

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

Approved 07.08.2025

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

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

II. Roll Call

Planning Commission Present:

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

Planning Commission Absent:

Commissioner Dave Richard

Staff Present:

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

Staff Participating Remotely:

Public Works Manager Mathew Kennard,
Wasatch County Fire Clint Neerings

Also Present:

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

Also Attending Remotely:

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

III. Pledge of Allegiance: By Invitation

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

IV. Prayer/Thought by Invitation N/A ()

V. Recuse for Conflict of Interest N/A

2. Consent Agenda:

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

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

Discussion: N/A

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

3. Action Items:

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

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

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

Planner Baron discussed colocation next. He stated that each new monopole must be able to support three wireless telecommunication providers and said each provider needed 15 feet of height on the tower. He noted that the applicants wanted heights of above 100 feet, though a maximum height of 100 feet was amenable to them. Planner Baron also said the applicant had proposed that the distance between monopoles be changed to one mile, and he noted this distance meant there could be less poles overall in the City, although the poles would have to be taller than 35 feet. Planner Baron commented the applicant planned to share a presentation about stealth poles. Planner Baron outlined the process going forward and explained the noticing protocols that the City Staff had followed in notifying the affected members of the public about this issue and the public hearing.

Chairman Jordan asked Planner Baron about the height requirements in residential

areas of other cities. Planner Baron replied that it varied, and said Midway had an conditional use between 40 to 60 feet, Wasatch County had a conditional use of 60 to 100 feet, and Saratoga allowed up to 100 feet, depending on the size of the property. The applicants, APC Towers Project Manager Brandon Whitard and Vice President of Site Development Aaron Garcia shared their presentation online. Mr. Whitard shared an image of a tower that APC Towers had built in West Jordan and said they hoped to build a similar tower in Heber City. Mr. Whitard outlined APC Tower's proposal and explained the goal was to create better cell coverage in the City and allow other providers to colocate. Mr. Whitard said 120 feet was the height preferred by major wireless providers, and he listed the advantages of taller height on cell towers. Mr. Whitard showed a map which indicated the proposed site of the tower and showed how the tower would improve the the coverage that T-Mobile could provide in Heber City.

Mr. Whitard elaborated on the problems that came from poor coverage.

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

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

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

Planner Baron affirmed that the existing cell tower that the Planning Commission was currently reviewing would not be affected by the text amendment since it was in a residential area. Planner Baron said there were setbacks requirements in the text amendment that ensured cell towers were not placed too close to a residential area. Commissioner Broughton asked if the text amendment could be applied to existing poles in Heber's commercial zone, or if the text amendment only impacted future developments. Planner Baron replied that if the pole was non-conforming the changes could apply, but if the pole was a non-permitted use in the area then the text amendment would not apply.

Chairman Jordan asked if there were any changes to the rules about access to the poles in commercial zones, and Planner Baron replied that was a separate issue

because the landowner was the entity who granted access, not the City.

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

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

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

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

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

Ms. Hewlett spoke to Mr. Shelton's comment and said the text amendment was not just focused on one cell tower, but the height limits for all towers in the future. Planner Baron explained that the applicant wanted a text amendment rather than a development agreement, which would only impact one cell tower. Planner Baron clarified that the height increase proposal only impacted towers in non-residential areas and he listed the zones that would be impacted by the change. Chairman Gunn asked if the text amendment only applied to monopoles and Planner Baron replied that the amendment applied to all poles, but said the amendment had prohibited all uses other than monopoles or stealth poles.

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

Commissioner Gunn asked if the text amendment allowed for the poles that looked like

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

Commissioner McKinley expressed concern about the way the ordinance was crafted in that a public hearing was not required to install a new tower. He said he wanted to see notice sent out in order to solicit public feedback, or at least a setback requirement.

Planner Baron replied that there was a setback requirement of 115% of the height of the pole and said if the Commission wanted to increase the setback they could do that.

Commissioner McKinley said he also wanted members of the public to be noticed for towers that were installed in a commercial area adjacent to a residential area. Planner Baron explained that the City did not require noticing for anything that was an administrative approval item, and he elaborated that public hearings were held for issues that discussed policy changes. However, Planner Baron said the Commission could opt to expand their noticing for new construction even if there was not a public hearing. Commissioner McKinley thought more noticing was better than less. Planner Baron replied that the Commission could add additional noticing requirements.

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

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

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

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

were conditional uses on government property. Commissioner Broughton asked how many towers were currently within City limits and Planner Baron confirmed there were four and listed their locations.

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

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

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

Chairman Jordan summarized that one of the main concerns was about the health risk posed by radiation and asked if there were any studies available to help guide their decision. Planner Baron replied that his understanding was that there was one study regarding health and cell towers, but the FCC had stated the study could not be used as leverage for either approving or denying a permit. Planner Baron said the main thing the City could consider was the location of the poles rather than the number of poles or their height. Planner Baron said that health considerations were beyond the Commission's expertise and Chairman Jordan agreed with that point, though he commented that there were some resources available to the Commission that they could use to get more information. Planner Baron said he could access some data from the State and other sources for the Commission to review. Planner Baron said that based on federal and State-level legislation, the City could not prohibit a cellular company from installing a small wireless facility as long as it met the design requirements of the City.

Commissioner Gunn commented that the risk of cell towers was unknown and said if it was a known fact that cell towers caused harm, the construction of the towers would

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

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

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

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

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

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

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

appropriate.

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

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

Chairman Jordan prefaced the conversation by stating that he had sent the Commission information about the issue of separating the boundaries of the zone from the building types themselves. He asked Community Development Director Kohler if they could split the two items into different votes and Community Development Director Kohler replied they could do so, and also have a separate vote for the historic buildings.

Chairman Jordan asked if they could move the historic buildings vote to another evening and Community Development Director Kohler said the Commission could opt to delay the historic buildings vote. Chairman Jordan commented that this was a significant decision and reiterated that if the Commission wanted to make a decision that evening that was fine with him, but he wanted to consider the boundaries as a separate issue.

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

Commissioner Broughton asked if she could make a motion to approve the area that the Staff had presented for the Central Heber Overlay zone. Chairman Jordan was dissatisfied with that. Community Development Director Kohler reminded the Commission that the district was already split into two forms: the infill zone and the Midway Lane mixed-use zone. Community Development Director Kohler emphasized that they were not creating a new zone, just splitting an existing zone into several parts. Commissioner Gunn asked City Engineer Hansen if he had received the letter of opinion from the Fire District. City Engineer Hansen replied though it was unintelligible due to his distance from the microphone. [01:52:13] Commissioner Gunn reported that the Fire Department had requested that the Code be amended to give them the ability to manage fires inside tight areas, and he said he wanted to attach that request to the entire zone. Commissioner Gunn clarified that the letter had been sent to the Engineering Department, not the Commission. Commissioner Gunn expressed the importance of giving the Fire Department the tools they needed to keep the community safe.

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

Discussion: Commissioner Broughton thought that Commissioner Gunn's suggestion about attaching the Fire District's request made more sense to include in the second

motion. Chairman Jordan affirmed that building types would be voted on in a separate motion.

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

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

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

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

Chairman Jordan called the Fire District to the podium to speak about any concerns they had.

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

Commissioner Royall asked how much room a fire engine needed in order to access a flag lot. Chief Hales explained how the Fire District determined the amount of access needed for a single family home and said generally, a 20-foot access was needed.

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

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

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

Planner Janson discussed the changes that had been made since the last presentation. He noted that he had incorporated the input from the public as well as the input that the

Commissioners had given him. He said they had clarified a discrepancy between the posters and the draft about the number of attached units in a townhome and decided that five attached units was the maximum, which was less than what the original draft had proposed. Chairman Jordan noted that spacing out the townhome units would help solve parking issues. Planner Janson said they had addressed parking in a separate section.

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

Planner Janson added that duplexes were allowed in the transition corridor.

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

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

Planner Janson said they had also removed double deep flag lots due to negative public feedback. Chairman Jordan thought that might cause issues for the fire department, however, Chief Hales said he had no issues with that. Commissioner Broughton disagreed with dropping the double flag lots as it was property rights infringement. Commissioner Broughton noted that double flag lots affected a small number of people and said banning them put undue pressure on those homeowners. Chairman Jordan asked the Commissioners to not bounce around on topics so they could get through the draft more effectively.

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

Planner Janson highlighted that townhouse complexes and mansion-style apartments had been changed to non-permitted in the central neighborhood district and were conditional in the transition corridor.

Commissioner Slagowski agreed with Commissioner Broughton's comments about flag lots. He noted that double deep lots could be more affordable. He said as long as there was access for the fire department, there was no reason to limit the number of buildings that could go on the lot. Commissioner Slagowski emphasized that their goal

was affordability. Commissioner Broughton explained that since the lots were smaller, the buildings had to be smaller as well and thus were more affordable. Planner Janson said that the depth varied, but he knew of double flag lots in Mill Creek that were around 250 feet deep.

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

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

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

Commissioner Broughton suggested that duplexes be conditional and twin homes be permitted.

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

Planner Janson said they could create bylaws or some other kind of agreement for twin homes.

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

Chairman Jordan asked if another Commissioner wanted to keep townhomes. Based on the vote, Chairman Jordan announced that they would be kept. Chairman Jordan then asked for a show of hands about double flag lots and only three of seven Commissioners raised their hands, so double flag lots were dropped. Commissioner Broughton said she was not in favor of mansion style or courtyard style buildings.

Commissioner Broughton said there were not many lots in the City that were big enough for a courtyard buildings, and she said since courtyard style buildings were controversial anyway she thought it made sense to drop them. Chairman Jordan

commented he had seen courtyard buildings in downtown Salt Lake. Chairman Jordan invited Councilmember Barney to speak, and Councilmember Barney explained that she found courtyard style buildings appealing because they resembled old cottages that could be seen in parts of Los Angeles. Councilmember Barney said they were small, affordable units though she acknowledged that some people might consider courtyard buildings undesirable in their neighborhood.

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

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

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

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

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

courtyard buildings created a bigger problem down the road.

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

Chairman Jordan noted that Chief Hales left the meeting.

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

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

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

Chairman Jordan invited a member of the public to speak.

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

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

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

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

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

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

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

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

City Engineer Hansen said he wanted to see Engineering's comments incorporated in the draft as well. City Engineer Hansen elaborated on Engineering's requirements and said fire safety requirements should be applicable to all building types, not just townhouses. City Engineer Hansen then stated that they had a requirement under Section L for mixed-use buildings that stated dry utility placement could occur in the public right-of-way, and explained he wanted to change the language of "could occur" to "may occur with the approval of the City Engineer." He also expressed that should be applicable to all building types, not just mixed-use. Planner Janson acknowledged they had discussed public utility easements in the past and noted that the language currently in that section was the same as what was in the C-3 zone. Community Development Director Kohler said a 15-foot setback from the right-of-way was required for all building types. Planner Janson said they could change the language to "may."

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

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

4. Work Meeting: N/A

5. Administrative Items: Not Discussed

I. City Council Communication Item

Kohler commented on the communication item

II. 2025 PC Training:

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

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

Any Parts 3 through 6:

https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a_1800010118000101

6. Adjournment:

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

Discussion: N/A

Voting Yes: Commissioner Gunn, Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Royall, Commissioner McKinley, Board Member

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

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant