

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting *Amended
April 22, 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 6:03 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

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

Planning Commission Absent:

Commissioner Josh Knight
Commissioner Robert Wilson

**Planning
Commission
Absent:**

Staff Present: Community Development
Director Tony Kohler
Planning Manager Jamie
Baron
Planner Jacob Roberts
Planning Office Admin
Meshelle Kijanen
City Engineer Ross Hanser

Staff Participating Remotely:

Anthon Beales, Chairman Gunn

Also Present:

Vickie and Mike Buongiorno, Chris Grange,
Larson Quick, Angela Morrill, Jason
Glidden, T.J. Stephens, Valalle Kamdar,
Laura (?), Dette Auazoa, Cmoore T.

Morales, Kent Shelton, Zach B, Quinn
Davis, Gary Bradley, Jaimi Hewlett, Gaylyn
Latimer, Lynn Fautin, Thereer, Morn, Bart
& Michele Munteer, Deb Stengel

Also Attending Remotely:

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

III. Pledge of Allegiance: By Invitation

Commissioner Tori Broughton 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. 03.25.2025 Planning Commission Minutes for Approval

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

Discussion: N/A

Voting Yes: Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Jordan, Commissioner Royall, Commissioner McKinley, Board Member Broughton. **Voting No:** None. The Motion Passed 6-0.

3. Action Items:

I. Affordable Housing Survey

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

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

said was a substantial increase. He noted that increase could cause rent prices to increase.

Mr. Glidden went over the respondents of the survey in greater detail and noted where the employees were from. Mr. Glidden said 71% of the employees who had responded to the survey lived within Heber City, with the remainder living outside. He said the remainder of employees who lived outside the City limits were the population that they should focus their affordable housing initiatives on. He said that within the 71% of people within Heber, about 32% of that population were renters who wanted to become homeowners.

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

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

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

Mr. Glidden outlined the next steps. He said the Housing Authority needed to form a subcommittee that could investigate some of the options that he had just presented on.

He noted that Commissioner Broughton had attended the most recent interlocal agreement and had invited him to come speak to the Commission about affordable housing, and he expressed that he was happy to answer questions.

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

Commissioner Richards echoed that affordable housing had long been an issue in the region, and he opined that the area in which the Commission had the most control was zoning. He commented that affordable housing was subjective. He also noted that in addition to rising construction costs, the costs of mortgages had increased as well.

Chairman Jordan asked if people could obtain cheaper loans by working closer to their homes, and Mr. Glidden replied that the self-help program did assist with that, though he noted the waitlist for the program was very long. Mr. Glidden elaborated about the

self-help program, and he also opined that they needed to build smaller, 'starter homes' to help with affordability. Chairman Jordan commented that was the 'missing middle' and Mr. Glidden agreed.

Commissioner Broughton commented that the average household size reported on the survey was 2.6, which was smaller than the average family size in the overall area.

She stated that this highlighted the need for smaller housing types in Heber City.

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

II. Central Heber Overlay Zone (CHOZ)

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

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

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

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

opportunity for ownership.

Commissioner Broughton asked for more details about duplexes. Planner Janson provided greater detail about how utilities, emergency access, and other specifics would operate. Planner Janson also went over small lots, which had to be at least 3,500 square feet. He noted that small lots also provided an opportunity for affordability.

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

Commissioner Broughton asked if they could make flag lots conditional and Planner Janson replied that they could do so, but opined that going through the conditional use process might be cumbersome for applicants and hurt the affordability of the lots.

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

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

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

she thought the only important thing was to require owner-occupancy. Commissioner Slagowski and Royall agreed and Planner Janson said he would remove the minimum size requirement.

Planner Janson moved on to duplexes and twin homes and indicated the portions that had been modified since their last discussion. He noted that State guidelines inhibited how much the City could require. He asked the Commission if they wanted to worry about garages outside of the duplexes, and noted that most duplexes he had seen did not even have garages. Commissioner Broughton thought the Commission should stipulate where the garages were located, if the duplex had one. Chairman Jordan said he did not care where the garage was located or if the duplex had one at all.

Community Development Director Kohler said if it was up to him, he would want to see the garages in the back and he listed the reasons that was preferable, namely that it was more aesthetic. Community Development Director Kohler acknowledged it was a subjective issue and the Commission continued to discuss garages. Commissioner Broughton said she wanted to avoid having garages on the facade of all the buildings and Planner Janson said they had required the garages to be alternating, which would help avoid that issue.

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

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

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

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

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

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

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

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

Chairman Jordan asked if any substantial changes had been made and Planner Janson replied that other than occupancy requirements, there had been no major changes.

Commissioner Slagowski voiced concern about the 20-foot height limit on the SDUs as he felt that was too restrictive, noting that even one story buildings could be about 24 feet. Community Development Director Kohler agreed with Commissioner Slagowski. Commissioner Broughton opined that there should be occupancy stipulations for townhomes in the CND. She thought they should at least require long-term rentals to avoid short-term rentals. Community Development Director Kohler reminded her there was a blanket rule that prohibited short-term rentals. Chairman Jordan recalled mansion-style homes and SDUs were exceptions to the short-term rental rule. Planner Janson clarified SDUs were considered differently, so the only exception that needed to be made was for mansion-style homes. Community Development Director Kohler said that the City Council had prohibited short-term rentals in any attached housing unit,

such as a townhome or a duplex.

City Engineer Hansen commented about mansion-style homes, though he was in the audience and the entirety of his comment could not be heard. In response to his comments, Chairman Jordan said mansion-style homes were apartments/condos.

Community Development Director Kohler replied to City Engineer Hansen that every owner-occupied type of housing had a separate utility to each unit.

Chairman Jordan asked Community Development Director Kohler to summarize the changes. Community Development Director Kohler stated that they would increase the height minimum for ADUs and flag lots to 25 feet from 20 feet; add long-term rental occupancy requirements for most residential building types; remove the 300 square foot minimum for SDUs; add a picture with an additional option for garages in duplexes and twin homes; increase the quality of the included pictures; and add 'condo' to the description of mansion-style homes. Chairman Jordan asked if Planner Janson had any comments and he expressed he felt good about the changes. Commissioner Royall suggested that the Staff look at design standards for affordability at some point in the future, but said the changes they had made that evening looked good overall.

The other Commissioners and Community Development Director Kohler also expressed they were in favor of the changes.

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

Discussion: N/A

Voting Yes: 6.

Voting No: None.

The Motion 6-0.

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

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

This item was discussed after Action Item I.

Planner Baron provided a history of the item. He explained that a cell tower company, APC, had requested a text amendment to increase the height of cell towers in the City.

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

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

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

Chairman Jordan invited the applicant to speak.

Larson Quick of APC Towers introduced himself.

Commissioner Richards noted that the City had received a letter from the applicant's attorney. Planner Baron summarized the contents of that letter and said the letter had essentially reiterated the FCC guidelines about the health risk. Commissioner Richards asked if the City Attorney could help interpret the letter. Planner Baron said he could send the letter to the Heber City Attorney. Planner Baron also noted that the letter affirmed what he knew to be true of the FCC guidelines. Commissioner Richards expressed he did not want to give an opinion until he had heard from the City Attorney. Commissioner Slagowski opined that having as few towers as possible was preferable, and said he would prefer to have three or four taller towers than multiple smaller towers. Chairman Jordan confirmed the distance between towers and Planner Baron said the current limit was 2,000 linear feet between towers. Planner Baron said he had not yet done the analysis to determine how many total towers could be in the City given that limitation, but said he could do so. Commissioner Richards agreed with Commissioner Slagowski in that he would prefer to have fewer towers in the City, even if that meant each tower needed to be tall.

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

Commissioner McKinley asked if individual cell tower companies would need permission from the Commission to increase the height of increasing cell towers in the

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

Commissioner McKinley also inquired about the minimum distance that towers could be located to a residential lot line, and Planner Baron replied the requirement was 115% of the tower's height. Planner Baron noted this requirement had not changed, and recalled there had been a previous discussion at the Commission about possibly increasing the distance to 150% of the tower's height. Commissioner McKinley commented about the minimum distance that a cell tower would need to be located from a residential area in order to avoid obstructing the resident's view. Planner Baron discussed that depending on topography and the characteristics of the residence, that minimum distance could vary greatly.

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

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

Commissioner McKinley asked what the process would look like for an applicant who wanted to install a tower higher than 100 feet if the ordinance were to be passed. Planner Baron outlined the process and said that although the applicant would still need to come to the Commission, a public hearing would not be required, since it would be administrative rather than legislative. Planner Baron clarified that the meeting would still be public, though there would not be a section for public comment during the meeting. Planner Baron elaborated that the Commission could issue a recommendation that a public hearing be included as part of the process for the site plan at the Planning Commission, and he noted that would be fairly simple to add.

Chairman Jordan clarified the intent of Commissioner McKinley's comment.

Commissioner McKinley said he wanted any member of the public to have the opportunity to speak about the cell towers if they felt they would be impacted by their installation. Planner Baron explained that because it was an administrative item, the towers would have to be allowed unless the public comments could prove that there was evidence that the tower did not meet the provisions of the ordinance. Planner Baron elaborated about ordinance rules.

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

Lori Gaiden thought Planner Baron's previous comments about the health risks of towers were incorrect, and said the website mapper.net provided more information about cell signals. She commented that as the height of a tower increased, the more devices and extenders could attach to the tower. She said the FCC had not updated

their wireless exposure for 25 years, and back then there had been no 5G. Mrs. Gaiden said if the towers were raised in commercial areas, it would impact the citizens in residential areas and asked about the impacts to the residents if the height of cell towers were increased. Mrs. Gaiden elaborated about the increased number of cell towers in the region and opined they were dangerous and an eyesore.

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

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

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

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

T.J. Stevens introduced himself as an attorney at Hoggan Lee Hutchinson. He

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

Planner Baron replied that was correct and agreed that would be an issue in the Code.

Planner Baron said they could change the language in the Code to ensure that the residential towers did not exceed 35 feet in height. Planner Baron also provided information about administrative versus legislative changes.

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

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

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

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

Chairman Jordan asked how the 100-foot requirement had been determined. Planner

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

Commissioner Gunn commented online and spoke about the airport zone and FAA requirements. He asked the City Staff to confirm there would not be cell towers in the way of the airport zone. Planner Baron replied that anything within the FAA zone needed to go through a separate process and said that the FAA had the ability to block any construction.

Commissioner McKinley was uncomfortable with the proposal including so many items for the Staff to work through and thought they should continue the motion. Chairman Jordan asked Commissioner McKinley which parts he was unsure about and Commissioner McKinley said he wanted more clarity about the public input mechanism.

Planner Baron asked how the Commission wanted to deal with public feedback. Chairman Jordan said that public hearings could also have no impact given the nature of the system and the fact that the proposals would be administrative items.

Commissioner McKinley wanted more time to think about how they could handle public feedback. Chairman Jordan said if the towers were a conditional use, then as long as the proposals for towers met those conditions then they had to be permitted and he said that creating false expectations by holding a public hearing could be damaging.

Planner Baron said if they made no changes to the Code, anyone who wanted a taller tower in Heber would have to apply for a development agreement or petition to make a Code change. Planner Baron said the Commission would have to go through this process for every MDA.

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

Commissioner Gunn asked what the desired outcome of a public hearing would be and wondered if there was a benefit to the public or the overall process. Commissioner McKinley thought it was important to get the public involved and said he did not want the public to feel they were not a part of the process. Commissioner Gunn agreed that public involvement was important but doubted there was significant value in holding a public hearing if their dissent was not responded to. Chairman Jordan said there needed to be a possible causal action that came from the public hearing in order to be respectful of the public's time. Commissioner Broughton said they could not legally make the condition of the towers to be the public's approval or disapproval of them.

Commissioner Slagowski said the Commission needed to take into account the public

feedback that they had received over the course of the last several weeks about this item when they crafted the ordinance, and by doing so they ensured that the public's voice was heard.

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

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

Voting Yes: 6

Voting No: None. The Motion 6-0.

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

4. Work Meeting: N/A

5. Administrative Items:

I. City Council Communication Item

This item was not discussed

II. 2025 PC Training:

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

This item was not discussed

6. Adjournment:

Motion: Commissioner Gunn moved to Adjournment:. Commissioner Broughton made the second.

Discussion: N/A

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

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant