HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting

December 16, 2025

4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. WORK MEETING - 4:00 P.M.

1. Committees 2025 Year End Report (*70 min*)

    - Planning Commission (Tony Kohler, Community Development Director) - *40 min*
    - POSTT (Parks, Open Space, Trails, and Trees) (Mia Yue) - *15 min*
    - Arts/TAP Tax Committee (Phil Jordan) - *15 min*

2. Staff SWOT (Strengths, Weaknesses, Opportunities, Threats) Reports (*15 min*)

    - Police Department - *5 min*
    - Finance - *5 min*
    - Airport - *5 min*

3. Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure (Ryan Bunnell) - *30 min*

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Aaron Cheatwood, Council Member)
3. Prayer/Thought by Invitation (Yvonne Barney, Council Member)

IV. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Recognition of Scott Phillips Four Years of Service on the Heber City Council
2. Mayor's Award to Jamie Baron and Curt Davis for Work on Building Remodel

V. CONFLICT OF INTEREST DISCLOSURE:

VI. CONSENT AGENDA:

1. November 18, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Resolution 2025-21 to Update the Process for calling Special Meetings of the Heber City Council in the Rules of Order and Procedure (Trina Cooke, City Recorder)
3. Ordinance 2025-32 Modifying the Consolidated Fee Schedule to Amend Planning and Airport Fees (Jamie Baron, Planning Manager)

VII. PUBLIC COMMENTS: (3 min per person/20 min max)

VIII. GENERAL BUSINESS ITEMS:

1. North Village Views Master Plan Amendment (Tony Kohler, Community Development Director) - *30 min*
2. Garbett Homes presentation on proposed Bluestone development located at approximately 830 East Center Street (continued discussion from November 18) (Tony Kohler, Community Development Director, Jacob Ballsteadt) - *30 min*
3. Discussion of Options to Advance Construction Timeline of Preferred Corridor Alignment (Scott Phillips, Council Member) - *10 min*
4. Consider Recommendation to UDOT (Utah Department of Transportation) to Name the Intersection of Highway 40 and State Road 32 as Hathcock Junction (Scott Phillips, Council Member) - *10 min*

IX. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Heber City Review of Term-Sheet with Celebration Housing at approximately 350 East 1200 South (Tony Kohler, Community Development Director) - *30 min*
2. Ordinance 2025-30 Springs at Coyote Phase 5 Development Agreement (Jamie Baron, Planning Manager) - *30 min*
3. Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure (Ryan Bunnell) - *40 min*

X. COMMUNICATION:

XI. ADJOURNMENT:

Ordinance 2006-05 allows Heber City Council 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 Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on December 11, 2025, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at http://pmn.utah.gov. Notice provided to the Wasatch Wave.

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Committees 2025 Year End Report (*70 min*)

- Planning Commission (Tony Kohler, Community Development Director) - *40 min*
- POSTT (Parks, Open Space, Trails, and Trees) (Mia Yue) - *15 min*
- Arts/TAP Tax Committee (Phil Jordan) - *15 min*

RESPONSIBLE:

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

The purpose of the committee's year-end reports is to better assist Council in the establishing of their top policy and budget priorities for FY '27. The reports have been strategically scheduled to take place prior to Council's January retreat so Council has the benefit of the information when finalizing next year's goals and priorities.

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

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

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue
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 4 - Denial
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

1. 2025 PC Report

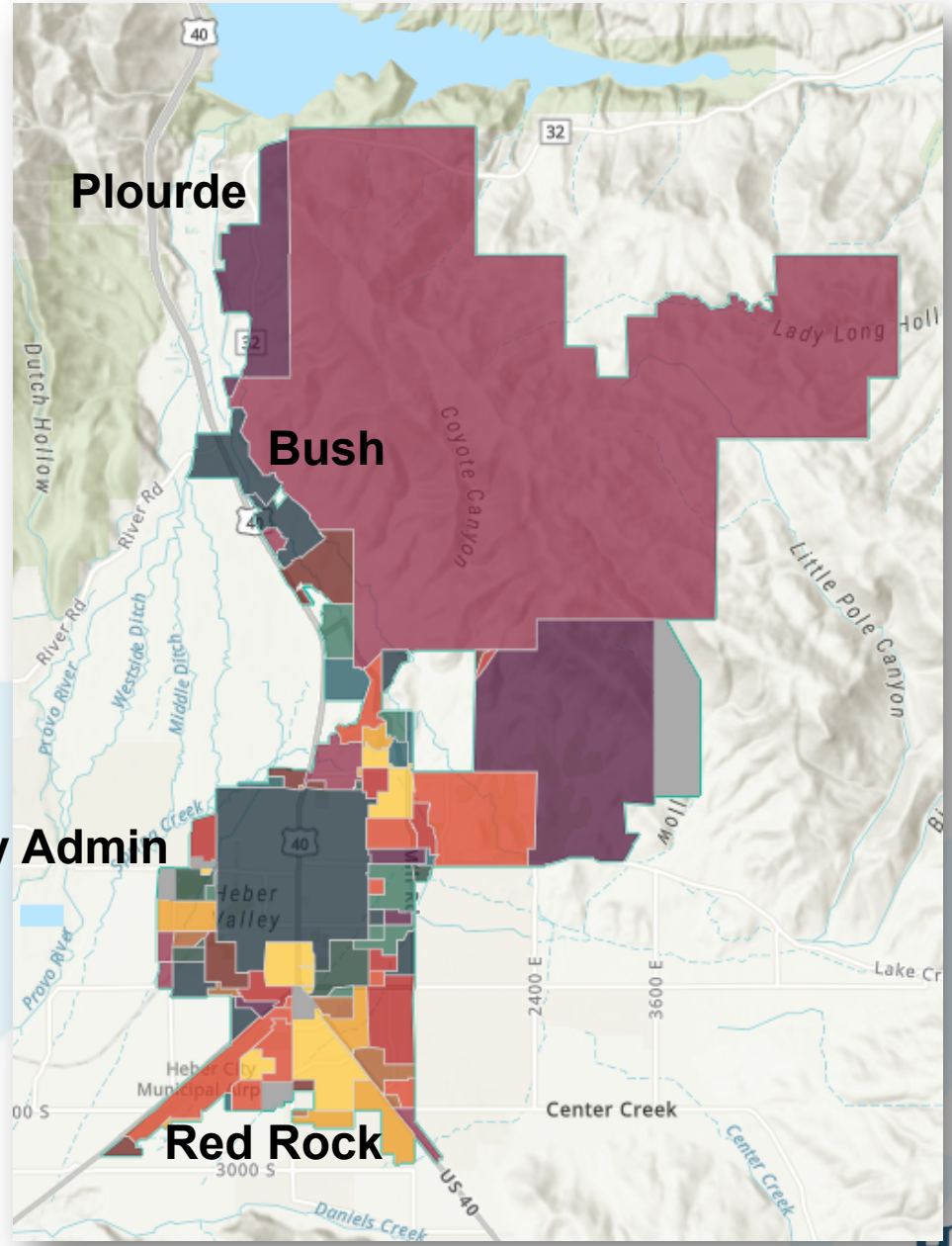
HEBER CITY
EST 1889
PLANNING

2025 Planning Commission Report

December 16, 2025

2025 Annexations

Name	Acres	Uses
Bush	1.863	Mixed Use Residential
County Admin	20.8	Office
Plourde	40.85	Resort
Red Rock	31.132	Industrial



2025 Policy Updates

Complete

- Body Art Code Update
- Central Heber Overlay Zone
- Daniel Road Zoning Map Amendment
- Sports Court Fencing Code Update
- Standards & Specifications Update
- Telecommunication Code Amendment
- Water Use Element of the General Plan
- Annexation Policy Plan Amendment (Wasatch Highlands)

Pending

- Airport Overlay Zone Update

2025 Cell Towers

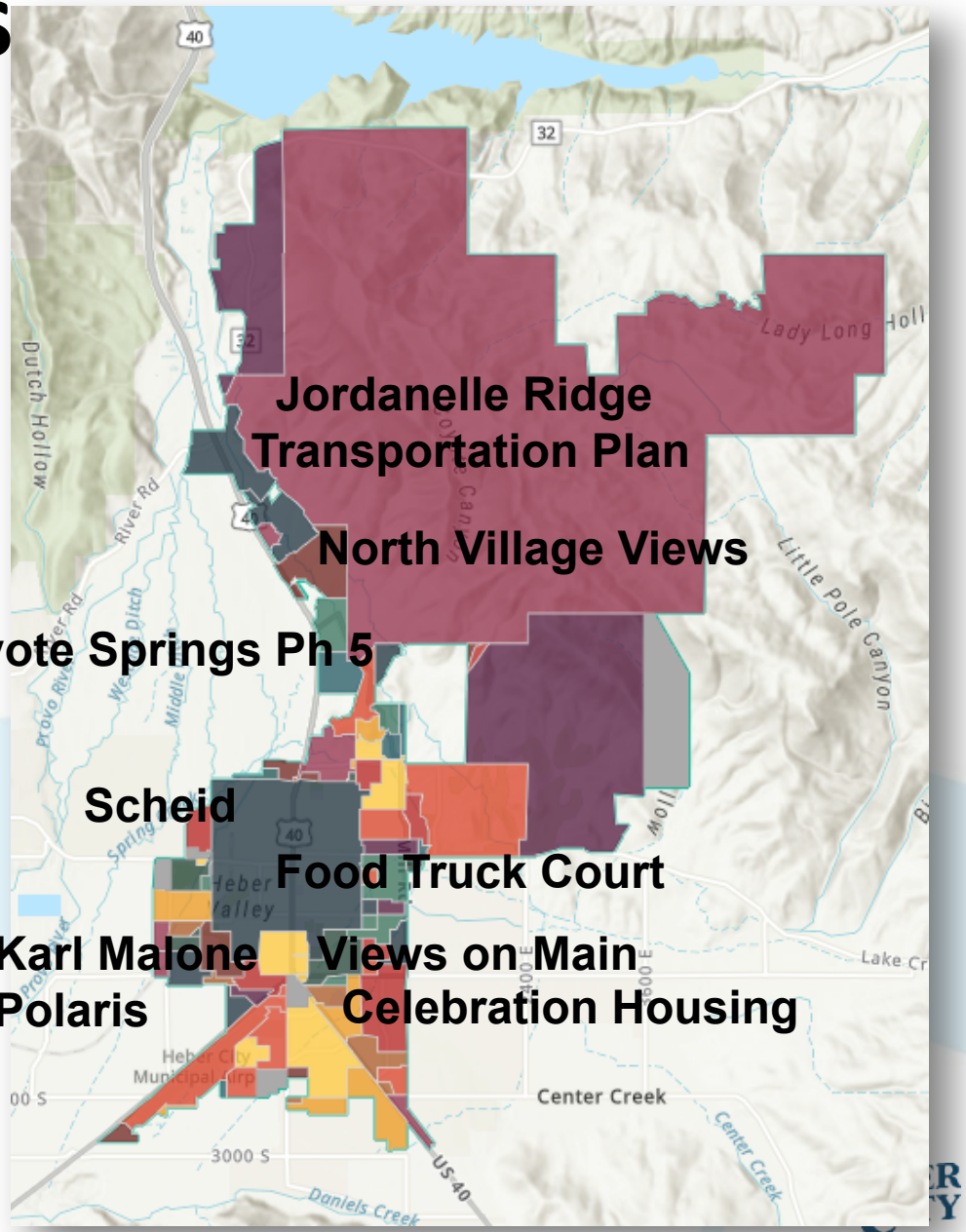
- Atlas Cell Tower (to be relocated)
- VZW Cell Tower

2025 Plat Amendments

- Amsource Plat Amendment (Timberline/Ace Hardware)

2025 Development Agreements

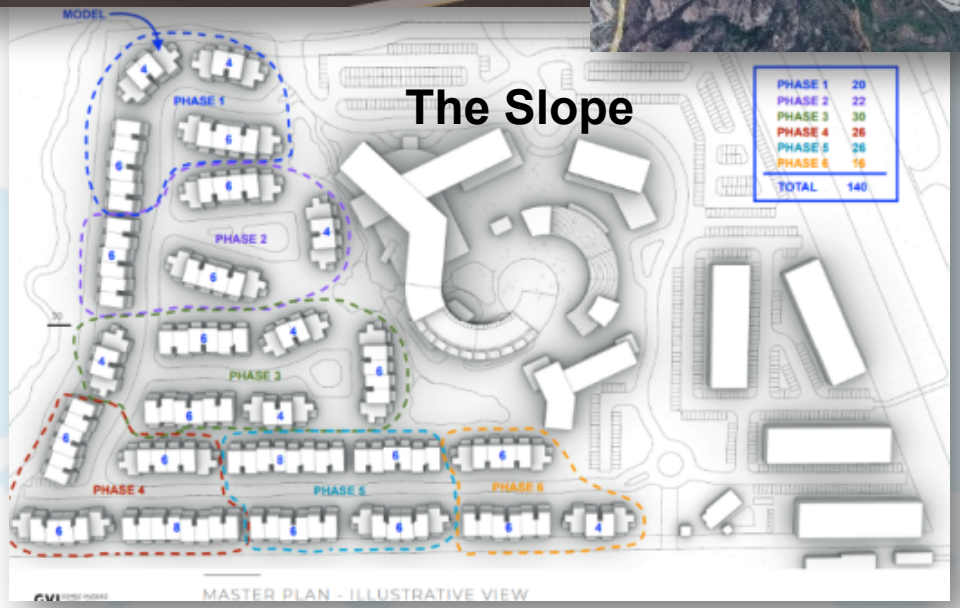
Name	Public Benefits
Celebration Housing	Affordable Housing creation
Coyote Springs Phase 5	Collaboration with adjoining property owners
Food Truck Court	Helping small business
Jordanelle Ridge Transportation Plan	Compliance with long term City plans
Karl Malone Polaris	Better looking building, safer streetscape
North Village Views	Compliance with City Transportation Plan, decreased density
Scheid	Mitigate impact of school upon residence
Views on Main	Compliance with City Transportation Plan

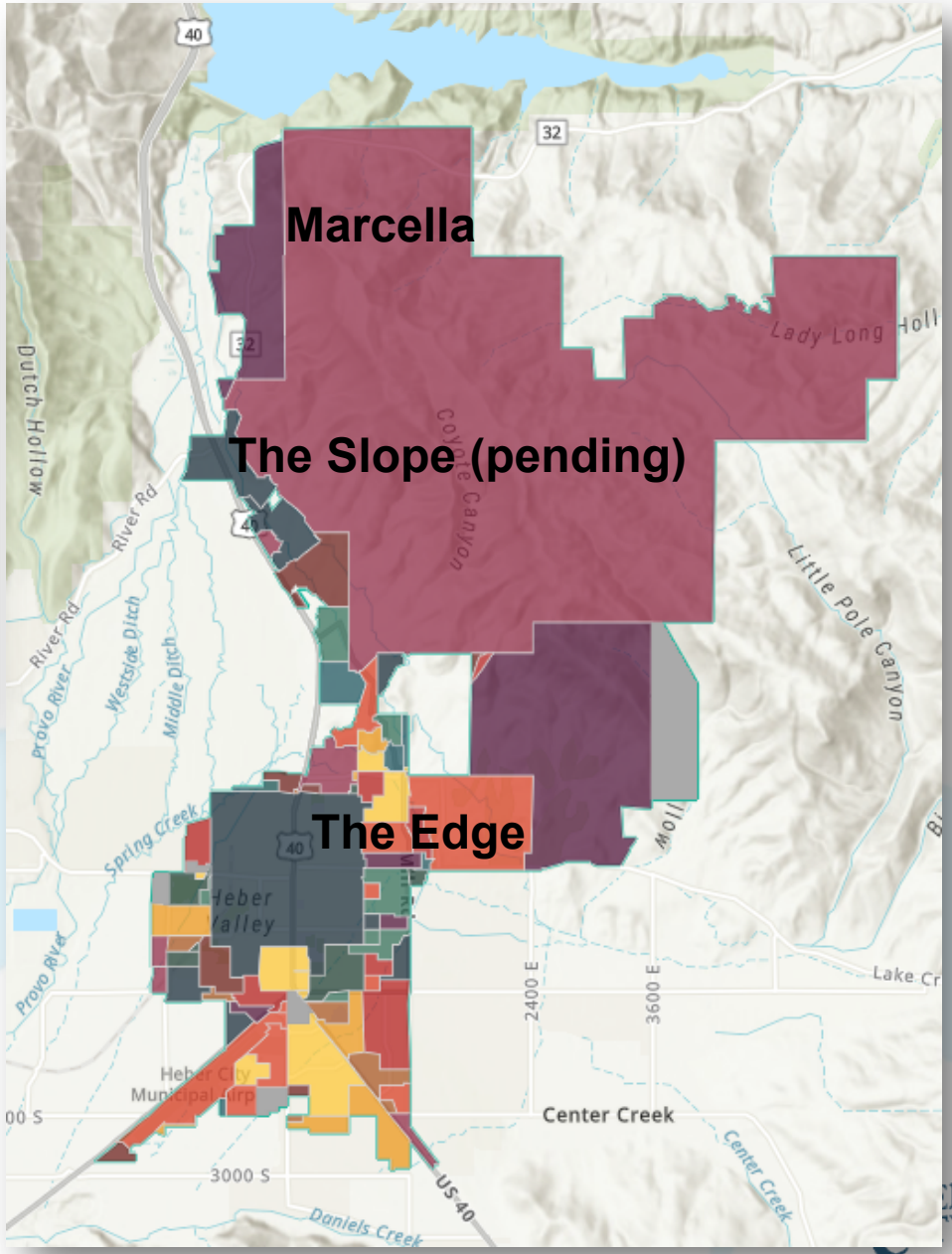


2025 Preliminary Plats



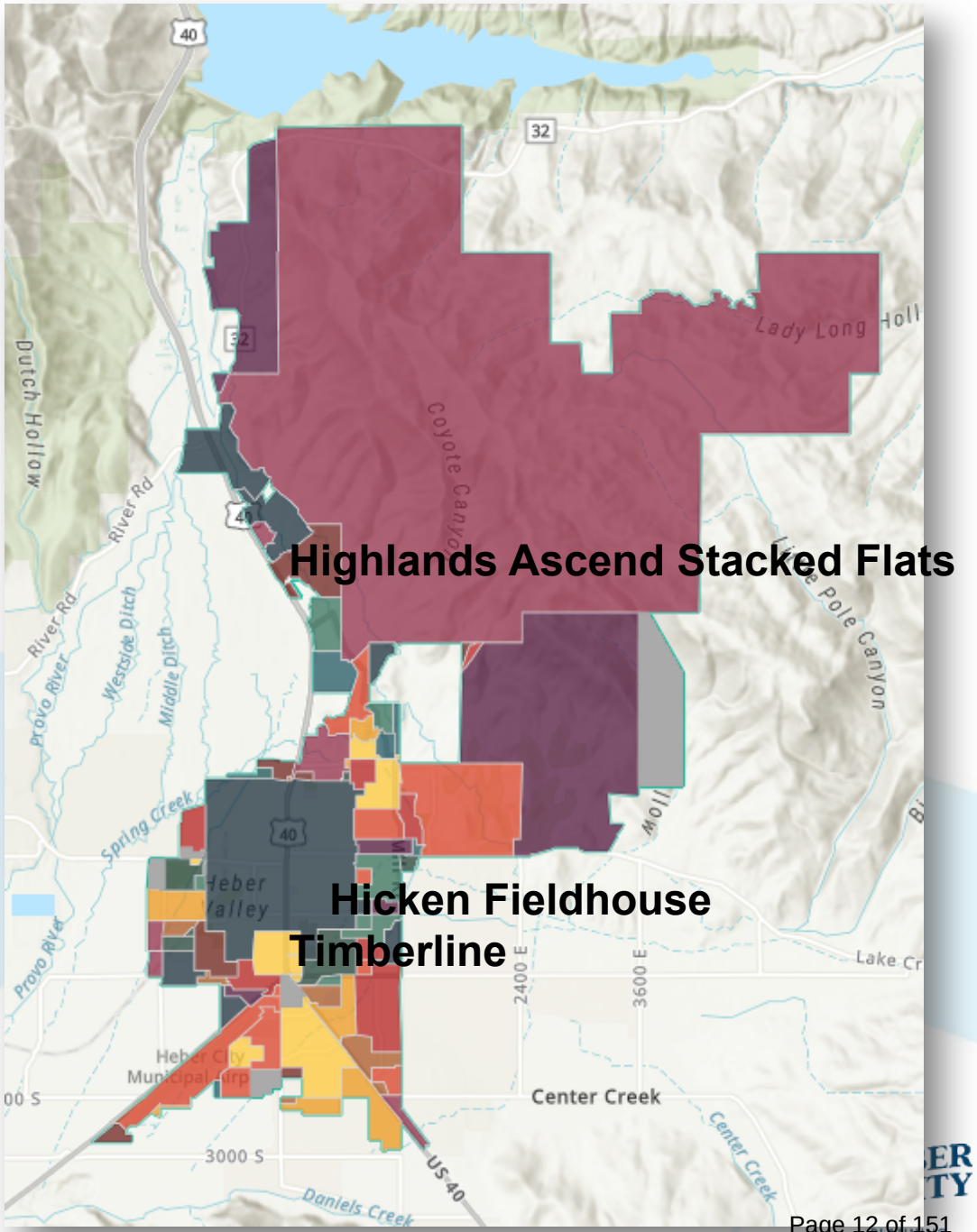




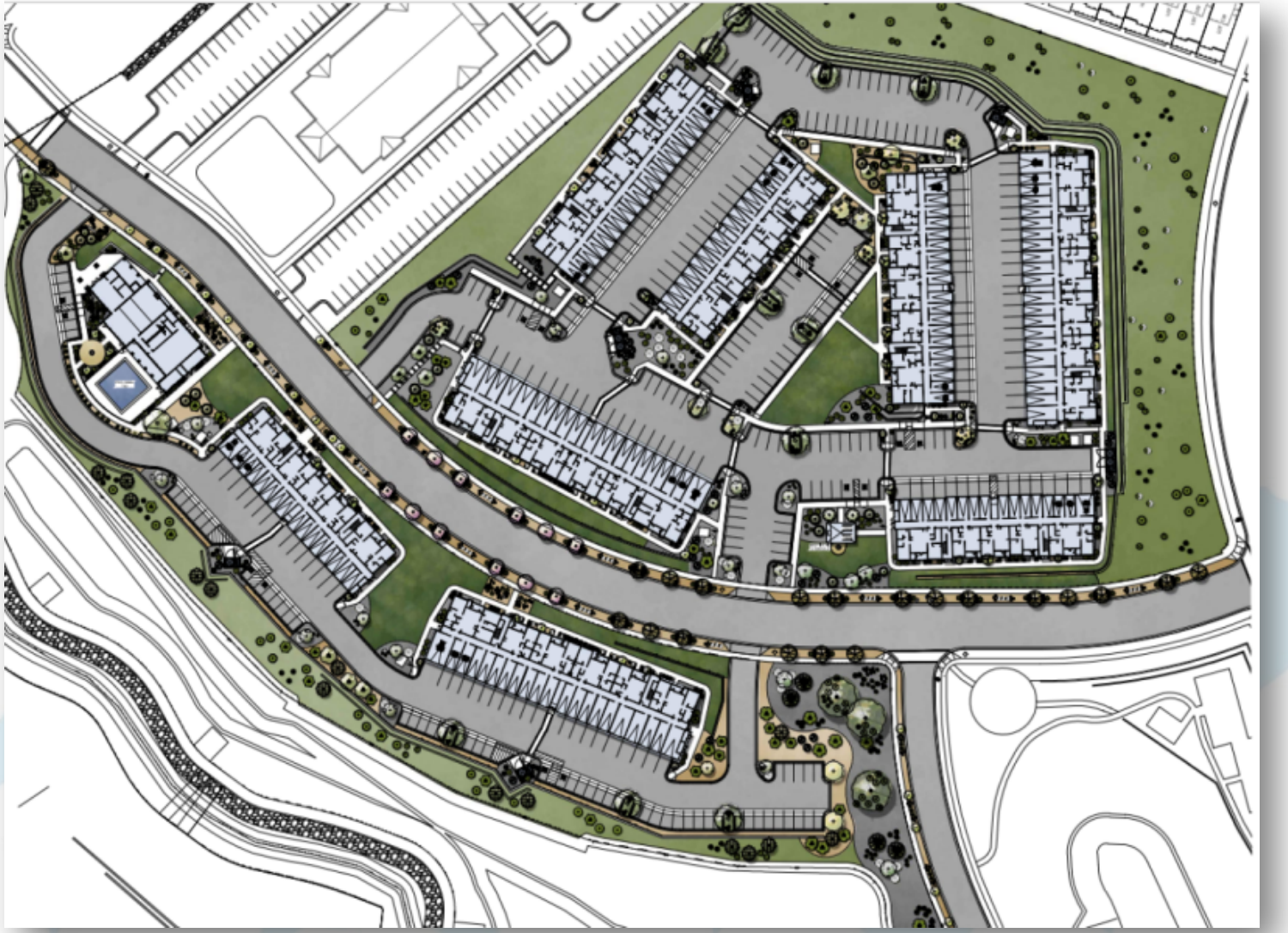


2025 Site Plans

Development	Acres	Units/SF	Use
Timberline	1.31	12,592	Retail
Hicken Fieldhouse	0.25	2 units	Multi-family
Highlands Ascend Stacked Flats	11.65	227 units	Multi-family



Highlands Stacked Flats

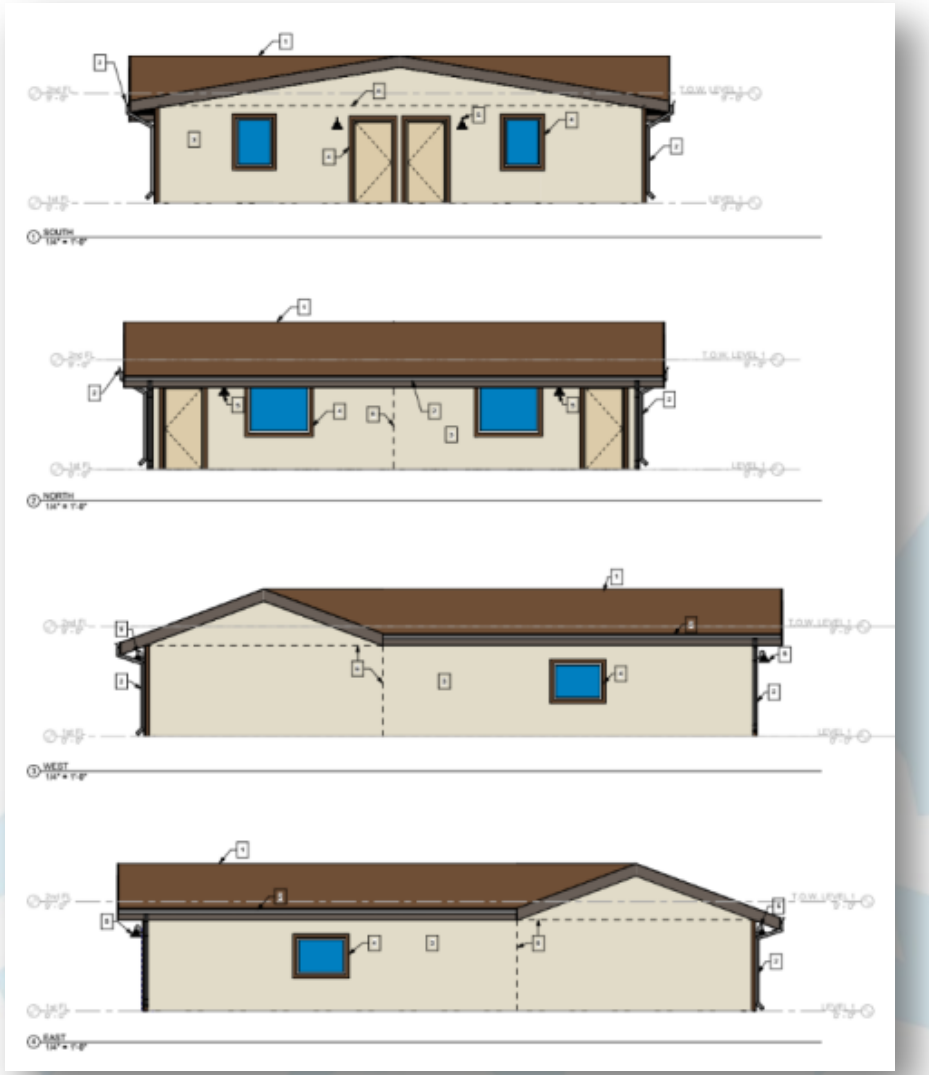


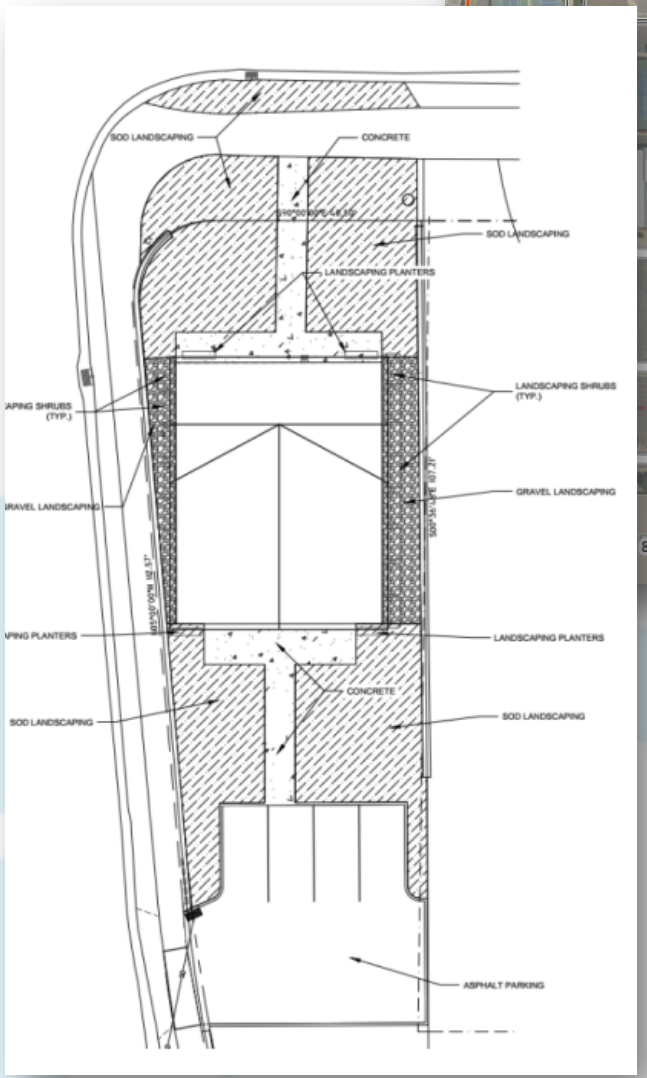


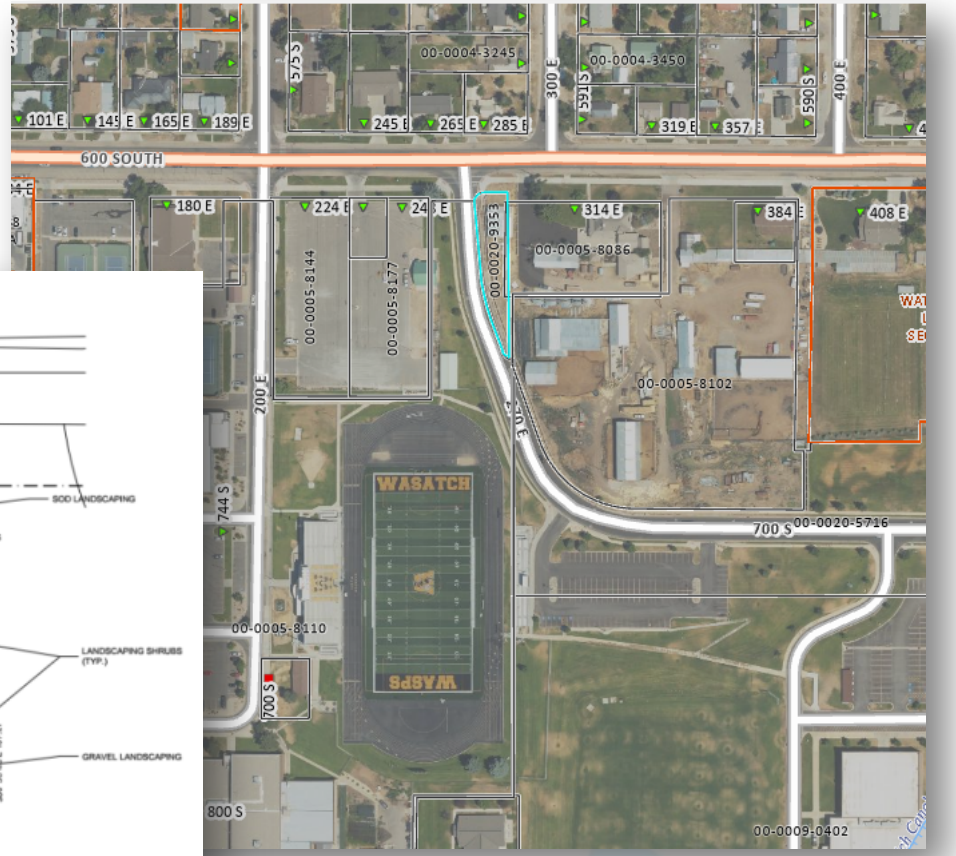




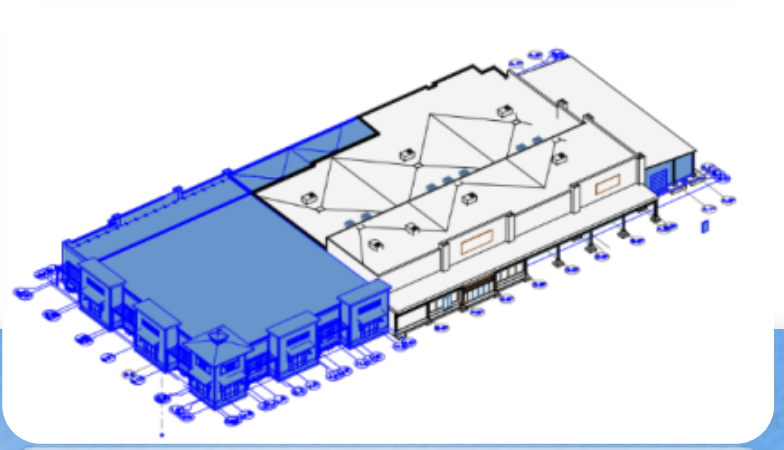
Hicken Fieldhouse







Timberline Ace Hardware







2025 Training

- Open Meetings Act
- Individual Online Learning
- Fall APA Conference
- December 9: 100% Compliance

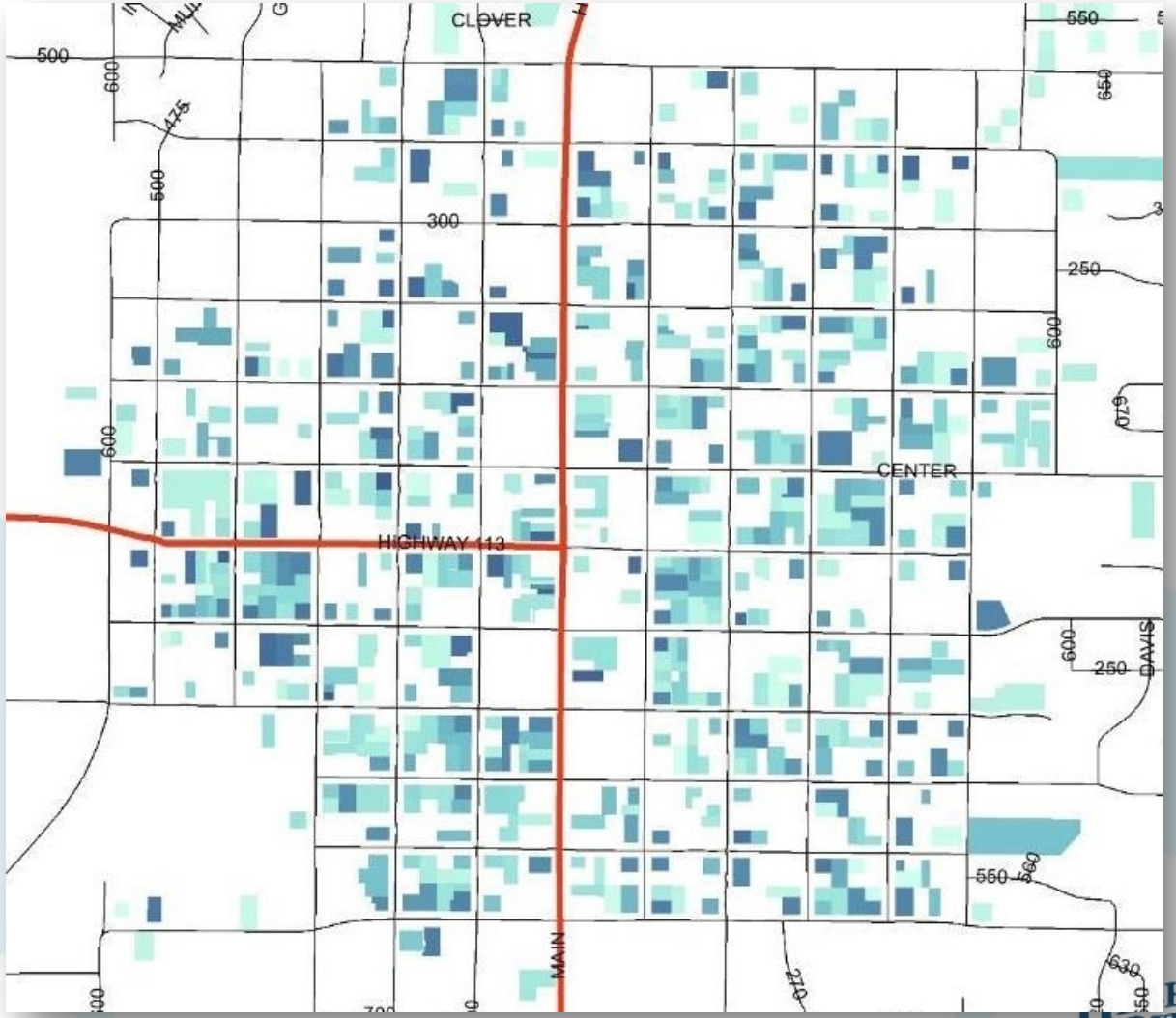
2026 Opportunities

- Historic Preservation
- General Plan Implementation (Zoning)
  - Recreation & Arts District
  - Missing Middle Neighborhood near Deer Creek High School
  - Public Facilities Zone
  - Neighborhoods with Open Space

Historic Preservation

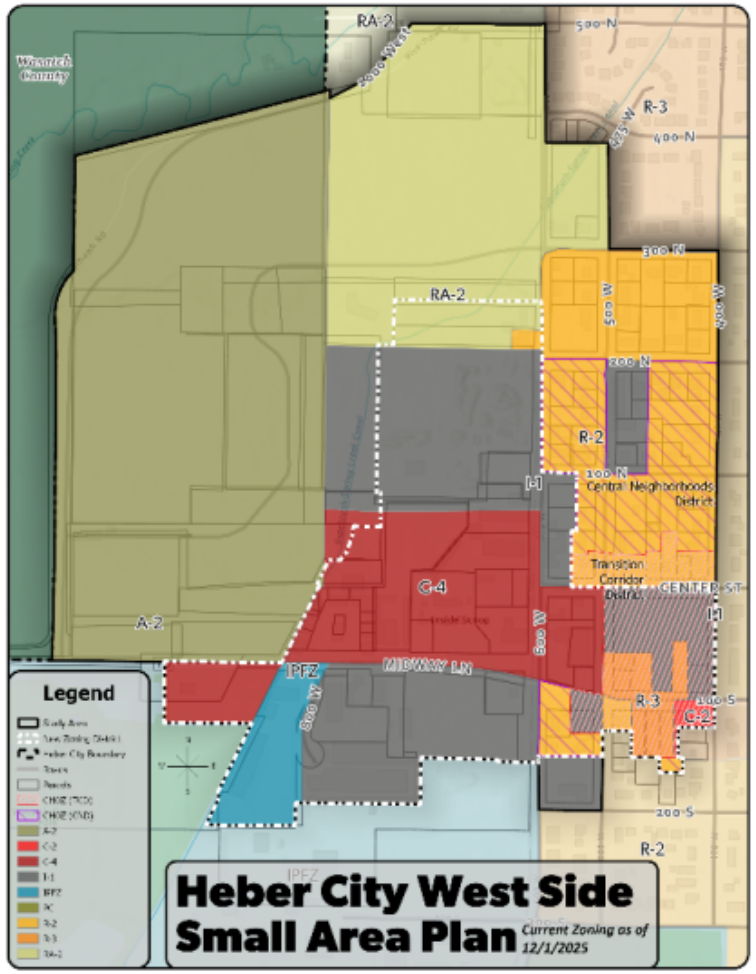
- 2025-2026: Historic Building Inventory (underway)
- 2026-2027: Consider National Historic District
  - Based upon inventory results
  - Opens up state and federal grant opportunities
  - No “requirements”
- Future: Consider Local Historic District

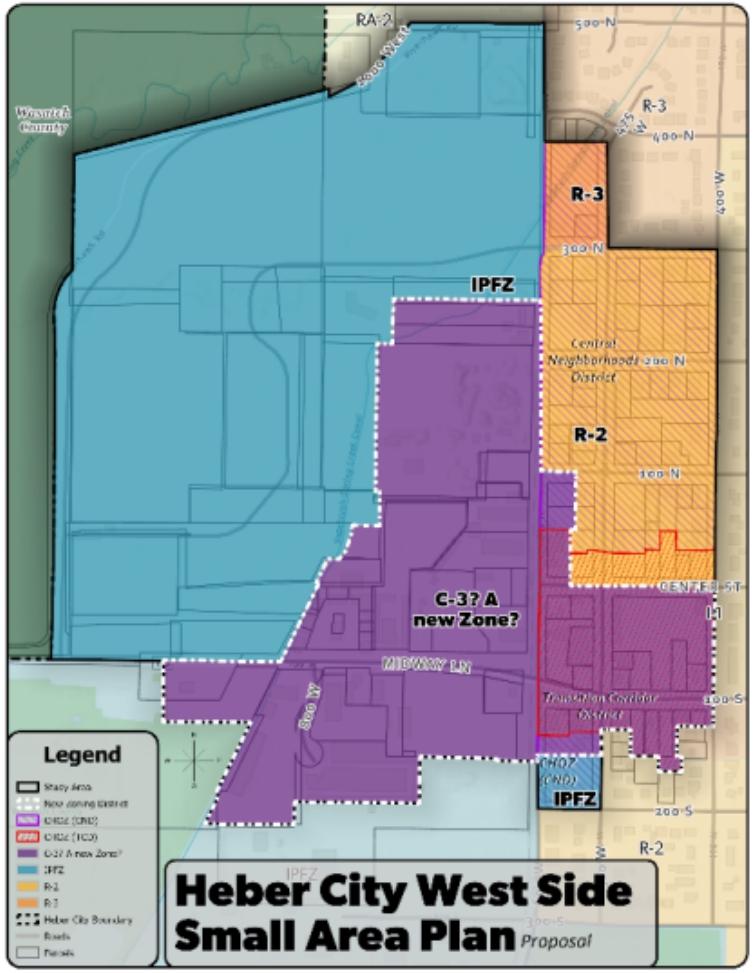
Buildings over 50 years old



Missing Middle Neighborhood/Arts & Rec District

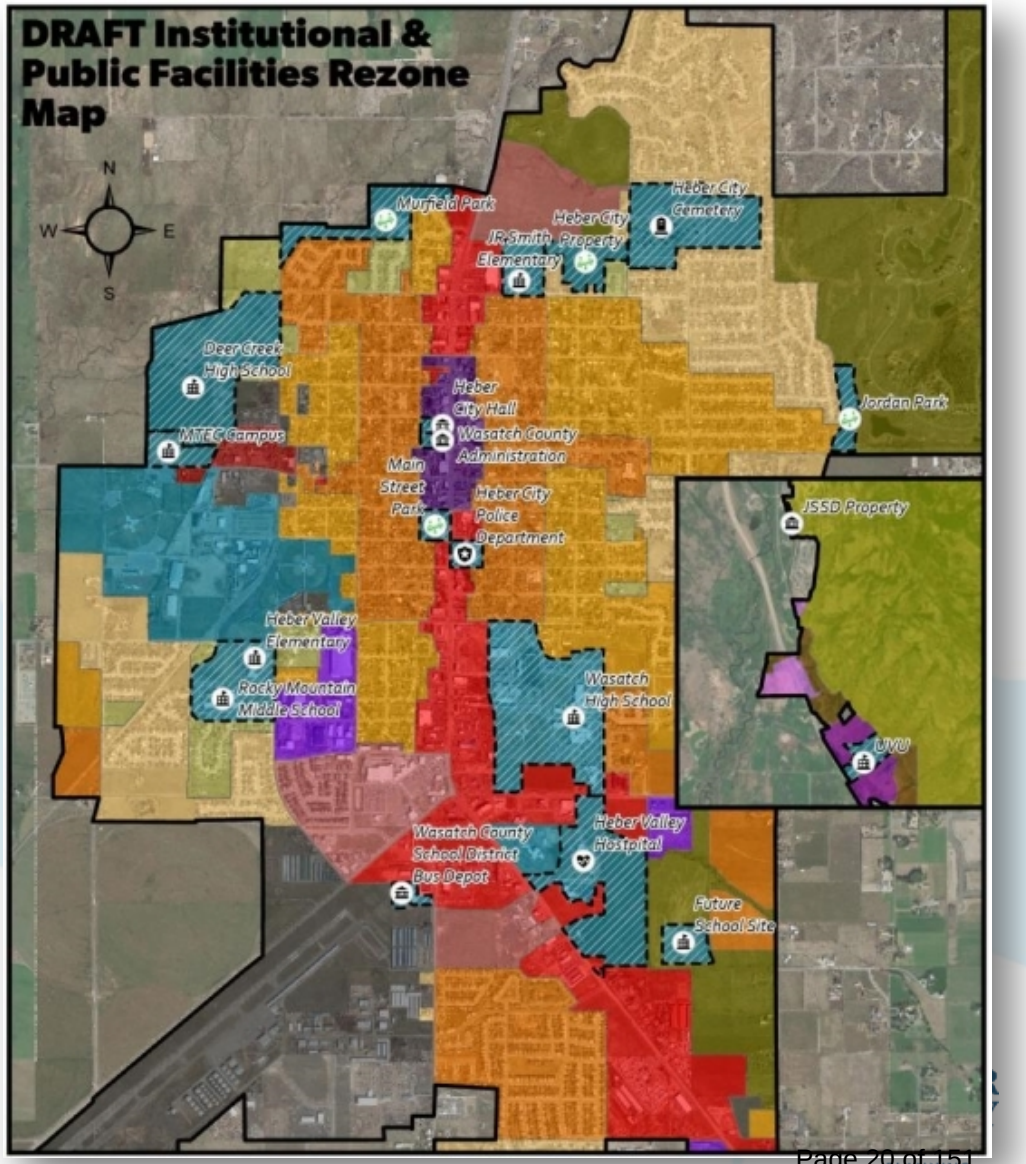
- General Plan calls for:
  - Missing Middle Neighborhood adjacent to new high school
  - New Arts & Recreation District Zone
- Potential new zone and map amendment in 2026-2027





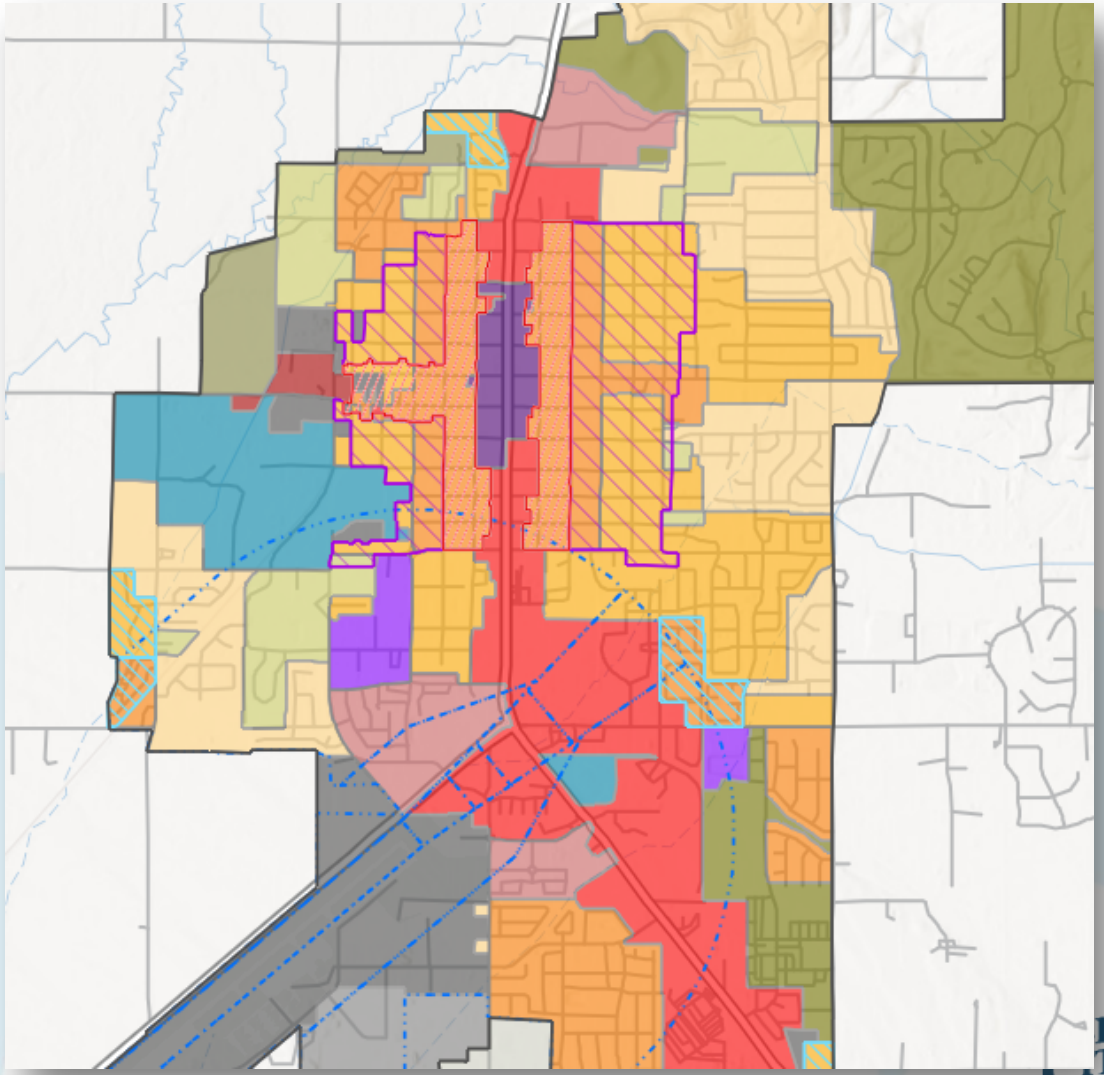
Public Facilities Zone

- City, school, county & state properties
- Only Southfield Park & County Courts are in IPFZ
- IPFZ Zone adopted in 2020 to apply to these public properties
- Potential rezoning of public properties to IPFZ in 2026-2027



Neighborhoods with Open Space

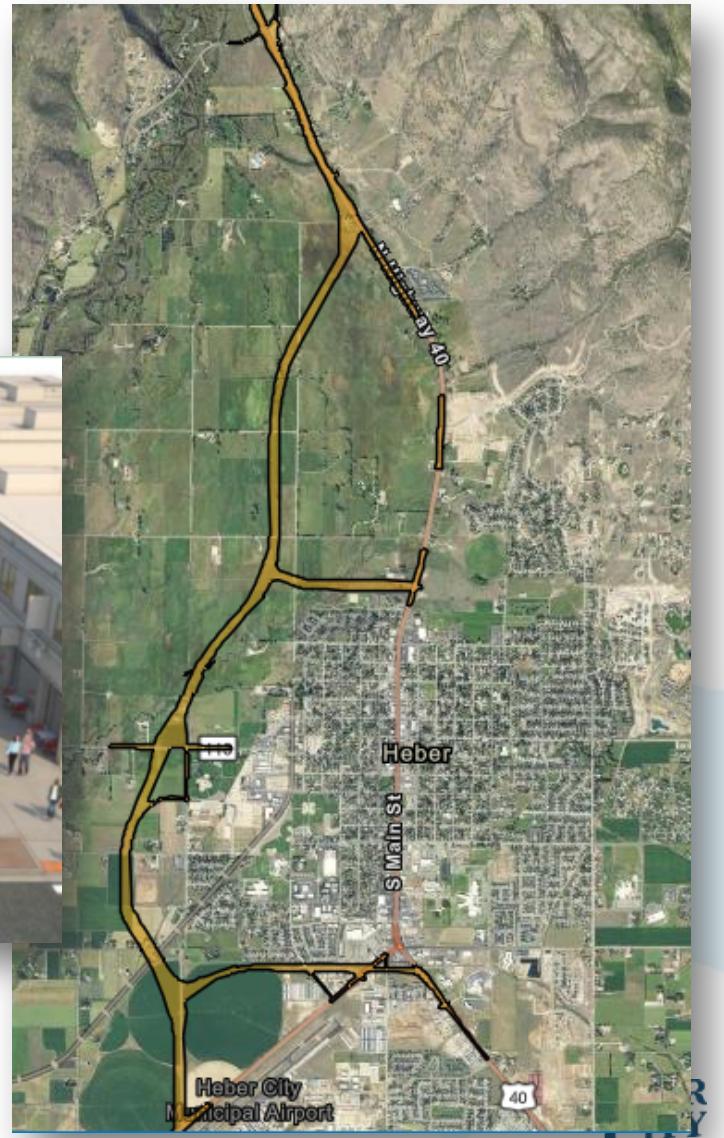
- General Plan calls for:
  - Neighborhoods with Open Space Zone to promote open space:
    - Adopted into NVOZ (North Village)
    - Needed elsewhere to address
      - Infill
      - Redevelopment
      - Affordable housing
    - Clustered Open Space Zone (COSZ) could be used as starting point
- Potential COSZ Amendment in 2026-2027



2026 General Plan Implementation: *Transportation*

- Central Heber Street Cross Sections
- Advocacy for bypass
- Main Street Design
  - Traffic Speed
  - Amenities
  - Walkability
  - Trees
  - Parking
  - Sidewalk
  - Dining
  - Small business focus





Central Heber Street Cross Sections

- General Plan calls for:
  - Reimagining streets in the Historic Core
- **Need**
  - Policy decision on overhead utility burial
  - Policy decision on curb, gutter and sidewalk (or lack thereof)
  - Cross sections



2026 General Plan Implementation

Economic Development

- CRA
- Future of UVU Campus
- Promote opportunities in tech, R&D, office & light manufacturing
- Redesign of Police Department, City Hall & Trailhead Plaza to activate Main Street
- City Land Purchases
- City Land Development Concept

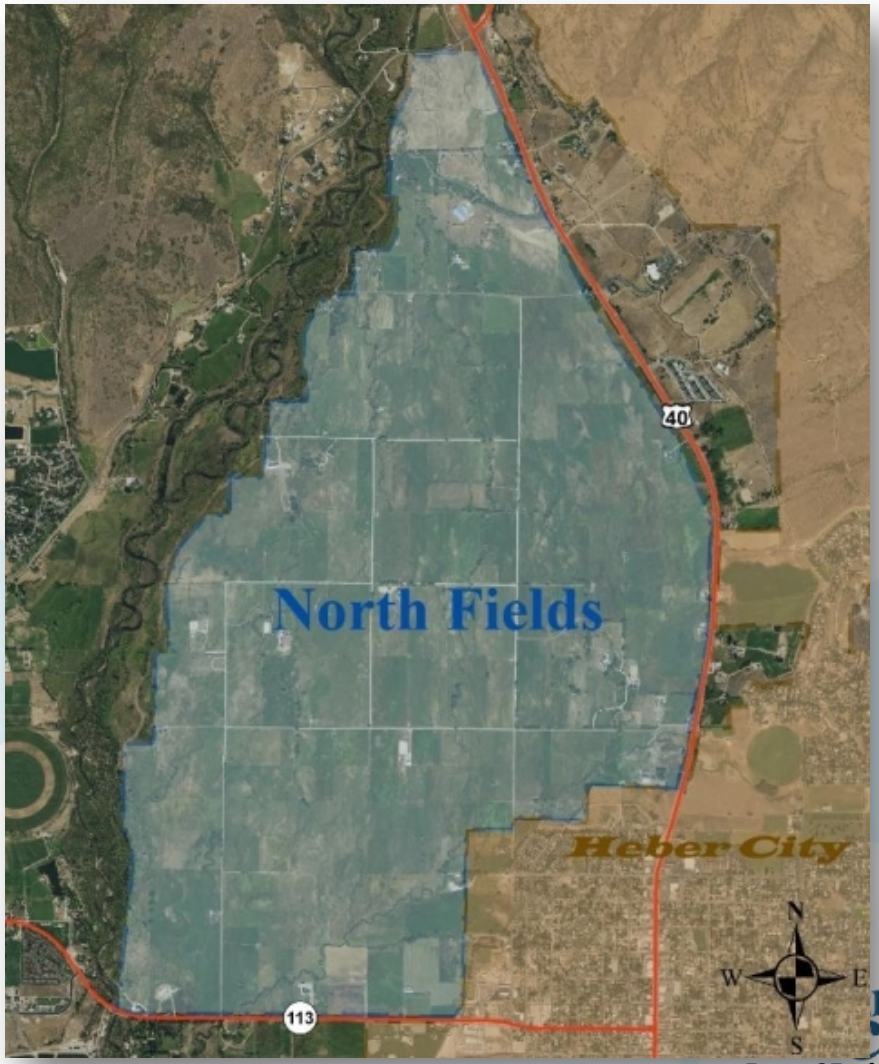
2026 General Plan Implementation: Open Space

North Fields Preservation

- Fee-in-Lieu Collections
  - Fitzgerald Farms
  - Highlands
- Fee-in-Lieu Use Priorities
- Initiatives
  - Matching grants
  - Other funding sources such as bonding
  - Partnerships
  - Land Purchase

Trails, Open Space & Parks

- Increase Park ratio of 10 acres/1,000 residents
- Lake to lake trail system concept design



2026 General Plan Implementation

C Street Master Planning

- C Street Pre-Design
- New Overlay Zone
- Brand
- Parking Plan & Fee In Lieu
- Façade renovation
- Small Business Friendly
- Trailhead Plaza Concept Design



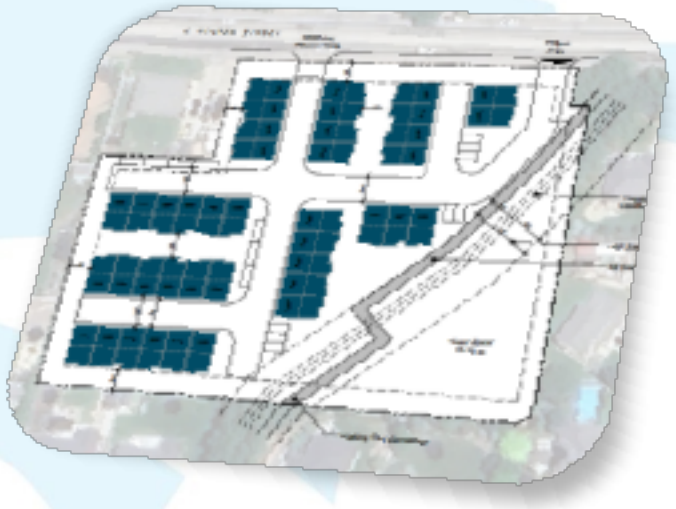
HEBER CITY PLANNING

2026 General Plan Implementation

Moderate Income Housing

- **Potential Rezones**
  - *Garbett Homes*
  - *Flex Ready Homes*
  - *Celebration Housing*
- **MIH Development Implementation**
  - The Slopes
  - North Village Views
  - Highlands
  - Jordanelle Ridge Home Sales
  - Jordanelle Ridge Fee-In-Lieu
- **MIH Plan Update**
- **Needs Assessment**







Other 2026 Priorities

- Airport Overlay Zone
- Commercial Design Criteria Update
- Dark Sky Lighting Update
- Massage Code Update
- Initiate Water Conservation Committee
- Explore Nationally Designated Historic Area (in coordination with Historic Preservation Commission)

SWOT ANALYSIS – FINANCE DEPARTMENT
JANUARY 2026

STRENGTHS: • **Professional Support**: Strong working relationships with ClearGov, K&C, CPAs provide reliable external expertise, audit support and technical guidance. • **Expanded & Cross-Trained Team**: Team has grown from four to five staff members, providing improved internal controls. Many key functions have trained back-up. • **Experienced, Creative and Problem-solving Team**: Staff continually review processes and policies for improvements. Significant improvements have been made in the AP process by digitizing invoices.	***OPPORTUNITIES:*** • **Process Optimization**: Continued process improvement initiatives could improve efficiency and reduce the impact of limited bandwidth. • **Leveraging Technology**: Increased use of ClearGov, ERP enhancements, and AI can improve budgeting, reporting, and public transparency. • **Skill Development**: Access to high quality State and National training could enhance department's capabilities
WEAKNESSES: • **Developing Policies and Procedures**: Creating and modifying policies can be time-consuming and frustrating while Staff works out deficiencies. • **Limited Leadership Bandwidth**: While the team has expanded, oversight responsibilities for the Finance Director have increased, particularly with cemetery sales. Finance Director remains the only role without a trained backup, creating vulnerability during absences. • **Small Staff Size**: A team of five may struggle to respond effectively to surges in demand.	***THREATS:*** • **Compliance Risk**: Constantly changing regulations and oversight requirements can increase risk of noncompliance or reporting errors. • **Workload Growth**: Increasing demands on staff without additional resources could lead to burnout or reduced service quality • **Internal Control Risks**: limited staff performing multiple roles increases the risk of errors or fraud.

Summary: The Finance Department has made significant progress in strengthening internal controls, modernizing processes, and expanding staff capability. Many prior weaknesses: limited cross-training, and insufficient internal controls, have been substantially addressed. Remaining challenges mainly relate to bandwidth, evolving regulations, and implementing ERP upgrades.
The department is positioned for meaningful efficiency gains as ClearGov enters its third year, AP digitization matures, and policy updates take full effect. Continued investment in technology, training, and strategic staffing will help maintain service quality and compliance in the face of growing workload demands.

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure

RESPONSIBLE: Ryan Bunnell

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

During the Council's December 2, 2025, regular meeting, staff was requested to draft a formal City communication policy utilizing feedback provided by the governing body during the meeting. The aim of the policy is to define the "voice of the city" (i.e. tone and purpose of communications) and brand standards (i.e. fact-based and reliable non-partisan information), in all formal city communications (i.e. monthly newsletter, social media posts, surveys, etc.).

RECOMMENDATION

Approve Resolution 2025-22.

BACKGROUND

During previous council meetings, members of the city's governing body provided feedback on tenants that should be included in a communication policy. Key tenants identified by the governing body included, 1) newsletter content and legal review prior to sending; 2) survey utilization, topics and questions reviewed and signed off by a majority of council members (united approach) ; 3) city communications must be fact-based, neutral in tone, and focused on informing/educating (i.e. political and personal views belong on personal social media sites--swim lanes); 4) reliable expectations when city communications accompanied by city brand; and 5) .

In early 2022, staff, with the assistance of the Mayor, drafted a press release policy which is still in use today. This policy has been updated and incorporated into the communication policy being considered by council.

DISCUSSION

Included with this staff report is the proposed communication policy, which incorporates the city's press release policy. The policy has been purposely incorporated and formatted into the City Council's Rules of Order and Procedure Policy. The communication policy, as drafted, achieves the following primary objectives: 1) foster an atmosphere of openness and transparency; 2) provide the

public with timely, accurate, objective, and complete information about City policies, programs, services, and initiatives; 3) ensure all official communications maintain political neutrality, focus on facts, and avoid emotionally charged language; 4) establish clear separation between professional City communications and the personal communications and social media activities of staff and elected officials; and 5) ensure compliance with all applicable laws, including the Government Records Access and Management Act (GRAMA).

The communication policy is intended to apply to all Heber City employees, appointed officials, and elected officials when communicating on behalf of the City or utilizing City resources or platforms (e.g., City email, City social media accounts, City letterhead).

FISCAL IMPACT

Fiscal impacts associated with the proposed communication policy include additional hours required by the city's public information officer and attorney to review content of newsletters and social media prior to publishing. It's unknown as to what this cost might sum to at this time.

CONCLUSION

The drafting of the communication policy was guided in large part by the feedback and direction of the governing body. The policy provides clear "swim lanes" for staff and elected officials to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public.

ALTERNATIVES

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager
Ryan Bunnell

EXHIBITS

1. Resolution 2025-22 Adopting a Communications Policy
2. City Press Releases
3. HC-Communication-Policy_DRAFT1_12-8-2025 (002)

RESOLUTION NO. 2025-22

A RESOLUTION OF THE CITY COUNCIL OF HEBER CITY, UTAH, ESTABLISHING A COMPREHENSIVE COMMUNICATION POLICY FOR CITY STAFF AND ELECTED OFFICIALS

WHEREAS, Heber City (hereafter "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council is the legislative and governing body of the City; and

WHEREAS, the City desires to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public; and

WHEREAS, the City Council seeks to provide clear guidelines for the use of all communication platforms, including newsletters, surveys, social media, and press releases; and

WHEREAS, establishing a clear policy will foster public accountability, enhance community trust, and ensure consistent, professional messaging;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah, that the City's Rules of Order and Procedure for City Council is hereby amended, as attached hereto as Exhibit A, is hereby adopted:

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

_____
Mayor Heidi Franco

ATTEST:

_____ Date: _____
RECORDER

Policy Title: City Press Releases

Policy Topic: Utilization and authorization of press releases for communicating City matters.

Policy Purpose: The purpose of a press releases is to accurately represent and promote significant City news. The intent of this policy is to formalize the authority for issuing press releases and content review and approval process for press releases officially issued by Heber City.

Part 1: Purpose of Press Releases: The City may issue press releases for any of the following purposes, informational, promotional, situational, persuasive, political, etc.

Part 2: Authorization to Issue Press Releases: Authorization to issue press releases rests with the Mayor, or City Manager or Police Chief. The City Manager and Police Chief are authorized to issue press releases for routine City matters relative to their areas of authority. Press releases issued for non-routine matters, however, require the review and input of the Mayor and other subject matter experts as deemed necessary by the Mayor, City Manager or Police Chief. The Mayor, City Manager and Police Chief may collectively authorize experts to speak or issue releases on behalf of the City, subject to rules governing press release content fond in Part 3 and Part 4 of this policy.

Part 3: Press Release Content: The City Manager and Police Chief are authorized to review and approve press release content that is specific to their span of responsibility. However, for non-routine matters or when the Mayor's actions or appointees are involved in media inquiries or city media statements, then the Mayor, in addition to the City Manager and/or Police Chief, must also approve the content of any release prior to issuing the release.

Part 4: Governing Body Updates: The governing body will be notified of all press releases. In lieu of press release copies, the Governing Body may be provided talking points or notices of press release issuances. Further, press release content must always be consistent with the official position of the Governing Body and/or other legal considerations.

Part 5: Media requests of Staff: Staff must notify the City Manager or Police Chief of media requests—interviews or statements—prior to accepting the request.

EXHIBIT A

PART II: Communication Policy

Policy Title: Communications Policy

Policy Topic: Establishing roles and identities for official Heber City communications and the elected officials of Heber City

Policy Purpose: Our mission is to uphold a clear, consistent, and trustworthy public identity by defining a unified organizational voice, establishing brand standards, and honoring communication roles. We protect the integrity of Heber City's brand by ensuring the city logo and official identity are never used for personal promotion, and by maintaining a strict separation between individual opinions and the organization's neutral voice.

Elected officials are empowered to communicate directly with their constituents in the voice, tone, and style they choose through their personal channels. Staff, however, serves as a steward of factual, impartial, and policy-aligned communication. By focusing solely on clarity, accuracy, and neutrality, and leaving interpretation of issues to policymakers, we strengthen long-term public trust and ensure that the city's official voice remains consistent, credible, and respected.

Section 1: Official Heber City Communication Brand Standards

These standards ensure consistent, trustworthy communication that protects the integrity of the city's official voice.

A. Tone & Voice

- Maintain a neutral, factual, and professional voice at all times.
- Content should educate and inform, not persuade, interpret, or advocate.
- Staff communication represents the organization—not personal viewpoints.

B. Content Guidelines

- Address issues with accurate, unbiased, and educational information.
- Avoid offering personal interpretation; with regards to public communications policy interpretation is the role of elected officials, not staff.
- Ensure messaging is clear, accessible, and grounded in verified facts.

C. Use of Heber City Identity

- Do not use the Heber City logo or brand elements in personal or private communications.
- Self-promotion using city branding is prohibited.

• Keep organizational identity separate from personal branding or commentary.

D. Communication Roles and Boundaries
Staff: Restricted to a factual, neutral organizational voice to uphold long-term public trust.
Elected Officials: Encouraged to communicate through their own channels, using any tone, message, or style they deem appropriate, as long as it is not presented as an official city statement.

E. Personal Opinions
When expressing personal views, staff must comply with Heber City Personnel Policy,

Section 2: Review of Official Communications

These guidelines ensure that official communications reflect accurate information, adhere to legal and ethical standards, and protect the integrity of the city's public messaging. To maintain accuracy, consistency, and legal compliance in all government communications, the following review standards apply:

A. Drafting, Editing, Logo Use, and Designates
• Any communication, document, or material that includes the city logo or other official brand elements must undergo review and approval by the City Manager or the Public Information Officer (PIO) before publication or release.
• Any communication, document, or material that includes the Heber City Police Department's logos (HCPD) or other official brand elements must undergo review and approval by the Police Chief. Police Chief has further responsibility to notify City Manager and PIO.
• The City Manager and Police Chief may authorize designated personnel or subject-matter experts to draft and issue communications, subject to review, approval, and the content requirements of the overarching Heber City Communications Policy.

The PIO reserves the right to request legal review for any official statements or materials when necessary to ensure compliance with applicable laws, policies, or risk-management standards.

B. Legal Review Process
A legal review may be initiated when issues arise that, in the judgment of two-deep leadership, consisting of the Mayor, City Manager, Public Information Officer, or Chief of Police, present potential legal implications outside of a City Council meeting.

Additionally, the City Council may request legal review of any communication or matter with a majority vote.

Section 3: Communication Channels

All content published to media channels that are or may be used in the future must conform to the Communications Policy. Some of the channels for publishing may include, but are not limited to:

A. Digital & Online Media
Social Media Platforms (Facebook, X/Twitter, Instagram, TikTok, LinkedIn, YouTube, Snapchat), City Websites, News Websites, Online Publications, Blogs, Independent Digital Publishers, Streaming Platforms (audio and video: Netflix, Spotify, etc.), Email newsletters, and subscription-based updates.

B. Traditional Broadcast Media
Television (network news, cable news, public broadcasting), Radio (commercial radio, public radio, satellite radio).

C. Print Media
Newspapers (local and national), Magazines (general interest, industry-specific), Flyers, Brochures, Printed Newsletters.

D. Direct Communication Channels
Press releases, Media Advisories, Public relations statements, Official Organizational Communications, Public Meetings, Town Halls, and Civic Broadcasts.

E. Interpersonal & Emerging Channels
Podcasts, Messaging apps (WhatsApp, Messenger, SMS, group chats), Community forums (Reddit, neighborhood platforms), and Influencer Communication through personal channels.

F. Visual / Outdoor Media
Billboards, Transit advertising (buses, trains), and Digital Signage.

Section 4: Authorization and Deployment of Press Releases

This policy governs the use and authorization of press releases to communicate official City information. It establishes the authority, procedures, and content requirements for issuing

official press releases by Heber City.

A. Definitions

Routine Matters:

Operational matters that fall within the established, ongoing, and previously authorized functions, duties, or activities of a Heber City department. Routine matters typically include scheduled events, standard service updates, regulatory or procedural notifications, or information that does not significantly impact City policy, finances, public safety, or the roles of elected officials.

Non-Routine Matters:

Matters that involve significant, unusual, or emergent issues, changes in or impacts to Heber City policy, major incidents affecting public safety or City operations, topics likely to generate heightened public interest, or matters involving the actions, roles, or decisions of elected officials or their appointees. Non-routine matters require elevated review due to their complexity, sensitivity, or potential policy implications.

B: Purpose of Press Releases

The City may issue press releases to communicate information related to City operations, programs, services, actions, events, or other matters of public interest.

C: Authorization to Issue Press Releases

- Authorization to issue press releases rests with the Mayor, City Manager, or Police Chief.
- The City Manager and Police Chief may issue press releases on routine matters within their respective areas of responsibility.
- Press releases concerning non-routine matters require review and input from the Mayor and any subject matter experts designated by the Mayor, City Manager, or Police Chief.
- The Mayor, City Manager, and Police Chief may jointly authorize designated personnel or subject matter experts to issue statements or releases on behalf of Heber City, subject to the content requirements of the overarching Heber City Communications Policy.

D: Press Release Content

- The City Manager and Police Chief may review and approve press release content within their respective areas of authority.
- For non-routine matters or when media inquiries involve the Mayor or mayoral appointees, the Mayor must also review and approve the content before issuance.
- All press releases must provide factual information and comply with applicable legal requirements.

E: City Council Updates

• The City Council will be notified of all issued press releases.
• In place of complete press release copies, the City Council may receive summaries, talking points, or notices of issuance.
• Press release content must be consistent with official City Council positions and applicable laws.

Section 5: Authorization and Deployment of Official Surveys

A. Survey Initiation Process

City Council members, the City Manager, or Department Leaders may initiate requests to develop or consider an official City survey. All initiation requests must be submitted to the City Manager's Office for preliminary evaluation. Staff will conduct an initial assessment to determine feasibility, alignment with City goals, estimated cost, and potential legal or operational considerations. Only after this assessment may the survey be advanced for City Council consideration.

B. Survey Authorization

All official Heber City surveys must be formally authorized by the City Council (CC) by a majority vote at a public meeting. No official survey may be initiated, distributed, or promoted without this explicit approval.

C. Pre-Meeting Requirements

Before the meeting at which the City Council will consider action, staff must present all pertinent information related to the proposed survey, including:

• Content and purpose of the survey
• Method of deployment (digital, print, third-party provider, etc.)
• Scope and target audience
• Funding requirements and sources
• All additional or unforeseen variables relevant to survey administration, implementation, or interpretation

D. Council Review and Decision

The City Council will review the whole proposal in an open public meeting to ensure transparency, accountability, and informed decision-making. Only after this review may the Council take action to approve or deny the survey.

E. Implementation

Upon Council approval, staff will administer the survey as authorized and ensure that content, method, and distribution strictly align with the parameters approved by the City Council.

Section 6: Police Department Communications Policy

The Heber City Police Department (HCPD) has distinct and evolving communications requirements due to the nature of law enforcement operations. HCPD shall comply with all applicable City, State, and Federal laws in the conduct of its communications.

While HCPD will follow the guidelines established in the Heber City Communications Policy for applicable matters, the Department may also implement additional communications procedures as specified in the HCPD Policy and Procedure Handbook. In circumstances where legal, safety, or policy considerations necessitate, HCPD communications shall be governed by the procedures in its departmental handbook.

All HCPD communications shall remain consistent with applicable laws, City policies, and public safety obligations.

Nomination for Mayor's Award

Project: 2025 Second Story Tabernacle Renovation
Nominees: Jamie Baron, Planning Manager
Curt Davis, Building Official
Date: December 9, 2025
From: Anthony L. Kohler, Community Development Director

Mayor Franco:

I would like to nominate Jamie Baron and Curt Davis for the Mayor's Award for their important roles in the renovation of the second story of the Tabernacle for the Community Development Department.

Jamie Baron went above and beyond in assuring the offices had a preliminary design that would meet code and meet the needs of the City. This assured a streamlined and more affordable architectural design of the facility. Jamie also was integral in establishing a preliminary budget for renovation and furniture. He assured the new office designs were supported by the staff that will be working there. In finalizing furniture designs, Jamie found ways to cut costs of the furniture while better meeting the needs of those employees. In addition to these administrative roles, Jamie has also assisted in demolition. Without this assistance, the project could not have stayed on time, which would have cost more for the City in time, delays and increased costs passed on to the City by subcontractors.

Curt Davis has been integral in interviewing subcontractors, review of plans for compliance with the code and demolition. Curt's extensive experience in construction and building inspection assured the project stays on time and assured the preliminary designs were feasible prior to hiring an architect. Curt has worked on weekends to make sure contractors are staying on task and are able to get into the building. Curt interviewed several contractors to assure the City hires the best quality work for the best cost. He has continued with his normal workload and found time to keep the construction site safe, neat and clean, plus he has also been part of the demolition crew. Curt has also found ways to implement critical design features at a low cost, such as sound proofing, installing partially zoned HVAC systems for comfort and cost efficiency, planning for the future by installing conduit for future keyless entries and ensuring a design that provides access to natural window light for all offices.

I recommend Jamie Baron and Curt Davis for consideration of the Mayor's Award. Both Jamie and Curt came in to work demolition over the Veteran's Day Holiday to ensure most of the dirty and loud work would be completed outside of office hours. Without the thoughtful hard work of these employees going above and beyond the call of duty, this project would not happen in an orderly and cost-efficient manner.

Thank you for your consideration,

Tony

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
November 18, 2025

DRAFT Minutes

4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING - 4:00 P.M.

Mayor Franco called the meeting to order at 5:04 p.m. and welcomed everyone present. She explained that UDOT (Utah Department of Transportation) would present in the six-o'clock hour, at the Regular Meeting, and give their presentation during the General Business section of the agenda. She moved the meeting forward to agenda item two of the Work Meeting.

City Council Present:
Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Aaron Cheatwood
Council Member Mike Johnston
Council Member Sid Ostergaard
Council Member Scott Phillips

Staff Present:
City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
Planning Manager Jamie Baron
Planner Jacob Roberts
Finance Director Sara Jane Nagel
City Engineer Russ Funk
City Recorder Trina Cooke
Building Official Curt Davis
Officer Josh Weisher
Chief of Police Parker Sever

Staff Participating Remotely: City Attorney Jeremy Cook, Public Works Director Matthew Kennard, IT Specialist Anthon Beales, Deputy City Recorder Robin Bond, Human Resources Director Cherie Ashe, Assistant City Manager J. Mark Smedley, Engineering Technician Desiree Muheim, Engineer Kyle Turnbow, City Engineer Russ Funk, and Accounting Technician Wendy Anderson.

Also Present: Randall Williford, Rachel Kahler, Morgan Murdock, Jacob Ballstaedt, Jason Glidden, Wyatt Woollsy UDOT, Pam Patrick, Di Ann Duke Turner, Andrea Clayton UDOT, Craig Hancock UDOT, Scott Laneri, Ryan Bunnell, Hannah Wilkinson, Isaac Hunsaker, Willa Motley, Daniel Monzello, Grace Doerfler, Rob Heywood, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (Names are written as signed-in online) Catherine, Jeremy, A, Aubrey Larsen LDI, B, Brent, Bryson, Christi, Grace Doerfler KPCW, Jen, RK, RWC, Ryan, Scott Laneri, Steve Jones, and Todd Anderson.

1. Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS) Update (Craig Hancock) - *20 min*

Utah Department of Transportation (UDOT) presented after the public comment period during the Regular Meeting. Craig Hancock provided a brief update of the Environmental Impact Statement (EIS) Study. At the recommendation of Council, UDOT planned to wait until after the holidays to publish the EIS results and begin the 60-day public comment period for the EIS Study. Study draft results would be released in January 2026. He described the community outreach that was planned.

2. Heber Valley Funeral Home Caretaker Dwelling (Jacob Roberts, Planner) - *20 min*

Heber City Planner Jacob Roberts explained the request of the Heber Valley Funeral Home to build a caretaker dwelling on the property as detailed in the attached Staff Report. The location of the Heber Valley Funeral Home was in a zone that prohibited an accessory dwelling unit (ADU). Bridger Hanson, an employee of the funeral home, was present to answer Council's questions. His fiancé was the mortician at the funeral home and the two hoped to live in the proposed ADU. Council discussed design and architecture guidelines in the existing zone; whether to consider a design exception for the proposed dwelling unit; that the proposed ADU would provide workforce housing; and the size of the ADU. Staff would proceed with the development agreement process to permit the ADU and return to Council with the draft agreement and alternate design options.

3. Potential Development and Rezone Located at 830 to 844 East Center Street (Tony Kohler, Community Development Director, Jacob Ballsteadt) - *40 min*

Community Development Director Tony Kohler described the wish of the potential property buyer to purchase the property if the Council was willing to consider a rezone and permit the construction of townhomes. Mr. Kohler explained that Staff wished to discover Council interest and gauge support of said proposal prior to embarking in the zone-change process. Jacob Ballsteadt, representing the potential property purchaser Garbet Homes, shared a presentation as included in the meeting materials. He provided an image of a possible trail portion along the canal that ran through the property.

Mr. Ballsteadt explained that the company aimed to build green, energy-efficient homes. Garbet Homes wished to provide attainable housing with the townhomes. Jason Gliddon with Mountainlands Affordable Housing was present to assist with the discussion if needed. Council discussed a potential partnership with the City for essential worker housing; the requested density; proposed building height; the AMI (average median income) cut-off; landscaping elevations; and the City's desire to work with Garbet Homes and reach mutually agreeable terms and provide attainable housing.

Mr. Gliddon felt a redesign for added density would be required to achieve the AMI Council wanted. Council discussion resumed regarding providing all "for sale" and deed-restricted units; trail alignment; how to keep the established trees; parking for visitors; and the potential of including internal accessory dwelling unities (ADUs) to offer additional income for homebuyers.

4. Special Meeting Convening Process (Matt Brower, City Manager, Jeremy Cook, City Attorney) - *10 min*

City Manager Matt Brower recalled the special meeting held on November 6th, 2025, and the question of whether proper procedure had been followed. Conclusion was for Staff to seek the Mayor or two Council Members support, with their names to be listed on the agenda, when noticing special meetings going forward.

With remaining time on the Work Meeting agenda, Mayor Franco called for the communication items to come forward.

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Franco called the Regular Meeting to order at 6:21 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Yvonne Barney, Council Member)

Council Member Barney led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Scott Phillips, Council Member)

Council Member Phillips read from a talk given by past President of the Church of Jesus Christ of Latter-day Saints Thomas S. Monson about gratitude in honor of the Thanksgiving season. President Monson recalled the bible story of the ten Lepers that had been healed by Jesus and only one of the Lepers had thanked Jesus.

Mr. Monson had said: "Like the leprosy of yesteryear or the plagues of today, they linger, they debilitate, they destroy. They are to be found everywhere. Their pervasiveness knows no boundaries. We know them as selfishness, greed, indulgence, cruelty, and crime, to identify but a few. Sure-fitted with their poison, we tend to criticize, to complain, to blame, and slowly but surely to abandon the positives and adopt the negatives of life. A popular refrain from the 1940s captured the thought: accentuate the positive, eliminate the negative, latch on to the affirmative, don't mess with Mr. In-Between. This is a wonderful time to be living. Our opportunities are limitless. While there are some things wrong in the world today, there are many things right, such as teachers who make it, parents who sacrifice, and friends who help. We can lift ourselves and others as well when we refuse to remain in the realm of negative thought, and cultivate within our hearts an attitude of gratitude. If ingratitude be numbered among the serious sins, then gratitude takes its place among the noblest of virtues." - Thomas S. Monson.

Council Member Phillips thanked his fellow Council Members for volunteering to do the job, stating that it was not an easy job. He thanked the staff that worked with Council and worked countless hours preparing the meetings to help the Council make good decisions. He thanked the Police and Public Works departments for all the work they did for the citizens of Heber City. Council Member Philips wanted to express his gratitude for them during the Thanksgiving season.

IV. CONFLICT OF INTEREST DISCLOSURE:

Council Member Johnston disclosed he had a conflict with Action Item three regarding the Bush Annexation.

V. PUBLIC HEARINGS: (Council May Take Action Following Public Comment and Upon Conclusion of the Public Hearing)

1. Public Hearing and Possible Adoption of the First Budget Amendment for Fiscal Year 2026 Resolution 2025-17 (Sara Nagel, Finance Manager) -

Finance Director Sara Jane Nagel provided a budget request summary for the 14 budget amendments as listed in the meeting materials.

Mayor Franco opened the Public Hearing at 6:49 p.m.

Di Ann Duke Turner said she had viewed the recording for the County Parks and Rec Meeting where Mr. Davies had proposed the land purchased from her family by the City be used for a tennis facility. She further read the discussion of the board where they had stated the County had been working with Council Member Phillips. She said no-one had spoken with her or any member of the Duke family about installing tennis courts on the land the Duke family had sold to the City. She asked when Council Member Scott Phillips had spoken to her brother Dean.

Council Member Phillips said he had not spoken to Mrs. Turners brother and said that was why he had gone to see her was to ask her directly. Her cousin, Corey Berg, claimed her two brothers were excited about the proposed tennis court but when she had spoken to her brothers, they indicated no knowledge of the plan. She asked who the "someone" and the "they" were that continued to be referenced.

Danny Monzello, resident, had looked through the budget materials online and recognized the overwhelming amount of work that was the budget. He had seen a Facebook post on Thursday about the meeting. He felt the budget information had been somewhat difficult to find online. Mr. Monzello recognized the importance of the budget. He proposed the City push back on new projects and focus on necessities. He felt the economy was fragile, there were families struggling, and he thought the City should be focusing on maintenance rather than future projects. He proposed a review of leasing versus buying for the funding for police cars to ensure the City was choosing the most fiscally responsible option. He expressed appreciation for the Council's level of fiscal conscientiousness.

Mayor Franco emphasized the importance of the Budget adoption and noted that over 70% of the budget was applied to employees salaries. City Manager Matt Brower further described the budgeting process and invited Mr. Monzello to participate in future budgeting processes. Mayor Franco asked staff to display the navigation of the City website and invited Mr. Monzello to apply to participate on the City's Audit Committee.

Patrick Saucier, resident and local mechanic, asked why admin staff at the Police Department would need an F350 truck. Chief of Police Parker Sever explained the admin trucks were used to transport heavy equipment and served the dual purpose for the use by admin when needed.

With no one further from the public coming forward to comment, the Public Hearing was closed at 7:06 p.m.

Motion: Council Member Phillips made the motion to approve Resolution 2025-17 for the first budget amendment in the Fiscal Year 2026 Budget with the findings and conditions as presented in the conclusion above.
Second: Council Member Cheatwood made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**

2. Ordinance 2025-28 Adopting a Facilities Master Plan Including Capital Facilities Plans, Impact Fees Written Analysis, and Impact Fee Enactment (Russ Funk, City Engineer)

City Engineer Russ Funk shared the purpose of the proposed updates to the Heber City infrastructure and impact fees plans as detailed in the attached Staff Report, meeting materials, and presentation. He explained that infrastructure growth that came with development was paid for by the developers through the collection of impact fees.

Engineering Consultant Willa Motley walked through the presentation and explained the infrastructure needs that came with growth. She provided a population projection from 2025 at approximately 22,000, to 2045 at an estimated near 45,000 population. She provided a land use projection map, and reviewed the following updates proposed as included in the attached presentation:

- culinary water-use projections
- water project costs
- future sewer and sewer project costs
- streets
- pressurized irrigation (PI) and PI water rights and shares
- Parks and trails system and costs
- summary of overall costs of improvements

Council Member Johnston indicated that he supported the streets impact fee discount for commercial businesses because at least half of the street impact was from existing residents.

Mr. Funk and Ms. Motley outlined the extensive process to estimate the costs for all the needs of the community. Council discussion followed.

Mayor Franco opened the Public Hearing at 8:21 p.m. With no one coming forward to comment, the Public Hearing was closed at 8:22 p.m.

Motion: Council Member Johnston moved to approve Ordinance 2025-28 adopting a Facilities Master Plan including Capital Facilities Plans, Impact Fees Written Analysis, and Impact Fee Enactment, with his comments on the street non-residential trips.
Second: Council Member Phillips made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**

VI. CONSENT AGENDA:

Motion: Council Member Phillips moved to move the banner Action Item to the Consent Agenda and to select banner design option number two and approve the Consent Agenda.
Second: Council Member Cheatwood made the second.
Discussion: Council Member Barney wanted the banner design to have an outline on the mountains to help them stand out. Banner designer Ryan Bunnell proposed the mountains have a radiant back-light. Council majority agreed. The Mayor wished to have the Declaration of Independence mentioned on the banner instead of Heber City being listed twice. Mr. Bunnell explained the branding had been provided by the State, along with grant money, and the City was required to follow the style guide provided in order to accept the grant money.
Called the question: Council Member Phillips called the question.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**

1. Approval of October 7, 2025, City Council Meeting Minutes and October 21, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Addendum #4 to UDOT Cooperative Access Agreement for North US-40 (Russ Funk, City Engineer)

VII. PUBLIC COMMENTS: (3 min per person/20 min max)

Pam Patrick stated that she had spoken with some veteran groups who had informed her that if you wanted to help a veteran, you should help them get a job. She said some of the veterans she had spoken with had not been able to find jobs. Ms. Patrick read a statement from Utah Code Title 71: Governing Veterans' Preference. She distributed information to Council as attached to the end of the meeting minutes. She paraphrased the handout that the code governing veterans' preference was enacted in 1992. The legislation mandated that government entities, encompassing the state, counties, municipalities, special districts, and other political subdivisions grant veterans preference for employment. She thought it was important to know that we should give our veterans a preference. Human Resource Manager Cherie Ashe informed that the City did give preference to the veterans when they applied for City positions.

Danny Monzella had lived in high-density homes and noticed more of that style development being built in Heber. He had observed the success of the Self-Help homes and felt that style of development provided an excellent sense of community and offered a preferred alternative to high-density housing. He proposed the City Council promote more of the Self-Help home style of development in Heber City.

Patrick Saucier shared that he had lived in Park City for ten years before moving to Heber City and had been in Heber City for ten years now. He noted the absence of recreation in the Master Plan and recommended more focus be placed on recreation.

Catherine had noticed the Christmas lights at the Main Street park and asked if they would be on all night every night through Christmas. She asked if the City would turn the lights off at the Main Street park and Festival Street. She questioned the dark-sky efforts of Heber City. Public Works Director Matthew Kennard advised that the Festival Street lights would be turned off at the end of the event each night. Catherine said it was so bright that she could see plain as day at two-o'clock in the morning. She said the Karl Malone car lot was very bright across Main Street. City Manager Matt Brower stated that the Christmas lights were temporary and would be removed once the season ended.

Mayor Franco called upon the UDOT (Utah Department of Transportation) representatives to provide their EIS (Environmental Impact Statement) update that had been moved from the first agenda item of the meeting

VIII. GENERAL BUSINESS ITEMS:

1. Monthly Development Report (Jamie Baron, Planning Manager) - *10 min*

Planning Manager Jamie Baron shared the presentation as included in the meeting materials. He reviewed the number of land-use applications received, site plans for 677 S Main, including initial renderings for the commercial architectural design; Harvest Village multi-family concept; Highlands phase 2 - final plat; the Edge Final Plat, and a few honorable mentions.

IX. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Certification of Election Report by the Municipal Legislative Body Acting as the Board of Canvassers (Trina Cooke, City Recorder) - *10 min*

City Recorder Trina Cooke, in the role of Election Official, presented the Election Report, including the Election Results, to the Council, acting as the Board of Canvassers, as attached in the meeting materials. Heidi Franco had been reelected as Heber City Mayor, Yvonne Barney had been reelected to the City Council, and Morgan Murdock had been elected to the second open City Council seat.

Motion: Council Member Cheatwood made a motion to certify the Election Report as presented.
Second: Council Member Barney made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**

2. America 250 Banners Selection (Ryan Bunnell) - *15 min*

This agenda item was approved with the Consent Agenda.

Motion: Council Member Phillips had moved to move the banner Action Item to the Consent Agenda and to select banner design option number two and approve the Consent Agenda.
Second: Council Member Cheatwood made the second.
Discussion: Council Member Barney wanted the banner design to have an outline on the mountains to help them stand out. Banner designer Ryan Bunnell proposed the mountains have a radiant back-light. Council majority agreed. The Mayor wished to have the Declaration of Independence mentioned on the banner instead of Heber City being listed twice. Mr. Bunnell explained the branding had been provided by the State, along with grant money, and the City was required to follow that style guide.
Called the question: Council Member Phillips called the question.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**

3. Ordinance 2025- 25 Bush Annexation (Jamie Baron, Planning Manager) - *30 min*

Planning Manager Jamie Baron reported that, at Council's request, Staff had compiled additional information regarding the proposed Bush Annexation. The updated materials included: (1) proposed storage barn elevations, (2) a site plan, (3) a letter of support from the adjacent property owner whose road was included in the annexation area, and (4) proposed amendments to Sections A and B of the Development Agreement. Council reviewed and discussed each of the items presented and noted their concerns.

Mayor Franco opened the discussion for public comment at 9:35 p.m.

Mike Dixon, who owned the property next door to Mr. Bush, commented that the Council was considering allowing a commercial business next door to his property and possible apartments on the upper level that was not in the original concept. He recalled that Mr. Bush claimed to have filed for an injunction with a judge to grandfather and permit his illegal building. He said Mr. Bush had built the structure before he owned the property in 2006 or 2007. Mr. Dixon pointed out that the development agreement stated that the building must be removed by July 2026. The materials that Mr. Bush was supposed to remove had just been relocated to the southeast corner of the property. Mr. Dixon said the materials had been exposed to the elements for over 15 years and had only recently been tarped. He felt that this, along with Mr. Bush's history with the County, revealed Mr. Bush's intentions with the City. Mr. Dixon thought this should nullify the development agreement between the City and Mr. Bush. He did not think City staff and revenues should have to deal with the issue when the County had an ongoing lawsuit against Mr. Bush.

Mr. Dixon stated that the road was not wide enough for Mr. Bush to develop the property and UDOT had no intention of taking their properties to enhance the existing road. For these reasons, Mr. Dixon requested the City deny the proposed annexation.

Council Member Cheatwood read a public comment received via email from Kate Becker as attached at the end of the meeting minutes.

The Public Comment period was closed at 9:48 p.m.

Motion: Council Member Phillips moved to accept Ordinance 2025-25 to approve the Bush Annexation based on the findings and restrictions, the proposed plan that had been implemented, and to require a cash letter of credit to ensure the property clean-up was completed on time.
Second: Council Member Ostergaard made the second.
Discussion: Planning Manager Jamie Baron asked if Council wanted staff to determine the amount of the bond and to provide the timeline for Mr. Bush to complete the work.
Amended Motion: Council Member Phillips moved to amend his motion to include that the amount of the bond was to be determined by Staff and filed with the City prior to recording the annexation; that the site plan and elevations be included in the agreement with Ordinance 2025-25; the zoning to be University Village; and any findings and conditions outlined in the Staff Report.
Voting Yes: Council Members Phillips, Ostergaard, and Cheatwood.
Voting No: Council Member Barney.
Council Member Johnston had recused himself from the vote.
The **Motion Passed 3-1.**

4. Ordinance 2025-29 Adopting the Water Conservation Element of the General Plan (Jamie Baron, Planning Manager) - *20 min*

Motion: Council Member Barney moved to extend the meeting with a hard stop at 10:30 p.m., and to continue agenda items four and six to the December 2 meeting
Second: Council Member Johnston made the second.

Replacement Motion: Council Member Cheatwood moved to approve Ordinance 2025-29, adopting the Water Conservation Element of the General Plan and to extend the meeting without a firm stop and go into the remaining items as stated on the agenda
Second: Council Member Phillips made the second.
Discussion: Mayor Franco noted the General Plan map did not align with the Annexation Policy Plan map. Mr. Baron confirmed he would be able to correct the map contradiction as pointed out by the Mayor. Council Member Barney felt it was inconsiderate to staff and the public to continue with the meeting without a hard stop and reminded Council that the policy stated that Council would not extend meetings past 10:30 p.m.
Vote for the second motion as made by Council Member Cheatwood:
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.

Voting No: Council Member Barney.
The **Motion Passed 4-1.**

Vote for the first motion made by Council Member Barney:
Voting Yes: Council Member Barney.
Voting No: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.
The **Motion Failed 1-4.**

5. Resolution 2025-20 Amending the Heber Valley Airport Bylaws (Matt Brower, City Manager) - *20 min*

City Manager Matt Brower recalled the last amendment to the Airport Advisory Board (AAB) Bylaws had been in 2023, to include the Fixed Base Operator (FBO), as a voting member of the board. The new amendment proposed in Resolution 2025-20 clarified that the CEO or a corporate officer could represent the FBO on the board. Mayor Franco asked that a list of corporate officers be delivered to the AAB secretary.

Motion: Council Member Cheatwood made the motion to approve resolution 2025-20 amending the Heber Valley Airport Advisory Board bylaws as stated in the Staff Report.
Second: Council Member Ostergaard made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**

6. Drafting of a Heber City Communications Policy (Scott Phillips, Council Member) - *10 min*

Council Member Phillips read the summary supporting the adoption of a communications policy found in the Staff report. He felt communication was key between the City and the constituents and it was important to draft a communication policy to hold the City to a standard for communications provided to the community. Council Member Johnston felt it was an important discussion

Motion: Council Member Cheatwood moved to direct staff to draft a comprehensive communication policy, substantively following the outline provided in the Staff Report with the guidelines about neutrality and the guidance overall to maintain clear communication and remove opportunities for litigation. To add to the policy, a recommendation that newsletters, no matter who wrote them, himself included, be given final review by legal counsel before being sent out, to ensure there was nothing legally impermissible included. To recommend that, as part of the communication items periodically, whether it was monthly or quarterly, that this the Council or Staff would think of questions or issues that they wanted to ask the residents.

Motion continued: Suggestions as primers for surveys that would become a part of Council's normal process to standardize what they would talk about, what did Council want hear, what they wanted to understand, and that Council would talk about it, decide what the survey would look like, and establish a way of consistently and frequently reaching out to residents to ask for input
Discussion: Mayor Franco proposed professional surveys. Council Member Cheatwood felt professional surveys might be useful in the future but for the time being, he wanted staff to propose a policy. He felt it was important that surveys distributed to the community come from Council as a whole, having discussed the questions to be asked and encouraging community engagement. Council Member Ostergaard supported the Council as a whole deciding survey questions and asking staff for input. Mayor Franco proposed additional properties for the newsletter to make it more professional and engaging. Council Member Cheatwood clarified that the intent of his motion was to enable staff to obtain best practices for a communication policy to allow Council to present a united front and make it clear that no single member was trying to push an agenda.
Second: Council Member Ostergaard made the second.
Discussion: Council Member Cheatwood wished to have legal counsel review newsletters prior to distribution in order to avoid implicating the City. Council Member Barney had collected four years of newsletters and had found only two instances of anything questionable or political in the content. She felt that if staff had concerns, staff should be more forthcoming. She felt a policy was a good idea but did not think it was necessary to have a legal review of the newsletter. She had researched policies in other communities and felt they were very basic. She was concerned about violating freedom of speech of the Council. Mayor Franco recalled the Ranked Choice voting pamphlet that had been distributed to the community that had not been reviewed by staff or the Council. She felt it had been very one-sided and wanted to ensure the policy included Council review of information distributed. Council Member Cheatwood clarified that he hoped legal would oversee his words by way of protection to prevent possible implication of the City. Council Member Phillips said that any political person could put what they wished to on their own political website but that it was inappropriate to use a City email to send a survey, or promote an event, that was not previewed nor approved by the Council. He thought it was misleading to the public and he wanted the Council to have consistency with the public. He felt a good example of misinformation was when incorrect voting instructions were provided for Ranked Choice voting. He felt proper vetting by the staff that held the institutional knowledge would be helpful.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, and Johnston.
Voting No: Council Member Barney.
The **Motion Passed 4-1.**

X. RECESS AS THE HEBER CITY COUNCIL AND CONVENE AS THE CRA BOARD:

Motion: Council Member Ostergaard moved to recess as the Heber City Council and convene as the CRA (Community Reinvestment Agency) Board.
Second: Council Member Phillips made the second.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed Unanimously, 5-0.**
The CRA meeting convened at 10:30 p.m.

1. Consider Support for an Interlocal Agreement for the New London CRA (Community Reinvestment Agency) Project (The Ritchie Group)

Rob Heywood, representing the Ritchie Group, explained their return to Council to respond to the feedback received at the previous meeting. The group hoped to present compelling evidence for the Council to support their CRA proposal. Ryan Ritchie, with the Ritchie Group, walked through the presentation as included in the meeting materials. He noted that impact fees could be considered a deterrent for commercial businesses. He listed the enhancements that could be provided to the community with the CRA tax increment versus the product that would be provided without the CRA tax increment. The presentation included a proposed development design for a commercial development including a parking structure, office space, restaurants, open area green-space with a community gathering area and potential for a winter ice-ribbon. The group was asking for Heber City to support their plan as they proposed the CRA to additional entities. Mr. Ritchie described the incentivization to build a better project that would increase City revenues by creating a return on investment.

Motion: Council Member Johnston moved to support the project as th project moved forward to glean support from the three other entities.
Second: Council Member Phillips made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: Council Members Cheatwood and Barney.
The **Motion Passed 3-2.**

XI. ADJOURN AS THE CRA BOARD AND RECONVENE AS THE HEBER CITY COUNCIL:

Motion: Council Member Barney moved to adjourn as the CRA board and reconvene as the Heber City Council.
Second: Council Member Phillips made the second.
Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.
Voting No: None.
The **Motion Passed 5-0.**

XII. COMMUNICATION:

City Manager Matt Brower communicated the following items:

- he recalled the 2022 Tri-party agreement between Heber City, Charleston, and Twin Creeks Special Service District, allowing Charleston to use City infrastructure for sewage shipment to the treatment plant. Charleston Town was now seeking to terminate the agreement.
- Mill Road School crossing update provided by City Engineer Russ Funk - the project was ready to go out to bid but he was seeking Council direction for the timing as winter was coming. He felt it would be wiser to wait until spring. Council consensus agreed. Officer Josh Weisher shared the crosswalk was the busiest in the City and the complaints ebbed and flowed. Mr. Funk recalled the traffic mitigation plan that the Council had previously approved. Mayor Franco was concerned about the safety of the children in the interim. Mr. Funk proposed relocating some flashing lights to the intersection and Officer Weisher agreed to approach Chief of Police Parker Sever for more police presence.
- the Airport Lease 101 discussion would be during the December 2, 2025, Council Meeting. The presentation and discussion would cover airport finances, types of leases, length of leases, rates, and basic terms.
- Aero Airlines intended to offer private charters to the Heber Valley Airport for the ski season.
- Daniel Road Roundabout art-piece would be installed the following week
- Heritage Farms Parkway irrigation line installation was complete.
- all 10 licenses with residents on Valley Hills Drive had been executed.
- a subcommittee for the existing Wasatch County administrative building parcel visioning had been formed - the City would be working with County on what could exist in the future once the County's administrative staff vacated the building.
- the Purchase/Sale agreement for the City to buy the old Wasatch County Fire Station building was being negotiated.
- downtown parking signs to designate public parking for the community would be installed.
- a shared parking agreement with business owner Tonya Olsen would be forthcoming.
- Mountainlands Affordable Housing Representative Jason Gliddon had created a lottery application system for the affordable housing units that were for sale in Jordanelle Ridge. There had been 27 applications submitted. Mr. Glidden described the process of elimination based on qualifications that would be followed to find the top five qualified applicants and the final steps that would be followed to determine who would receive the opportunity to purchase the homes.
- the Old fashioned Christmas and the Staff Party would be on Friday, December 5, 2025. There would be two locations for the City-wide event: one at the Tabernacle building and the other at the Main Street Plaza.

- there would be lights on Festival Street programmed Thursday through Saturday from 5:00 p.m. to 9:00 p.m. in the month of December.

Mayor Franco asked for an update on the status of the parking striping on 100 East. There were big trucks parking behind the Labrum Ford lot causing safety concerns for drivers. Willa Motley, consulting Engineer with Horrocks Engineering, provided an update on the status of the striping project. The contractors had completed a portion of the striping but had not completed the project. There was additional concern that it appeared some of the striping had attempted to be erased and there was a homeowner that felt they owned the street parking in front of their home.

XIII. CLOSED MEETING: (As Needed)

No Closed Meeting was held.

XIV. ADJOURNMENT:

Motion: Council Member Barney moved to adjourn.
Second: Council Member Phillips made the second.
The meeting adjourned at 11:28 p.m.

_____
Trina Cooke, City Recorder

Utah Code Title 71, governing Veterans Preference

Regarding your query, Utah legislation concerning veteran's preference in hiring for government entities, including cities and counties, is in statue.

Specifically, Utah Code Title 71, governing Veterans Preference, was enacted in 1992. This legislation mandates that government entities grant a veteran's preference upon initial hiring to eligible veterans or their spouses. It's important to clarify that this preference does not guarantee employment but ensures that veterans or their spouses are given preference during the hiring process, such as through points added to scores or other considerations during evaluation.

For your information, here's a brief history of this legislation:

* **1947:** Honorably discharged veterans and their widows were given preference for appointment or employment in public work for the state, cities, towns, counties, and school districts.

* **1992:** The language was updated to include "each government entity" (which encompasses the state, counties, municipalities, special districts, and other political subdivisions) granting a veteran's preference.

* **2000:** "Spouse" was specifically added to the definition of "preference eligible," and the issue of preference not being effectively applied to spouses was rectified.

* **2015:** HB 232 was introduced, creating protections for private sector employers to offer veterans preference in employment.

The legislation further outlines how this preference is applied, which can include adding a percentage to the score of a preference-eligible individual who achieves a passing score on an examination, or by giving preference in interviewing and hiring for positions that do not require an examination.

From: Kate Becker
Sent: Tuesday, November 18, 2025 5:26 PM
To: Heidi Franco <hfranco@Heberut.gov>
Cc: City Council <citycouncil@heberut.gov>; Mike Dixon; Matt Brower <mbrower@Heberut.gov>; jcook <jcook@ck.law>; Trina Cooke <tcooke@Heberut.gov>
Subject: (EXTERNAL) Re: Nov 18th Bush Annexation

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Caution! This message was sent from outside your organization. Allow sender | Block sender | Report

My apologies, I did see the DA in the packet and thought I had reworded my response before hitting send. Yes the DA was in the agenda, I'm sorry for stating otherwise.

§ **Kate Becker**
c/t

On Tue, Nov 18, 2025 at 11:50 AM Kate Becker wrote:

Hello Again,

First, thank you to your planning and zoning department on getting the applicant to finally submit concept plans with topography that actually meet the request being proposed to Council. And reaching out to the other affected parcel owner within the annexation request.

My unaddressed concerns remain as follows:

1) The applicants Engineer has still not submitted a valid response to concern number 5. As I see the UDOT EIS update is on the agenda and still in draft form, we find the Engineer's response to be invalid and dismissive of the un-annexed neighboring property owners concerns.

Quote:

"5. Of the seven small parcels between Finch Creek and Moulton Lane, three of the parcels currently have homes. With the future frontage road that UDOT plans to build, and due to the location of the homes, it is likely that all these properties will be purchased by UDOT and that the homes will be demolished. The important question for Heber City is what type of redevelopment would be suitable along this future frontage road -- homes? retail? neighborhood services? The applicant, Gary Bush, is willing to wait for the construction of the new frontage road before developing his property, expecting that it could be ten years."

2. As there is no DA in the packet I may only go off of the previous posted version. In said version the DA speaks to road widening requirements before the property may be fully developed. However, Mr. Bush does not own any road access as you can see on the preliminary Plat. Being such, that section of the DA is invalid. The City cannot enforce Mr. Bush's DA on a property he does not own.

Therefore Mr. Bush's annexation request for University Village Designation cannot meet the access requirements of said Designation and should be denied or modified to just allow for his barn.

Again, I am sorry I am unable to attend in person as your meetings are the same date and time as my County Commission meetings. But, thank you for always being gracious with your time in reading the concerns of the neighboring property owners.

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Resolution 2025-21 to Update the Process for calling Special Meetings of the Heber City Council in the Rules of Order and Procedure

RESPONSIBLE: Trina Cooke

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

Resolution 2025-21 proposes amendments to Section 2.2 of the Heber City Council Rules of Order and Procedure to clarify the process for calling special City Council meetings. The revisions align the City's internal procedures with Utah Code §10-3-502 and establish a clear expectation that the names of the authorizing Council Members or Mayor be affixed to both the agenda and the meeting minutes.

The amendments also reaffirm the City Recorder's noticing responsibilities under State law, and ensures consistent documentation of the convening order in the official record.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution 2025-21, amending Section 2.2 of the Heber City Council Rules of Order and Procedure. The updated language provides improved procedural guidance, reduces ambiguity, and enhances public transparency by clearly identifying those who request special meetings.

Adoption of this resolution will bring the City's internal procedures into closer alignment with Utah Code and ensure that future special meetings are convened and documented consistently. Staff believes the revisions support orderly governance, legislative integrity, and public confidence.

BACKGROUND

During the November 18, 2025, City Council meeting, Council expressed a desire to clearly outline the special meeting process. The proposed amendment codifies the practice of identifying the authorizing elected officials directly on the agenda and in the minutes. It also provides minor

clarifications to the notice and record-keeping procedures to ensure compliance with State Code and to reflect best practices in municipal governance.

Utah Code §10-3-502(2) authorizes the Mayor or any two Council Members to order a special meeting of a municipal council. While the current Rules of Order and Procedure acknowledge this authority, the proposed amendments detail how the initiating officials are identified in meeting documentation and how the City Recorder should process and notice such meetings. This removes any ambiguity regarding procedural expectations.

DISCUSSION

Do these revisions accomplish the intention to improve clarity, ensure consistency with Utah Code 10-3-502, and strengthen transparency in how special meetings are initiated and documented?

FISCAL IMPACT

none.

CONCLUSION

By clearly identifying the officials who authorize a special meeting, strengthening notice and record-keeping requirements, Resolution 2025-21 reinforces public trust and supports orderly legislative operations. Adoption of this resolution will improve internal processes and enhance the accessibility and accountability of City Council actions moving forward.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to as presented, with the findings and conditions in the conclusion.

Alternative 2 - Approve as Amended

I move to **approve approve Resolution 2025-21, updating the Rules of Order and Procedure** as amended, as follows:

Alternative 3 - Continue
I move to **continue** Resolution 2025-21, updating the Rules of Order and Procedure 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 4 - Denial
I move to **deny Resolution 2025-21, updating the Rules of Order and Procedure** with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Trina Cooke, City Recorder

EXHIBITS

1. Resolution 2025-21 Amending the Rules of Order and Procedure
2. 10-3-502

RESOLUTION NO. 2025-21

A RESOLUTION AMENDING THE HEBER CITY COUNCIL RULES OF ORDER AND PROCEDURE TO INCLUDE A NEW PROCESS FOR CALLING A SPECIAL CITY COUNCIL MEETING

WHEREAS, the City Council of Heber City, Utah recognizes the importance of transparency, public engagement, and accessibility in local governance; and

WHEREAS, UCA §10-3-502(2) provides that the mayor of a municipality or two council members may order the convening of a special meeting of the council; and

WHEREAS, the Council seeks to amend the Rules of Order and Procedure to ensure that special city council meetings are called to convene with the permission and authority of the council by affixing their names to the agenda item and meeting minutes; and

WHEREAS, Section 2.2 of the Heber City Council Rules of Order and Procedure requires minor revisions for clarification of the process; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah, that Resolution 2025-21 is hereby adopted, approving the amendments to Section 2.2 of the Heber City Council Rules of Order and Procedure as set forth in Exhibit A.

BE IT FURTHER RESOLVED that these Amendments shall take effect immediately upon adoption.

PASSED AND ADOPTED this 16th day of December 2025, by the Heber City Council, State of Utah.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

_____
Mayor Heidi Franco

ATTEST:

_____ Date: _____
RECORDER

EXHIBIT A

Redline:

2.2 – Special Meetings and Emergency Meetings

A. Consistent with State Law, a special meetings of the City Council may be called at any time by the Mayor or by two or more members of the City Council Members. The Mayor or Council Members authorizing a special meeting shall have their name(s) affixed to the agenda item and the meeting minutes.

A.B. The City Recorder shall post notice of the special meeting in accordance with thereof as provided by State Code. Special meetings may be held at any lawful location, as long as such provided the meetings complies with all applicable provisions of State Law. are conducted in accordance with State Code.

1. Notice Requirement: At least three hours' notice will be provided given of for any special meeting., unless otherwise permitted under State Law.
2. Record of the Meeting: An order convening of the special meeting shall is to be entered in the minutes of that meeting.

Revised:

2.2 – Special Meetings and Emergency Meetings

A. Consistent with State Law, a special meeting of the City Council may be called by the Mayor or by two or more City Council Members. The Mayor of Council Members authorizing a special meeting shall have their name(s) affixed to the agenda item and the meeting minutes.

B. The City Recorder shall post notice of the special meeting in accordance with State Code. Special meetings may be held at any lawful location, provided the meeting complies with all applicable provisions of State Law.

1. **Notice Requirement:** At least three hours' notice shall be provided for any special meeting, unless otherwise permitted under State Law.
2. **Record of Meeting:** An order convening the special meeting shall be entered into the minutes of that meeting.

10-3-502 Regular and special council meetings.

(1) The council of each municipality shall:

(a) by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and

(b) hold a regular meeting at least once each month.

(2)

(a) The mayor of a municipality or two council members may order the convening of a special meeting of the council.

(b) Each order convening a special meeting of the council shall:

(i) be entered in the minutes of the council; and

(ii) provide at least three hours' notice of the special meeting.

(c) The municipal recorder or clerk shall serve notice of the special meeting on each council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.

(d) The personal appearance by a council member at a special meeting of the council constitutes a waiver of the notice required under Subsection (2)(c).

Amended by Chapter 19, 2008 General Session

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Ordinance 2025-32 Modifying the Consolidated Fee Schedule to Amend Planning and Airport Fees

RESPONSIBLE: Jamie Baron

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Necessary Administrative Item

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

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

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

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 4 - Denial

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

ACCOUNTABILITY

Department: Planning
Staff member:

EXHIBITS

None

Heber City Council Staff Report

MEETING DATE: 12/16/2025
SUBJECT: North Village Views Master Plan Amendment
RESPONSIBLE: Tony Kohler
DEPARTMENT: Planning
STRATEGIC RELEVANCE:

SUMMARY

North Village Views is asking for modification to the North Village Views Master Development Agreement (MDA) to address some of the required zoning design elements (including those contained in the North Village Overlay Zone) for the proposed homes. A public hearing has been held. This presentation, discussion, and direction from the City Council will assist in providing a final draft of the amendment, which will be brought back to City Council for approval.

RECOMMENDATION

Staff recommends that City Council hear the presentation, discuss the requests, and provide direction to staff for items to be included in the MDA amendment.

BACKGROUND

North Village Views was annexed into Heber City in 2022. On November 12, 2022, the City Council approved a Master Development Agreement with North Village Views. The applicant has moved forward with the project and has some challenges in meeting NVOZ due to the topography.

A public hearing was held at the October 28, 2025, Planning Commission meeting where the Planning Commission provided a positive recommendation for an amendment to the existing MDA. There was discussion on incorporating all the comments from the different City Departments and entities into the amended MDA.

DISCUSSION

The North Village Overlay Zone Ordinance is the code for the North Village Views Development and works with the MDA to guide the development of this master plan. The MDA is utilized to address situations that are unique to the property development. North Village Views has some challenging topography which makes it difficult to implement the NVOZ, and for this reason the request has been made to amend. Their challenges with the hillside and variance requests are similar to the requests granted to The Highlands. Additionally, the project has had to be redesigned in order to accommodate the UDOT road location. The road has had to be relocated, requiring land swaps for

the new location.

North Village Views is a master plan development with an existing MDA. They have been approved for up tp 219 ERUs on 36.8 acres. The applicant would like to amend the Master Development Agreement to request variances from the North Village Overlay Zone (NVOZ) in order to develop their project in accordance with their site plan. The Variances requested are the following:

1. Block length and perimeter vary from Section 18.21.040 of the Zone provisions such that distances are adjusted in accordance with the Site Plan- **Due to the topography, the block length and block permitter cannot be achieved. The Highlands provided pedestrian connectivity to their amenities to compensate for longer block lengths**.
2. Alley loaded garages varying from Section 18.21.030 of the Zone provisions such that townhomes constructed on the property will not be required to be alley loaded but may instead be front loaded. **Due to the topography and road design, accessing the townhome from an alley cannot be achieved and have the grades work without large retaining walls. Non-alley-loaded townhomes will only be allowed on private streets.**
3. Townhome requirements vary from Section 18.21.030 of the Zone provisions such that:

a. The front line property coverage. **The front property line coverage may be reduced due to topography that would require retaining walls to meet the standard.**
b. Front build-to zone — **The front build-to zone may be increased to accommodate topography when the property line curves such that the front build-to line is not reasonably achieved.**
c. Building variations — **Elevations have not been provided, so it is difficult to determine what items need to receive relief from the NVOZ code. The Highlands received relief from the minimum porch requirement on one of their housing types but was still required to provide private open space. Highlands was also required to meet the street face requirements with 360 degree architecture and added porch-like elements, so the street facade from the private streets is pleasing**.
d. Transparency per story—**This request is required because of the garage doors. Without elevations, it is difficult to calculate what the reduction will be from the required 15%. This request will only apply to the garage level.**
e. The number of units per building may all be adjusted as reasonably necessary to meet the design set forth in the Site Plan.- **The number of units allowed per building per NVOZ is 6 units. This may increase to accommodate the road layout and the topography.**

4. The lengths, distances and necessary infrastructure to cross the drainage ditch area are hereby approved in accordance with the Site Plan. Their requests are similar to other hillside developments within the NVOZ district.

FISCAL IMPACT

None.

CONCLUSION

The North Village Views Master Plan has challenging topography and makes it difficult to meet some of the required zoning design elements (including those contained in the North Village Overlay Zone) for the proposed homes. The changes that are being proposed to the MDA address the unique topography challenges and provide design elements to meet the intent of the required zoning design elements.

Staff is seeking direction on the draft MDA and any changes that the City Council would like to see incorporated into the final draft.

ALTERNATIVES

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member:

EXHIBITS

1. 2025-12-07 Second Amendment to Master Development Agreement - NVP
2. NVV concept 9-18-25a (1)
3. NVV concept 9-18-25a
4. NVV concept 9-18-25b (1)
5. NVV concept 9-18-25b

WHEN RECORDED, RETURN TO:

Heber City
Attention: City Recorder
75 North Main Street
Heber City, Utah 84032
Tax Parcel Nos.: 00-0021-2042, 00-0021-2609, 00-0021-2266, 00-0021-2267, 00-0007-8530

(Space above for Recorder's use only.)

SECOND ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE NORTH VILLAGE VIEWS

THIS SECOND ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE NORTH VILLAGE VIEWS (this "**Second Amendment**") is entered into this ____ day of January, 2026, by and between HEBER CITY, a political subdivision of the State of Utah (the "**City**"), and NORTH VILLAGE PROPERTIES, LLC, a Utah limited liability company ("**Developer**"). Each of Developer and the City are hereinafter referred to individually as a "**Party**" and collectively as the "**Parties**"

RECITALS:

A. This Second Amendment amends that certain Master Development Agreement for the North Village (the "**MDA**"), which MDA was approved by the City Council through ordinance 2022-27 and executed December 6, 2022 (as such MDA was amended by that certain First Administrative Amendment to the MDA for the North Village Views, which was recorded in the official records of the Wasatch County Recorder on January 18, 2024 as Entry No. 540891 in Book 1463 at Page 1839-1846 (together, the "**Agreement**")). Capitalized terms not otherwise defined in this Amendment shall have the meaning ascribed to them in the Original Agreement.

B. The Agreement encumbers property which is described in Exhibit A, attached hereto and incorporated herein.

C. Following discussions with the City, the Developer has submitted a formal request for an amendment to the Agreement to incorporate changes to the Agreement agreed by Developer and City.

D. The Parties agree that the Second Amendment is necessary to effectively and efficiently develop the Property in accordance with the intent of the Parties under the Agreement, including the approved Site Plan (and any amendments thereto) set forth in the Agreement.

E. On _____, 2026, Developer appeared before the City Council to request the proposed Amendment be processed as an Administrative Amendment. By motion of approval, the City Council accepted the Amendment as an Administrative Amendment, authorizing the City Manager as Administrator of the Agreement to approve the Amendments in accordance with Section 16 of the MDA.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants made herein and in the Original Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties to this Amendment agree as follows:

1. **Effect of this Second Amendment.** Other than as specifically amended herein by this Second Amendment, the Agreement and all applicable provisions therein shall remain in full force and effect.

2. **Recording**. This Second Amendment shall be recorded with the Wasatch County Recorder's Office.

3. **Variances from City's Vested Laws.** Notwithstanding anything set forth in the Agreement to the contrary, the Agreement is hereby amended as necessary and sufficient, including but not limited to the City hereby agreeing to necessary variances from the City's Vested Laws (including the Zone), to allow Developer to develop the Property generally in accordance with the Revised Site Plan ("**Site Plan**"), attached hereto as Exhibit B and incorporated into the Agreement, including but not limited to the following:

a. Such necessary variances from Section 18.21.040 of the Zone provisions such that block lengths and block perimeter distances are adjusted in accordance with the Site Plan;

b. Such necessary variances from Section 18.21.030 of the Zone provisions such that townhomes constructed on the property will not be required to be alley loaded, but may instead by front loaded; Townhomes and single family units shall not be loaded from collector roads;

c. Such necessary variances from Section 18.21.030 of the Zone provisions such that:

i. the front-line property coverage;
ii. the front build to zone;
iii. building variations;
iv. transparency per story;
v. number of buildings per unit;

may all be adjusted as reasonably necessary to meet the site design set forth in the Site Plan;

d. In order to facilitate the road alignment changes, a variance is granted from the standard buffer and open channel requirements along the historic natural drainage channel and allowing a portion of the channel, from the Timpanogos Canal to approximately 550 feet downstream of the Timpanogos Canal to be piped. Downstream of the piped section, the channel may be reconstructed and relocated adjacent to the new collector road in accordance with the Site Plan subject to review and approval of the City Engineer.

e. All other requirements in accordance with the City's Vested Laws and the Zone, including but not limited to the following items, shall remain in effect except to the extent agreed by the parties, acting in good faith.

i. the Site Plan shall remain subject to final UDOT design and approval of design and connections to Highway 40;

ii. the Developer shall comply, directly or indirectly, with all published Master Planned infrastructure and trails requirements for the Property, both on and adjacent to the Property;

iii. ensure that emergency vehicle access is available during phased construction;

iv. storm water design manual must be followed for separation and pre-treatment as applicable;

v. secondary access, including connectivity to adjoining properties, must be available as applicable.

4. **Variances to the Property Description.** Provided that the Developer provides written notice and an opportunity for the City to review such changes, the Parties hereby agree that Developer shall be entitled to make reasonable adjustments to the Property legal description and boundaries by effecting such land swaps with adjacent developers and property owners as are reasonably necessary to give effect to the Site Plan, without impacting the remainder of the Agreement, including this Second Amendment.

5. **Conflicts.** In the event of any conflict between the terms and conditions set forth in this Amendment and those set forth in the Original Agreement, the terms and conditions of this Amendment shall control.

6. **Ratification.** Except as expressly set forth in this Second Amendment, the Agreement is ratified and confirmed as written.

[Signatures appear on the following pages]

IN WITNESS WHEREOF, this Amendment has been entered into by and among the City and Developer as of the date and year first above written.

DEVELOPER:

NORTH VILLAGE PROPERTIES, LLC, a
Utah limited liability company

By: _____
Name: _____
Title: Manager

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
:§.
COUNTY OF SALT LAKE)

On the _____ day of _____, 2026, personally appeared before me _____, who being by me duly sworn, did say that he is the Manager of North Village Properties, LLC, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

_____
NOTARY PUBLIC

CITY:

Heber City, a political subdivision of the State of Utah

_____
Heidi Franco, Mayor

Approved as to form and legality:

City Attorney

By:_____

Attest:

City Recorder

By:_____

CITY ACKNOWLEDGMENT

STATE OF UTAH)
:§.
CITY OF HEBER)

On the _____ day of _____, 2026, personally appeared before me Heidi Franco, who being by me duly sworn, did say that she is the Mayor of City of Heber, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its governing body.

_____
NOTARY PUBLIC

Exhibit A
to
Second Administrative Amendment
to
Development Agreement for the North Village Views

(Description of Property)

Exhibit A

Development Agreement for North Village Views Residential Development

Legal Description

PARCELS 21-2609 & 07-853, ENTRY #442251:

Beginning at a point on the centerline of the Timpanogos Canal said point being North 00°28'54" West 270.81 feet and WEST 115.94 from the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian and running;
Thence South 51°57'07" East 113.12 feet along the centerline of said Timpanogos Canal; Thence South 55°05'22" East 52.87 feet along the centerline of said Timpanogos Canal; Thence South 52°41'32" East 44.68 feet along the centerline of said Timpanogos Canal; Thence South 47°56'47" East 261.47 feet along the centerline of said Timpanogos Canal; Thence South 39°35'56" East 102.04 feet along the centerline of said Timpanogos Canal; Thence South 75°005'38" East 26.17 feet along the centerline of said Timpanogos Canal; Thence
North 89°46'54" East 71.96 feet along the centerline of said Timpanogos Canal; Thence southeasterly 120.62 feet along the arc of a 98.00 foot radius curve to the right, the chord bears South 54°57'25" East 113.15 feet along the centerline of said Timpanogos Canal; Thence South 19°41'44" East 102.74 feet along the centerline of said Timpanogos Canal; Thence South 34°55'51" East 147.43 feet along the centerline of said Timpanogos Canal; Thence South 37°00'16" East 100.58 feet along the centerline of said Timpanogos Canal; Thence
South 48°04'46" East 20.70 feet along the centerline of said Timpanogos Canal; Thence South 55°31'15" East 116.23 feet along the centerline of said Timpanogos Canal; Thence South 74°48'25" West 17.48 feet; Thence westerly 193.02 feet along the arc of a 347.00 foot radius curve to the right, chord bears North 89°15'29" West 190.54 feet; Thence North 73°19'22" West 74.75 feet; Thence northwesterly 113.35 feet along the arc of a 353.00 foot radius curve to the left, chord bears North 82°31'19" West 112.87 feet; Thence
South 88°16'44" West 182.17 feet; Thence northwesterly 67.72 feet along the arc of a 347.00 foot radius curve to the right, chord bears North 86°07'48" West 67.61 feet; Thence North 10°34'50" East 167.93 feet; Thence
North 79°25'10" West 110.01 feet; Thence northwesterly 15.55 feet along the arc of a 10.00 foot radius curve to the right, chord bears North 34°53'04" West 14.03 feet; Thence northeasterly 16.62 feet along the arc of a 60.00 foot radius curve to the left, chord bears North 01°42'58" East 16.57 feet; Thence northwesterly 102.91 feet along the arc of a 303.35 foot radius curve to the right, chord bears North 73°10'38" West 102.42 feet; Thence North 63°59'49" West 141.63 feet; Thence southwesterly 37.15 feet along the arc of a 20.00 foot radius curve to the right, chord bears South 62°46'58" West 32.04 feet; Thence
North 63°59'49" West 21.15 feet; Thence northwesterly 31.71 feet along the arc of 60.00 foot radius curve to the left, chord bears North 79°08'12" West 31.34 feet; Thence South 85°43'26" West 41.59 feet; Thence southwesterly 89.28 feet along the arc of a 150.00 foot radius curve to the right, chord bears South 08°57'08" West 87.97 feet; Thence South 26°00'11" West 54.74 feet; Thence North 63°59'49" West 88.89 feet; Thence northwesterly 190.66 feet along the arc of a 603.00 foot radius curve to the left, chord bears
North 73°03'19" West 189.87 feet; Thence North 73°03'19" West 189.87 feet; Thence North 82°06'48" West 75.29 feet; Thence North 06°27'11" East 77.53 feet; Thence northwesterly 86.47 feet along the arc of a 150.00 foot radius curve to the left, chord bears North 10°03'42" West 85.28 feet; Thence South 27°27'52" East 146.06 feet; Thence North 43°52'21" East 685.58 feet to the point of beginning.

PARCELS 21-2267 & 21-2266, ENTRY #432395:

Beginning at a point being South 00°30'30" East 1085.37 feet and
South 89°53'52" West 669.21 feet from the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian and running thence, South 89°53'52" West, a distance of 466.35 feet; Thence,
South 42°04'20" West, a distance of 263.-72 feet to a point on the northwest sideline of State Highway 40; Thence, North 31°21'37" West, along said sideline a distance of 402.47 feet; Thence, North 87°13'09" East, a distance of 520.38 feet; Thence , North 32°30'59" West, a distance of 298.91 feet; Thence, North 52°35'58" East, a distance of 139.08 feet; Thence, North 32°24'17" West, a distance of 96.36 feet; Thence, North 49°02'11" West, a distance of 30.17 feet; Thence South 68°24'22" West 515.30 feet to a point on the northwesterly sideline of said State Highway 40; Thence, North 24°49'56" West, along said sideline a distance of 150.48 feet; Thence, North 69°59'05" East, a distance of 399.34 feet; Thence, South 70°20'17" East, a distance of 104.96 feet to the centerline of Wasatch Canal; Thence, along the center line of said Wasatch Canal the following nine (9) courses; (1) South 62°37'14" East 78.81 feet; (2) South 39°53'29" East 132.39 feet; (3) South 55°57'44" East 111.02 feet; (4) South 43°39'59" East 56.24 feet; (5) South 35°00'02" East 23.20 feet; (6) South 20°24'36" East 117.27 feet; (7) South 41°35'39" East 119.93 feet; (8) South 24°37'46" East 140.91 feet; (9) South 33°44'06" East 85.31 feet to the point of beginning.

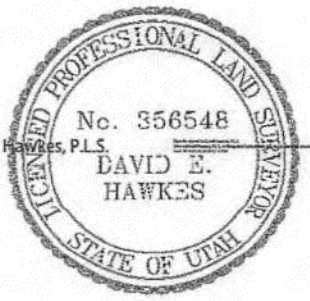
PARCEL 21-2042, ENTRY #428172:

Commencing at the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 00°30'30" East 1085.37 feet and South 89°53'55" West 23.55 feet to the point of beginning for this description: Thence South 89°53'55" West, a distance of 396.07 feet; Thence North 00°08'04" West, a distance of 1.82 feet; Thence South 89°53'55" West, a distance of 203.30 feet to a point on the east sideline of the existing 65.00 foot Wasatch Canal Right of Way; Thence running along said sideline for the following five courses: (1) Thence North 43°17'59" West, a distance of 36.37 feet;
(2) Thence North 33°44'06" West, a distance of 72.49 feet; (3) Thence
North 24°37'46" West, a distance of 143.17 feet; (4) Thence North 41°35'39" West a distance of 118.70 feet; (5) Thence North 20°24'36" West, a distance of 15.84 feet; Thence North 55°53'06" East, a distance of 196.76 feet; Thence Southeasterly along the arc of a curve to the left, having a radius of 500.00 feet, the center which bears North 73°22'35" East, a distance of 64.45 feet; Thence North 69°43'31" East, a distance of 140.58 feet; Thence northwesterly along the arc of a curve to the right, having a radius of 400.00 feet, the center which bears North 69°43'31" East, a distance of 255.08 feet; Thence southeasterly along the arc of a curve to the right, having a radius of 470.00 feet, the center bears South 18°25'33" West, a distance of 62.16 feet; Thence
South 63°59'49" East, a distance of 96.94 feet; Thence southeasterly along the arc of a curve to the left, having a radius of 300.00 feet, the center of which bears South 77°17'51" East, a distance of 154.23 feet; Thence southeasterly along the arc of a curve to the left, having a radius of 300.00 feet, the center which bears North 73°°14'46" East, a distance of 109.50 feet; Thence
South 37°40'01" East, a distance of 361.29 feet; Thence southeasterly along the arc of a tangent curve to the left, having a radius of 250.00 feet, the center which bears North 52°20'00" East, a distance of 105.15 feet to the point of beginning.

EXHIBIT A

A parcel of land lying and situate in the Southeast Quarter of Section18, and the Northeast Quarter of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian. Comprising 1.21 acres of Lot 1, North Horizon Subdivision, as recorded in Book 511, at Page 306 of the Wasatch County Records. Basis of Bearing for subject parcel being
North 87°06'33" West 2619.46 feet, measured, between the 2005, 3" Wasatch County Brass Cap monumenting the Southeast Corner of said Section 18 and the 1976, 3" Wasatch County Aluminum cap monumenting the South Quarter of said Section 18; Subject parcel being more particularly described as follows:

Commencing at the 1976, three inch brass cap monument monumenting the Southeast Corner of said Section 18, thence North 87°06'33" West 1580.22 feet coincident with the monument line of the south line of the Southeast Quarter of said Section 18; Thence North 02°53'27" East 305.38 feet to a point on the southeasterly right of way line of Moulton Lane and the True Point of Beginning;
Thence North 63°50'34" East (North 63°43'50" East, plat) 80.84 feet coincident with said right of way line; Thence departing said right of way South 26°25'22" East 54.19 feet to a point of curvature; Thence southeasterly 43.25 feet along the arc of a 242.00 foot radius curve to the left (center bears North 63°34'38" East) through a central angle of 10°14'24" to a point of tangency; Thence South 36°39'46" East 518.08 feet along a line running parallel to and 66.00 feet easterly of the westerly boundary of said Lot 1 to a point of curvature; Thence easterly 123.36 feet easterly along the arc of a 242.00 foot radius curve to the left (center bears North 53°20'14" East) through a central angle of 29°12'27" to a point on the southerly boundary of said subdivision; Thence South 28°36'44" West (South 28°36'44" West, plat) 106.54 feet coincident with said subdivision boundary; Thence North 36°39'49" West (North 36°46'30" West, plat) 791.82 feet coincident with the westerly line of said Lot 1 and the prolongation thereof to the point of beginning.



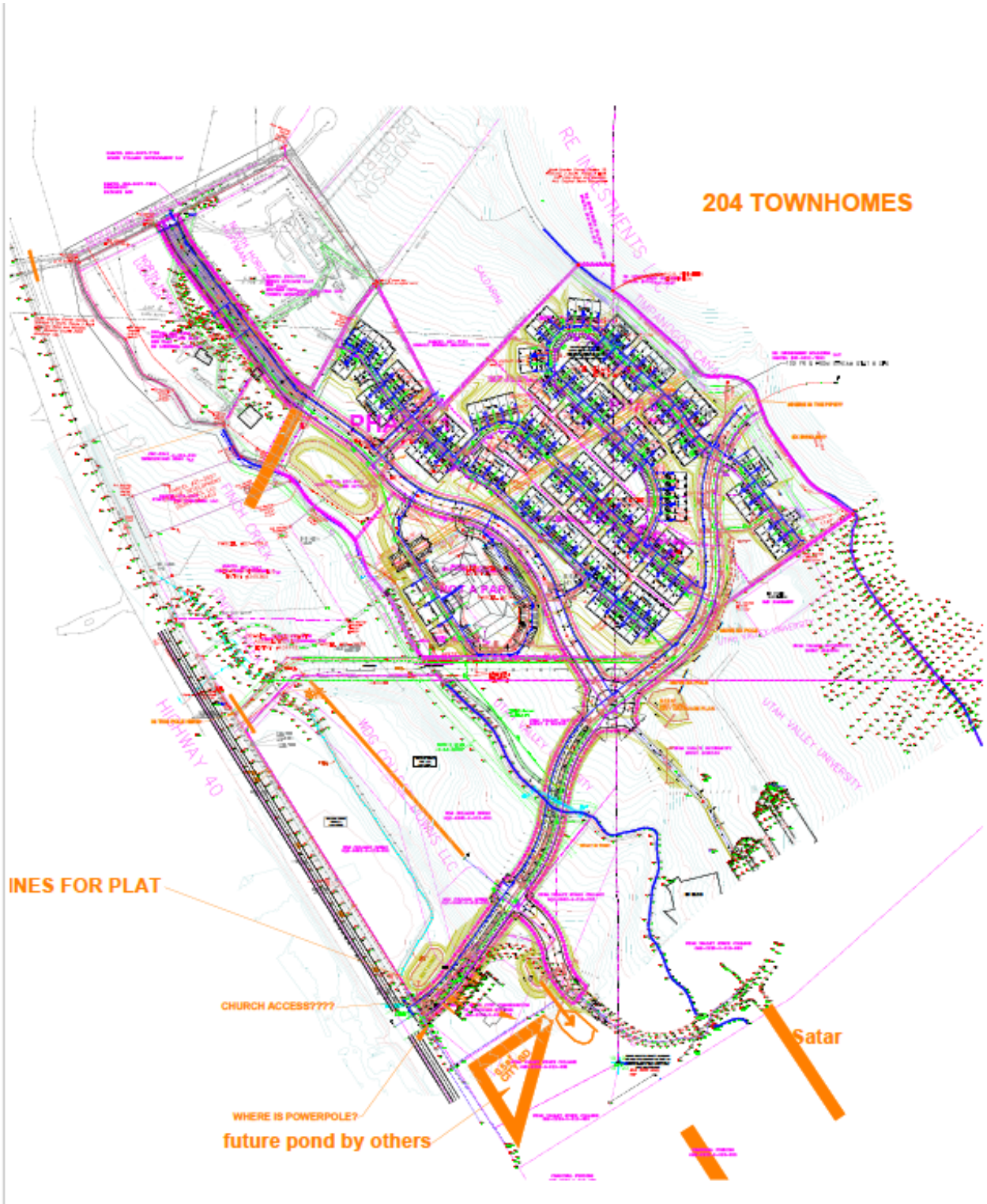
David Hawkes, P.L.S.

Commencing at the Northeast Corner of Section 19, Township 3 South, Range 5 East, Salt Lake Base and Meridian, thence South 00°30'30" East 1085.41 feet coincident with the east line of said quarter section to the True point of beginning;

Thence North 89°53'52" East 116.19 feet;
Thence South 00°06'08" East 125.00 feet;
Thence South 89°53'52" West 1216.77 feet;
Thence South 42°04'13" West 226.85 feet to the east right of way of US Highway 40;
Thence North 32°01'03" West 114.23 feet coincident with said right of way;
Thence North42°04'13" East 264.68 feet;
Thence North 89°53'52" East 1135.57 feet to the point of beginning.

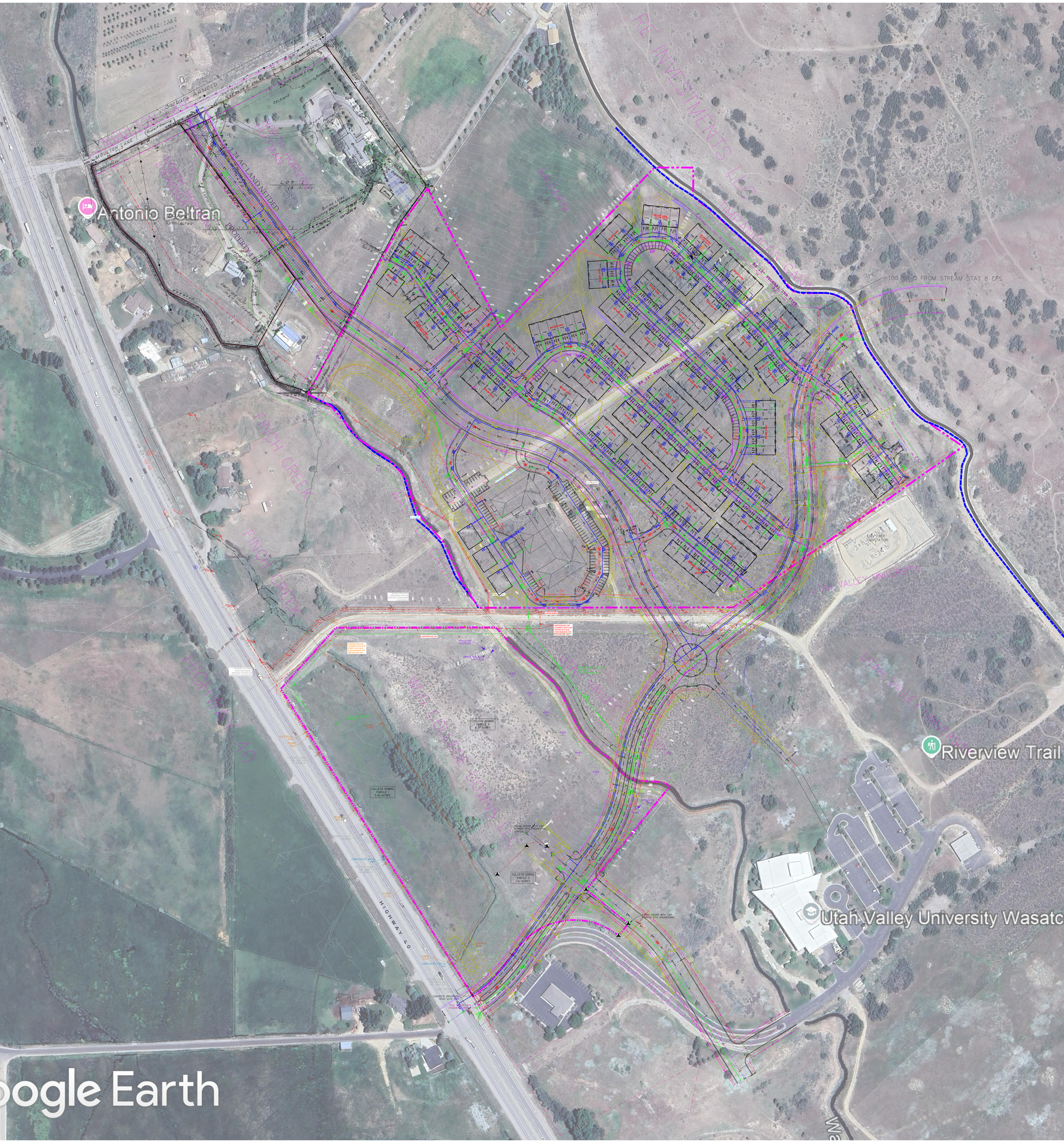
Exhibit B
to
Second Administrative Amendment
to
Development Agreement for the North Village Views

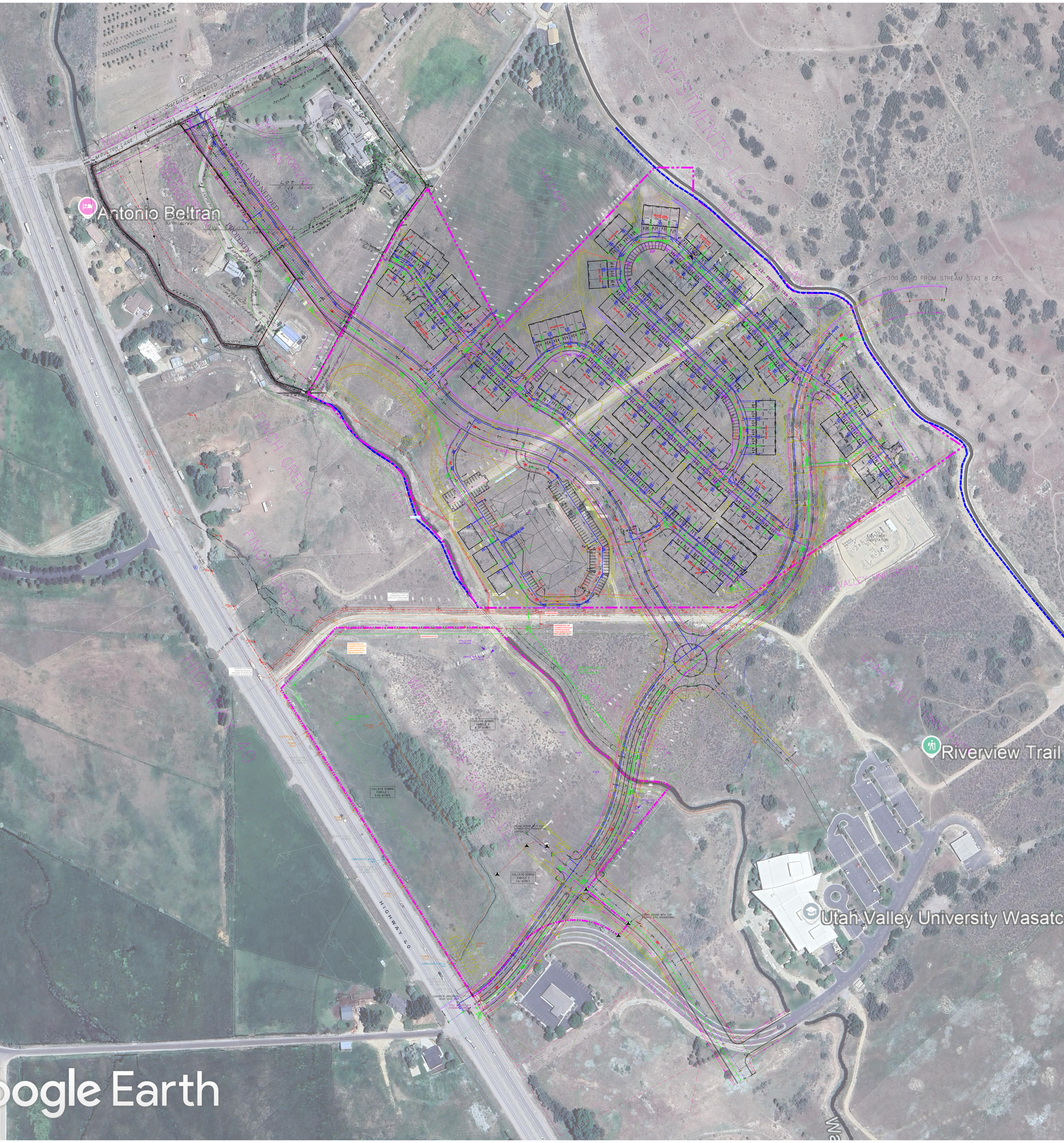
Revised Site Plan


204 TOWNHOMES
INES FOR PLAT
CHURCH ACCESS????
WHERE IS POWERPOLE?
future pond by others
Satar
HIGHWAY 40
UTAH VALLEY UNIVERSITY


MOULTON LANE
Barbara ARNOLD
Set Rebar & Cap
N89°39'56"E 578.66'
R.O.W.
10' Utility Easement
Orchard
Asphalt Paving
Building
LOT 1
8.743 Acres
Lot 2
5.006 Acres
Guy RIGLER Property
13.743 Acres
PROPERTY LINE
1.24 ACLAND NEEDED
Buried Lines
Existing Water & Phone lines
Set 24" Brass Cap
Utility Easement Typ 0 ft.
House
Barn
Wasatch
Canal
Set Rebar & Cap in Monument Box
S89°39'56"W 578.66'
Ground Rebar
Set 24" Brass Cap in Well
NORTH HORIZON
LUEKENGA
NORTH HORIZON
HUFFMAN
ANDERSON PROPERTY
RE INVESTMENTS LLC
SALDARINI
TIMPANOGOS CANAL
100 YR Q FROM STREAM STAT 8 CFS
EX 12" FEDERAL IRR. PIPE
EX 24" FEDERAL IRR. PIPE
IRRIGATION VALVE
PARK
EX. POWER SUBSTATION
UTAH VALLEY UNIVERSITY
FINCH CREEK
WASATCH CANAL
EX. WATER MA
EX 24" RCP (20) PIPE
SURVEYED UTILITY LINES SHOWN ARE BEING AS PROPOSED 10" WATER LINE APPROXIMATE LOCATION ONLY
UNDERGROUND LINE ALIGNMENT SHOULD BE VERIFIED WITH BLUE STAKE MARKINGS PER PROVIDED MAP ONLY
ELECTRICAL BOX
UNDERGROUND LINE
IRRIGATION OVERFLOW
IRRIGATION YELLOW OFF VALVE
RISER
TITLE REPORT #15 #16 AND #20 PIPLINE EASEMENT
BURIED UTILITY MARKER
COMMUNICATION VAULT
TITLE REPORT #18 PARCEL 1
EXISTING DITCH
POWER POLE
EXISTING SSMH RIM 5661.39 FL 5649.18
HIGHWAY 40
WDG COLLEGE DOWNS LLC
COLLEGE DOWNS PARCLE 3 8.27 ACRES
COLLEGE DOWNS PARCLE 1 5.50 ACRES
COLLEGE DOWNS PARCLE 2 1.41 ACRES
CORRUGATED METAL PIPE
EXISTING SSMH RIM 5667.21 INV 5648.13
EXISTING SSMH RIM 5662.62 INV 5647.29
FIBER OPTIC BOX
CONCRETE IRRIGATION HEAD GATE BOX
TITLE REPORT #14 EASEMENT (BLANKET)
IRRIGATION VAULT
FOUND REBAR WITH CAP MARKED EPIC ENGINEERING (TYPICAL)
TITLE REPORT #18 PARCEL 3
COLLEGE ACCESS ROAD


MOULTON LANE
Barbara ARNOLD
Set Rebar & cap
N43°46'06"E 578.66'
S.70.04'E
R.O.W.
10' Utility Easement
Orchard
Asphalt Paving
Asphalt Paving
Asphalt Paving
Building
Concrete Apron
Concrete Apron
Concrete Apron


Barbara ARNOLD
MOULTON LANE
Asphalt Paving
Set Rebar & Cap
N89°36'08"E 295.58'
R.O.W.
30' Utility Easement
Orchard
Building
LOT 1
8.743 Acres
Buried Lines
Existing Water & Phone Line
Barbara ARNOLD
PROPERTY LINE
Guy
House
Barn
Canal
Irrigation Ditch
Ground Rebar w/ Cap
Top of Bank
Toe of Bank
Wasatch
Fence
Utility Shed
Typ. 6' Chain Link Fence
Asphalt Path
Concrete Path
Gravel Path
Retaining Wall
Top Back Curb
Flow Line
Top Front Curb
Sidewalk
Top Back Walk
Top Front Walk
Top Curb
Top Walk
Top Asphalt
Top Gravel
Top Concrete
Top Wall
Bottom Wall
Finish Floor
Finish Grade
Top Footing
Bottom Footing
Top Foundation
Bottom Foundation
Top Pond
Bottom Pond
Top Pond Liner
Bottom Pond Liner
Top Pond Berm
Bottom Pond Berm
Top Pond Fence
Bottom Pond Fence
Top Pond Gate
Bottom Pond Gate
Top Pond Valve
Bottom Pond Valve
Top Pond Pump
Bottom Pond Pump
Top Pond Motor
Bottom Pond Motor
Top Pond Generator
Bottom Pond Generator
Top Pond Transformer
Bottom Pond Transformer
Top Pond Switchgear
Bottom Pond Switchgear
Top Pond Control Panel
Bottom Pond Control Panel
Top Pond Meter
Bottom Pond Meter
Top Pond Valve Box
Bottom Pond Valve Box
Top Pond Manhole
Bottom Pond Manhole
Top Pond Inlet
Bottom Pond Inlet
Top Pond Outlet
Bottom Pond Outlet
Top Pond Spillway
Bottom Pond Spillway
Top Pond Emergency Spillway
Bottom Pond Emergency Spillway
Top Pond Overflow
Bottom Pond Overflow
Top Pond Drain
Bottom Pond Drain
Top Pond Vent
Bottom Pond Vent
Top Pond Access Hatch
Bottom Pond Access Hatch
Top Pond Ladder
Bottom Pond Ladder
Top Pond Safety Rail
Bottom Pond Safety Rail
Top Pond Grate
Bottom Pond Grate
Top Pond Screen
Bottom Pond Screen
Top Pond Filter
Bottom Pond Filter
Top Pond Media
Bottom Pond Media
Top Pond Underdrain
Bottom Pond Underdrain
Top Pond Cleanout
Bottom Pond Cleanout
Top Pond Observation Well
Bottom Pond Observation Well
Top Pond Piezometer
Bottom Pond Piezometer
Top Pond Monitoring Well
Bottom Pond Monitoring Well
Top Pond Groundwater Well
Bottom Pond Groundwater Well
Top Pond Irrigation Well
Bottom Pond Irrigation Well
Top Pond Domestic Well
Bottom Pond Domestic Well
Top Pond Stock Well
Bottom Pond Stock Well
Top Pond Test Well
Bottom Pond Test Well
Top Pond Abandoned Well
Bottom Pond Abandoned Well
Top Pond Capped Well
Bottom Pond Capped Well
Top Pond Plugged Well
Bottom Pond Plugged Well
Top Pond Sealed Well
Bottom Pond Sealed Well
Top Pond Grouted Well
Bottom Pond Grouted Well
Top Pond Cemented Well
Bottom Pond Cemented Well
Top Pond Concreted Well
Bottom Pond Concreted Well
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Bottom Pond Filled Well
Top Pond Abandoned Well
Bottom Pond Abandoned Well
Top Pond Capped Well
Bottom Pond Capped Well
Top Pond Plugged Well
Bottom Pond Plugged Well
Top Pond Sealed Well
Bottom Pond Sealed Well
Top Pond Grouted Well
Bottom Pond Grouted Well
Top Pond Cemented Well
Bottom Pond Cemented Well
Top Pond Concreted Well
Bottom Pond Concreted Well
Top Pond Backfilled Well
Bottom Pond Backfilled Well
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RE INVESTMENTS LLC
SALCAMAS CANAL
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100 YR Q FROM STREAM STAT 8 CFS
EX 12" FEDERAL HEIGHTS PIPE
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EX POWER SUBSTATION
UTAH VALLEY UNIVERSITY
FINCH CREEK
WASATCH CANAL
HIGHWAY 40
COLLEGE DOWNS PARCEL 3
6.27 ACRES
COLLEGE DOWNS PARCEL 1
5.50 ACRES
COLLEGE DOWNS PARCEL 2
1.41 ACRES
FOUND REBAR WITH CAP MARKED EPIC ENGINEERING (TYPICAL)
UNDERGROUND LINE ALIGNMENT SHOULD BE MARKED WITH BLUE STAKE MARKING PER PROVIDED MAP ONLY
IRRIGATION OVERFLOW
IRRIGATION BLOW OFF VALVE
ELECTRICAL BOX
POWER POLE
CORRUGATED METAL PIPE
EXISTING DITCH
CONCRETE IRRIGATION HEAD GATE (TYP)
TITLE REPORT #14 - 3 EASEMENTS
Riverview Trail
Utah Valley University Wasatch
Google Earth


Barbara ARNOLD
MOULTON LANE
Asphalt Paving
Orchard
Building
LOT 1
8.743 Acres
PARCEL 2
5.006 Acres
House
Barn
Canal
Wasatch
Irrigation Ditch
Buried Lines
Water Telephone Utility
Existing Water Pipeline
Utility Easement
Set Rebar & Cap
Set Nail & Washer
Found Rebar & Cap
Found Nail & Washer
R.O.W.
Storm Sewer Line
Sanitary Sewer Line
Gas Line
Power Line
Fence
Property Line
Section Line
Center Line
Ex. 24" RCP
Ex. 12" Federal Heights Pipe
Ex. 24" Federal Heights Pipe
Ex. 24" RCP
Ex. 36" RCP
Ex. 48" RCP
Ex. 60" RCP
Ex. 72" RCP
Ex. 84" RCP
Ex. 96" RCP
Ex. 108" RCP
Ex. 120" RCP
Ex. 132" RCP
Ex. 144" RCP
Ex. 156" RCP
Ex. 168" RCP
Ex.

Heber City Council Staff Report

MEETING DATE:	12/16/2025
SUBJECT:	Garbett Homes presentation on proposed Bluestone development located at approximately 830 East Center Street (continued discussion from November 18)
RESPONSIBLE:	Tony Kohler, Jacob Ballsteadt
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community Development

SUMMARY

Garbett Homes has the property located at 844 East Center under contract and intends to request a zone change/development agreement for the construction of townhomes. The anticipated zone change would include changing the zoning to R-3 Residential with the Clustered Open Space Zone (COSZ) along with a development agreement. The development has been named Bluestone. Since Council met, development numbers have been reduced from 40 town homes to 30 town homes and all buildings have been reduced from 3 stories to 2 stories.

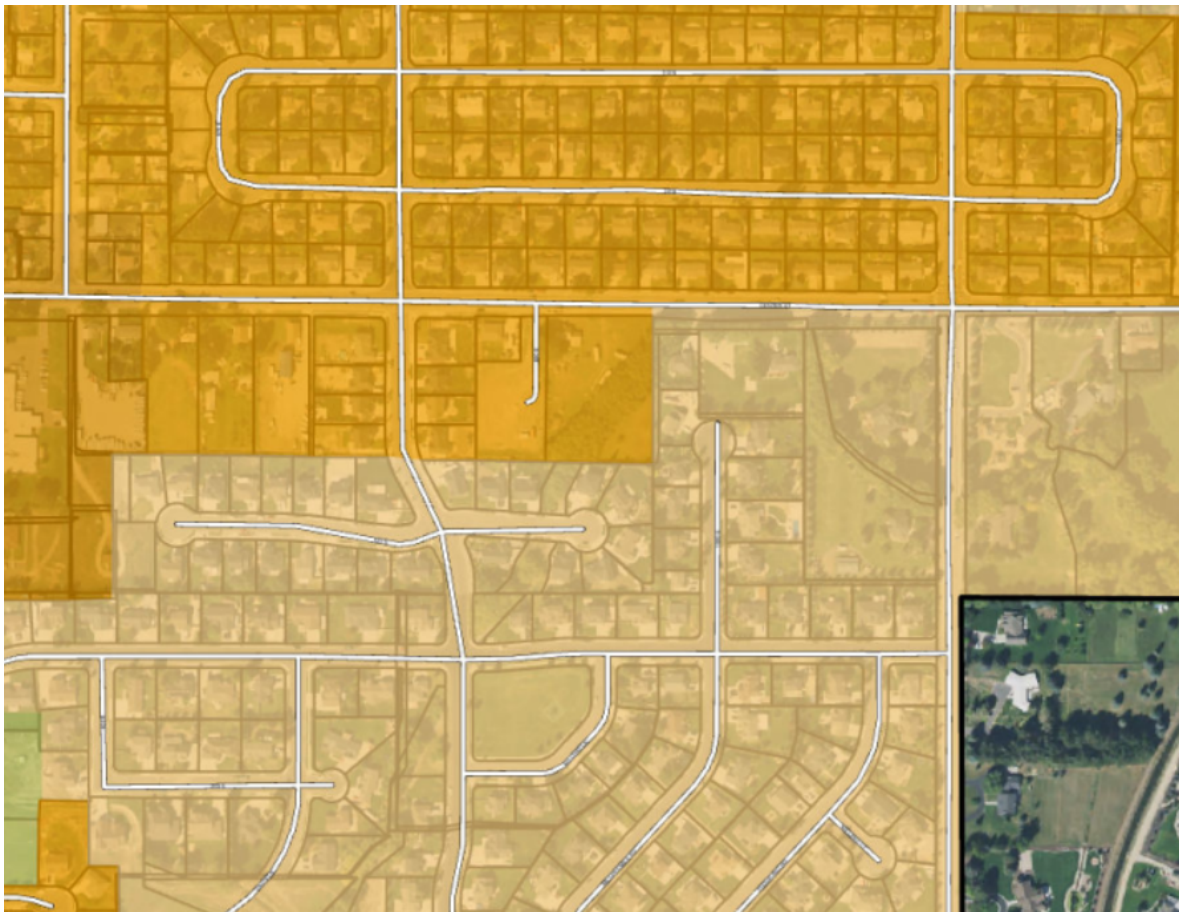
1. Does Council support the applicant pursuing a zone change/development agreement process?
2. What issues would the Council like the applicant to address in the process?
3. Is Council comfortable with the proposed density and the location it is proposed in?
4. Is Council comfortable with the proposed affordable housing proposal?
5. Are there other considerations Council would seek in a development agreement?

RECOMMENDATION

The petitioner is seeking feedback on a potential application for a zone change/development agreement. Staff recommends the development include key affordable housing objectives and the development concept include buffering of the development along the southern and western boundaries such as sight obscurring fencing, berms and evergreen landscaping.

BACKGROUND

The property contains 3.19 acres. Currently, the property is located within the R-2 Residential Zone, which permits detached single family dwellings on lots sized 8,000 square feet and 80 feet wide, which would likely permit up to 6 homes. The concept proposes 30 town homes, at a density of 6.25 dwelling units per acre.
For the affordable strategy, the petitioner is proposing deed restricting one-half of the units to be sold targeting those earning 120% AMI (11 units at $548,098 and 4 units at $575,726).



DISCUSSION

The proposed rezone would entail the R-3 Residential Zone and the Clustered Open Space Zone (COSZ). The COSZ Zone was adopted in 2007 to accommodate the Ranch Landing Community at 1200 South and 500 East. It was also used to accommodate the Villages on 12th Community at 700 East 1200 South, the Parkview Place Community at 1200 West 850 South and Kimball Villas at 700 South 1200 West. The COSZ requires, in summary, a 10 acre minimum project size, 12 units per acre max, a 30 foot perimeter setback and 42 foot height limit. It permits uses such as single family, townhomes, apartments and condominiums.

This particular project would need a development agreement to address the particulars of this property, such as being smaller than 10 acres and a perimeter setback of 20 feet instead of 30 feet and an affordable housing agreement.

The property is centrally located to the downtown, in a location conducive to affordable housing. Given the need for a zone change, there is an opportunity for the City to negotiate with the developer for needed affordable housing.

The property is in a state of disrepair and needs to be redeveloped. A future trail is planned through the property along the canal, connecting to Center Street.

There is an opportunity for the placement of a pocket park, either private or public, on the east side of the canal. Would Council prefer to see a public or private park? Note, the park is not designated upon the City's Capital Facilities Plan as public, so impact fees are not collected for this park.

The property is surrounded by existing detached single family dwellings. Given the need for a zone change, there will be a public hearing with the Planning Commission and an opportunity for neighbors to be involved in a public process.

FISCAL IMPACT

N/A

CONCLUSION

A zone change on the property has the potential to assist in providing affordable housing, open space, trail connectivity and redevelopment of dilapidated property.

ALTERNATIVES

N/A

POTENTIAL MOTIONS

No motion is necessary. The petitioner is looking for informal feedback from Council before making application to the Planning Commission for a zone change.

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. 844 East Center Vicinity Map
2. Bluestone_Affordable_Updated_12-8-25
3. R-2 Zone Concept
4. COSZ Zone

“844 East Center, Heber City







E CENTER STREET

E Center St

Project Entry

EVA

20'

15'

24'

32'

26'

P2 P1 P1 P2

Wasatch Canal
Location to be verified

25'

35'

60'

60' Easement

10' Walking Trail

Open Space
±0.70 ac

Walking Trail Connection

S 750 E

Site Info

City:	Heber City, UT
County:	Wasatch
Zoning:	TBD

Site Summary

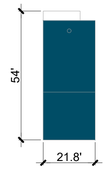
Gross Area	3.19 ac
Units	30 du
Density	9.4 du / ac
Open Space	52.7%

Unit Mix

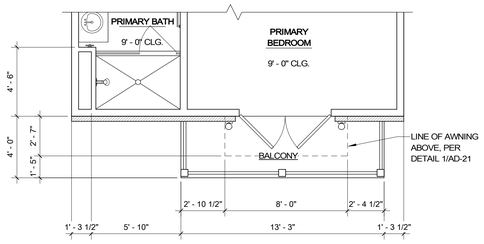
Type	Description	Garage	Gross SF	Count	SF total	Mix
Plan 1	2-Story / 3 bd / 2.5 ba	2-Car SXS	1,650	14	23,100	47%
Plan 2	2-Story / 3 bd / 2.5 ba	2-Car SXS	1,720	16	27,520	53%
Total				30	50,620	100%

Parking Provided

Garage	60	
Driveway	10	
Guest	11	
Total	81 Spaces	2.70 spaces / du



Typ. Plotting

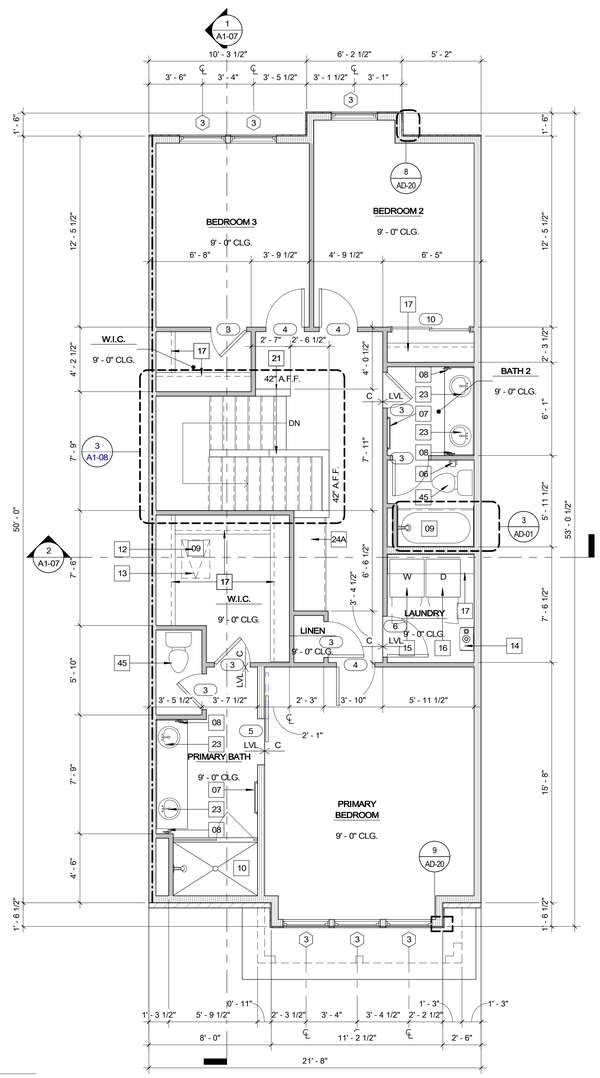


TH - UNIT 2	
2ND FLOOR	1,027 SQ. FT.
BALCONY	53 SQ. FT.

TH - STYLE 'B' PARTIAL FLOOR PLAN - LEVEL 2

SCALE: 1/4" = 1'-0"

3

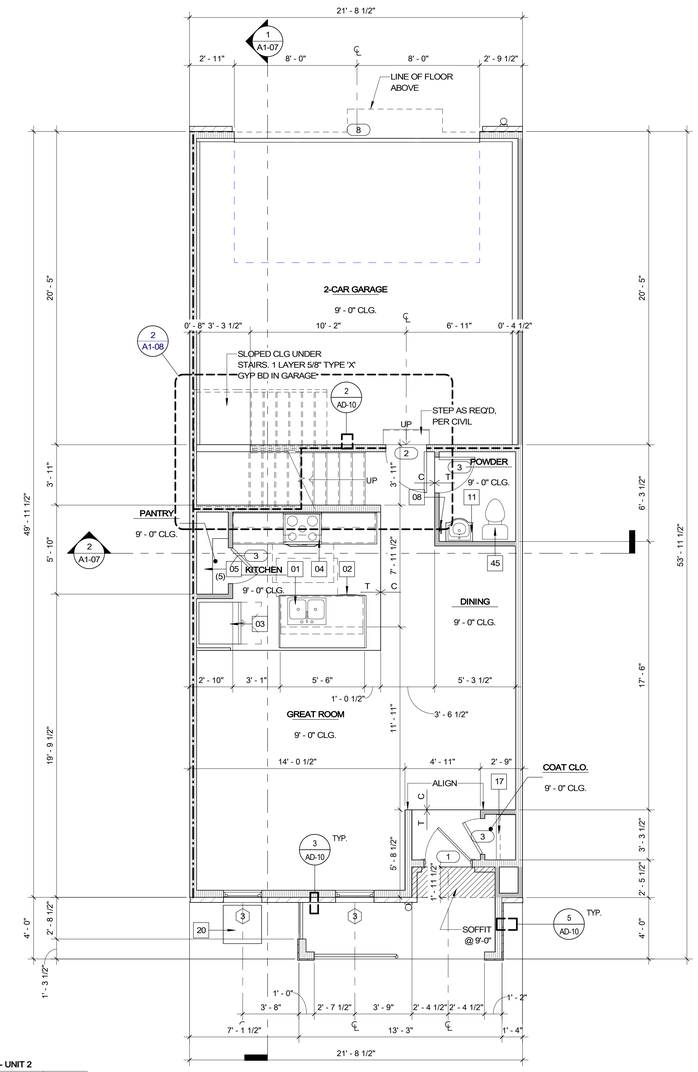


TH - UNIT 2	
2ND FLOOR	1,027 SQ. FT.

TH - UNIT 2 FLOOR PLAN - LEVEL 2

SCALE: 1/4" = 1'-0"

1



TH - UNIT 2	
1ST FLOOR	622 SQ. FT.
GARAGE	417 SQ. FT.
PORCH	62 SQ. FT.

TH - UNIT 2 FLOOR PLAN - LEVEL 1

SCALE: 1/4" = 1'-0"

2

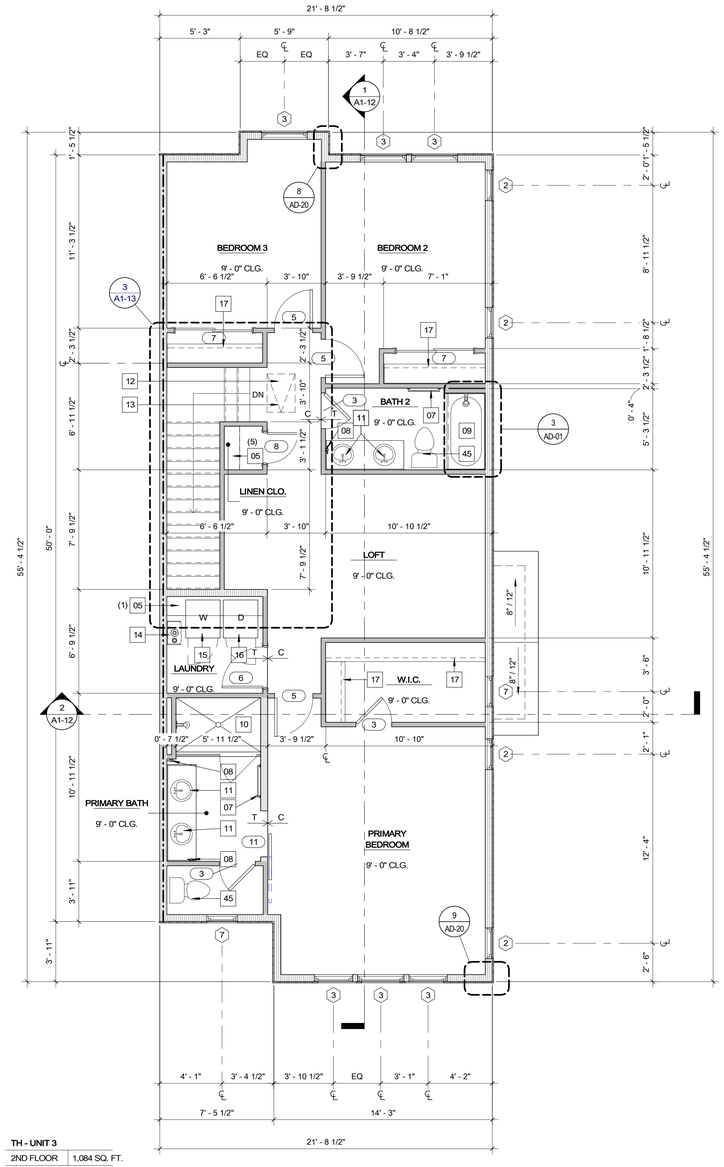
Keynote Legend	
Key Value	Keynote Text
01	DOUBLE SINK WITH GARBAGE DISPOSAL W/ AIR GAP FOR DISHWASHER
02	DISHWASHER (24" WIDE X 24" DEEP W/ AIR GAP) VERIFY DIMENSIONS WITH MFR.
03	51" CLEAR REFRIGERATOR SPACE (PROVIDE RECESSED COLD WATER BIB AND SHUT-OFF FOR ICE-MAKER) W/ PRE-PLUMB REVERSE OSMOSIS.
04	36" RANGE W/HOOD ABOVE.
05	SHELVES (SPACED EQUALLY), NUMBER NOTED ON PLAN
06	2x4 FLAT BLOCKING AT +24" A.F.F. FOR TOILET PAPER HOLDER
07	2X6 FLAT BLOCKING AT +40" A.F.F. FOR 24" TOWEL BAR
08	2X4 FLAT BLOCKING AT +40" A.F.F. FOR TOWEL RING
09	30" X 60" 1-PIECE TUB AND SHOWER (W/ 7'-0" CERAMIC TILE SURROUND OVER CEMENTITIOUS BACKER BOARD) WITH CURTAIN ROD (TEMPERED GLASS SHOWER ENCLOSURE). VALVES TO BE PRESSURE-BALANCED OR THERMOSTATIC MIXING VALVES PER THE IPC.
10	SHOWER PAN (SEE PLAN FOR SIZE). AT PRIMARY BATH, SHOWER PAN TO BE ENCLOSED WITH 3/8" SOLID TEMPERED GLASS. AT SECONDARY BATHS, SHOWER PLAN TO BE ENCLOSED WITH SEMI-FRAMELESS 5/16" GLASS. CONTROL VALVES TO BE PRESSURE-BALANCED OR THERMOSTATIC MIXING VALVES PER THE IPC.
11	PEDESTAL SINK
12	FAU: IN ATTIC PER IMC. PROVIDE LIGHT, POWER, GAS, ACCESS AND 30" WIDE WORK SPACE. PROVIDE CONDENSATE DRAIN LINE TO OUSTIDE & VENT TO OUTISDE PER IMC. PROVIDE COMBUSTION AIR PER IMC. PROVIDE ADDITIONAL CALV. METAL PAN WITH SECONDARY CONDENSATE DRAIN LINE TO OUTSIDE PER IMC. REFER TO DETAIL 3/AD-50.
13	ATTIC ACCESS 22" X 30" MIN WITH 30" MIN. CLEAR HEADROOM PROVIDED. FAU MAY PASS THROUGH. PROVIDE SWITCH LIGHT, 110 V OUTLET AND 24" PLATFORM TO FAU. REFER TO DETAIL 10/AD-70.
14	TANKLESS WATER HEATER. 36" CLR SPACE IN FRONT OF UNIT.
15	WASHER SPACE: PROVIDE RECESSED WATER AND DRAIN CONNECTIONS (RECESSED BOX IN GARAGE FIREWALL SHALL BE METAL)
16	DRYER SPACE: PROVIDE DRYER VENT TO OUTSIDE PER IMC. 14' MAX LENGTH WITH 2 ELBOWS MAX. OR 5" DUCT WITH MECHANICAL CALCULATIONS. DRYER TO BE ON RIGHT SIDE OF WASHER.
17	1 ROD AND SHELF IN CLOSETS; 1 SHELF IN LANDRY ROOM
20	AC CONDENSER ON CONCRETE PAD (VERIFY SIZE & LOCATION) PROVIDE 220 WATERPROOF DISCONNECT AND, WITHIN 25', ADJACENT 110V WATERPROOF OUTLET
21	LOW WALL - REFER TO PLAN FOR HEIGHT. REFER TO DEATIL 9/AD-50.
23	SINGLE BASIN VANITY SINK.
24A	BASE CABINETS, PER INTERIOR ELEVATIONS
45	FLOOR MOUNTED WATER CLOSET, PER SPECS

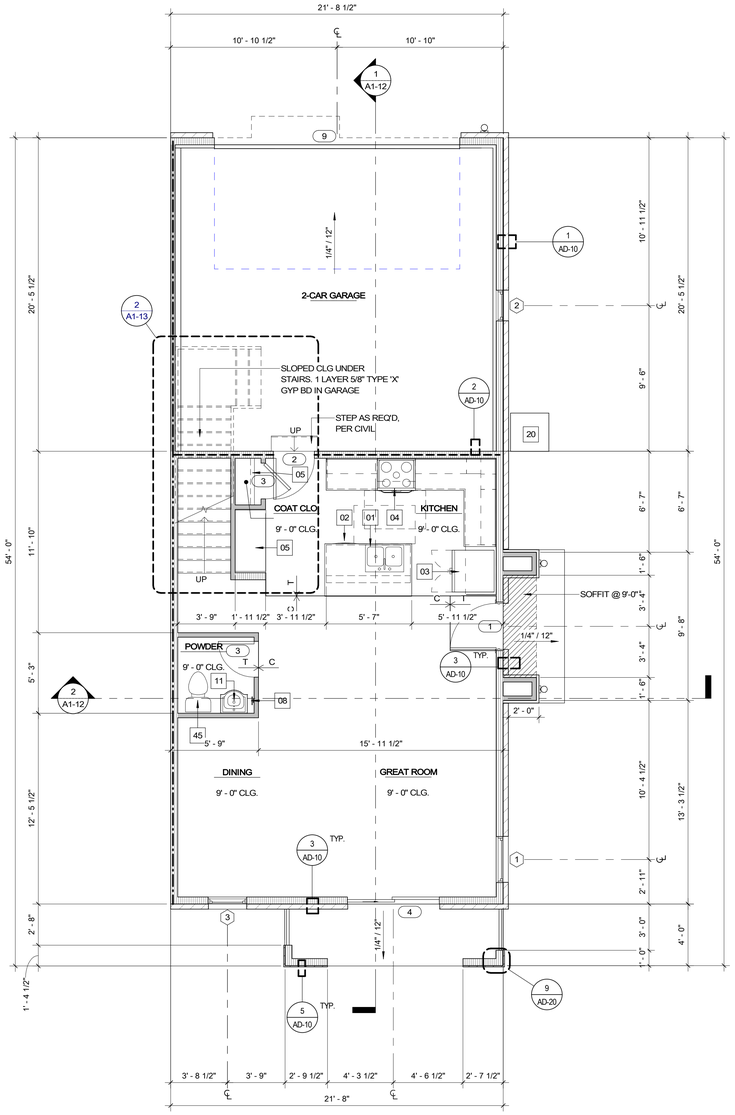
PLAN NOTES

T C — FLOORING TRANSITION - TILE & CARPET TO BE INSTALLED PER MANUF. INSTRUCTIONS & SPECS

PLAN LEGEND







Keynote Legend

Key Value	Keynote Text
01	DOUBLE SINK WITH GARBAGE DISPOSAL W/ AIR GAP FOR DISHWASHER
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45	FLOOR MOUNTED WATER CLOSET, PER SPECS

PLAN NOTES

T C FLOORING TRANSITION - TILE & CARPET TO BE INSTALLED PER MANUF. INSTRUCTIONS & SPECS

PLAN LEGEND

TH - UNIT 3 - LEVEL 2 SCALE: 1/4" = 1'-0" 1

TH - UNIT 3 - LEVEL 1 SCALE: 1/4" = 1'-0" 2

Bluestone
Unit Count: 30
Updated: 12-8-25

Unit Type	Square Footage		AMI	Max Price		Total # of Deeded Units
3 Bedroom	1,649		120%	$548,098		11
4 Bedroom	1,724		120%	$575,726		4



CURRENT ZONE IS R-2
6,000 SQFT LOT MIN.

18.22 Clustered Open Space Zone (COSZ)

18.22.005 Preamble
18.22.010 COSZ Definition
18.22.020 Purpose
18.22.030 Definitions
18.22.040 Approval Process
18.22.050 Project Density
18.22.060 Permitted Uses
18.22.070 Standards And Requirements
18.22.080 Exceptions To COSZ Standards For Highway Bypass Right Of Way
18.22.090 Senior Housing

18.22.005 Preamble

The intent of this section is to provide regulations that will further the objectives of the General Plan relating to residential developments. It is the intent to achieve an excellent balance between open space and clustering of buildings, harmony between new development and the surrounding area, longer life expectancy for buildings, superior maintenance and appearance of the landscaping and building and an overall project open space atmosphere that concurs with goals for a more attractive City. These regulations are intended to create residential development which offers a better living environment with open space, trails, amenities (with no fences) and maintenance of all the grounds which provides enhanced value to the surrounding community. Upon approval of a Clustered Open Space Zone (hereinafter referred to as an "COSZ"), the approved site plan shall then constitute the zoning restrictions and regulations of the zoning district as applied to the territory shown on the plan.

HISTORY

Adopted by Ord. 2007-07 on 2/1/2007

18.22.010 COSZ Definition

The COSZ is an overlay Zone, which may upon petition, and review and approval of the City Council, come into existence to overlay a specific portion of an existing R-2 or R-3 zoned area.

HISTORY

Adopted by Ord. 2007-07 on 2/1/2007

18.22.020 Purpose

It is the intention of this Section to require the developer to demonstrate by the materials and plans submitted for approval that the objectives and goals of the General Plan have been enhanced. If this cannot be shown, approval of the clustered open space plan allowed through the use of these regulations shall not be given.

HISTORY

Adopted by Ord. 2007-07 on 2/1/2007

18.22.030 Definitions

1. Open Space shall mean “a parcel or area of land or water within a development essentially unimproved or set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.”

2. Common area shall mean “land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.”
3. Convenience center shall mean “a retail building with less than 2,000 square feet of gross floor area, developed primarily for the use of the residents of the COSZ development, but shall not include the sale of fuel.

HISTORY

Adopted by Ord. 2007-07 on 2/1/2007

18.22.040 Approval Process

1. All developments within the COSZ stall be approved by the Land Use Authority as outlined in Chapter 17.16.

2. Pre-application conference with staff member. Any person wishing to construct an COSZ shall meet with a staff member, check and review the zone information, obtain application and review procedures, obtain information from the City regarding the City's plan of land use, streets, water, sewer, traffic, trails and parks, and public facilities; and have discussion about public participation meetings and other requirements affecting the land to be developed. The developer shall then prepare plans and seek approval based on the information received and the process outlined below.

3. Master Plan. The purpose of the Master Plan Review is to establish general feasibility and clearly define major elements of the development early in the planning process. The Master Plan procedure does not insure or provide approval of the development. It is however an important preparation, review and educational component of the overall approval process. While more flexible in nature than the subsequent steps of Preliminary and Final Approvals, the Master Plan still needs to be carefully prepared and thoroughly reviewed to be useful. As part of the Master Plan, the developer shall submit:

1. An application for development. 2. A written description of how the development will comply with and promote Heber City’s Vision and Clustered Open Space Zone. 3. A description of the type of development and project name.

4. A plan which shows a simple concept of the major features of the development including roads in relation to existing conditions and developments within one-fourth (1/4) of a mile of the outside boundaries of the development. Handwritten plans will not be accepted. The Concept Plan shall be submitted on two (2) full-size, 24” x 36” copies, and twenty (20) 11"x 17" copies of the Concept Plan shall be submitted to the Planning Commission. 5. Title ownership information and a current Preliminary Title Report. If the applicant is not the owner listed on the Preliminary Title report a written consent to the application signed by the title holder must be provided. 6. Lot or unit pattern and size(s). 7. Number of lots or units and conformance with the zone. 8. The types of buildings in the project by use and the architectural elevations and style. 9. Any plans for common area. 10. Any plans for common amenities. 11. Any public dedication proposals. 12. Conceptual Landscape Plan. 13. Any open space provisions including the following information: 1. Location. 2. General size. (Meeting a 50% minimum open space requirement) 3. Description of how the open space plan conforms to the standards for open space. 4. Any off-site open space trading provisions as allowed by this Ordinance shall be taken to the City Council for approval before applying for preliminary plan approval.

14. The trails proposed within the project. 15. A topographic map that is suitable for electronic mapping analysis. 16. With regard to any issues involving “Sensitive Lands”;

1. Topographic information related to such issues involving the project. 2. Information to identify potential sensitive land issues and a plan for how to address these issues. 3. Information regarding potential wildlife issues with the project, and surrounding area which might be impacted.
17. A summary of the water rights status for the proposed project detailing how much is owned now versus how much is estimated to be needed to complete the project and service the development.
18. Letter of submittal for the concept plans to the Heber Valley Fire Special Service District that transmits the plans to them.
4. Preliminary Plan. After review of the Master Plan, the developer shall prepare a preliminary plan and shall submit two (2) copies of the plan on 24" X 36" sheets and twenty (20) copies of the plan on 11" X 17" size paper to the Planning Commission for its review. The purpose of the Preliminary Plan is to demonstrate how the proposed development plan will be able to meet the standards required under the Zoning Ordinance and other applicable law or regulation after considering the issues and recommendations found during the concept review phase. While the preliminary plan is not expected to contain construction drawings, it is expected that the preliminary plan will demonstrate compliance with this code. The preliminary plan shall contain the following information (if any of the following information is satisfied by the information submitted during the concept plan review, that same information must be included again with the preliminary plan):
1. Description of how the development will implement Heber City's Vision. 2. Type of development. 3. Name of development. 4. Applicant entity's name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, fax numbers, and email addresses for each. 5. Legal description with recorded section coordinates tie. 6. Zone boundaries and designations. 7. North point and a scale consistent with a scale that is on a standard engineering scale ruler. 8. A statement that lists the issues discussed during the Concept Review and reconciles those issues with the Preliminary Application being submitted at this time. 9. A site plan showing location of all buildings, building pads, lots or structures, the elevation view of all structures accompanied by estimates of cost to purchase or rent, including a description of building materials to be used in the construction of all units. 10. Dimensioned side, rear and front yards, including the required side, rear and front set backs pursuant to City Ordinances and Requirements. 11. Location and description of all recreational and open space areas and facilities. 12. Topography shown by contours at no greater interval than two (2) feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission. 13. The outside boundary of the project.
14. Tabulation of land use, including:
1. Total area, open space, building area, and dedicated streets; 2. Drives and parking (all the above shown in acreage and percentage); 3. Number of units and project density; 4. Types of units by number of bedrooms, where applicable; and 5. Parking spaces (covered and uncovered), where applicable.
15. Identify who will hold title for any open space and open space easements at the conclusion of Development. 16. Adjacent property owners, including their respective mailing and physical addresses and telephone numbers. 17. Proposed circulation pattern including, private and public streets and sidewalks. 18. Typical street or roadway cross sections. 19. A detailed statement and illustration of how the project will mitigate "Sensitive Lands" identified in the Concept Phase.
20. Existing and proposed easements, waterways, utility lines, canals and ditches, with

specifications of ownership, and disclosures of who is responsible for, and how such will be maintained. This information shall include verification of compliance with all local, state and federal regulations with regard to said easements, waterways, utility lines, canals and ditches. 21. A plan for accommodating trails, waterways, ditches and canals. 22. Proposed and existing sewage disposal facilities. 23. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water. 24. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required. 25. More detailed (than concept) landscape plan indicating areas of landscaping and irrigation and the various types of landscape materials. 26. A noxious weed control plan. 27. Letter of intent signed by the applicant stating the following information when applicable:
1. Design theme of project 2. List of common area amenities 3. Time schedule for completing common area amenities
28. Any other information City staff or the Planning Commission may determine necessary relating to the particular site of the proposed project. 29. Evidence of sending an 11" x 17" copy of preliminary plan to QWest, Questar Gas, Heber Light & Power, ComCast (Cable Company), Heber Valley Fire Protection Special Service District, and Wasatch County Solid Waste Disposal District. 30. An updated preliminary title report as of the date of the Preliminary application. 31. A list of the documentation that will be required at Final Approval to implement the plans for the development and keep it maintained after approval.
5. Final Approval. The developer shall submit final development plans to the City. Said plans shall conform to all City Engineering and Title 17 Subdivision standards and requirements of the Heber City Municipal Code.

HISTORY
Adopted by Ord. 2007-07 on 2/1/2007
Amended by Ord. 2021-19 on 9/21/2021

18.22.050 Project Density

The permitted base densities allowed in a COSZ for each zoning district are listed below:

1. R-2 Zone: 5 units per acre; 8 units per acre for development on less than 10 acres that have buildings that do not exceed 1 story.
2. R-3 Zone: 12 units per acre

HISTORY
Adopted by Ord. 2007-07 on 2/1/2007
Amended by Ord. 2018-25 on 6/7/2018

18.22.060 Permitted Uses

1. The principal use permitted in the COSZ is the residential living unit. Other uses may be permitted where it can be shown they are accessory to the residential project. All uses permitted in the COSZ shall require Planning Commission review and City Council approval and be identified on the site plan and mentioned and approved as part of the application process. Uses not approved specifically by the City Council are prohibited.
2. Where the size, location and scope of a proposed COSZ are such that a convenience center would add to the convenience of the people living in the development, the Planning Commission may recommend and the City Council may authorize the construction of such a convenience center when the size of the project so

justifies. The convenience center may only be constructed after the residential units have been completed

3. The acreage of the project used to determine density shall be decreased by the amount of property used for the convenience center and its associated parking.

HISTORY

Adopted by Ord. 2007-07 on 2/1/2007

18.22.070 Standards And Requirements

The following standards, requirements and conditions shall apply to all COSZ's:

1. The project must be prepared by a design team composed of at least a civil engineer, an architect and an attorney, all of whom must be licensed to practice in the State of Utah.
2. All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the COSZ shall be placed underground, including telephone, power and television. Except for sewer, all dwelling units shall have separate utility connections and metering.
3. During the development stage, the real property and parcel proposed for a COSZ shall be titled with one owner to provide for full supervision and control of said development and to insure conformance with these provisions and all other conditions required by the City Council upon the preliminary and final development plans. The Planning Commission shall review all such conformance and condition requirements and shall make recommendations with regard thereto to the City Council.
4. In the event that the land contained within a development is traversed by a proposed collector or arterial street, the development shall be designed in accordance therewith and the right-of-way across the development for said collector or arterial streets shall be dedicated to the public with improvements.
5. All areas not covered by buildings, parking, streets or drives shall be planted with grass, trees, shrubs or other plant materials as approved by the Planning Commission in the submittal of the final landscape plan. Areas may be allowed to be left in a natural state or xeriscaped, if the Planning Commission and City Council finds this more desirable than traditional landscaping; also, a permanent sprinkler system shall be installed in all landscaped areas to provide irrigation of planted areas.
6. The minimum land area for a COSZ shall be ten (10) acres with the following exemptions:
    1. For developments that have buildings that do not exceed 1 story and do not meet the criteria as set forth in item 2; the minimum land area shall be at least 4 acres.
    2. A lot can be developed in the COSZ on a parcel that is less than 10 acres, provided the following standards are met:
        1. The parcel shall be at least 1 acre in size;
        2. The parcel shall be surrounded by other parcels that are zoned COSZ and be constrained to no other access option except through other COSZ zoned properties;
        3. The parcel shall access a publicly dedicated street.
        4. The parcel shall meet all other requirements of the COSZ.
7. With the following exceptions, dwelling and permitted structures may be located as recommended by the Planning Commission and approved by the City Council in the final development plans. Buildings should be arranged as to best comply with the intent of this Ordinance. These exceptions shall be considered, as minimum requires as they apply:

1. Set-backs along the peripheral property lines of the COSZ shall be a minimum of thirty (30) feet. For safety reasons, buildings may be required to be set back further from recreational areas, such as golf courses, ball fields, etc.
    1. Where a development contains multiple zones, including the COSZ, and a peripheral property line of the COSZ is internal to the same development as the adjacent zone, the setback shall be 15', unless reduced by the City Council.
8. Not less than fifty (50) percent of the area of the COSZ shall be retained in permanent open space, parks and playgrounds. For developments that have less than 10 acres with buildings that do not exceed 1 story, the minimum open space requirement shall be at least thirty (30) percent. Land proposed to be devoted to vehicular streets or roads, parking, and drives shall not be included in the computation of open space. Uncovered recreational facilities such as football fields, baseball diamonds, and playgrounds will be allowed in the open space requirements. Entry features such as roundabouts, median planter strips, fountains, etc. may count as open space if the design of such features is approved by the Planning Commission and City Council. To the greatest extent possible, open space areas shall be placed so as to be visible from both inside and outside the COSZ. Open space shall be either appropriately and attractively landscaped or actively used for agricultural purposes. An acceptable landscaping plan, including a noxious weed plan, must be submitted before preliminary approval of the subdivision and complied with thereafter. COSZ's shall be required to either (1) deed to each owner in the COSZ an undivided ownership interest in the open space contained within the COSZ and form a homeowners association which shall be responsible for maintaining such open space according to Covenants, Conditions and Restrictions recorded with the plat or (2) place the open space in a perpetual conservation easement granted to an established conservation organization. If the open space is placed in a conservation easement, a maintenance agreement shall be entered into with the conservation organization to guarantee proper maintenance of the open space.
9. All parking spaces, parking areas and driveways must be hard-surfaced and properly drained with no drainage running across public or private sidewalks.
10. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.
11. All street construction improvements in COSZ's shall be constructed in accordance with public street construction widths and cross-section standards, and City standards. Such construction shall be subject to the approval of the City Engineer.
12. All parking areas shall be screened from public view when reasonably and practicable to do so with berms and landscaped features.
13. The project shall connect any trails shown on the City Trails Master Plan for the area.
14. When it is necessary in order to implement the intent of this Section, the Planning Commission may recommend to the City Council specific development standards in excess of the minimums identified herein. The City Council may impose specific development standards in excess of the minimums identified herein. The City Council shall not be restricted to consider only those standards recommended by the Planning Commission, but shall have the authority to impose all such development standards in excess of the minimums identified herein that the Council feels are reasonable and justifiable. Gated communities shall not be permitted.

15. No building shall exceed 42 feet in height, measured from finished top back of curb to the highest point of the building, excluding chimneys and antenna. For COSZ developments in the R-2 Zone with less than 10 acres, no building shall exceed 1 story.

HISTORY
Adopted by Ord. 2007-07 on 2/1/2007
Amended by Ord. 2017-13 on 4/20/2017
Amended by Ord. 2018-25 on 6/7/2018
Amended by Ord. 2018-53 Amending Size Restriction Requirement on 10/1/2019
Amended by Ord. 2020-38 Amending Highway Bypass Right of Way Setback in COSZ Zone. on 9/15/2020

18.22.080 Exceptions To COSZ Standards For Highway Bypass Right Of Way

The City Council may, upon recommendation from the Planning Commission, make the following exceptions to the requirements of the COSZ, upon finding the exceptions are necessary to accommodate the alignment and standards established for the bypass.

1. Reduction to the required open space requirements from 50 percent minimum to 40 percent minimum;
2. Reduction by 15 feet to the required perimeter setbacks for areas that don't front along a public street;
3. Reduction to the required front setback of the underlying zone from 30 feet to 15 feet; however, any public street facing garage shall be setback at least 30 feet from any public street;
4. Exception to the maximum cul-de-sac length from 850 feet to 1320 feet;
5. Exception to the minimum area requirement for a COSZ development from 10 acre minimum to 9 acre minimum; and/or
6. Density be calculated based upon the gross land area that includes the right of way dedication.

HISTORY
Adopted by Ord. 2017-05 on 1/19/2017
Amended by Ord. 2020-38 Amending Highway Bypass Right of Way in COSZ zone. on 9/15/2020

18.22.090 Senior Housing

The city may grant exceptions to the COSZ standards as follows for a Senior Housing development in the COSZ Zone, provided the following conditions are met.

1. Underlying Zone. The underlying zone must be R-3 Residential.
2. Density. The density of Senior Housing units shall not exceed 30 units per acre.
3. Proximity. The proposed senior housing must be:
    1. Contiguous to and part of a larger master planned COSZ development meeting the requirements of the COSZ Zone, including availability of those open space amenities to the senior residents; and
    2. Located within ¼ mile of the following facilities as measured from the nearest property line of the facility to the nearest property line of the proposed Senior Housing:
        1. Hospital;
        2. Senior Citizen Center;
        3. Assisted Living or Skilled Nursing Facility;
        4. A Commercially Zoned area; and
        5. Other public facility such as a park, school or library.

4. Parking. The minimum parking ratio may be reduced to 1.5 stalls per Senior Housing residential unit.
5. Seniors. The housing must be targeted towards those aged 55 and older.
6. Unit Size. Each Senior Housing unit shall not exceed two (2) bedrooms per unit and no more than 1,000 square feet.
7. ADA Accessibility. At least 50% of the units must be ADA accessible.
8. Open Space. The minimum 50% open space requirement of the COSZ may be reduced to 25% minimum within the Senior Housing portion of the development.

HISTORY

Adopted by Ord. 2017-13 on 4/20/2017

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Discussion of Options to Advance Construction Timeline of Preferred Corridor Alignment

RESPONSIBLE: Scott Phillips

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

BACKGROUND

DISCUSSION

FISCAL IMPACT

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

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

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue
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 4 - Denial
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

None

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Consider Recommendation to UDOT (Utah Department of Transportation) to Name the Intersection of Highway 40 and State Road 32 as Hathcock Junction

RESPONSIBLE: Scott Phillips

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

I hope to engage Council in a discussion to formally recommend to UDOT a request to name the Highway 40 and SR 32 intersection in honor of long-time public safety officer G. Scott Hathcock, as Hathcock Junction.

RECOMMENDATION

Submit formal request to UDOT to consider naming the Highway 40 and SR32 intersection as Hathcock Junction.

BACKGROUND

"Scott began his law enforcement career in April 1984 when he was hired by the Utah Highway Patrol. After graduating from the Utah Police Academy, Scott's first assignment was at the Helper Port of Entry. Scott worked there for four months and was given the option of transferring to the road as a trooper. Luckily for the citizens of Wasatch County, Scott and his wife, Suzy, decided to relocate to Heber in October of 1984.

Scott worked in this role for the following 11 years, handling countless cases and crashes. In the 1990s, Scott investigated a fatal crash at the intersection of Highway 40 and River Road. This devastating event claimed the life of a young boy when a vehicle ran a stop sign. When Scott was interviewed by the media, he mentioned that the crash site was a dangerous intersection. Some with authority didn't appreciate this, which led to some fall-out, but a traffic light was eventually installed. It's impossible to quantify how many lives have been saved as a result. In good fun, officers in the area would tease Scott about being on the news, calling the intersection "Hathcock Junction." To this day, the law enforcement community still refers to it by that name."

DISCUSSION

I hope to engage Council in a discussion to formally recommend to UDOT a request to name the Highway 40 and SR 32 intersection in honor of long-time public safety officer G. Scott Hathcock.

The Kimball Junction, near Park City, is named for William Henry Kimball, a prominent figure who established a crucial stagecoach stop and post office there along the major east-west travel route, making it a vital hospitality and service center in the 1800s before Park City became famous for silver mining. The historic stone building of his stage stop still stands as a local landmark.

FISCAL IMPACT

N/A

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

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

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue

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 4 - Denial

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

ACCOUNTABILITY

Department: Administrative
Staff member:

EXHIBITS

None

Heber City Council Staff Report

MEETING DATE:	12/16/2025
SUBJECT:	Heber City Review of Term-Sheet with Celebration Housing at approximately 350 East 1200 South
RESPONSIBLE:	Tony Kohler
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community Development

SUMMARY

Russ Watts is reporting back to the City about the City's level of participation with the development of affordable housing in the Celebration Workforce Community, located at 350 East 1200 South. The development consists of 230 residential units on 8.75 acres, along with an 89-unit hotel. On October 7, Council requested Mr. Watts visit the Wasatch County Housing Authority and return with solidified numbers on the City's level of participation. Should the Council agree to defer the project impact fees, an agrementg would need to be drafted and brought back for review and approval.

The policy questions for the Council include:
1. Should the City provide the deferral of impact fees in the amount of $3.1 million for up to 12 years for the Celebration Housing development?
2. Alternately, should the City convert this contribution to project ownership?

RECOMMENDATION

Staff recommends Council discuss the proposed level of City participation and provide feedback to Mr. Watts and Staff; the item would need to return to Council for solidifying the concept into a written agreement. Note, other issues need to be added into the development agreement that were discussed many months ago.

BACKGROUND

Mr. Watts has submitted the attached proposal for partnering with the City for the development of affordable housing. The proposal requests the City defer up to $3.1 million in impact fees for a period of up to 12 years, at which point the fees would be paid. The Wasatch County Housing Authority has agreed to contribute up to $750,000. Alternately, the City could convert this contribution to partial ownership of the development.

DISCUSSION

Mr. Watts has partners including the Hicken family, who have contributed the land and the Wasatch County School District, who is providing land for additional shared parking between the high school

and the housing development. Mountainland Community Housing Trust has agreed to manage the community to make sure the community meets the commitment to keep rentals that average between 60% to 80% AMI.

FISCAL IMPACT

$3.1 million in the form of deferred payment of impact fees.

CONCLUSION

Moderate Income Housing is an identified priority on the Council's Annual Budget and Priority list. The City has been seeking ways to promote and build affordable housing. Out of the potential upcoming affordable housing developments, Celebration Housing is the closest significant housing development that could make a significant contribution to much-needed affordable housing in the valley. As such, the City should consider the various options with Mr. Watts to ensure the development of needed affordable housing.

ALTERNATIVES

N/A

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. Doc - Nov 12 2025 - 10-28 AM
2. Celebration Housing


CELEBRATION COMMUNITY
HEBER'S COMMUNITY !!

November 11, 2025

A Collaboration of Heber City and the
Wasatch Housing Authority to provide workforce housing.

Participation Amounts:

Heber City (Impact Fees/Permit)/Deferred	3,100,000
Wasatch Housing Authority/Contributed	750,000

Option #1
All the funds would be secured by the property. When we refinance the property at the 7-12 year period, we would pay the fees and contributions. The deferred funds would earn a 3% interest and paid out of available cash flow from projected rental income.

OR

Option #2
Each entity could convert their contribution to project ownership.

Projected Rental Rates

1–Bedroom Rates	$1,300 – 1,600 /monthly
2–Bedroom Rates	$1,850 /monthly
3–Bedroom Rates	$2,200 - $2,425 /monthly

The families that are qualified will have incomes that average between 60%-80% AMI, as classified and qualified by the Mountainland Management Team.

Celebration

					HOUSEHOLD SIZE		
	Rent & Util.	AMI	# of Units	AMI	2 Person	3 Person	4 Person
A-1	$1,777	65%	(21)	60%	$1,636.50	$1,842	$2,046
A-2	$42,029	65%	(21)	70%	$1,909.25	$2,149	$2,387
A-3	$1,477	55%	(42)	80%	$2,182.00	$2,456	$2,728
A-4	$2,483	70%	(42)				
B-1	$1,827	65%	(8)				**$5,282 / Unit**
B-2	$2,708	80%	(8)				
		64% AMI Average					

CELEBRATION PROJECT - PHASE 1

Project Summary	Total
Y1 NOI	2,153,086
Total Cost	34,698,495
Constr Loan	22,660,000
Equity Requ'd - Constr	12,038,495
Equity Requ'd - Long Term	3,418,495
Yield-on-Cost	**6.21%**
Yield-on-Cost excl Land	6.81%

Sources & Uses	
Uses	**34,698,495**
Soft Cost	4,329,356
Land Cost	3,097,116
Hard Cost	27,272,024
Sources	**34,698,495**
Construction Loan	22,660,000
Equity	12,038,495

Project Assumptions		
Land SF		206,474
Land Acreage		4.74
Project Start Date		Jun-26
Construction Timeline		M20
Sale Date		Jun-36
Projected Market Value		
Apartments	5.75%	37,445,000
Commercial	7.00%	-
Total	**5.75%**	**37,445,000**

Financing		
Construction Loan		**22,660,000**
Int Rate / LTV	5.75%	60.5%
DSCR / Annual Constr Int	1.26x	1,302,950
Debt Yield / LTC	9.5%	65.3%
Permanent Loan		**31,280,000**
Int Rate / Stabilized NOI	5.0%	2,518,792
DSCR / Annual Debt Serv	1.25x	2,015,014
LTV / Amort Period	71.4%	30
Debt Yield		8.1%

Revenue

Apartments	# of Units	SF	Total RSF	$ Rent / M	$ Rent PSF	$ Rent / Yr.
A-1 / 1-BDRM	21	620	13,020	1,600	2.58	403,200
A-2 / 2 BDRM	21	955	20,055	1,850	1.94	466,200
A-3 / 1-BDRM	42	456	19,152	1,300	2.85	655,200
A-4 / 3-BDRM	42	1,093	45,906	2,200	2.01	1,108,800
B-1 / 1 BDRM	8	697	5,576	1,650	2.37	158,400
B-2 / 3-BDRM	8	1,598	12,784	2,425	1.52	232,800
Total / Avg	**142**	**820**	**116,493**	**1,775**	**2.16**	**3,024,600**

Stabilized Operations	$ Unit / Yr	$ Unit / M	% of Rev	$ Annual
Potential Base Rent	21,300	1,775	98.1%	3,024,600
Other Income	1,800	150	8.3%	255,600
Vacancy	(1,386)	(116)	6.0%	(196,812)
Gross Operating Income	21,714	1,810	100.0%	**3,083,388**
Operating Expenses	(4,800)	(400)	(22.1%)	(681,600)
Property Taxes	(900)	(75)	(4.1%)	(127,800)
Management Fees	(651)	(54)	3.0%	(92,502)
Reserves	(200)	(17)	(0.9%)	(28,400)
Total Expenses	(6,551)	(546)	(30.2%)	(930,302)
Net Operating Income				**2,153,086**

Construction Costs			Total	Apts / Unit	Apts PSF
Building Costs			21,850,000	175,000	187.6
Site Work	206,474 sf	12.00	2,477,693	17,449	21.3
FF&E			150,000	1,056	1.3
On-site Amenities / Clubhouse			2,000,000	14,085	17.2
Building Permits & Impact Fees		-	-	-	-
Owner Contingency		3.0%	794,331	5,594	6.8
Total Hard Costs			**27,272,024**	**192,057**	**234.1**
Land & Water Share Costs	206,474 sf	15.00	3,097,116	21,811	26.6
Total Hard & Land Costs			**30,369,140**	**213,867**	**260.7**
Architecture & Engineering		1.5%	400,000	2,817	3.4
Govt. Impact Fee / Misc		-	-	-	-
Legal & Financing Fee		0.8%	210,000	1,479	1.8
Developer Fee		5.6%	1,525,000	10,739	13.1
Loan Fees		1.5%	339,900	2,394	2.9
Construction Interest		0.9x	1,172,655	8,258	10.1
Insurance		2.5%	681,801	4,801	5.9
Total Soft Costs			**4,329,356**	**30,488**	**37.2**
Total Costs			**34,698,495**	**244,356**	**297.9**

Cost Adjustment	(3,000,000)

CELEBRATION PROJECT - PHASE 1

Levered Returns	
IRR	17.0%
Equity Mult	3.1x
Profits	25,844,662
Equity	12,038,495
Unlevered Returns	
IRR	9.8%
Equity Mult	2.1x
Profits	37,871,593
Equity	34,534,834

Sale	
Exit Month	M120
Exit Cap Rate	5.75%
Exit NOI	3,007,569
Sale Proceeds	52,305,545
Sale Costs	1.5%
Construction Loan	
Loan Draw	22,660,000
Int. Rate	5.75%
Maturity	M48

Permanent Loan	
Loan Draw	31,280,000
Int. Rate	5.00%
Loan Fee	1.50%
Takeout	M48
Maturity	M120
NOI	2,518,792
Pmt	167,918
DSCR	1.25x
LTV	71.4%

Cash Flow Projections	Y0 Closing	Y1 2026	Y2 2027	Y3 2028	Y4 2029	Y5 2030	Y6 2031	Y7 2032	Y8 2033	Y9 2034	Y10 2035	Total
Potential Base Rent	252,050	3,065,966	3,157,945	3,252,684	3,350,264	3,450,772	3,554,295	3,660,924	3,770,752	3,883,874	4,000,391	35,399,918
Other Income	-	-	17,802	210,793	268,965	277,034	285,345	293,905	302,722	311,804	321,158	2,289,527
Vacancy	(252,050)	(3,065,966)	(2,947,293)	(758,303)	(167,513)	(172,539)	(177,715)	(183,046)	(188,538)	(194,194)	(200,020)	(8,307,177)
Gross Operating Income	-	-	**228,453**	**2,705,173**	**3,451,716**	**3,555,267**	**3,661,925**	**3,771,783**	**3,884,937**	**4,001,485**	**4,121,529**	**29,382,268**
Apartments Operating Expenses	-	-	(47,471)	(562,114)	(717,240)	(738,757)	(760,920)	(783,747)	(807,260)	(831,477)	(856,422)	(6,105,406)
Property Taxes	-	-	(8,901)	(105,396)	(134,482)	(138,517)	(142,672)	(146,953)	(151,361)	(155,902)	(160,579)	(1,144,764)
Management Fees	-	-	(6,442)	(76,286)	(97,338)	(100,259)	(103,266)	(106,364)	(109,555)	(112,842)	(116,227)	(828,580)
Reserves	-	-	(1,978)	(23,421)	(29,885)	(30,782)	(31,705)	(32,656)	(33,636)	(34,645)	(35,684)	(254,392)
Total Expenses	-	-	(64,792)	(767,218)	(978,945)	(1,008,314)	(1,038,563)	(1,069,720)	(1,101,812)	(1,134,866)	(1,168,912)	(8,333,142)
Net Operating Income	-	-	**163,661**	**1,937,956**	**2,472,770**	**2,546,953**	**2,623,362**	**2,702,063**	**2,783,125**	**2,866,619**	**2,952,617**	**21,049,126**
Construction Cost	(3,097,116)	(19,346,048)	(12,255,331)	-	-	-	-	-	-	-	-	(34,698,495)
Gross Sale Proceeds	-	-	-	-	-	-	-	-	-	-	52,305,545	52,305,545
Sale Costs	-	-	-	-	-	-	-	-	-	-	(784,583)	(784,583)
Net Sale Proceeds	-	-	-	-	-	-	-	-	-	-	51,520,962	51,520,962
Unlevered Cash Flow	**(3,097,116)**	**(19,346,048)**	**(12,091,670)**	**1,937,956**	**2,472,770**	**2,546,953**	**2,623,362**	**2,702,063**	**2,783,125**	**2,866,619**	**54,473,579**	**37,871,593**
Const Loan: Draw	-	10,404,669	12,255,331	-	-	-	-	-	-	-	-	22,660,000
Const Loan: Amort / Repay	-	-	-	-	(22,660,000)	-	-	-	-	-	-	(22,660,000)
Const Loan: Interest	-	-	(9,984)	(1,302,950)	(1,302,950)	-	-	-	-	-	-	(2,615,884)
Perm Loan: Draw	-	-	-	-	31,280,000	-	-	-	-	-	-	31,280,000
Perm Loan: Amort / Repay	-	-	-	-	-	(461,494)	(485,105)	(509,924)	(536,013)	(563,436)	(28,724,027)	(31,280,000)
Perm Loan: Interest	-	-	-	-	-	(1,553,519)	(1,529,908)	(1,505,090)	(1,479,001)	(1,451,577)	(1,422,751)	(8,941,847)
Perm Loan: Loan Fees	-	-	-	-	(469,200)	-	-	-	-	-	-	(469,200)
Levered Cash Flow	**(3,097,116)**	**(8,941,379)**	**153,677**	**635,006**	**9,320,620**	**531,940**	**608,348**	**687,049**	**768,111**	**851,605**	**24,326,801**	**25,844,662**
Cash Management	-	-	(153,677)	(46,323)	0	0	0	-	(0)	0	200,000	-
Equity Cash Flow	**(3,097,116)**	**(8,941,379)**	**-**	**588,683**	**9,320,620**	**531,940**	**608,348**	**687,049**	**768,111**	**851,605**	**24,526,801**	**25,844,662**

Rent Comps

Property:	Sawmill Condos
Type:	4-story apartment condos
Year Built:	2023
Source:	CoStar
For Sale	*$4,900,000; 5.37% cap*

Unit Type	# of Units	SF	$ Rent / M	$ Rent PSF
3-Bed	70	1,406	2,653	1.89



Property:	The Springs at Coyote Ridge
Type:	Garden Style Townhomes
Year Built:	2023
Source:	CoStar

Unit Type	# of Units	SF	$ Rent / M	$ Rent PSF
3-Bed	39	2,504	2,967	1.18
4-Bed	41	2,337	3,170	1.36
5-Bed	13	2,833	3,484	1.23
Total	93	2,476	3,129	1.26



Property:	Sequoia Apartments at Turner Mill
Type:	Mid-Rise Apartments
Year Built:	2023
Source:	CoStar

Unit Type	# of Units	SF	$ Rent / M	$ Rent PSF
1-Bed	76	668	1,668	2.50
2-Bed	52	963	2,238	2.32
3-Bed	17	1,220	2,588	2.12
Total	145	839	1,980	2.36



Property:	Wasatch Commons Apartmens
Type:	Mid-Rise Apartments
Year Built:	2011
Source:	CoStar

Unit Type	# of Units	SF	$ Rent / M	$ Rent PSF
1-Bed	70	724	1,665	2.30
2-Bed	112	963	1,996	2.07
3-Bed	42	1,250	2,353	1.88
Total	224	942	1,960	2.08



Subject Property

Type	# of Units	SF	$ Rent / M	$ Rent PSF
A-1,	21	620	1,600	2.58
A-2,	21	955	1,850	1.94
A-3,	42	456	1,300	2.85
A-4,	42	1,093	2,200	2.01
B-1,	8	697	1,650	2.37
B-2,	8	1,598	2,425	1.52
Total	142	820	1,775	2.16

Land Sale Comps

SEC Highway 40		
3.05 acres, C-2 zoning		
Under Contract		
Asking Price	$2,000,000	
Sq Ft	132,858	3.05
Price PSF	15.05	
1496 Highway 40		
2.73 acres, C-2 zoning		
For Sale		
Asking Price	$2,999,000	
Sq Ft	118,919	2.73
Price PSF	25.22	
1380 Daniels Rd		
1.34 acres, C-2 zoning		
For Sale		
Asking Price	$1,700,000	
Sq Ft	58,370	1.34
Price PSF	29.12	

50 0 25 50

1 INCH = 50 FT
(SCALE IN FEET)

EXISTING UNDERGROUND PIPED CULVERT.

CULVERT EASEMENT.

LEFT AREA: 225 TOTAL PARKING STALLS
147 EXISTING STALLS
6 EXISTING STALLS REMOVED
84 ADDED PARKING STALLS

400 E

RIGHT AREA: 72 ADDED PARKING STALLS

CELEBRATION HOUSING DEVELOPMENT

400 E

500 E

1200 S

1200 S

Z:\SEG Projects\CURRENT PROJECTS\C23-010 Watts Workforce Housing\Working Files\Planning\dwg\C23-010 CONCEPT 3 PARKING EXHIBIT.dwg

PROJECT: C23-010	PREPARED FOR: WATTS ENTERPRISES	PARKING EXHIBIT CONCEPT
SHEET: 1 OF 1	PROJECT: HEBER VALLEYS "CELEBRATION"	

DRAWN BY: ANF
REVIEWED BY: BMB
SCALE: SEE SHEET
ISSUE DATE: 12/1/23

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BUILDING 'A'





Heber City Council Staff Report

MEETING DATE:	12/16/2025
SUBJECT:	Ordinance 2025-30 Springs at Coyote Phase 5 Development Agreement
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

Thrive Development is seeking a development agreement to make the Marelko property part of the Springs at Coyote Ridge Development. The proposal would include town homes and 2 commercial lots for office space.

RECOMMENDATION

Planning Commission forwarded a positive recommendation. Staff is recommending approval with all of the findings and conditions in the conclusion of the staff report.

BACKGROUND

The Springs at Coyote Ridge was annexed into the City with the VXC Annexation (2019), which included Ivory Homes' Coyote Ridge, Thrive's Springs at Coyote Ridge, the Keele property, and Marelko property. Since the annexation, both the Coyote Ridge and Springs at Coyote Ridge developments have completed the majority of their projects. Additionally, the Keel property was purchased by the Watt's group and developed under the R-3 Zone to build medical buildings (conditional use in R-3). The Marelko property is now seeking to sell. Thrive has the property under contract.



DISCUSSION

Zoning

The current zoning, per the annexation, is R-3 COSZ, which would allow for up to 12 units per acre. The Marelko Property was not a signature to the Annexation Agreement and was granted this zoning. The zoning would allow for some clustered multi-family, single family, or medical offices.

Thrive is looking to do a mix of town homes and commercial. The town homes would become part of the Springs development. The commercial buildings would likely be used for professional office, retail, or medical uses.

Gilber Peak Rd.
Per the annexation and transportation master plan, Gilbert Peak Road is required to extend through the marelko property to the barn parcel in the Springs development to allow for future access to properties to the south.
This road right of way will bisect the property and would be the division line for the town homes and

commercial.

Barn Parcel
Thrive owns the parcel to the south of the Marelko property and has entitlements to build a barn/ private office. If the Marelko property is acquired, the barn property would be incorporated into the new phase and the barn, as previously proposed and approved, would not be developed. The purpose of the barn was for the personal use of the owner of Thrive Development.

Envision Heber 2050 General Plan
The General Plan identifies this area as Neighborhoods with Open Space (NOS).

District Type	Uses	Density Range / Scale (gross acreage)	Key Characteristics
New Neighborhoods with Open Space (NOS)	Primary: SFDs Secondary: townhomes, small lot and attached housing	3 to 20 units per acre Overall property base densities, established by the North Village Overlay Zone may be transferred to adjacent Villages to create open space.	Small lot clusters, townhomes and open space achieved through clustering and generally located adjacent to centers

The proposal is adjacent to Hwy 40 and utilizes town homes. Additionally, the existing zoning would allow for higher density of homes than what is being requested. Medical office buildings are a conditional use up to 40' tall.

Process
Development Agreements that permit items outside of the zoning code are a legislative item and require a public hearing at the Planning Commission and Ordinance adoption by the City Council.

FISCAL IMPACT

N/A

CONCLUSION

Thrive Development is seeking a development agreement to make the Marelko property part of the Springs at Coyote Ridge Development to add town homes and commercial buildings along Hwy 40. The Planning Commission forwarded a positive recommendation. Staff is recommending adoption with the following findings and conditions:

Findings

1. The Planning Commission held a public hearing on October 28, 2025.
2. The Planning Commission forwarded a positive recommendation on October 28, 2025.
3. The proposed development agreement is consistent with the General Plan.

Conditions

1. All conditions of the City Engineer shall be met.
2. All conditions of the Fire District be met.
3. All conditions of the Comment Summary be met.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Staff Recommended Option - Approval

I move to **approve Ordinance 2025-32** as presented, with the findings and conditions in the conclusion of the staff report.

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. Ord 2025-32 Springs at Coyote Phase 5 DA
2. Coyote Springs Phase 5 DA. 12.9 - 4925-1657-8688 - 1
3. HEBER TREE FARM-C-1 - SITE PLAN
4. Conceptual Building Elevations (1)
5. Sensitive Lands Analysis
6. Springs at Coyote Ridge Phase 5 Comment Summary

ORDINANCE NO. 2025-32

AN ORDINANCE ADOPTING THE SPRINGS AT COYOTE RIDGE PHASE 5 DEVELOPMENT AGREEMENT, LOCATED AT APPROXIMATELY 1646 NORTH HWY 40, HEBER CITY, WASATCH COUNTY, STATE OF UTAH.

WHEREAS, The Springs at Coyote Ridge Phase 5 is consistent with the Envision Heber 2050 General Plan, adopted by Heber City.

BE IT ORDAINED by the City Council of Heber City, Utah, that the Springs at Coyote Ridge Phase 5 Development Agreement, as described in Exhibit A, attached hereto and incorporated herein, is hereby ADOPTED. The agreement outlined in Exhibit B is hereby adopted as part of this ordinance.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this _____ day of _____ 2025.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

_____
Mayor Heidi Franco

ATTEST:

_____ Date: _____
RECORDER

Exhibit A

Exhibit B

When recorded return to:

Heber City Corporation
Attn: City Recorder
75 North Main Street
Heber City, UT 84032

Parcel Nos. 00-0021-4368, 00-0021-4369, 00-0021-4370 and 00-0021-8118.

DEVELOPMENT AGREEMENT
(The Springs at Coyote Ridge Phase 5)

THIS DEVELOPMENT AGREEMENT (the "Agreement") entered into this 2nd day of December, 2025, by and between HEBER CITY, a Utah municipality ("City") and Marelko LC 3 (a.k.a. Marelko #3, L.C.) a Utah limited liability company ("Developer" or "Owner"). Developer and City are hereinafter referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, Developer is the owner of approximately 4 acres of real property which is designated as Parcel Nos. 00-0021-4368, 00-0021-4369, 00-0021-4370 and 00-0021-8118, and more particularly described in Exhibit A (the "Property");

WHEREAS, Developer has proposed a site plan (the "Site Plan") for the Springs at Coyote Ridge Subdivision, Phase 5 consisting of 12 Townhomes and Two Commercial Office Buildings (the "Project"), a copy of which is attached hereto as Exhibit B;

WHEREAS, subject to the terms and conditions of the Agreement, City has approved the Site Plan;

WHEREAS, the City, acting pursuant to its authority under Utah Code Ann. §10-9a-101, et. seq., in compliance with the Heber City Land Use Code, and in furtherance of its land use policies, goals, objectives, ordinances and regulations, has made certain determinations with respect to the Property, and therefore has elected to approve and enter into this Agreement to advance the policies, goals and objectives of the City, and to promote the health, safety and general welfare of the public.

NOW, THEREFORE, the parties hereby agree as follows:

1. **Zoning**. The Property is currently zoned as R-3 COZ. Except as specifically set forth herein, the Property shall be developed in accordance with the Site Plan, and the requirements of the City's Development Code; the R-3 COZ zone; the City's Engineering Standards and

Specifications; and all other development ordinances, processes, standards, requirements, policies and regulations of Heber City related to zoning, subdivisions, development, public improvements and other similar or related matters that are in effect as of the Effective Date (collectively, the "City's Vested Laws"). The following additional uses shall be allowed in the Project: (1) professional offices; and (2) retail and services without drive-throughs.

2. **Development Requirements**. In addition to all development requirements in the City's Vested Laws, the following requirements shall apply to the Project:

a. Master Plan Trail. Developer shall construct an asphalt trail along the frontage of the Project and along U.S. 40 in accordance with the City's Master Trail Plan. Once constructed, the trail shall be dedicated to and maintained by the City.

b. Landscape Plan. Developer shall provide a Landscape plan for the commercial areas and townhome area to be reviewed and approved by the City prior to any construction in the respective areas.

c. Fencing. All fences shall be of earth tone colors. Fences shall not be allowed in front yards except decorative split rail fences not to exceed four feet in height. A six-foot privacy fence shall be constructed along the along the shared property line with Parcel No. 00-0007-9108.

d. Townhome Colors. All townhomes shall be of earth tones and consist of different color and pattern schemes to distinguish buildings.

e. Water Service. All townhomes are required to have separate water and sewer services. Common irrigation service will be allowed to accommodate the HOA maintaining the landscaping for all Townhome lots, buildings, and common areas. Should any property or lot be subsequently conveyed to new owners, not a part of the HOA, Property owner shall be responsible for the installation of separate irrigation services from the City's public line to serve these lots.

f. Landscaping and Stormwater. Common area landscaping within the townhomes shall be owned and maintained by the townhome HOA. Parking lots and associated open space within the office parcels shall be owned and maintained by the ownership entity of each office parcel. Any facilities which collect or convey storm drainage from private property, alleys, or streets shall be private and maintained by the townhome HOA or the ownership entity of each office parcel.

g. HOA. Developer will establish, prior to recording a plat for any of the townhome units, a Homeowners Association for the following purposes:

1. Ownership, operation, maintenance, and collection of fees for the continuing maintenance of the common areas including the storm water areas, and all trails and common area landscaping, excepting the trails running immediately adjacent to US40 which shall be City maintained.
2. Ensure all exterior lighting, is full cut off and dark sky compliant.

3. Ensure consistent fencing standards, including the prohibition of white vinyl fences.

h. Road Connections and Standards. Gilbert Peak Road shall be constructed in accordance with the Site Plan and shall stub to the southern property line and connect to 1610 N. Developer shall dedicate all public streets to Heber City and slurry seal per Heber City's Standard Specifications during the warranty period.

3. **Vested Rights**. The Parties intend that this Agreement grants to Owner the right to develop the Property in accordance with the Site Plan and the City's Vested Laws (collectively, "Vested Right"), provided that nothing in this Agreement shall be construed to limit the City's ability to rezone the Property during the term of this Agreement, provided that such rezoning shall not limit or restrict the Owner's Vested Rights.

4. **Exceptions to Vested Rights**. The Vested Rights are subject to the following exceptions:

a. Agreed to Regulations. City's future laws or other regulations to which the Owner agrees in writing;

b. State and Federal Compliance. City's future laws or other regulations that are enacted or required to comply with State or Federal laws or regulations;

c. Development Review Processes. Amendments or changes to the City's application processes, review criteria, required application materials or submittal checklists that are generally applicable, and do not materially impact (i) the ability of Owner to develop the Project in accordance with this Agreement;

d. Safety Codes. Any City's future laws that are updates or amendments to building, fire, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are enacted to meet legitimate concerns related to public health, safety or welfare;

e. Engineering Standards. Amendments or changes to the City's Engineering Standard Drawings and Specifications provided that the amendments or changes (i) do not materially impact the ability of Owner to develop the Project in accordance with this Agreement, or (ii) are not enacted as a means to reduce or limit the ability of Owner to develop the Project in accordance with this Agreement.

f. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, or similarly situated persons and entities;

g. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the

City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law;

h. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, and imposed by the City pursuant to Utah Code Ann. Section 11-36a-101 (2024) et seq.;

i. Planning and Zoning Modifications. Changes by City to its planning principles and design standards such as architectural or design requirements, setbacks or similar items so long as they don't' materially impact the ability of Owner to develop the Project in accordance with the Site Plan and this Agreement; and

j. Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(ii)(A) (2024).

5. **Affordable Housing**. Owner shall provide one affordable housing (the "Affordable Unit") in the Project. The Affordable Unit must be similar in size and amenities to the average market rate unit in the Project. The Affordable Unit may either be a for-sale owner occupied unit or a rental unit. If the Affordable Unit is a for-rent unit or capable of being rented, the unit shall be available at an average monthly rent of no more than 60% of the average medium income (AMI) for Wasatch County, divided by twelve months and minus the monthly cost of standard utilities and HOA fees. A rental unit shall be available to a household with a gross household income equal to or less than 100% of the Area Median Income ("AMI") for households of four. If the Affordable Unit is an owner-occupied for sale unit, the unit shall be available for sale to households with a gross household income equal to or less than 120% of the Area Median Income ("AMI") for households of four, and monthly mortgage payments cannot be more than 30% of the household income based on 80% AMI, divided by 12 months minus the cost of standard utilities, services, HOA fees, and property taxes. All affordable housing units shall be subject to restrictive covenants that shall be in a form provided by the City with the deed restrictions to be managed by Wasatch County Housing Authority or such other party designated by Heber City or Wasatch County Housing Authority. Owner's failure to comply with the affordable housing obligation pursuant to the terms of this Agreement shall constitute a material breach of this Agreement, and the City may pursue all available remedies to enforce compliance, including but not limited to legal and equitable relief.

b. Timing. The affordable housing unit shall be completed and made available no later than issuance of a certificate of occupancy for 70% of the market rate units.

6. **North Fields Preservation**. Prior to recording a subdivision plat for residential portion of the Project, Owner shall pay to the City a one-time fee equal to $2,500 per residential ERU (the "North Fields Preservation Fee") for all market rate units. The City shall utilize funds collected pursuant to the North Fields Preservation Fee solely for the purpose of preserving open space in the North Fields, including purchase of development rights. The City agrees that the North Fields Preservation Fee shall not be charged for development units constructed and operated and/or sold as affordable housing.

7. **Default and Remedies**. Any failure by any party to perform any term or provision of this Agreement, which failure continues uncured for a period of ten (10) calendar days following the receipt of written notice of such failure from the other party shall constitute a "Default" under this Agreement.

7.1 Notice. Any notice of default ("Default Notice") shall: (1) specify the claimed event of Default; (2) identify with particularity the provisions of any applicable law, rule, regulation or provision of this Agreement that is claimed to be in Default; (3) identify why the claimed Default is claimed to be material; and (4) specify the manner in which said failure may be satisfactorily cured.

7.2. Cure. Following receipt of a Default Notice, the defaulting Party shall have thirty (30) days in which to cure such claimed Default (the "Cure Period"). If more than 30 days is required for such cure, the defaulting Party shall have such additional time as is reasonably necessary under the circumstances in which to cure such Default so long as the defaulting Party commences such cure within the Cure Period and pursues such cure with reasonable diligence. City may, in City's sole discretion, withhold permits or approvals during any Cure Period.

7.3. Owner's Exclusive Remedy. Owner's sole and exclusive remedy under this Agreement shall be specific performance of the rights granted in this Agreement and City's obligations under this Agreement. **IN NO EVENT SHALL CITY BE LIABLE TO OWNER, ITS SUCCESSORS OR ASSIGNS, OR ANY OWNER, PROPERTY OWNER OR OTHER PARTIES UNDER THIS AGREEMENT, FOR ANY INDIRECT, SPECIAL, PUNITIVE, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS, COSTS OF DELAY, OR LIABILITIES TO THIRD PARTIES**.

7.4 City's Remedies Upon Default. In addition to all other remedies available at law or in equity, City shall have the right to withhold all further reviews, approvals, licenses, building permits and other permits for development of the Property in the case of a Default by Owner, until the Default has been cured. City shall further have the right to draw on any security posted or provided in connection with the Property and relating to remedying of the particular Default.

8. **Term of Agreement**. The term of this Agreement shall commence on the Effective Date and continue for a period of ten (10) years. Unless otherwise agreed between the City and the Developer, the Developer's vested interests and rights contained in this Agreement expire at the end of the Term, or upon termination of this Agreement. Upon termination of this Agreement, the obligations of the Parties to each other hereunder shall terminate, but none of the dedications, easements, deed restrictions, licenses, building permits, or certificates of occupancy granted prior to the expiration of the term or termination of this Agreement shall be rescinded or limited in any manner.

9. **Other Necessary Acts**. Each Party shall execute and deliver to the other Party any further instruments and documents as may be reasonably necessary to carry out the objectives

and intent of this Agreement and to provide and secure to the other Party the full and complete enjoyment of its rights and privileges hereunder.

10. **Covenants Running with the Land and Manner of Enforcement**. The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with all of the land subject to this Agreement. The burdens and benefits of this Agreement shall bind and inure to the benefit of each of the Parties, and to their respective successors, heirs, assigns and transferees. Notwithstanding anything in this Agreement to the contrary, the owners of the individual lot in the Project shall have no right to bring any action under this Agreement as a third-party beneficiary. The City may look to the Owner, its successors and/or assigns, or the lot owners for performance of the provisions of this Agreement relative to the portions of the Projects owned or controlled by such party. The City may, but is not required to, perform any obligation of the Developer that the Developer fails adequately to perform. Any cost incurred by the City to perform or secure performance of the provisions of this Agreement shall constitute a valid lien on the Project, including prorated portions to the individual lots or units in the Project.

11. **Attorney Fees**. In the event there is a Failure to Perform under this Agreement and it becomes reasonably necessary for any party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the losing party to the controversy shall pay to the successful party reasonable attorney's fees incurred by such party and, in addition, such costs and expenses as are incurred in enforcing this Agreement.

12. **Annexation Agreement**. This Development Agreement does not amend or change any provision of the prior VXC Annexation Agreement and First Addendum to the VC Annexation Agreement, and those Agreements remain in full force and effect.

13. **Entire Agreement.** This Agreement contains the entire agreement between the parties regarding the subject matter hereof, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.

14. **Time Is Of The Essence.** In case any party shall fail to perform the obligations on its part at the time fixed for the performance of such obligations by the terms of this Agreement, the other party or parties may pursue any and all remedies available in equity, at law, and/or pursuant to the terms of this Agreement.

15**.** **Waiver of Rights Under Utah Code Section 10-9a-532**. The Parties have been represented by an attorney throughout this process. Owner acknowledges that this Agreement does not restrict any of Owner's rights under clearly established state law or that Owner has been advised in writing of any such rights being restricted. As an essential term of this Agreement, Owner hereby waives any claim that any term of this Agreement is void, illegal, invalid, or unenforceable as the result of any failure on the City's part to disclose in writing any rights being restricted by this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this _____ day of_____ December, 2025

HEBER CITY

BY: _____

Heidi Franco, Mayor

ATTEST: _____

Heber City Recorder

TDB LLC

By: _____

Steve Broadbent

STATE OF U T A H

:SS.

COUNTY OF WASATCH)

On this _____ day of _____ 2025, personally appeared before me the above named Owner, who duly acknowledged to me that he is the owner in fee and executed the same as such.

_____

Notary Public

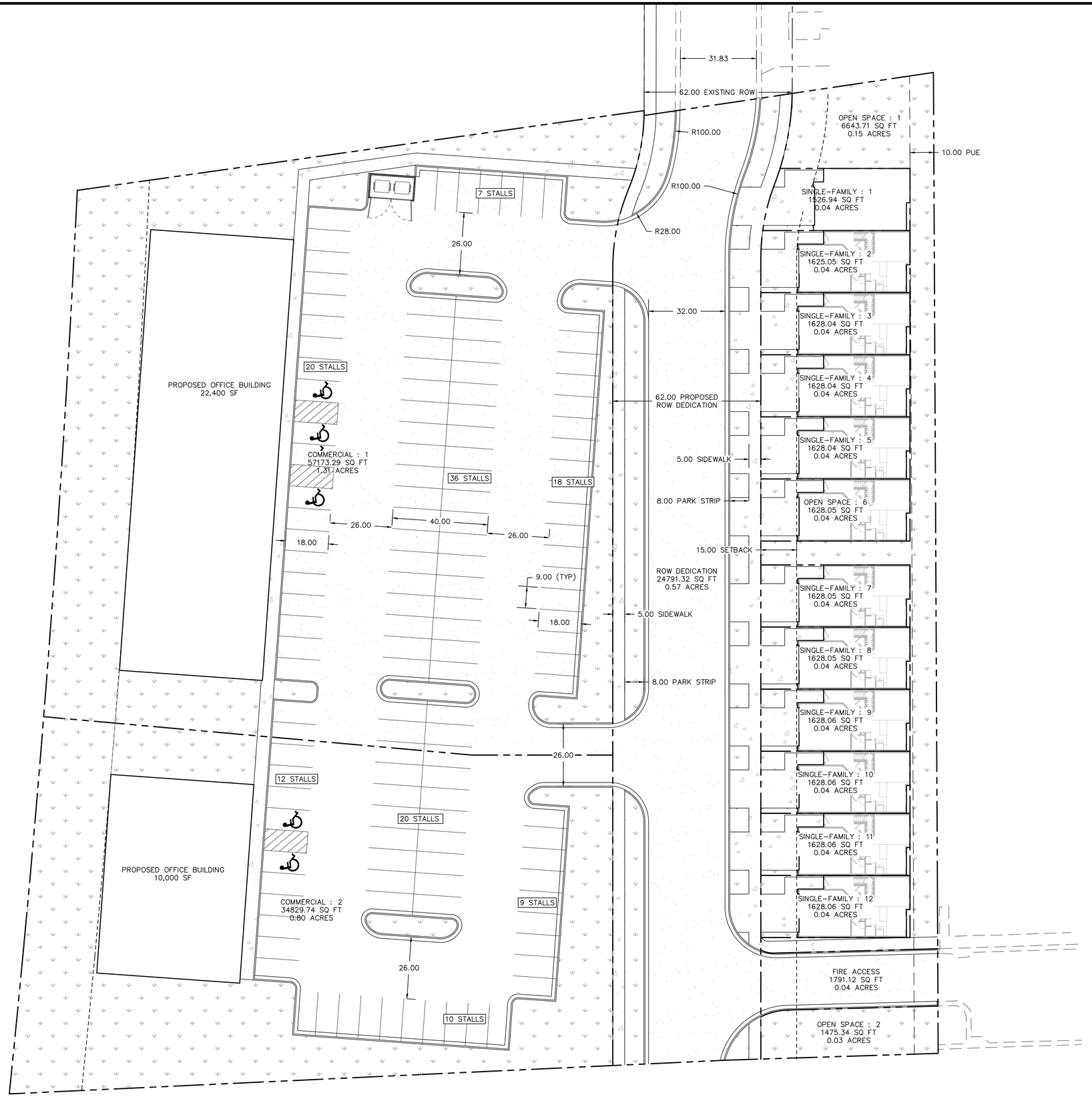
EXHIBIT A

Legal Description

EXHIBIT B

Site Plan

LEGEND
LOT LINES (PROPERTY)
EXISTING CURB AND GUTTER
PROPOSED CURB AND GUTTER
REVERSE PAN CURB AND GUTTER
SETBACK LINE
EXISTING FENCE
LANDSCAPE AREA
CONCRETE AREA
SITE DATA
DEVELOPMENT AREA: 146,137 SF (3.35 ACRES)
RESIDENTIAL AREA: 29,338 SF (0.67 ACRES)
BUILDING FOOTPRINT: 10,892 SF ± 25.8%
OPEN SPACE AREA: 8,446 SF ± 28.8%
FIRE ACCESS: 1,791 SF ± 6.1%
ROW DEDICATION: 24,791 SF (0.57 ACRES)
COMMERCIAL AREA: 92,003 SF (2.11 ACRES)
BUILDING FOOTPRINT: 51,070 SF ± 55.5%
OPEN SPACE AREA: 24,976 SF ± 58.0%
BUILDING DATA
ZONE: R-3/CCOZ
SETBACKS: 30' FROM HWY 40
PARKING TABULATION
REQUIRED: 4 PER 1,000 SF
REQUIRED: 183 STALLS (22,400/250 = 89.6)
PROVIDED: 187 STALLS
4 ADA STALLS
IN NOTICE TO PROCEED MUST BE OBTAINED FROM THE CITY ENGINEER PRIOR TO DOING ANY WORK ON THE PROJECT.
GENERAL NOTES:
1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UTILITIES AND EXISTING IMPROVEMENTS PRIOR TO CONSTRUCTION.
3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
4. SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
5. ANY DISTURBED PROPERTY SHALL BE RESTORED TO ORIGINAL LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
7. PLANS FOR LOCATION, TRANSFORMER AND METER ARE FOR REFERENCE ONLY. SEE SITE ELECTRICAL PLANS FOR LOCATION.
8. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.
811
N
1" = 20' Scale in Feet
PRELIMINARY
HEBER TREE FARM
SITE PLAN
1615 N GILBERT PEAK ROAD, HEBER CITY, UTAH 84032
LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com
NO. REVISIONS BY DATE
ENGINEER: LR CHECKED BY: LR
SHEET C-1
DATE 8/12/2025
L:\Legend Projects\Three - Heber Tree Farm_Sheet Files\HEBER TREE FARM.dwg - - Aug 13, 2025 - 3:01pm



LEGEND

- LOT LINES (PROPERTY)
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- REVERSE PAN CURB AND GUTTER
- SETBACK LINE
- EXISTING FENCE
- LANDSCAPE AREA
- CONCRETE AREA

SITE DATA.

DEVELOPMENT AREA:	146,137	SF (3.35 ACRES)
RESIDENTIAL AREA:	29,338	SF (0.67 ACRES)
DEVELOPMENT AREA:	19,106	SF± 65.1%
OPEN SPACE AREA:	8,446	SF± 28.8%
FIRE ACCESS:	1,791	SF± 6.1%
ROW DEDICATION:	24,791	SF (0.57 ACRES)
COMMERCIAL AREA:	92,003	SF (2.11 ACRES)
BUILDING AREA:	16,100	SF± 17.5%
PAVEMENT AREA:	46,420	SF± 50.5%
LANDSCAPE AREA:	29,483	SF± 32.0%

BUILDING DATA

ZONE: R-3/COSZ

SETBACKS: 30' FROM HWY 40

PARKING TABULATION

REQUIRED: 4 PER 1,000 SF
REQUIRED: 130 STALLS (32,400/250 = 129.6)
PROVIDED: 132 STALLS
6 ADA STALLS

A NOTICE TO PROCEED MUST BE OBTAINED FROM THE CITY ENGINEER PRIOR TO DOING ANY WORK ON THE PROJECT.

GENERAL NOTES:
1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
8. SITE LIGHTING SHOWN FOR REFERENCE ONLY. SEE SITE ELECTRICAL PLANS FOR LOCATION.
9. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.

811

N

0 20 40 60
1" = 20'
Scale in Feet

NO.	REVISIONS	BY	DATE
	ENGINEER: LR	CHECKED BY: LR	

LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com

HEBER TREE FARM
SITE PLAN
1615 N GILBERT PEAK ROAD, HEBER CITY, UTAH 84032

SHEET: C-1

PRELIMINARY

DATE: 12/11/2025





Although we haven't started on the architectural design of the 12 townhomes for this next phase, we anticipate that they will have similar qualities to our adjacent property.

Exterior Materials: Fiber cement board, brick, stucco and mountain modern features.

September 11, 2025

Heber City
Planning Department

Sensitive Lands Analysis
The subject property does not have any sensitive lands that will need protection during the development process.

- *Slopes/Rock: existing grades range from five to fifteen percent with no large rock outcroppings throughout the site.*
- *Wetlands/Flood Hazard: no wetland areas exist on the property and the property is mapped FEMA Zone X.*
- *Streams/Springs: no streams or springs exist on the property; there is an existing ditch that conveys irrigation that will be piped with this project.*
- *Ridgelines: as the property is at the valley floor, there are no ridgelines to protect with this project.*

Thank you for the opportunity to submit this application. We look forward to working with you on this development.

Cal Johnson
Legend Engineering
cal@legendengineering.com
(435) 654-4828

Springs at Coyote Ridge Phase 5 Comment Summary

Wasatch County Fire

Verify access to within 150 feet of all portions of the buildings

Location and number of hydrants to be determined by gross square feet and construction type.

Access must meet minimums of IFC dependent on height, if over 30' measured to the eaves a 26' access must be provided in an approved location.

Verification of connectivity of the ingress / egress.

Engineering

Please see attached suggestions to the draft MDA that was submitted by applicant into Cityworks.

Applicant and any successors of this project shall comply with all City policies, processes, ordinances, standards, and specifications. Additionally, all Master Planned infrastructure elements on or adjoining the subject property need to be designed and installed by applicant. All City Engineer requirements 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: (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. All suggested modifications to the draft MDA provided by the City on the first submittal remain applicable and should be incorporated into any finalized MDA.

2. Ensure existing irrigation ditches are properly addressed to allow continuous flow through property.

3. Applicant needs to incorporate the City's Master Plan for trails along HWY 40. Trail design needs to be included in design plans.

4. Show neighboring deed lines and ensure connectivity to parcel to the south that has been dedicated for future roaway.

5. Show connectivity of fire access road to 1610 North in phase 4. Ensure emergency vehicle access is available through phased construction.

6. Storm water design manual needs to be followed which includes a hydrodynamic separator or other allowed system for pretreatment prior to infiltration

7. Office buildings and required parking areas should be divided into lots within the subdivision. Once subdivision is finalized, then site plan(s) should be submitted inside the lot boundary.

Heber City Council Staff Report

MEETING DATE: 12/16/2025

SUBJECT: Resolution 2025-22 to include a Communication Policy in the Rules of Order and Procedure

RESPONSIBLE: Ryan Bunnell

DEPARTMENT: Administrative

STRATEGIC RELEVANCE:

SUMMARY

During the Council's December 2, 2025, regular meeting, staff was requested to draft a formal City communication policy utilizing feedback provided by the governing body during the meeting. The aim of the policy is to define the "voice of the city" (i.e. tone and purpose of communications) and brand standards (i.e. fact-based and reliable non-partisan information), in all formal city communications (i.e. monthly newsletter, social media posts, surveys, etc.).

RECOMMENDATION

Approve Resolution 2025-22.

BACKGROUND

During previous council meetings, members of the city's governing body provided feedback on tenants that should be included in a communication policy. Key tenants identified by the governing body included, 1) newsletter content and legal review prior to sending; 2) survey utilization, topics and questions reviewed and signed off by a majority of council members (united approach) ; 3) city communications must be fact-based, neutral in tone, and focused on informing/educating (i.e. political and personal views belong on personal social media sites--swim lanes); and 4) reliable public expectations when city communications accompanied by city brand.

In early 2022, staff, with the assistance of the Mayor, drafted a press release policy which is still in use today. This policy has been updated and incorporated into the communication policy being considered by council.

DISCUSSION

Included with this staff report is the proposed communication policy, which incorporates the city's press release policy. The policy has been purposely incorporated and formatted into the City Council's Rules of Order and Procedure Policy. The communication policy, as drafted, achieves the following primary objectives: 1) foster an atmosphere of openness and transparency; 2) provide the

public with timely, accurate, objective, and complete information about City policies, programs, services, and initiatives; 3) ensure all official communications maintain political neutrality, focus on facts, and avoid emotionally charged language; 4) establish clear separation between professional City communications and the personal communications and social media activities of staff and elected officials; and 5) ensure compliance with all applicable laws, including the Government Records Access and Management Act (GRAMA).

The communication policy is intended to apply to all Heber City employees, appointed officials, and elected officials when communicating on behalf of the City or utilizing City resources or platforms (e.g., City email, City social media accounts, City letterhead).

FISCAL IMPACT

Fiscal impacts associated with the proposed communication policy include additional hours required by the city's public information officer and attorney to review content of newsletters and social media prior to publishing. It's unknown as to what this cost might sum to at this time.

CONCLUSION

The drafting of the communication policy was guided in large part by the feedback and direction of the governing body. The policy provides clear "swim lanes" for staff and elected officials to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public.

ALTERNATIVES

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager
Ryan Bunnell

EXHIBITS

1. Resolution 2025-22 Adopting a Communications Policy
2. City Press Releases
3. HC-Communication-Policy_DRAFT1_12-8-2025 (002)

RESOLUTION NO. 2025-22

A RESOLUTION OF THE CITY COUNCIL OF HEBER CITY, UTAH, ESTABLISHING A COMPREHENSIVE COMMUNICATION POLICY FOR CITY STAFF AND ELECTED OFFICIALS

WHEREAS, Heber City (hereafter "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council is the legislative and governing body of the City; and

WHEREAS, the City desires to ensure transparent, accurate, and objective communication with its residents, businesses, and the general public; and

WHEREAS, the City Council seeks to provide clear guidelines for the use of all communication platforms, including newsletters, surveys, social media, and press releases; and

WHEREAS, establishing a clear policy will foster public accountability, enhance community trust, and ensure consistent, professional messaging;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah, that the City's Rules of Order and Procedure for City Council is hereby amended, as attached hereto as Exhibit A, is hereby adopted:

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

_____
Mayor Heidi Franco

ATTEST:

_____ Date: _____
RECORDER

Policy Title: City Press Releases

Policy Topic: Utilization and authorization of press releases for communicating City matters.

Policy Purpose: The purpose of a press releases is to accurately represent and promote significant City news. The intent of this policy is to formalize the authority for issuing press releases and content review and approval process for press releases officially issued by Heber City.

Part 1: Purpose of Press Releases: The City may issue press releases for any of the following purposes, informational, promotional, situational, persuasive, political, etc.

Part 2: Authorization to Issue Press Releases: Authorization to issue press releases rests with the Mayor, or City Manager or Police Chief. The City Manager and Police Chief are authorized to issue press releases for routine City matters relative to their areas of authority. Press releases issued for non-routine matters, however, require the review and input of the Mayor and other subject matter experts as deemed necessary by the Mayor, City Manager or Police Chief. The Mayor, City Manager and Police Chief may collectively authorize experts to speak or issue releases on behalf of the City, subject to rules governing press release content fond in Part 3 and Part 4 of this policy.

Part 3: Press Release Content: The City Manager and Police Chief are authorized to review and approve press release content that is specific to their span of responsibility. However, for non-routine matters or when the Mayor's actions or appointees are involved in media inquiries or city media statements, then the Mayor, in addition to the City Manager and/or Police Chief, must also approve the content of any release prior to issuing the release.

Part 4: Governing Body Updates: The governing body will be notified of all press releases. In lieu of press release copies, the Governing Body may be provided talking points or notices of press release issuances. Further, press release content must always be consistent with the official position of the Governing Body and/or other legal considerations.

Part 5: Media requests of Staff: Staff must notify the City Manager or Police Chief of media requests—interviews or statements—prior to accepting the request.

EXHIBIT A

PART II: Communication Policy

Policy Title: Communications Policy

Policy Topic: Establishing roles and identities for official Heber City communications and the elected officials of Heber City

Policy Purpose: Our mission is to uphold a clear, consistent, and trustworthy public identity by defining a unified organizational voice, establishing brand standards, and honoring communication roles. We protect the integrity of Heber City's brand by ensuring the city logo and official identity are never used for personal promotion, and by maintaining a strict separation between individual opinions and the organization's neutral voice.

Elected officials are empowered to communicate directly with their constituents in the voice, tone, and style they choose through their personal channels. Staff, however, serves as a steward of factual, impartial, and policy-aligned communication. By focusing solely on clarity, accuracy, and neutrality, and leaving interpretation of issues to policymakers, we strengthen long-term public trust and ensure that the city's official voice remains consistent, credible, and respected.

Section 1: Official Heber City Communication Brand Standards

These standards ensure consistent, trustworthy communication that protects the integrity of the city's official voice.

A. Tone & Voice

- Maintain a neutral, factual, and professional voice at all times.
- Content should educate and inform, not persuade, interpret, or advocate.
- Staff communication represents the organization—not personal viewpoints.

B. Content Guidelines

- Address issues with accurate, unbiased, and educational information.
- Avoid offering personal interpretation; with regards to public communications policy interpretation is the role of elected officials, not staff.
- Ensure messaging is clear, accessible, and grounded in verified facts.

C. Use of Heber City Identity

- Do not use the Heber City logo or brand elements in personal or private communications.
- Self-promotion using city branding is prohibited.

• Keep organizational identity separate from personal branding or commentary.

D. Communication Roles and Boundaries

Staff: Restricted to a factual, neutral organizational voice to uphold long-term public trust.
Elected Officials: Encouraged to communicate through their own channels, using any tone, message, or style they deem appropriate, as long as it is not presented as an official city statement.

E. Personal Opinions

When expressing personal views, staff must comply with Heber City Personnel Policy,

Section 2: Review of Official Communications

These guidelines ensure that official communications reflect accurate information, adhere to legal and ethical standards, and protect the integrity of the city's public messaging. To maintain accuracy, consistency, and legal compliance in all government communications, the following review standards apply:

A. Drafting, Editing, Logo Use, and Designates

• Any communication, document, or material that includes the city logo or other official brand elements must undergo review and approval by the City Manager or the Public Information Officer (PIO) before publication or release.
• Any communication, document, or material that includes the Heber City Police Department's logos (HCPD) or other official brand elements must undergo review and approval by the Police Chief. Police Chief has further responsibility to notify City Manager and PIO.
• The City Manager and Police Chief may authorize designated personnel or subject-matter experts to draft and issue communications, subject to review, approval, and the content requirements of the overarching Heber City Communications Policy.

The PIO reserves the right to request legal review for any official statements or materials when necessary to ensure compliance with applicable laws, policies, or risk-management standards.

B. Legal Review Process

A legal review may be initiated when issues arise that, in the judgment of two-deep leadership, consisting of the Mayor, City Manager, Public Information Officer, or Chief of Police, present potential legal implications outside of a City Council meeting.

Additionally, the City Council may request legal review of any communication or matter with a majority vote.

Section 3: Communication Channels

All content published to media channels that are or may be used in the future must conform to the Communications Policy. Some of the channels for publishing may include, but are not limited to:

A. Digital & Online Media
Social Media Platforms (Facebook, X/Twitter, Instagram, TikTok, LinkedIn, YouTube, Snapchat), City Websites, News Websites, Online Publications, Blogs, Independent Digital Publishers, Streaming Platforms (audio and video: Netflix, Spotify, etc.), Email newsletters, and subscription-based updates.

B. Traditional Broadcast Media
Television (network news, cable news, public broadcasting), Radio (commercial radio, public radio, satellite radio).

C. Print Media
Newspapers (local and national), Magazines (general interest, industry-specific), Flyers, Brochures, Printed Newsletters.

D. Direct Communication Channels
Press releases, Media Advisories, Public relations statements, Official Organizational Communications, Public Meetings, Town Halls, and Civic Broadcasts.

E. Interpersonal & Emerging Channels
Podcasts, Messaging apps (WhatsApp, Messenger, SMS, group chats), Community forums (Reddit, neighborhood platforms), and Influencer Communication through personal channels.

F. Visual / Outdoor Media
Billboards, Transit advertising (buses, trains), and Digital Signage.

Section 4: Authorization and Deployment of Press Releases

This policy governs the use and authorization of press releases to communicate official City information. It establishes the authority, procedures, and content requirements for issuing

official press releases by Heber City.

A. Definitions

Routine Matters:

Operational matters that fall within the established, ongoing, and previously authorized functions, duties, or activities of a Heber City department. Routine matters typically include scheduled events, standard service updates, regulatory or procedural notifications, or information that does not significantly impact City policy, finances, public safety, or the roles of elected officials.

Non-Routine Matters:

Matters that involve significant, unusual, or emergent issues, changes in or impacts to Heber City policy, major incidents affecting public safety or City operations, topics likely to generate heightened public interest, or matters involving the actions, roles, or decisions of elected officials or their appointees. Non-routine matters require elevated review due to their complexity, sensitivity, or potential policy implications.

B: Purpose of Press Releases

The City may issue press releases to communicate information related to City operations, programs, services, actions, events, or other matters of public interest.

C: Authorization to Issue Press Releases

- Authorization to issue press releases rests with the Mayor, City Manager, or Police Chief.
- The City Manager and Police Chief may issue press releases on routine matters within their respective areas of responsibility.
- Press releases concerning non-routine matters require review and input from the Mayor and any subject matter experts designated by the Mayor, City Manager, or Police Chief.
- The Mayor, City Manager, and Police Chief may jointly authorize designated personnel or subject matter experts to issue statements or releases on behalf of Heber City, subject to the content requirements of the overarching Heber City Communications Policy.

D: Press Release Content

- The City Manager and Police Chief may review and approve press release content within their respective areas of authority.
- For non-routine matters or when media inquiries involve the Mayor or mayoral appointees, the Mayor must also review and approve the content before issuance.
- All press releases must provide factual information and comply with applicable legal requirements.

E: City Council Updates

• The City Council will be notified of all issued press releases.
• In place of complete press release copies, the City Council may receive summaries, talking points, or notices of issuance.
• Press release content must be consistent with official City Council positions and applicable laws.

Section 5: Authorization and Deployment of Official Surveys

A. Survey Initiation Process

City Council members, the City Manager, or Department Leaders may initiate requests to develop or consider an official City survey. All initiation requests must be submitted to the City Manager's Office for preliminary evaluation. Staff will conduct an initial assessment to determine feasibility, alignment with City goals, estimated cost, and potential legal or operational considerations. Only after this assessment may the survey be advanced for City Council consideration.

B. Survey Authorization

All official Heber City surveys must be formally authorized by the City Council (CC) by a majority vote at a public meeting. No official survey may be initiated, distributed, or promoted without this explicit approval.

C. Pre-Meeting Requirements

Before the meeting at which the City Council will consider action, staff must present all pertinent information related to the proposed survey, including:

• Content and purpose of the survey
• Method of deployment (digital, print, third-party provider, etc.)
• Scope and target audience
• Funding requirements and sources
• All additional or unforeseen variables relevant to survey administration, implementation, or interpretation

D. Council Review and Decision

The City Council will review the whole proposal in an open public meeting to ensure transparency, accountability, and informed decision-making. Only after this review may the Council take action to approve or deny the survey.

E. Implementation

Upon Council approval, staff will administer the survey as authorized and ensure that content, method, and distribution strictly align with the parameters approved by the City Council.

Section 6: Police Department Communications Policy

The Heber City Police Department (HCPD) has distinct and evolving communications requirements due to the nature of law enforcement operations. HCPD shall comply with all applicable City, State, and Federal laws in the conduct of its communications.

While HCPD will follow the guidelines established in the Heber City Communications Policy for applicable matters, the Department may also implement additional communications procedures as specified in the HCPD Policy and Procedure Handbook. In circumstances where legal, safety, or policy considerations necessitate, HCPD communications shall be governed by the procedures in its departmental handbook.

All HCPD communications shall remain consistent with applicable laws, City policies, and public safety obligations.