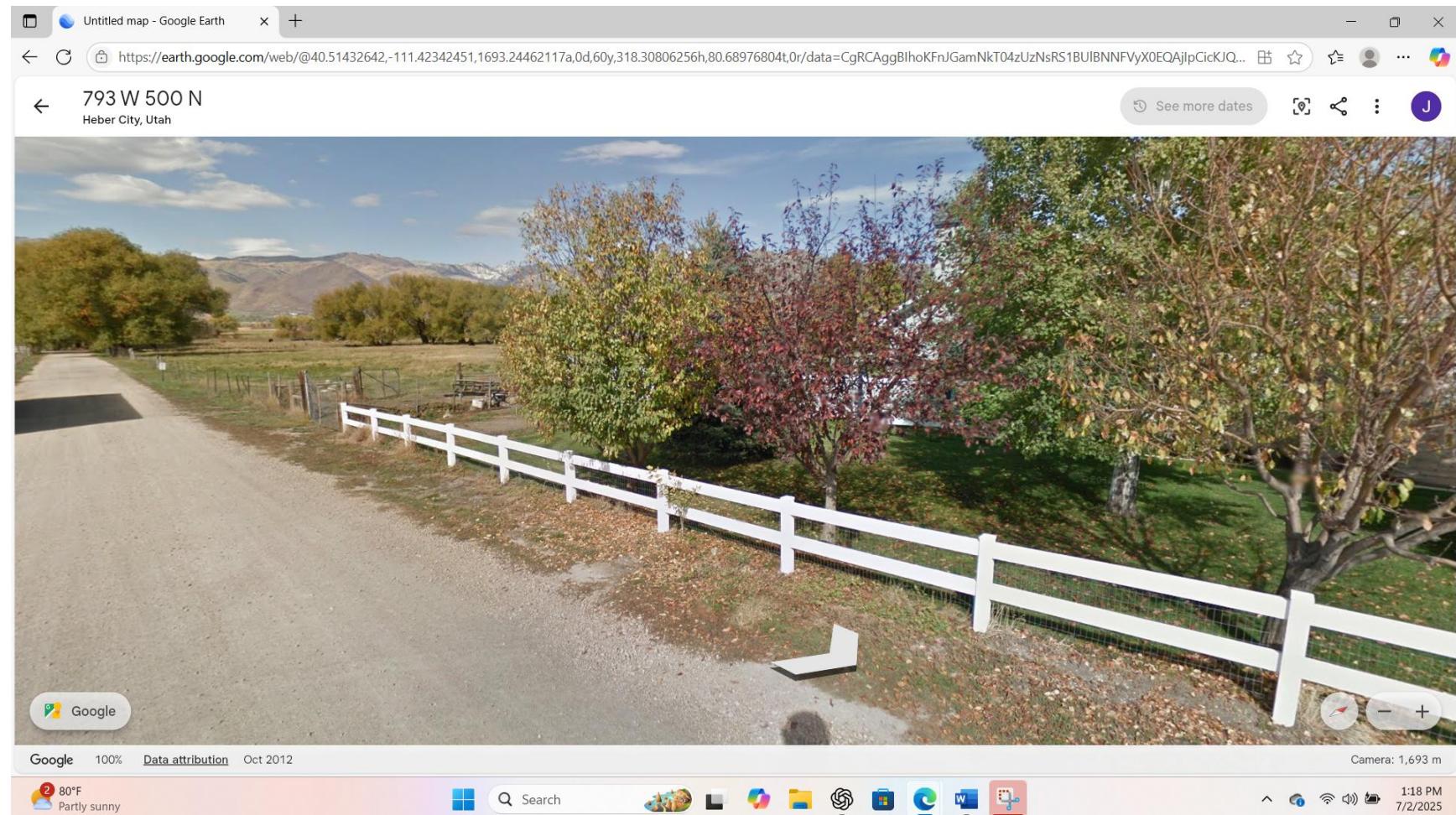
Scheid Property 525 N 600 W Heber City UT outlined in black



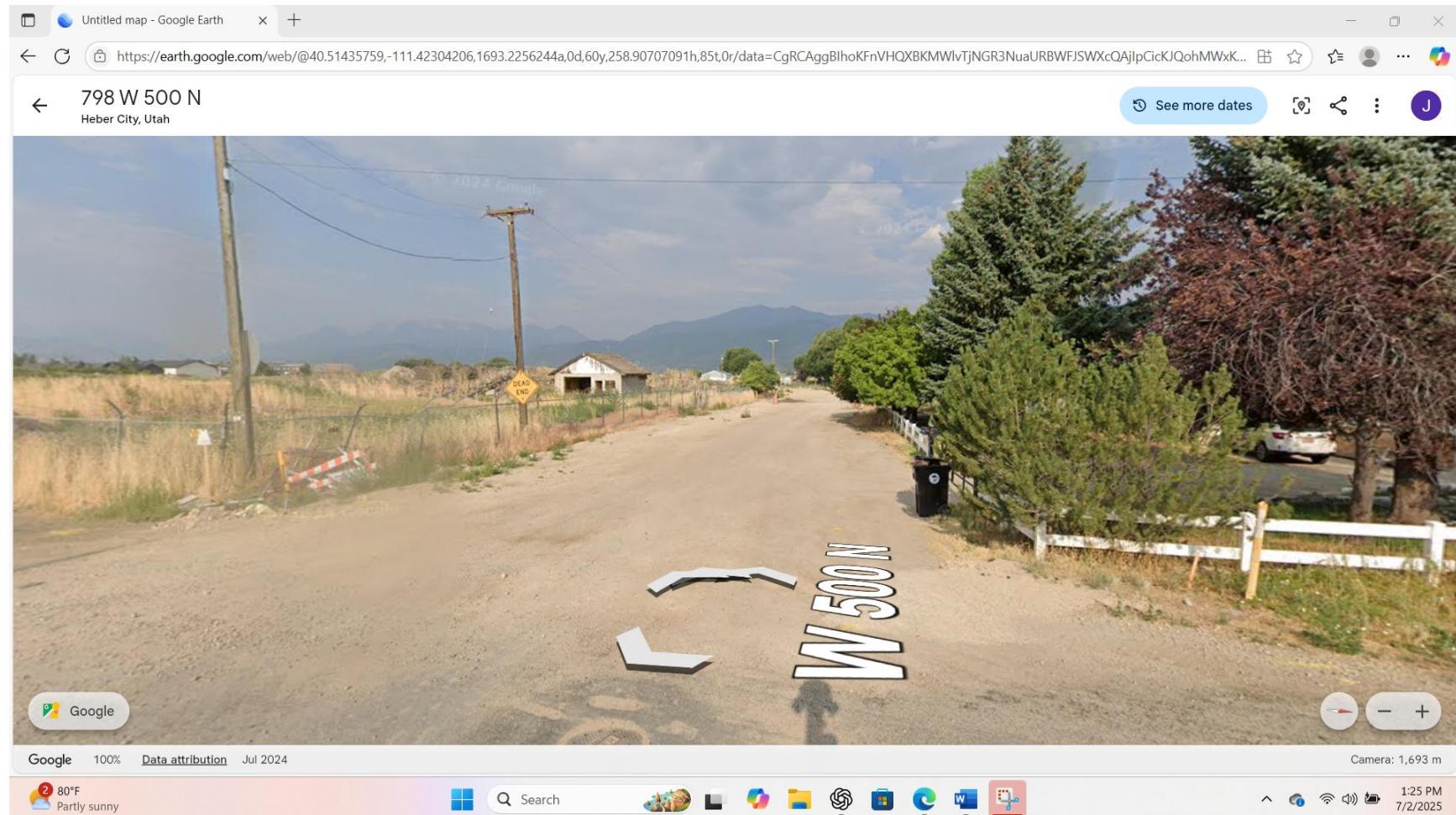
Proposed barn location highlighted in orange. The School District is placing a 6 foot wall on 500 North on our property line. We're requesting a 3 foot street setback from 500 North vice the current city code requirement of 10 feet. The difference allows us enough room to store farm equipment on the south wall and the ability to have a drive through the center of the barn allowing for a turning radius to park equipment. We propose to use the existing shed shown in the outline as part of the proposed barn. The existing shed is 14'x28'. The height of the proposed barn will be 26 feet above grade.



Google Maps ground view showing where the barn will be placed in reference to the existing fence (white changing to barbed wire) on the center left of the picture. The school district will replace the white and barb wire fence with a 6' wall. The dirt road is 500 N.



500 North looking west – the lot across the street used to belong to the city and was used as a concrete and asphalt debris dump site. The school district is turning this into a soccer and baseball field. In doing so, they have raised the level of the property about 6 feet above the grade of the road.



Current photo from across the road standing on the raised field the school fields will be on looking at the current shed.



Photo from the yard looking across 500 N towards the school athletic fields – elevation raised about 6 feet



Photo view looking west/front of the existing shed – proposed barn new construction will be on the left side of the shed.



Photo looking east – the gate across the center of the photo will be the primary access to the barn



Looking east from the pasture towards the barn entrance. Center right is the pressurized irrigation for our property



To Heber City Planning Commission/Staff,

Per our meeting with the Mayor and City Council on 1 Jul 2025 and meeting with Mr. Jamie Baron we request the concept plan for a barn for our property located at 525 N 600 W be approved.

The purpose of the barn is twofold:

1. To shield our property from the impacts of the new high school currently under construction across the street from our home.
2. To provide us an ability store equipment and supplies used to manage our property in agricultural status.

We propose to use the existing shed and build the barn with a 3' setback from 500 North instead of the current city code requirement of 10'. At the meeting on 1 July we had unanimous support from the Mayor and City Council based on our discussion at the work meeting.

The school is supposed to put up a 6' wall on our property line next to the road. However they have raised the fields across the street by at least 6' above the road which significantly impacts our privacy. The barn structure will provide us with the ability to shield our backyard property from direct view across the street by those using the school property. It will also help to mitigate the noise and light impacts from the school as well.

The 3' setback is necessary for us to be able to have a 14' wide pull through area in the center of the barn and provide room for a turn radius to park equipment on the south side of the barn. Our pressurized irrigation system prevents us from using the south side of the barn as a door way to enter the barn without going to the additional expense and trouble of moving the line coming in under 500 North.

Your expeditious consideration of our request is greatly appreciated.

Please contact us at (321) 368-1072 or (321) 750-8188 if you have any questions or need further clarification.

Best Regards,

John and Charlotte Scheid



# Planning Commission Staff Report

<b>MEETING DATE:</b>	7/22/2025
<b>SUBJECT:</b>	Public Hearing for Downtown Heber Food Truck Rendevous Development Agreement
<b>RESPONSIBLE:</b>	Jacob Roberts
<b>DEPARTMENT:</b>	Planning
<b>STRATEGIC RELEVANCE:</b>	Community Development

## SUMMARY

Matt Hansen is requesting a development agreement to facilitate the construction of a food truck court located at 89 West 100 South. This food truck court would consist of approximately 8 food trucks, a small parking lot, temporary bathroom facilities, and a seating area for patrons. The applicant intends for this to be a temporary use (2-5 years) until the site can be redeveloped.

## RECOMMENDATION

Staff Recommends a positive recommendation for the proposed Development Agreement

## BACKGROUND

A few months ago the applicant approached staff to discuss a food truck court on the empty lot located at 89 west 100 south. Staff determined that a development agreement would be needed to facilitate such a project as the current zoning and food truck ordinances would prohibit such a use at this site. The applicant has since decided to pursue the development agreement.

## DISCUSSION

Staff has reviewed the application and left the following comments.

### General Plan

- The General Plan designation for this particular property is Downtown and outlines the following uses:

Downtown (600 South to 500 North, 200 East to 200 West) (DT)	A mixed use town center with historical architecture and active open spaces	14 to 30 units per acre Up to 4 story heights (interior block locations encouraged) Consider 2 story minimum height	Small business storefronts with elements on first floors along N commercial/office uses blending residential. East/west streets and bike accommodations.
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This project would be consistent with the General Plan.

The following is a summary of each departments comments. The full, unsummarized comments can be found in the attached document "*Staff Comments (MDA with Concept)*"

## Departmental Review Summary

### Planning Department

The Planning Department provides **conditional approval** contingent upon execution and approval of a Master Development Agreement (MDA). The following sections of the municipal code must be addressed within the MDA:

- **Mobile Food Vendors (Section 18.68.608):**

Food trucks are required to be located at a brick-and-mortar business.

- **Lighting (Section 18.78):**

All applicable lighting standards must be met.

- **Landscaping (Section 18.76):**

- Bare ground and dirt areas are prohibited and must be addressed in the MDA.
- Additional landscaping requirements for commercial properties must be met.
- Street tree planting is required.

- **Commercial Zones (Section 18.28):**

A "Food Truck Court" should be listed as a permitted use in the MDA for the subject property.

- **Off-Street Parking and Loading (Section 18.72):**

Parking requirements must be included in the MDA.

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### Engineering Department

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All City Engineer requirements not waived through the MDA process must be satisfied prior to final development plan approval. Applicants must respond in writing to all redlines and comments. Outstanding site and infrastructure concerns include:

**1. Traffic Impact:**

The proposed use will significantly affect nearby intersections. A traffic impact fee would typically be assessed unless waived by the legislative body. If waived, the MDA must define "temporary use" and clarify when impact fees would apply in the future.

**2. Water and Sewer:**

One Equivalent Residential Unit (ERU) credit exists based on prior residential use. Developer claims on water use cannot be verified. Water use must be monitored annually, and any usage exceeding one ERU should trigger an impact fee. This requirement must be included in the MDA.

**3. ADA Access:**

Applicant must coordinate with the Building Department to ensure ADA-compliant access to the food court and restrooms from the parking lot.

**4. Storm Water Design:**

The site must comply with the City's Storm Water Design Manual unless the MDA waives this requirement for a defined temporary use.

**5. Street Improvements:**

Typical commercial requirements include widened asphalt, curb, gutter, and sidewalk improvements along adjoining streets. If these are not provided, the legislative body must waive them through the MDA.

**6. Road Dedication and Survey:**

Dedication may be required if property lines extend into the public right-of-way or if gaps and overlaps in property deeds exist. No survey map was submitted with the concept plan. If required, a waiver must be addressed in the MDA.

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## Wasatch County Fire District

- Food truck pads or tiny homes must be separated by a minimum of **10 feet**.
- All applicable food truck safety codes under **ICC and NFPA** must be followed.

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75 N Main Street  
Heber City, UT 84032



Phone: 435-657-0757  
Fax: 435-657-2543



heberut.gov

## Central Utah Water Conservancy District

- The applicant must provide the **final Heber City Water Action Report** once it becomes available.

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In order for this project to be approved, it must meet all requirements by staff or have those comments be addressed in the Development Agreement.

Additionally, the applicant's proposal has been attached as "*Proposal for a Temporary Food Truck Court*".

### FISCAL IMPACT

N/A

### CONCLUSION

#### Project Summary

Matt Hansen is requesting approval of a **Master Development Agreement (MDA)** to facilitate the construction and operation of a **temporary food truck court at 89 West 100 South**. The proposed site would accommodate approximately **eight food trucks**, a **small parking area**, **temporary restroom facilities**, and a **seating area** for customers. The applicant has indicated that this use is intended to be **temporary in nature**, with an estimated duration of **2 to 5 years**, after which the site may be redeveloped for a different use.

Initial discussions with staff revealed that the current zoning and food truck regulations would not permit this use by-right at the proposed location. Consequently, a **development agreement** was identified as the appropriate tool to enable the project. The applicant has since submitted a formal request for the MDA, which staff has reviewed.

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#### General Plan Consistency

The subject property is designated as **Downtown** in the General Plan. The proposed temporary use is **consistent with the General Plan**, which encourages active, pedestrian-oriented uses and creative infill projects within the downtown area.

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## Departmental Review Summary

Staff from multiple departments reviewed the proposal. Key comments are summarized below. The full version of comments can be found in the attached document titled "**Staff Comments (MDA with Concept)**".

### Planning Department

- Conditional approval based on the MDA.
- Sections of code that must be addressed in the MDA include:
  - **Food Trucks (18.68.608):** Must resolve the requirement that food trucks be located at brick-and-mortar businesses.
  - **Lighting (18.78):** All lighting must meet city code.
  - **Landscaping (18.76):** Bare ground is not permitted; landscape plans must address commercial landscaping and street trees.
  - **Commercial Zones (18.28):** "Food Truck Court" must be listed as a permitted use.
  - **Parking (18.72):** Parking requirements must be included in the MDA.

### Engineering Department

- All typical engineering requirements apply unless explicitly waived by the MDA. Key issues include:
  - **Traffic Impact:** Significant impact anticipated; impact fees may apply unless waived. MDA must define "temporary use."
  - **Water/Sewer:** Water use must be monitored; impact fees apply for usage beyond one ERU.
  - **ADA Access:** Must ensure access from parking to court and restrooms.
  - **Storm Water:** Must comply with stormwater design manual unless waived.
  - **Street Improvements:** Curb, gutter, and sidewalk improvements typically required unless waived.
  - **Road Dedication/Survey:** Potential ROW issues must be resolved; no survey was submitted.

## Wasatch County Fire District

- Minimum **10-foot separation** between food truck pads/homes.
- Must comply with all applicable **ICC and NFPA codes**.

## Central Utah Water Conservancy District

- Final **Heber City Water Action Report** must be submitted when available.

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## Conclusion and Recommendation

The proposed food truck court represents a creative temporary use of an underutilized downtown parcel and aligns with the intent of the General Plan. While the use is not permitted under current zoning, the Development Agreement provides an appropriate mechanism to address this issue.

Staff has reviewed the application and recommends **a positive recommendation** for approval of the proposed Master Development Agreement, **subject to the applicant addressing all staff comments** through the terms of the agreement or receiving appropriate waivers from the legislative body.

Staff further recommends that the Planning Commission forward a **positive recommendation to the City Council** for adoption of the Development Agreement.

## ALTERNATIVES

### Staff Recommended Option - Approval

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

### Alternative 2 - Continuance

I move to **continue** the item to another meeting on **[DATE]**, with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### Alternative 3 - DENIAL

I move to **deny** the item with the following findings.

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## POTENTIAL MOTIONS

## ACCOUNTABILITY

**Department:** Planning  
**Staff member:** Jacob Roberts, Planner

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## EXHIBITS

1. Staff Comments (MDA with Concept)
2. PROPOSAL FOR A TEMPORARY FOOD TRUCK COURT
3. 25003364 Concept Presentation (2)

## Staff Comments left on the MDA w/ Concept Application

Date Initiated: June 11, 2025

### **Planning:**

Conditional Approval Based on approval of MDA.

Sections of code that will need to be addressed in the MDA include,

#### **Mobile Food Vendors 18.68.608**

- Food trucks are required to be located at a brick and mortar business location

#### **Lighting 18.78**

- All lighting requirements should be met

#### **Landscaping 18.76**

- The absence of any landscaping (bare ground, dirt) is prohibited. This will need to be addressed in the MDA.
- Other landscaping requirements regarding commercial businesses.
- Street Tree Planting requirement

#### **Commercial Zones 18.28**

- Food Truck Court should be added as a permitted use for this property as per the MDA.

#### **Off-Street Parking and Loading 18.72**

- Parking requirements should be included as part of the MDA

## Engineering

Please see the attached files for redlines and comments. To speed up review of any subsequent submittal, please provide a summary of your responses to the redlines and comments, ensuring that any comments not addressed are clearly noted with reason for not addressing the comment.

All City Engineer requirements that have not been waived by the MDA process will need to be satisfied prior to any final development plans being approved. The following are site and infrastructure concerns known at this time that need to be addressed with future submittals unless waived by the legislative bodies: (Please note that the following list is not to be considered all-inclusive and additional concerns may arise as design plans are submitted for review.)

1. Traffic Impact will be significant on an intersections that are already arguably failing performance standards. A traffic impact fee would typically be charged. If legislative body chooses to waive impact fees on the basis that this is a temporary use, then the MDA should clearly define what temporary use means and when impact fee would be charged if use changes.
2. Water and sewer: Because there was a residential unit, there is a one ERU credit on this property. Assertions of water use are being made by developer that are impossible to verify. Therefore, water use will need to be monitored and verified each year. Any use of water above that of a typical ERU should require an impact fee to be paid. The MDA should include this provision.
3. Applicant should coordinate with building department to satisfy ADA access to food court and bathrooms from parking lot.
4. Storm water design: Engineering department typically requires design in accordance with the City's Storm Water Design Manual. If the use changes from temporary as defined in the MDA compliance with the manual is required.
5. In a typical commercial development, the city engineer requires that the adjoining streets be constructed to current city standards with widened asphalt, curb and gutter and sidewalk. If so inclined, the legislative bodies would need to waive this requirement through the MDA process.
6. In a typical commercial development road dedication would be required:
  - a. If deed lines extend into the ROW, then dedication will need to occur.
  - b. Any overlaps and gaps in deeds and/or occupation lines will need to be resolved.

No survey map was submitted with concept plan that could be used to verify these issues. If so inclined, the legislative bodies would need to waive this requirement through the MDA process.

## **Wasatch County Fire**

- Food Truck Pads/homes to be separated by at a minimum 10 feet.
- All applicable Food Truck Codes from ICC and NFPA must be followed.

## **Central Utah Water Conservancy District**

- Provide final Heber City water action report when it becomes available.

# **PROPOSAL FOR A TEMPORARY DOWNTOWN HEBER FOOD TRUCK RENDEZVOUS AT 98 WEST 100 SOUTH (IN THE C-3 COMMERCIAL ZONE)**

The property owner / applicant desires to develop a new commercial project within five years, but is waiting for adjacent and other parcels on the block to also be redeveloped. This correlates closely with the City's vision of future commercial and mixed-use development on this block, including the future mid-block pedestrian street.

In the meantime, the applicant desires to put the property to good use by attracting eight local food trucks to gather in a food truck court, using the existing power, water, and sewer connections that are available. The property owner will manage the maintenance and utilities for the property. This temporary use will offer a variety of different culinary options for lunch, dinner, and nighttime noshes to people working and living in the downtown area, or traveling between Heber and Midway.

A Development Agreement is requested for this temporary use because the current Heber City code (18.68.608) generally requires food trucks to be located on private property that contains "an existing brick and mortar business." This property complies in all other ways, except that single requirement.

Below is a summary of this temporary development plan for the Downtown Heber Food Truck Rendezvous:

## **THE PROPOSED FOOD TRUCK COURT WILL HAVE A MAXIMUM OF EIGHT FOOD TRUCKS. THIS WILL BE A TEMPORARY USE FOR UP TO FIVE YEARS.**

1. On site parking for 16 cars in a parking area of compacted road base; access will be from 100 West. On-street parking adjacent on 100 West is also available, which is a commercial street.
2. This is in the Downtown Commercial C-3 Zone. Hours of operation will be 10 AM to 10 PM.
3. There is already a power meter on the property from the original house. Power pedestals will be provided for each truck, eliminating the use of generators. Power hookups will be run underground to each food truck pad. Power bill will be paid by the property owner.
4. Two Porta-Potty bathrooms will be provided and maintained on site. A site-built (semi-permanent) bathroom may be requested next year if the project is successful.
5. A common trash dumpster will be provided on site, at the rear of the parking area. Property Owner will keep the site and park strips free of weeds, debris, and trash.
6. There is an existing city-standard water meter. An RV-style culinary water supply will be installed on site for the food trucks to use to fill their on-vehicle water tanks. Water fee will be paid by the property owner.

7. An RV-type wastewater disposal site, with a city-approved oil/grease separator, will be installed and connected to the existing sewer lateral. This will only be used for “grey water” from the food trucks. Food trucks will be able to empty their grey water tanks every few days by connecting their drain hose to the disposal site. Monthly sewer bill will be paid by the property owner. The oil/grease separator will be maintained by the property owner per the HC FOG ordinance (Code Sec 13.08.)

### **City Engineering Items:**

**Culinary Water:** Conversations with three local food truck owners have revealed that they all use between 10- 20 gallons of water each day of operation. This is mostly for washing hands and keeping counters clean. Most food preparation is done off-site. Truck #1 has a 30-gallon tank that they refill every 3 days. Truck #2 has a 30-gallon tank that is refilled every second day. Truck #3 has a 50-gallon tank that he tops off every second day. Using the high number of 20 gallons per day, eight food trucks would be anticipated to use a maximum 160 gallons of water per day, which is lower than the average ERU in Heber City (about 200 gallons per day.) An impact fee should not be required.

**Sewer:** This is the same calculation as the water usage. An on-site RV- wastewater disposal location is proposed, to be used by each truck for grey water disposal. The anticipated use is 160 gallons per day (8 trucks x 20 gal.) which is less than 1 ERU. An impact fee should not be required..

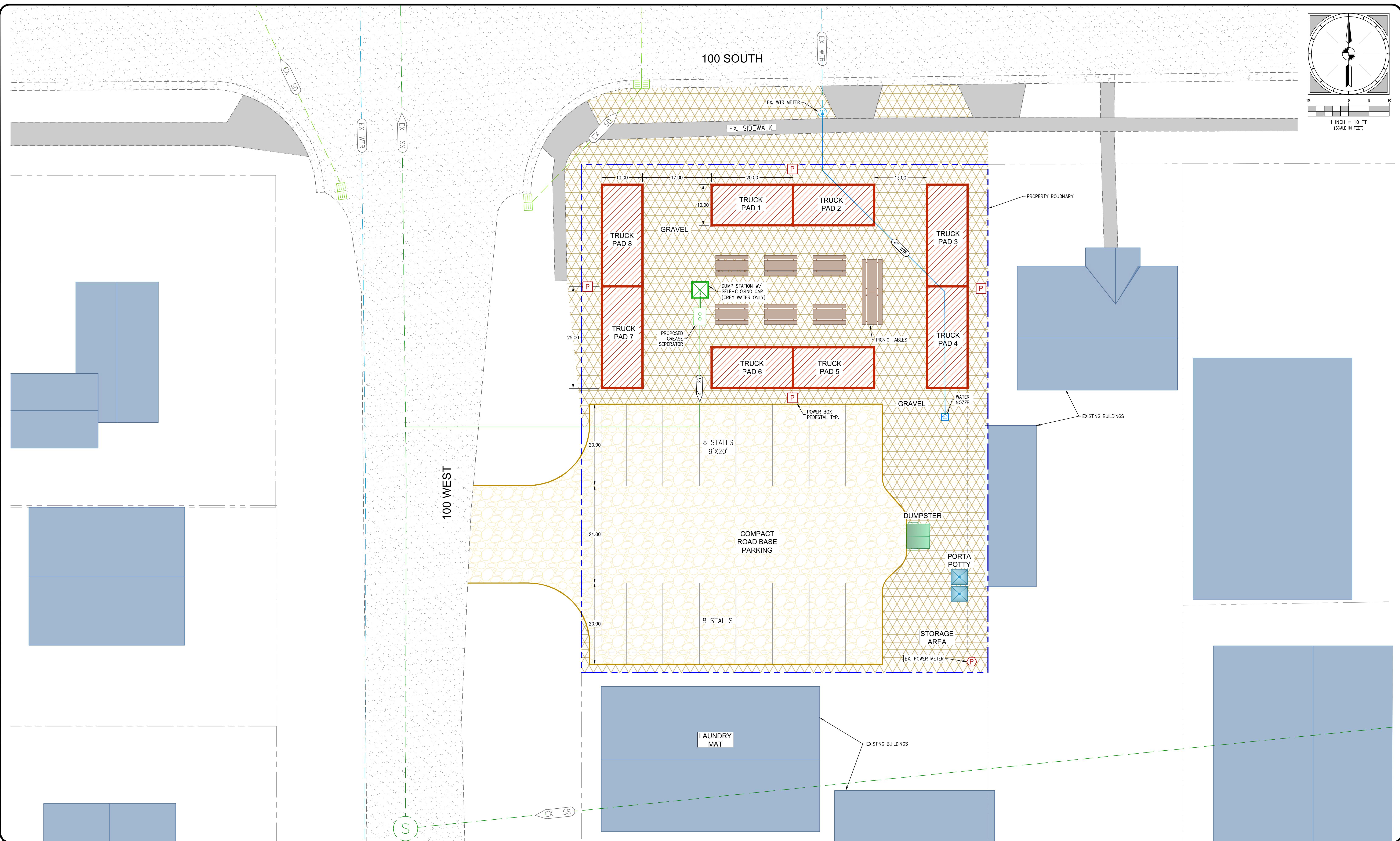
**Press. Irrigation:** Since the proposed Food Truck Court will be a temporary use, the property owner proposes to install road base and decorative gravel on the property. The park strips along 100 West and 100 South will have xeriscaping in the form of decorative gravel over landscaping fabric. No connection to the city irrigation system is available or needed. An impact fee should not be required.

**Storm Drainage:** No new impervious areas are anticipated for this temporary use. All storm water will percolate into the gravel on site. No additional impact fee is required.

**Parks/Trails:** No impact fees are charged for commercial uses.

**Streets:** A study in 2010 in Oregon by ITE shows that a food truck court with 8 trucks would be anticipated to generate about 84 vehicle trips during the peak hour (lunch hour or dinner hour.) For the anticipated daily service, a 2.5x that number is a good estimate for the entire day. Using the HC impact fee of \$271 per trip, the calculated impact fee of \$57,000 is impossible to pay by the applicant for this temporary use. Applicant is requesting an exception to this impact fee, since the use is temporary, and no other food trucks have ever been charged an impact fee of any kind.

**Public Safety:** No permanent structures are proposed. Each food truck is generally 7-ft x 20-ft = 140 sqft. The HC Public Safety Impact Fee is \$0.59 per sqft. For eight food trucks, the total PS impact fee could be calculated to be  $8 \times 140 \times 0.59 = \$661$ . This fee is requested to be exempted since the use is temporary and no other food trucks have been charged this fee.



PROJECT  
25003364

PREPARED FOR  
BIGMMAKKS, LLC.

SHEET  
1 OF 1

PROJECT  
PARCEL 04-7576 89 WEST 100 SOUTH

## CONCEPT EXHIBIT - DOWNTOWN HEBER FOOD TRUCK COURT

DRAWN BY:  
SFS

REVIEWED BY:  
MPJ

SCALE:  
1" = 10'

ISSUE DATE  
6/11/2025



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