

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting Amended**  
**March 10, 2026**

**Approved 03.24.2026**

**6:00 p.m. – Regular Meeting**

**1. Regular Meeting:**

I. Call to Order

Chairperson Phil Jordan called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present and welcomed Kristina Goodnough as the new alternate Planning Commissioner.

II. Roll Call

**Planning Commission Present**

Chairperson Phil Jordan  
Commissioner Dave Richards  
Commissioner Josh Knight  
Commissioner Robert McKinley  
Commissioner Kristina Goodnough

**Planning Commission Absent:**

Commissioner Darek Slagowski  
Commissioner Robert Wilson  
Commissioner Greg Royall  
Vice-Chair Tori Broughton

**Staff Present:**

Planning Manager Jamie Baron  
Planner Jacob Roberts  
Planning Office Admin Meshelle Kijanen

**Staff Participating Remotely:**

N/A

**Also Present:**

Bret Anderson, John McDonald

**Also Attending Remotely:**

Andrew Dedrickson and Paul Iorio

III. Pledge of Allegiance: By Invitation

Commissioner Dave Richards led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation ()

Commissioner Dave Richards offered a prayer.

V. Recuse for Conflict of Interest N/A

**2. Consent Agenda:**

I. 02.10.2026 Planning Commission Minutes for Review

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

**Discussion:** N/A

**Voting Yes:** Planning Commissioner Richards, Commissioner Knight, Commissioner Jordan, Commissioner McKinley and Commissioner Goodnough. **Voting No:** None. The Motion Passed 5-0.

**3. Action Items:**

- I. Public Hearing to consider the Repeal of 18.122 Fee Schedule and to amend 18.52.040 Area, Width, Height, and Setback Requirements to adopt Residential Rear Yard Setback Exemptions. (Planning Manager Jamie Baron)

Planning Manager Jamie Baron presented the Staff Report as included in the meeting materials. The proposal is to repeal Section 18.122, which conflicts with the Consolidated Fee Schedule, and Amend 18.52.040 to permit a portion of a home or structure to extend into the setback of residential lots within the R-1, R-2, and R-3 Zones. Staff is recommending the Planning Commission hold a public hearing and forward a positive recommendation to the City Council with the Findings in the conclusion of the Staff Report. The City Council, after receiving comments from some residents, requested staff to bring forward a Text Amendment that would allow for a portion of a home or covered deck to be able to extend into the rear setback. Currently, the code would not allow any portion of the home, covered deck or patio, or decks that require a guard rail to enter the setback. Additionally, Section 18.122 Fee Schedule is an outdated section that is not currently being used. This is to be repealed to prevent any potential contradictions with the adopted consolidated fee schedule.

The following is the proposed code:

Rear Setback Exceptions. A portion of the house, including covered and uncovered decks, may extend up to 10 feet beyond the rear setback line with the following requirements:

1. Height of the extension beyond the setback does not exceed the height of the roof of the main structure.
2. The total area of the extension and any accessory building does not cover more than twenty-five percent of the rear yard.
3. The length of the house extending beyond the setback may not be more than 50% of the overall length of the house.
4. Required separation from any accessory buildings is maintained.

Chairperson Phil Jordan opened the Public Hearing for Public comment.

Brett Anderson approached the Planning Commission and stated he was the individual who had asked for an extension into the setbacks. Mr. Anderson explained where he lived which was near Valley Hills, and adjacent to Heritage Parkway. Mr. Anderson explained that he would like to extend his house, but there was a 30-foot setback. The extension that Mr. Anderson was hoping to receive support for would exceed the

setback by two feet. Mr. Anderson explained that Staff had been great to work with but hoped to receive support from the Planning Commission. Mr. Anderson explained further that the property immediately behind him was City property, and he had a license for encroachment. Mr. Anderson received the license for encroachment as there is nothing in the future that the city will do with their property and the only space between his property and the road is the City's property.

Chairperson Jordan asked if there were any other comments online or through email, as there were none, he closed the Public Hearing.

Chairperson Jordan opened up the conversation to the Planning Commissioners.

Commissioner McKinley stated he did not have a concern about the fee schedule.

However, he believed there was a real purpose behind setbacks and while there may not be a problem with respect to this particular property, as it sounded like there was no other residence that would be affected. Commissioner McKinley could see the proposal having a real problem in neighborhoods if setbacks were allowed to violate as high as the main house. The proposal might affect the privacy of neighboring residents because it could allow for different view lines into the neighbors house and also believed the wording to be too broad.

Commissioner Richards asked if the proposed setbacks would affect accessory buildings or just the main structure. Mr. Baron stated as accessory buildings have their own setbacks, the proposal would only affect the main building and the setbacks for the main building would be more restrictive than accessory buildings. Commissioner Richards understood Commissioner McKinley's point, as with smaller zones the setback encroachment could be an issue. However, Commissioner Richards wanted the proposed zone proposal to be allowed for the current resident, Mr. Anderson. Mr. Richards wondered if there could be different wording to make the proposal more restrictive in smaller zones. Commissioner Richards confirmed with Mr. Baron that the proposal was for rear setbacks with up to a 10-foot encroachment into the setback only. Mr. Baron confirmed that information to be correct.

Chairperson Jordan mentioned the infringement could be up to 10 feet into the setback but no less than a number agreed upon from the actual property line, like probably 5 ft. Mr. Baron stated the applicant would need a fifteen ft rear setback to make that happen. Chairperson Jordan asked for clarity on the height. Mr. Baron explained that in no case would the extension be taller than the main structure, but it could be the same height. An accessory building can be 27 ft tall with a 5 ft setback. The reason for this being brought to the commission, rather than just doing an MDA for Mr. Anderson, is because other residences were experiencing the same type of issue and there was a desire to bring more flexibility to the residence. If the City allows this, there should be some flexibility for everybody.

Commissioner McKinley did not want the height to be the same height as the house.

Mr. Baron responded that if a homeowner is needing to tie into the roof structure it typically needs to be the same pitch.

Commissioner Richards asked how many times building permits had been denied because of setbacks. Mr. Baron responded that there have been many denied building permits due to setbacks. Commissioner Richards suggested the encroachment could be 5 ft rather than 10 ft. Chairperson Jordan suggested that the encroachment could only be 75% of the height. Commissioner Goodnough commented that 65% of the roof

height sounded good. Commissioner Richards stated a one-story home would work with a percentage but higher than a one-story would begin to affect the roof slope. Commissioner Josh Knight stated that he agreed with Commissioner's McKinley's concerns and asked if there could be a set number that cannot encroach on the property line. Mr. Baron stated it would depend on the setback and ran through the numbers with the Commissioners. After discussing many different scenarios and considerations, the Commissioners made a decision and a motion was made.

**MOTION:** Commissioner Richards moved to forward a positive recommendation of the repeal of section 18.122 and amendment to 18.52.040 as presented with the findings and conditions as presented in the Staff Report, with the exception of a change to the rear setback exceptions applied to a portion of the house with covered and uncovered decks that may extend up to 5 ft not 10 ft beyond the rear setback within the following four requirements and with a change to requirement number one which will be:

1. Height of the extension beyond the setback does not exceed the height of the main roof and is limited to one story.
2. The total area of the extension and any accessory building does not cover more than twenty-five percent of the rear yard.
3. The length of the house extending beyond the setback may not be more than 50% of the overall length of the house.
4. Required separation from any accessory buildings is maintained.

Commissioner McKinley made a second to the motion.

Discussion: N/A

**Voting Yes:** Planning Commissioner Richards, Commissioner Knight, Commissioner Jordan, Commissioner McKinley and Commissioner Goodnough. **Voting No:** None. The Motion Passed 5-0.

## II. Public Hearing: Ordinance 2026-04 Text Amendment, Amending the height of flagpoles in the Institutional & Public Facilities Zone. (Planner Jacob Roberts)

City Planner Jacob Roberts presented the Staff Report as included in the meeting materials. Heber Light and Power is proposing to install a flagpole at the new administrative building currently under construction at 626 West 300 South and has applied for a text amendment to allow a taller flagpole than what is currently allowed. The proposed flagpole would be approximately 80 feet in height (please see attached document), while the City's code currently permits flagpoles up to a maximum height of 25 feet. This text amendment would permit flagpoles up to 80 ft in the Institutional and Public Facilities Zone (IPFZ).

Staff was approached by Heber Light and Power about the possibility of installing a large flag pole at the new Heber Light and Power Admin Building located at 626 West 300 South. Staff shared that currently flag poles are only permitted to be a maximum of 25 feet tall. Staff from Heber

Light and Power expressed interest in seeing this code change to allow for a taller flag pole at this location. A discussion was held with the City Council, who stated they would support a text amendment. Heber Light & Power then applied for a text amendment to allow flag poles up to 70' in the IPFZ.

Staff previously presented the City Council with several options to achieve the applicant's desired outcome. These options included: (1) a text amendment to modify permitted flagpole heights, (2) a site-specific development agreement applicable only to this property, or (3) maintaining the current maximum flagpole height of 25 feet. Following discussion, Council and staff agreed that a text amendment would be the most appropriate approach, and Heber Light & Power subsequently submitted an application to initiate that process.

Under the existing code, flagpoles are limited to a maximum height of 25 feet citywide. Staff advised the Council that a text amendment would provide the most consistent and enforceable method to allow taller flagpoles within specific zoning districts. A site-specific development agreement could present long-term enforcement challenges, whereas a code amendment would establish clear uniform standards.

Staff also determined that taller flagpoles are unlikely to create significant nuisance impacts when located in appropriate zones. The proposed amendment would apply only to the IPFZ; all other zoning districts would remain subject to the existing 25-foot height limitation.

This text amendment will adjust Section 18.104.030 General Standards, which is a subsection of Section 18.104 Signs.

Chairperson Jordan had a question for the applicant. The applicant, Andrew Dedrickson, was online and introduced himself. Chairperson Jordan asked Mr. Dedrickson how Heber Light and Power came up with an 80-foot flagpole. Mr. Dedrickson responded that ultimately the height came about by consulting with different flag pole companies throughout the state, in particular Colonial Flag, one of the biggest in the nation and that is what they selected for the size of our building.

Then they have a metric they use for determining the size, and it's basically twice the size of the highest point of your building. The company also informed us that if a flag pole is within the roofline of a building, the flag gets lost in the building. Therefore, that is the reason why we are asking for 80 feet. It's roughly twice the size of the roofline of the building.

Chairperson Jordan opened the Public Hearing as there were no comments through email, online or in the Chambers. Chairperson Jordan closed the Public Hearing.

Chairperson Jordan opened the discussion to the Planning Commissioners.

Commissioner McKinley suggested placing a setback from such a pole to the property line. Commissioner Knight confirmed that the flagpole height was specific to this zone.

Mr. Roberts confirmed the flagpole height was just for the IPFZ. Commissioner McKinley commented that a setback from residential was considered with the height of the transmitter poles but wasn't sure if this would or could be an issue.

Chairperson Jordan asked what the setbacks were to the transmitter poles from residential. Mr. Roberts found the municipal code for transmitter poles (or monopoles)

was a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line. Chairperson Jordan stated that there would be a 100-foot setback to any residential area and stated monopole are not that different from a flagpole. Therefore, we could apply the same setback.

**MOTION:** Commissioner McKinley moved to a positive recommendation for ordinance 2026-04, a flagpole height amendment. With the additional condition that a flag pole would need to be a distance of 115% of the pole height from any residential property line. Commissioner Goodnough made a 2nd to the motion.

Discussion: Chairperson Jordan commented with additional calculations if the flagpole were different heights but determined the Planning Commission had set a maximum distance and would go down from there depending on the flagpole height.

**Voting Yes:** Planning Commissioner Richards, Commissioner Knight, Commissioner Jordan, Commissioner McKinley and Commissioner Goodnough. **Voting No:** None. The Motion Passed 5-0.

#### 4. Work Meeting:

- I. Removed From Agenda, Item Moved to 03.24.2026 PC Meeting. Review Council Budget & Policy Priorities & Planning Related Presentations from Council's Budget Retreat. (Community Development Director Tony Kohler)

#### 5. Administrative Items:

Chairperson Jordan asked a Staff member to discuss the Agenda for the past City Council meeting and that the same discussion continued to be added under Administrative Items on the Planning Commission Agenda. Admin Meshelle Kijanen stated she would make sure to add this communication item going forward. Chairperson Jordan stated that all Commissioners had been given a copy of the Conflict of Interest Disclosure form that was to be signed by all Commissioners annually and asked that all forms be signed by the 24th of March and returned to Ms. Kijanen Staff then explained the March 3rd City Council Agenda Items. Please access the March 3, 2026 City Council meeting through the link below. Either the meeting minutes or the audio video are available.

<https://hebercityut.portal.civicclerk.com/event/461/files/agenda/1364>

#### 6. Adjournment:

**MOTION:** Commissioner Goodnough motioned to adjourn the meeting. Commissioner

Knight made the 2nd to the motion and the meeting was adjourned.

Meshelle Kijanen  
Meshelle Kijanen, Administrative Assistant