

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

August 25, 2026

6:00 p.m. – Regular Meeting

-Time and Order of Items are approximate and may be changed as Time Permits-

Public notice is hereby given that the monthly meeting of the Heber City Planning Commission will be in the Heber City Office Building, 75 North Main, South door, in the Council Chambers upstairs.

1. Regular Meeting:

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance: By Invitation
- IV. Prayer/Thought by Invitation ()
- V. Recuse for Conflict of Interest

2. Consent Agenda:

- I. 07.14.2026 Planning Commission Draft Minutes for Approval

3. Action Items:

- I. Public Hearing to Consider a Sign Code amendment to address signs in the Right of Way (Planning Manager Jamie Baron)
- II. Public Hearing to consider a Text Amendment addressing the undergrounding of existing utilities.(Planning Manager Jamie Baron)
- III. Public Hearing to consider an amendment to Food Trucks in the Right of Way. (Planning Manager Jamie Baron)
- IV. Public Hearing for proposed amendment to the Standard Specifications and Heber City Code regarding water and sewer connection standards for Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units.(Community Development Director/Tony Kohler)
- V. Public Hearing to consider Text Amendment to Heber City Code Chapter 18.110 Telecommunications Ordinance. (Community Development Director/Tony Kohler)

4. Work Meeting: N/A

5. Administrative Items: N/A

6. Adjournment:

Ordinance 2006-05 allows Commission Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Meshelle Kijanen at the Heber City Offices at 435.657.7898 at least eight hours prior to the meeting.

Posted on 08.20.2026, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at <http://pmn.utah.gov>.

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting *Amended
July 14, 2026

DRAFT Minutes

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Phil Jordan called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Phil Jordan
Vice-Chair Tori Broughton
Commissioner Darek Slagowski
Commissioner Josh Knight
Commissioner Robert Wilson
Commissioner Greg Royall
Commissioner Robert McKinley

Planning Commission Absent:

Commissioner Dave Richards
Commissioner Kristina Goodnough

Staff Present:

Community Development Director Tony Kohler
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen

Staff Participating Remotely:

Consultant Landmark Design Inc.
Consultant GCGarcia

Also Present:

Dustin Stewart, Trent Stewart, Bryson Adams, Scott Long, Eric K. Davanport, Brent Morgan, Kay Ryan, Pat Groth, B. Gueth, Cody Wateil, Michael Bradshaw, Helmonck Stempler, Kimberly Sweat

Also Attending Remotely:

Breyann, Brian W., Shari Vines, Stewart, Viola

III. Pledge of Allegiance: By Invitation

Vice-Chair Tori Broughton led the recitation of the Pledge of Allegiance.

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

V. Recuse for Conflict of Interest

Chairman Phil Jordan recused himself for Action Items 3 and 4.

2. Consent Agenda:

I. 06.09.2026 Planning Commission Minutes for Approval

Motion: Commissioner Knight moved to approve the items on the Consent Agenda. Vice-Chair Broughton made the second.

Discussion: N/A

Voting Yes: Commissioner Slagowski, Commissioner Knight, Chairman Jordan, Commissioner Wilson, Commissioner Royall, Commissioner McKinley, Vice Chair Broughton. **Voting No:** None. The Motion Passed 7-0.

3. Action Items:

I. *Public Hearing for Master Development Agreement Amendment for Finch Creek (Planner Denna Woodbury)

II. Public Hearing: Development Agreement for State Automotive 425 West 100 South (Planner Jacob Roberts)

Mr. Jacob Roberts, City Planner, started by showing the property at 425 West 100 South on Google Maps. Please refer to the 07.14.2026 Staff Report, PowerPoint and Video for additional information through this link:

<https://hebercityut.portal.civicclerk.com/event/450/files/agenda/1609>. Mr. Roberts continued, the property owners of 425 West 100 South are requesting a Development Agreement that would allow them to demolish the existing auto body shop and replace it with a new auto body shop within the exact same footprint as the existing building. The property is zoned C2, which does not permit auto body repair as an allowed use. Therefore, a Development Agreement is required to allow the existing building to be demolished and replaced without losing its legal non-conforming grandfathered use. The use has been maintained because the auto body shop has not experienced a lapse in its business license for longer than one year. Staff recommends that the planning commission forward a positive recommendation for the State Automotive Development Agreement with the Findings and Conditions outlined below. So

The background: The Auto Body Shop has been operating on this property since at least the 1930s. The longtime owners have decided to sell the property. The prospective owners currently operate high-end Auto Body Shops in Salt Lake County. Much of their clientele is located in Wasatch County and the surrounding communities, as they specialize in Toyota vehicles that have been modified for off-roading and overlanding.

Several legal considerations associated with this property. First, Auto Body Repair is no longer a permitted use in the C2 zone, making the existing use a legal non-conforming use. Additionally, the

existing building is in disrepair and will need to be replaced. If the current building were demolished, the legal non-conforming use would be extinguished. The new property owners would like to continue the existing use while upgrading the building. The replacement building will feature increased interior clear height to accommodate modern vehicle lifts in each bay. Although the interior ceiling height will increase, the overall height of the replacement building will not exceed that of the existing structure.

Mr. Roberts discussed the older building showing photos. As you can see, the eastern end is slightly taller than the rest of the building. As you will be able to see in the rendering drawing, they will increase the overall height of the building to match what is currently the tallest point of the building, but to accomplish this, a Development Agreement is required.

On March 3rd, 2026, the item was presented to the City Council during a work meeting. The Council expressed interest in working with the prospective property owners to preserve what they described as a historic use. The proposed Development Agreement would also facilitate cleanup of the property and improvements that would significantly enhance the streetscape along 100 South. The property to the east, 108, South 400 West, is also owned by State Automotive Group. Unlike the subject property, this parcel will be required to comply with all applicable C2 zone requirements. The applicants anticipate constructing an office for the auto body shop on this site, along with a second floor apartment for business employees. The Council expressed a strong interest in seeing this corner improved in a manner consistent with the requirements of the C2 zone.

The Council specifically directed staff to ensure the Development Agreement addresses proper vehicle storage, appropriate screening from the surrounding residential properties, architectural design compatibility with the historic core, demolition of the existing residents on the adjoining property, cleanup of the site, and an implementation timeline of two to three years. The Mayor and City Council also requested that an environmental review be completed. That review has been conducted and the findings are discussed in the discussion section below.

The Auto body was permitted use within the C2 zone until the municipal code was amended on April 14th, 2020. At that time the use became legal non-conforming and was allowed to continue provided it was not discontinued or otherwise extinguished for more than 12 consecutive months. In addition, no substantial modifications could be made or the legal non-conforming status would have been terminated, which is why the building has remained lacking updates. Primary land uses include single-family dwellings on smaller lots, town homes, duplexes, triplexes, flexible infill housing and small multifamily buildings, with consideration given for bonus densities, two bonus densities for high quality architecture. Secondary uses include small-scale retail restaurant uses at connective and corner locations, bed and breakfasts, community gardens, public facilities, and churches.

The General Plan describes the historic core neighborhood as a mixed residential area that emphasizes a variety of housing types, strong street connections to downtown and the tourist center, a pedestrian and bicycle-friendly environment. The General Plan designates this area as a Historic Core Neighborhood. In discussing the proposal, the council indicated that the existing auto body shop represents a historic use and is generally consistent with the intent of the General Plan.

The primary purpose of the Development Agreement is to allow the existing building to be

demolished and replaced while allowing the legal non-conforming use to continue. The replacement building will provide additional interior with height to accommodate modern vehicle lifts. While the building will be redesigned to better serve the business, the overall height of the new structure will not exceed the height of the existing building. The replacement building has also been designed to improve site functionality while providing sufficient interior height. The building will include two pull-through service bays which will improve onsite circulation and reduce vehicle maneuvering within the site.

This property is interesting in the fact that it is quite deep into the block. Basically, adding a couple of bays that become pull-through bays would allow them to bring cars off Midway Lane into the shop, and then they would exit out the back. The property is about halfway through the block and then an access agreement allows them to access onto second south. In other words, they would be able to pull in repair work on the vehicle and then back there (See Video) is where the main vehicle storage will be conducted, and then they would be able to exit the vehicles out the back as they will have the secondary access.

During the work meeting, the City Council directed staff to incorporate several specific provisions into the development agreement, subject to any revisions requested by the Planning Commission or City Council. The proposed development agreement is anticipated to include the following:

- The existing building shall be demolished and replaced.
- The legal nonconforming use, automotive maintenance and repair shall not be extinguished as a result of demolishing the existing building.
- The residents on the adjacent property shall be demolished, and the lot shall be maintained until it is redeveloped.
- The property shall be appropriately screened from all surrounding properties through landscaping and an eight-foot-tall fence and other screening measures as necessary.
- The rear yard shall be hard surfaced and maintained in an orderly manner for vehicle storage.
- The design of the new building shall comply with the applicable C2 and C3 design criteria.
- All required parking shall be provided on the property.

Quick note on parking. Parking requirements of this property are based on the proposed use, which is classified as personal service shops. The use requires four parking stalls for every 1,000 square feet of net floor area. The proposed building is roughly 2,422 square feet. Therefore, approximately ten parking stalls will be required. The property is located within the designated mixed-use village center, therefore alternative parking provisions are available. These include allowing up to one half of available on-street parking to count toward the parking requirement and the use of shared parking agreements were applicable. The applicant has also proposed locating employee parking to the rear of the site with access provided from the existing easement off 200 South, which is what Mr. Robers had mentioned earlier.

The phase one environmental site assessment was conducted twice. The hydroptic lifts could be a problem but they will be removed. Therefore, the assessment concluded that no further environmental investigation is recommended.

In conclusion staff recommends the Planning Commission forward a positive recommendation to the City Council for the proposed Development Agreement subject to the following findings and conditions. Findings the existing auto body repair business is a legal non-conforming use that has remained active and has not been discontinued for more than 12 consecutive months. The proposed development agreement will allow the existing building to be replaced while preserving the property's legal non-conforming use. Proposed development agreement will improve the appearance and functionality of the property by replacing the deteriorated building with new structure that meets modern operational needs while remaining no taller than the existing building and complying with the applicable C2-C3 design criteria. The proposal is generally consistent with the intent of the historic core neighborhood designation of the general plan by preserving a long-standing historic use while improving the quality and appearance of the site, and then a phase one environmental site assessment has been completed and determined that no further environmental investigation is necessary at this time.

The residents located at 108 South 400 West shall be demolished, and the property shall be maintained in a clear and orderly condition. The redeveloped site shall provide adequate screening from adjacent residential properties through landscaping, an eight-foot privacy fence, and any additional screening required by the city. Rear yards shall be hard surface and maintained in an orderly manner for vehicle storage. Vehicle storage shall be limited to designated areas shown on the approved site plan. All required parking shall be provided in accordance with City Municipal Code or through approved alternative parking agreements. Prior to issuance of a building permit, applicants shall address the recommendations contained in the phase one environmental site assessment.

The development agreement shall establish an implementation timeline for demolition of the existing buildings and completion of the site improvements. Construction of the replacement building shall commence, and the building shall be substantially completed within three years of the effective date of the development agreement unless an extension is approved by the City Council through amendment to the development agreement.

Vice-Chair Broughton asked what building would be demolished beside the adjacent. Mr. Roberts explained that both of the buildings will be demolished, and the auto shop will be required to be rebuilt in the same footprint. Mr. Roberts continued, the home on the corner will also be demolished and confirmed the auto shop and the home were two different parcels owned by the same person. The City Council had a request that the buildings be demolished, and the property be maintained until the owners decide to redevelop.

The applicant, Dustin Stewart, commented: The idea is that we just want to kind of keep the legacy of the business that had been there for so long and really not change much about it other than modernize it and make it a little bit more user-friendly for how we modernly use the automotive shop.

Chairman Jordan asked about signage for the business. The applicant responded there would be signage for the business at the appropriate time. Chairman Jordan also asked Mr. Roberts for more detailed information about signage for the Zone. Mr. Roberts responded, the C2 zone is in our

primary commercial zone. An interesting bit of information regarding this corner. I discovered that it has been zoned C2 since the first Heber City zoning map was adopted in 1972. Regardless, the applicant will be required to apply for a sign permit, and they would need to follow current signage. They would be allowed to do wall signs, and they could potentially do a monument sign although I don't know that would work well on this site. The signs would be required to follow, dark sky requirements, size requirements, etc. The Development Agreement would not address signage.

Chairman Jordan asked about the time frame/limit for the project completion. Mr. Roberts responded, the Mayor specifically had asked for a deadline she did not want to approve a Development Agreement without a timeline and wanted the project completed in a timely manner of three years.

Commissioner Royall asked about the lighting for the building. Mr. Roberts commented the lighting would not be part of the Development Agreement but would need to meet the Heber City Municipal Code for lighting standards.

Chairman Jordan asked about the noise as the business is in a neighborhood. Mr. Roberts commented that the business would need to comply with the City noise ordinance.

Commissioner McKinley commented that there were concerns mentioned by neighbors regarding a property line, fire safety, access and also some concerns about paint fumes. Will those questions be addressed? Mr Roberts commented, yes so those comments were emailed after I had finished my Staff Report, but there are definitely concerns that we could work into the motion if needed. The understanding is that the building goes right up to the property line now. However, the new building would be required to follow all current building codes. Fireproofing will also be controlled by the current building code.

Commissioner McKinley also commented that one of the comments made is that their utility poles located in the rear portion of the property are not accessible to fire apparatus and that the poles have caught fire in the past. Mr. Roberts responded, all building permits are reviewed by the fire district and also by Heber Light and Power. Therefore, if there are power poles on the back of the property that are a concern, the power company would address those concerns. However, if any of these issues are important enough to the Planning Commission, I can add those to the Development Agreement.

Chairman Jordan asked Mr. Ross Hansen, City Engineer, if he had anything to add at this time. Mr. Hansen commented, that he did not have any comments at this point. However, once the Development Agreement is put in place, the application will then go through a Site Plan process and that is where concerns that were just discussed will be addressed. Including all the engineering issues, all the Heber Light and Power issues, and all the fire issues,

Vice Chair Broughton commented that she had seen overlanding as part of the new business in the Staff Report and asked the applicant if this would be part of their business. The applicant responded, overlanding will be a more skewed part of the business rather than just regular automotive, but we will do both.

Chairman Jordan opened the Public Hearing after asking the citizens to keep in mind that the Planning Commission represents the citizens and that they were very interested in everything that the citizens had to say at any time, particularly about this subject at that time. Chairman Jordan continued, we want to remind everybody that we are volunteers and, to this end, we are one of you. But we feel very responsible in our volunteer positions to represent you.

Kimberly Sweat stated she lived at the property of 477 West 100 South directly next to the proposed development. Ms. Sweat stated, as a mother raising my two babies next to that property, I do have some concerns. You (the Planning Commission) had addressed some of her concerns from her emailed comments. However, another big concern was regarding a paint booth operation. Ms. Sweat asked the applicants if they would be painting vehicles on the property as, since living there, there have been a couple of times that the paint booth had been in operation. At times the fumes had become so obnoxious that she had stayed with other families, so her children would not have to breathe the paint fumes. Ms. Sweat continued, she was not aware that there was going to be any painting going on because there had not been much going on at the business since she had lived at the residence over the last four years. However, Kimberly continued when the business was being operated as a paint booth, she did get a lot of blow-by paint onto her vehicle, which caused some damage. Ms. Sweat continued she also had some environmental concerns. The hydraulics concerns had already been addressed, but she also had concerns regarding paint, solvents, filters and any other hazardous waste and what the disposal process would look like. Ms. Sweat commented if you (the Planning Commission) were to walk through the property, even though it is zoned commercial, you would see it is very much a residential area. Additionally, according to the information she had, the last bay looked like it had been added later and was against her property. Ms. Sweat thought the bay had been added in 2008 and, with the information she had the added-on bay was on her property. Ms. Sweat was concerned about the demolition process as part of the property had been inhabited by wildlife. She voiced her concerns about the hazards of demolition, such as air quality and how that will be managed.

Brent Groth stated he was representing his Father, Brent Groth, who was the owner of the parcel. Mr. Groth attested that the end bay had not been added since he was born in the 1970s. Also, the paint booth, which had a filtered system, had not been used since the 1980s. Although the equipment had been left there just in case they would have a need for painting again. The paint booth had been used once in a great while. For the most part, only the three main bays were used for standard automotive repair. Mr. Groth mentioned he did not know what Ms. Sweat was referring to as hazardous materials as all that was done was basic oil changes, transmission and anti-freeze work. Mr. Groth continued, the other two bays had only been used primarily for storage for the families personal vehicles. Mr. Roberts mentioned the drive-through feature from the bays to what we referred to as the impound lot. In the 1980s and 1990s, the company had a tow service for the Utah Highway Patrol and County. After which, the bays had only been used for storage of personal vehicles as well as the standard automotive repair. Mr. Groth stated that he was the one that performed the standard auto repair and most of what was done in the building.

Mr. Roberts read a comment that had been emailed for the Public Hearing. Mr. Roberts read, "I live at and own the property at 122 South 400 West in Heber. I think demolishing the existing building to rebuild it is a good thing. I do have a few concerns such as the property lines need to be professionally resurveyed before building to be sure where each property line is located. The

addition to the shop was built on part of a neighbor's property. The shop addition also blocks access for Heber Light and Power to access the power pole. Years ago, HL&P came by to check the pole, they didn't have access to access the property. HL&P stated for safety reasons they would need an access for their truck. I agree, it needs to be accessible to emergency services for HL&P for the safety of our neighborhood. I was to make sure neighborhood safety, personal property, and quality of life are respected as this project happens and operates in our neighborhood. Thank you for your time. Respectfully, Viola Simmons.

Chairman Jordan ended the Public Hearing and asked the applicant if they wanted to address any of the questions or concerns mentioned in the Public Hearing. The applicant responded that there would not be any painting whatsoever. The applicant continued we are very conscious of correctly disposing of materials. Additionally, the goal is to become part of your community. We will conduct our business in a respectful clean manor and be aware and uphold the building and fire/safety responsibilities asked of us. But as far as automotive, no painting, there's nothing we do anymore that is really dangerous. In that sense, all the fluids we, by law, have to professionally dispose of in a very specific way.

Vice-Chair Broughton asked about inspections and compliance. The applicant responded, the fire department comes by and checks on the business. We will conduct emissions testing for the vehicles, which puts us under another microscope where we are very sensitive and careful as they come out and do audits making sure we are doing everything by the book. It is a growing industry and is tighter now tenfold than it ever was, which is good and understand that we want to be a part of bettering the world and the community, but it is hard to break the rules anymore, even if we wanted to in that sense. Chairman Jordan added, OSHA helps as well for occupational safety for your employees, with hazard cabinets that they are compliant and that they are being managed properly.

The applicant responded, we have had a professional survey done. As far as I am aware, there were no red flags about the existing building crossing property boundaries. I could be mistaken, but that was not brought up to us when the survey was performed.

Chairman Jordan asked if the survey was required by the City. City Engineer Ross Hansen responded, It absolutely is, yes. When they go to the site plan process, the foundation of a site plan is the exterior boundary of the parcel on which they are developing. And we will, in fact, ensure that there are no encroachments and that they be resolved before moving forward, if there are any.

Commissioner Wilson commented that he respected and admired their business and that they would conduct the business inside the building. However, if the building is demolished and then therefore does not comply with the zoning, the applicant would then be looking at a non-conforming use. Commissioner Wilson continued, It doesn't seem to be the best or highest use of the land as far as I'm concerned. I think we could do a lot better with the location filling in with something that is more characteristic of the neighborhood. Additionally, we have gone through a lot about the Central Heber Overlay Zone earlier this year, and that street connects downtown to the railroad area. I think there is a lot better use for that land than an auto shop as you could place an auto shop in many other areas in Heber. Commissioner Wilson concluded that it was tough for him to accept the use for that property, demolishing the building and business, and then it becomes a non-conforming use.

Vice-Chair Broughton respectfully disagreed with Commissioner Wilson noting that they had agreed on many things in the past, but not at this time. Broughton continued, she believed the location was great, especially as they were a small business. Broughton felt terrible for neighbors who felt like this would be changing their neighborhood but that this had been the same business in that location since the 1930s or 1950s. Broughton continued, frankly, I'm happy to see a building that has been nothing but an eyesore be used for something that is not only going to serve our community, but take the eyesore away. Additionally, small business is important in this community. I think we should be thrilled to see something come in that is not corporate. Commissioner Broughton wished the applicants all the best, if it works out.

Commissioner Royall stated he also liked the idea of this building and development at this location. Royall continued, he had been in the Heber Valley his entire life and had spent a lot of time in that building when he was a kid, probably getting yelled at mostly by Brent, the owner, but I think that the auto shop and what they have designed, will fit in well. Royall stated he had seen other cities where they have mom and pop auto shops that fit in really well where just locals can run their cars in to get quick oil changes or purchase or rotate tires. This is a great fit for just this little area, just for what we have designed this area for. Commissioner Royall hoped that the community would use the services rather than go to Salt Lake to get an oil change or to find a set of tires or to get an emissions check etc. Commissioner Royall liked the idea, liked the way the building would look at wished the applicants the best of luck.

Commissioner Josh Knight agreed with Royall and Broughton but asked if there would be a locked easement on 2nd South. The applicant responded that it is currently locked and they had planned to keep it locked. Knight wanted to make sure the applicant worked out safety procedures with WCF and HL&P. Knight continued it would be brilliant to provide housing for employees above the shop as that is what we need in this area. Knight liked the landscape plan and thought it would be beautiful and supported the small mom and pop business owner idea as he was a small business owner in the community for 20 years himself. Commissioner Knight wished the applicants all the best.

Commissioner McKinnley asked if the Commissioners would be seeing the Development Agreement or if the DA would only be between the applicant and the City Council. Mr. Roberts responded that this was their chance to see it and review the DA. McKinnley commented that he wanted it in the DA that the business would not be a paint shop. McKinnley believed that would persuade some of the residents that they were not going to have the fume problem.

The applicant asked if paint was allowed in the Commercial Zone or was that an Industrial Use? Mr. Roberts commented that a paint use was likely not allowed in this zone based off of the way that was written, but the fact that it would be a Development Agreement and the uses are already not allowed in the zone, is something that the Commission could add as a condition. It would have to be part of the motion and ultimately, it would be up to the Council whether they wanted to include the condition in the Development Agreement.

Chairman Jordan asked how the Development Agreement would work with the next business owner. Mr. Roberts stated if the current business owner were to sell the property, and they have done all

the improvements and they had the Development Agreement, if that business license continues, the new business owner would be able to continue with the same business and be bound by the same Development Agreement restrictions and is specific to the property not the zone.

Commissioner Slagowski stated he agreed with Commissioners Broughton and Knight.

Chairman Jordan confirmed that Commissioner McKinley was ok with the Development Agreement as long as the paint condition was listed in the DA.

Motion: Commissioner Knight motioned to continue the Action Item to the next meeting.

Commissioner Slagowski made the 2nd.

Discussion: Vice Chair Broughton asked if the Item could come back to the next meeting and that was confirmed.

Voting: Aye Commissioners Slagowski, Knight, Royall and McKinley, Chairman Jordan and Vice-Chair Broughton. Voting Nay Commissioner Wilson. Motion passed 6-1

III. Consideration for a Subdivision Preliminary approval for Jordanelle Ridge Village 2 Phase 3 (Planner Aubrey Larsen)

Planner Ms. Aubrey Larsen presented the Agenda Item. Please refer to the 07.14.2026 Staff Report, PowerPoint and Video for additional information through this link:

<https://hebercityut.portal.civicclerk.com/event/450/files/agenda/1609> Ms Larsen stated, Good Evening Commissioners. This is a subdivision preliminary application for Jordanelle Ridge Village 2 Phase 3. This phase of the Jordanelle Ridge development is located east of Highway 40, north of the Timpanogos Canal. The vicinity map shows you the general area represented in gray. This phase includes several pods, 16, 17A, 17B, 18A, and 19. Due to its size, there are several general plan designations that apply to this phase of the project, so university village, neighborhood with open space, as well as rural residential.

This area's own mountain community and the acreage is 343.61 and there will be 373 units, some of which will be single family as well as some town homes.

Items to consider for discussion this evening; the Planning Commission serves as the land use authority for preliminary plat approval under the municipal code. The staff review of Jordanelle Ridge Village 2 Phase 3 focused on consistency with the Mastery Development Agreement (MDA) as well as key engineering and infrastructure items. Roadways, phasing, drainage, and access to name a few.

To speak to affordable housing, this is part of your packet, but the Fourth Amendment to the Development Agreement has updated the project's affordable housing requirements and replace the previous designation of pod 17B, which I believe is exclusively town homes, as a standalone affordable housing pod. And that's been replaced with affordable housing requirements that apply across the project.

The application requires coordination of the Coyote view drive extension, regional drainage and canal improvements, as well as fire access and emergency response. And then there are a number of engineering and fire comments that will need to be addressed in the subdivision final. Ms. Larsen showed pod data and stated land use by acres, and then unit type and count so 142 single family

homes and 231 town homes. Ms. Larsen showed the open space and the calculations for the open space.

Ms. Larsen continued with the pod phasing plan and showed 17B as exclusively town homes. The other pods would be single family homes. The area of disturbance was shown, the red represents areas greater than 30 percent that would remain undisturbed and green was areas greater than 30 percent that would be graded. Access roads were shown and how they would be phased.

Staff recommendation was to approve the application Jordanelle Ridge Village 2 Phase 3, including all the associated pods. The Subdivision Preliminary was subject to the following findings and conditions. Findings were that the application was consistent with the Development Agreement, including applicable amendments. The application was consistent with the development code. The Planning Commission would be the land use authority for preliminary plots. Conditions are as follows; all requirements of the city engineers shall be met, including the following, Ms. Larsen stated she would read through the Conditions, but she would have engineering speak to their Conditions in case there were questions. Ms. Larsen continued, all requirements of Wasatch County Fire shall be met, all requirements of the Special Service District and all other code requirements shall be met.

The applicant Mr. Mike Bradshaw, spoke to the Planning Commission and stated, the project had a Development Agreement (DA) that kept the Developers within a box as Aubrey had outlined and all that she had stated goes along with that DA. One item that Aubrey did not mention was that besides these subdivisions (that were a part of the DA as well), this would facilitate the extension of Coyote Canyon Rd, which would be a minor collector road which would be part of the greater transportation system in the North Village. Mr. Bradshaw continued, the importance of that road and the extension of that road would allow the Developers closer to the Art District area, where there was an anxious group that was planning their first private park that was planned for that area. Additionally, it would allow their project to begin in that area with uses like a city park. Mr. Bradshaw mentioned the extension was important piece of the project as once this was approved the Developers would then begin with the phasing plans which staff will look at one at a time.

City Engineer Mr. Ross Hansen added, the road is called Coyote View Drive not Coyote Canyon Rd. Mr. Bradshaw agreed stating Coyote Canyon is the main road that comes from Highway 40 that then connects to Coyote View Drive. The Commissioners agreed this was a 30,000 foot view of the project and they would be seeing this project in phases in the future.

Motion: Commissioner Slagowski moved to approve a Subdivision Preliminary for Jordanelle Ridge Village 2 Phase 3 Pod 16, 17A, 17B, 18A and 19, subject to the Findings and Conditions in the Staff Report. Commissioner Royall made the second.

Discussion: Applicant Mr. Bradshaw confirmed with Staff that a Public Hearing was not needed for the Application. Staff confirmed a Public Hearing was not needed.

Voting Yes: Commissioner Slagowski, Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Royall, Commissioner McKinley, Board Member Broughton. **Voting No:** None. The Motion Passed 7-0.

IV. Consideration for a Subdivision Preliminary approval for Jordanelle Ridge Village 2 Pod 21 C (Planner Aubrey Larsen)

Aubrey Larsen explained the Staff Report. Please refer to the 07.14.2026 Staff Report, PowerPoint and Video for additional information through this link: <https://hebercityut.portal.civicclerk.com/event/450/files/agenda/1609>. Ms. Larsen began, the application was for a Subdivision Preliminary for Pod 21C which was a smaller footprint than the previous application just discussed. Ms. Larsen showed the map explaining the site was highlighted in gray. The project was North of Fitzgerald Road and East of Valley Hills Boulevard. In the General Plan designation the project was Neighborhoods with Open Space (NOS) and the zoning was Mountain Community Zone (MCZ). The project was 15.25 acres and would include 123 townhomes.

Ms. Larsen continued, the Staff review of Jordanel Ridge Village 2 Pod 21C focused on site improvements, infrastructure requirements, including drainage, traffic, geotechnical, canal coordination, fire access, and intersection site distances. The application required resolution of a number of remaining items, including an updated traffic impact study, geotechnical recommendations for development near the canal, sensitive lands analysis, and completion of outstanding plan and stormwater report comments, which were in the process of completion. The relative department comments identified items to be addressed through Subdivision Final, and those were included as conditions of approval. The conditions included streetlight compliance, steep slope limitations and buildable areas, fire access, hydrant spacing, as well as turnaround requirements.

Ms. Larsen displayed a Land Use Table and commented, the table shows the lot area, HOA open space, HOA limited common area, private streets, total area and then the 123 lots that are planned. The project had four phasing plans A, B, C and D with some discussion regarding intersection site distances that were requested by the Engineer and also canal grading was another conversation with the applicant.

Ms. Larsen concluded Staff recommended approval of Jordanelle Ridge Village 2 pod 21 C Subdivision Preliminary subject to the following findings and conditions. Findings: The application was consistent with the General Plan. The Planning Commission was the Land Use Authority for the Preliminary status. Conditions: All requirements would be met including the requirements from Wasatch County Fire, the Planning Department, as well as all other code requirements.

The Applicant, Mr. Mike Bradshaw, commented that he agreed with the findings and conditions from the Staff Report and understood what was needed to complete the application. City Engineer Ross Hansen did not have any comments.

Vice-Chair Broughton asked if there had been any concerns or issues that had come up from the building of Fitzgerald Road. Mr. Bradshaw responded, when the Fitzgerald Road was built and tied into Highway 40, all the city's expectations were met and that there was no anticipation of any concerns about the road going forward. At some point they may remove the left-hand turn, but the light had helped significantly.

Motion: Commissioner Royall moved to approve the Subdivision Preliminary for Jordanelle Ridge Village 2 Pod 21 C with the Findings and Conditions and conclusions of the Staff Report. Commissioner Knight made the second.

Discussion: N/A

Voting Yes: Commissioner Slagowski, Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Royall, Commissioner McKinley, Board Member Broughton. **Voting No:** None. The Motion Passed 7-0.

4. Work Meeting:

I. Telecommunication Code Update and Report on Atlas Cell Tower Site (Development Community Director Tony Kohler)

Community Development Director Tony Kohler explained the Staff Report. Please refer to the 07.14.2026 Staff Report, PowerPoint and Video for additional information through this link: <https://hebercityut.portal.civicclerk.com/event/450/files/agenda/1609>. The item was to report on the contract, what City Council had done, to report on the intended Zoning Change that would be brought back to the Planning Commission as a Public Hearing. The intended process was to go through approvals as well as present conceptual drawings and receive the Planning Commissions' feedback for a trajectory that they supported and understood.

Mr. Kohler continued, the City Council agreed and approved a modified contract with Atlas for a Telecommunications Tower to be placed in the cemetery and the contract was signed. The Parks and Cemetery Team has worked out the access to the Telecommunication Tower site,

Mr. Kohler had designed a potential Code Amendment that would allow for fewer, yet taller towers as the Planning Commission had requested. Mr. Kohler also suggested 300 feet for a setback from an existing dwelling and at least 150 percent height set back of the monopole to the nearest existing dwelling. Another change to the code would be to make all zones at least 80 feet in height, except for the Commercial and Industrial zones, which would remain 100 feet. Additionally, Mr. Kohler was going to suggest striking the one-mile separation exception from the code, which would allow City Council to make an exception to the one-mile setback from one pole to the next. However, had decided not to strike this section as the Council would still have a case-by-case ability to assess the site should it be within the mile parameters or the mile circle.

Mr. Kohler suggested the zoning remained Residential Agriculture (RA) and Residential Agriculture-2 (RA-2), and prove that it was a Conditional-Use. The Mayor had asked to make sure that all surrounding neighbors would receive an invitation or notice for a Telecommunications Tower Conditional Use Permit (CUP). Mr. Kohler continued, the closest home was 300 feet away but most of the homes were 400 to 800 feet away.

The Planning Commission had also asked for a Telecommunications Master Plan. Mr. Kohler had designed a Master Plan map but was not sure that it should be called a Master Plan map but more of a heat map. The red represented the hottest areas based on a one-mile separation from pole to pole and the most likely locations within Heber City limits to receive a request for a future cell pole. The red was a presumption that one, the regulation remained with a mile separation, and two, that

technology did not change, and generally, industry kept the poles separated by about a mile. Mr. Kohler continued to explain the heatmap and his predictions for future Telecommunication Towers. And then there was a third presumption, the location he had placed on the map by the Jordanelle Ridge area but that red depended on the ability to place towers around MIDA, the new hotel by the Jordanelle, and on how the resort area develops.

Chairman Jordan added, the D.R. Horton area may need a cell tower as well. Mr. Kohler continued that this was his uninitiated or uneducated presumption of cell phone towers and of what he was seeing from at least the city perspective of the anticipated growth of housing and traffic. Mr. Kohler stated he did not account for new technology nor did he know the applicant's position. Also, that there would be a bypass eventually. Mr. Kohler guessed that the west side of Heber would have some small residential and commercial demands, but the 10,000 or 20,000 vehicle trips per day would get the attention of cell tower companies.

Mr. Kohler asked the applicant, Helmuck Stempler, what he thought of his presumptions and the heat map. Mr. Stempler responded, his company had also looked into areas that may need future development of towers. The mapping from Mr. Stempler's company's research was the same as Mr. Kohler's. Mr. Stempler continued, hearing the developments happening now, are the incentives to also look further into the future and begin acquiring and getting things down the pipeline when developments do start being built and people do start moving to these new developments. Cell Tower companies will not build towers without a population. However, if a development is going to be built, tower companies can do the front-end work and then, when the development becomes populated, construct the tower. But at least that way, the individuals will purchase homes knowing there will be a cell tower in certain locations.

Mr. Kohler asked the applicant, Mr. Stempler, to explain the new cell tower site at the cemetery. Mr. Stempler explained they had met with the Park Director to ensure Heber City's future developments of the area would be taken into consideration. The cell tower site will be located in an area that will not impede future developments. Mr. Stempler explained the approved location at the cemetery, the cell tower would be a monopine design which would cost extra, but the company wanted to invest to ensure less visual impact. Three additional spaces for future carriers was shown. Which would be concrete pads and the carrier would install an outdoor shelter, but they are lower than the fence so they will not be seen.

Commissioner Royall discussed possibly a different type of design but didn't know what a different design could look like. Commissioner Wilson suggested some kind of land art and gave examples of different places where land art exists. Commissioner Royal stated he thought the tower was going to be further towards the old maintenance shed. Mr. Kohler explained, the location it would be placed was the base separation from all the houses in the area. A further discussion continued regarding more pines would be planted and, eventually, the monopine would not stick out as much. Mr. Kohler also explained how the City Council had responded to the monopine.

Commissioner Knight asked about property ownership in the area, Mr. Kohler explained ownership and upcoming changes and developments, including trees and landscaping. Mr. Kohler explained the ongoing process for the application.

Commissioner Slagowski asked Mr. Kohler to provide a picture of a simple pole instead of a monopine, so the Commissioners could see both and compare. Mr. Stempler added, a simple pole could be painted, if that were a preference, but some pictures of a simple pole will be provided at the next meeting (August 25th).

5. Administrative Items:

6. Adjournment:

Motion: Commissioner Slagowski moved to Adjourn, Commissioner Royall made the second.

Discussion: N/A

Voting Yes: Commissioner Slagowski, Commissioner Knight, Chairman Jordan, Commissioner Wilson, Commissioner Royall, Commissioner McKinley, Vice-Chair Broughton. **Voting No:** None. The Motion Passed 7-0.

Meshelle Kijanen, Administrative Assistant



Planning Commission Staff Report

MEETING DATE: 8/25/2026
SUBJECT: Public Hearing to Consider a Sign Code amendment to address signs in the Right of Way (Planning Manager Jamie Baron)
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE:

SUMMARY

The Utah State Legislature passed a law allowing political signs in the Right of Way, but allows for local governments to regulate size. This amendment would allow for signs in the ROW to be 4 square feet.

RECOMMENDATION

Staff is recommending the planning commission forward a positive recommendation to the City Council with the findings and conditions in the conclusion.

BACKGROUND

The Utah State Legislature passed a law allowing political signs in the Right of Way, but allows for local governments to regulate size.

DISCUSSION

The proposed is to limit signs in the right of way to 4 square feet, which is a typical small sign.

FISCAL IMPACT

CONCLUSION

The Utah State Legislature passed a law allowing political signs in the Right of Way, but allows for local governments to regulate size. This amendment would allow for signs in the ROW to be 4 square feet. Staff recommends the Planning Commission forward a positive recommendation with the following findings:

Findings

1. The Planning Commission held a public hearing on August 25, 2026.
2. The Planning Commission forwarded a positive recommendation on August 25, 2026.

ALTERNATIVES

Staff Recommended Option - Positive Recommendation

I move to forward a positive recommendation of the sign code amendment as presented, with the findings and conditions as presented in the conclusion of the staff report.

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. ROW Sign Amendment

18.104 Signs

<u>18.104.010</u>	<u>Purpose,</u>	<u>Scope</u>	<u>And</u>	<u>Applicability</u>
<u>18.104.020</u>	<u>General</u>	<u>Conditions</u>	<u>For</u>	<u>All</u>
<u>18.104.030</u>		<u>General</u>		<u>Standards</u>
<u>18.104.040</u>		<u>Building</u>		<u>Signs</u>
<u>18.104.050</u>		<u>Monument/Landscape</u>		<u>Signs</u>
<u>18.104.060</u>		<u>Streetscape</u>		<u>Signs</u>
<u>18.104.070</u>		<u>Temporary</u>		<u>Signs</u>
<u>18.104.080</u>		<u>Non-Conforming</u>		<u>Signs</u>
<u>18.104.090</u>		<u>Sign</u>		<u>Definitions</u>

18.104.010 Purpose, Scope And Applicability

- A. This Chapter, Chapter 18.104, shall regulate all signs located in Heber City
- B. This chapter provides standards for signage in terms of compatibility with surroundings and promotion of functional and attractive streetscapes.
- C. These regulations are composed to reinforce the character of Heber City, which is defined as a rural community in a setting where views are highly valued, expansive open space is preserved, the historical heritage is a theme, and high-tech lighted signs and extra tall pole signs are contrary to that character.
- D. The regulations contained herein are declared to be the maximum allowable for the purposes set forth. If the Planning Director determines that an application needs further interpretation, he/she may request planning commission review of a proposal. Any sign type not listed is not allowed.
- E. All permanent signs shall be processed as permitted uses. All temporary signs do not require any permits. Building permits are required for all permanent signs except painted wall signs. Face changes on permanent signs for maintenance or updating purposes do not require permits.

18.104.020 General Conditions For All Signs

- A. Materials: All signs must be constructed out of high quality, durable, weather resistant, permanent materials. Exceptions: temporary signs (see temporary signs described in this section).
- B. Sign Types: Wall signs shall be the primary form of identification for a building or business.
- C. Overall Composition: Signs within a small development grouping (a courtyard or short promenade) and a large building group (such as student residences) shall be constructed with complementary styles and methods of construction (i.e., single pan channel letters, awnings, blade signs, etc.) along a combined building frontage.
- D. General Location:

1. Low profile/monument: All signs not attached to a building shall be a minimum horizontal distance of three feet (3') from the public right of way. All freestanding signs shall be at least their height in distance from an adjoining side property line.

2. Vertical Separation and Sight Lines: All exterior building attached signs shall be a minimum vertical distance of eight feet (8') from grade to their lowest point. Signs which exceed three feet (3') in height from grade may not be placed within the sixty foot (60') "sight-line" triangle of motorists, defined as the intersection of two streets. For the intersection of a commercial driveway with a street, the clear view triangle is reduced to 30'. (Sight line: Measured by intersecting lines parallel to the front of curb; finding the intersecting point; measuring back 60 feet in each direction and completing the triangle from those measurements).

E. Interpretation: If there is a question of interpretation within the sign portion of this code, the Planning Director may interpret. If the applicant believes the Director's interpretation is in error, the applicant may request an appeal to the Appeal Authority.

F. Supports/Poles: All supporting objects, poles, and any other means of attaching a sign anywhere (wall, earth, facade, etc.) shall be minimized or concealed so it is not visible, unless otherwise noted, and shall incorporate colors, materials, and/or architectural features of its related building.

G. Maintenance: Every sign shall be kept attractive and in complete operating condition. The required landscape area for freestanding signs shall be kept free from weeds, garbage and debris, and shall be maintained with a mix of evergreen and deciduous shrubs, as well as flowers. Maintenance includes the repair of facades, poles, and sign faces where signs have been removed or damage has occurred; and the painting, rust removal, cleaning and repairing of a sign. Maintenance does not include structural alterations, cosmetic or style changes, enlargements or face changes. Unsafe signs shall be repaired or removed.

H. Traffic Safety: No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal, or which bears words normally used in such signs, i.e., stop, go, slow down, caution, danger, warning, etc. A sign or advertising structure shall not be erected which by reason of size, location, shape, content, coloring or manner of illumination might be confused as a traffic control device. No sign shall have lighting which impairs the vision of anyone traveling upon a public street, or distracts a driver so as to create a public nuisance or endangerment.

I. Lighting: All sign lighting shall be downward directed and shielded to support the City's dark sky goals.

1. External Illumination. The external illumination of signs shall utilize lighting fixtures that comply with the following:

- a. Fixtures shall be full cutoff and fully shielded.
- b. Fixtures shall not permit light above a 90 degree angle perpendicular to the ground.
- c. Fixtures shall be counted toward the allowed lumens outlined in Section 18.78.040.

2. Internal Illumination. The internal illumination of signs shall meet the following standards:

a. Internal illumination is only permitted for the following signs:

i. Channel letter and logo signs

ii. Cutout signs

b. The lighting element shall not be visible. Damaged signs exposing the lighting element shall be promptly repaired. The sign lighting shall be turned off until the sign can be repaired.

3. Backlit Illumination.

a. The lighting element shall not be visible.

J. Properties with insufficient widths to meet the sign frontage standards identified in the following sections, shall be entitled to one shopfront/wall sign (15% of the front façade).

K. Prohibited Signs and Conditions. The following signs are prohibited unless expressly permitted elsewhere in this code:

1. Wind, hot or cold air balloons, inflatables, flashing or blinking signs, chaser lights, laser beams, animated signs, and any signs that move or include moving parts.
2. Statuary/Sculpture used for signage (not including artistic statuary). Statuary/Sculpture of extremely high quality and material may be approved by the Planning Director if it reflects the rural, historical, or mountain themes of the community.
3. Billboard/off premise signs are prohibited.

~~4. Signs within the public right of way, except, public necessity signs, community banners located on approved streetlights, and one A frame sign per business located directly in front of the business in commercial districts on Main Street between 600 N and 600 S, or 600 West between 100 North and 300 South and NVOZ Village Centers.~~

~~5.4.~~ Signs projecting above the roof eave or cornice, roof signs and temporary signs (that are not listed in this code).

~~6.5.~~ No sign, except awning signs, shall extend over to interface with a pedestrian or vehicular access area; interfere with a fire escape, exit, stairway, door ventilator or window; be located within a power line easement without the power company's approval.

~~7.6.~~ Neon lighting or neon signage shall not be employed so as to accentuate the outline of a building.

~~8.7.~~ Digital signs, Electronic message centers, animated signs, flashing signs, except signs displaying gas prices (number messages only)

~~9.8.~~ Banners, A-frame signs, except as may be expressly permitted elsewhere in this code and movable or portable signs, snipe signs.

~~10.9.~~ Signs shall be located to not obscure key architectural details of the building or its' setting.

~~11.10.~~ Murals that contain advertising messages.

~~12.11.~~ Pole signs are prohibited

18.104.030 General Standards

Sign Type Number	Height and Width	Amount and/or Location	Where Allowed
Directional or instructional. One per driveway	4'0' maximum height and 4 sq. ft. maximum size	3 per (final) ownership parcel	All Zones
No trespassing or no dumping. One per frontage	4'0' maximum height and 4 sq. ft. maximum size	4 signs per ownership parcel	All Zones
Plaques, nameplate signs, identification or commemorative plaques. One per door	Maximum size of 2 sq. ft.	4 signs per ownership parcel	All Zones
Flags: Flags, emblems, or insignia	No limit. Size may not create a noise nuisance. 25 foot pole height limit max.	No limit	All Zones
Memorial signs: Memorial signs with names of buildings and date of ground breaking cut into masonry or inlaid as part of the building.	No limit	No limit	All Zones
Notice bulletin boards/kiosks. One per frontage.	Maximum size of 24 sq. ft.	1	All Zones
Holiday decorations: noncommercial signs of a decorative nature, clearly incidental and commonly associated with the appropriate national, local, or religious holiday.	No limit. Must be completely on site with the building or ownership sponsoring or constructing the sign.	No limit	All Zones
Home Occupation Unlit Wall Signs. One per	Maximum size of 4 sq. ft.	1 located on the front facade	All Zones

home occupation business.			
---------------------------	--	--	--

18.104.040 Building Signs

Sign Type	Configuration	Components	Where Allowed
Shopfront and wall: C-3 Zone: 2 signs on the primary facade; 1 parallel and 1 perpendicular/blade/projecting sign (see below standard for parallel and perpendicular signs). Plus 1 additional suspended (if arcade building type) per business. All other permitted Zones: No more than 5 signs for the same business on a primary façade, and 2 signs for a secondary façade. For Multi-Tenant buildings of 3 or more tenants, no more than 1 signs per tenant space on the primary façade, and 1 sign on secondary facades of the tenant space.	Height and width, wall sign: 15% of facade (primary wall), 5% of any other facade Height and width, perpendicular sign: One-dimension (depending on vertical or horizontal orientation) shall not exceed 2'6". Any projecting sign must have a minimum clearance of 8'0" above the public right of way. All object, bands, background of any kind used for the benefit of the sign (unless a distinct architectural feature) will be used to calculate the dimension. There must be a minimum of 15'0" between suspended signs and perpendicular/blade signs.	Composition: Wall signs may not project above, or be mounted above the eave or roof line, whichever is lower. False facades to accommodate larger signs are not permitted. Shall be complementary to the building material and color, with differences in material or finish to be minor, i.e., not jarring or competitive. When using multiple signs per façade, channel letter and logo signs shall be used.	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ

Window signs: Window paint, plastic, films, or a high quality paper (inside only). The material should not deteriorate for a minimum of 30 days.	Height and width: The area of any window sign, except window films on non-primary streets/alleys, shall not exceed 20% of the window (a single window unit or panel; not the entire glass area of a building or facade) on which it resides.	Composition: Lettering shall be displayed on the glass with no back- ground (clear glass) or with translucent background if very small (less than 4 sq. ft. in area). Window films on non-primary streets and alleys may cover 100% of the windows Limited to non-residential uses.	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ
Marquee	1 per business, minimum 8 foot clearance above sidewalk, and maximum 15% of facade (primary wall). May include physically changeable copy.	Limited to theater and performing arts uses	C-3, Village Center in NVOZ
Neon signs (inside window, in storefronts) One per business.	Maximum area: 6 sq. ft.	Limited to non-residential uses	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ
Awning signs: Shall be complementary to the building material and color, with differences in material or finish to be minor.	Height and width: The sign must have a minimum clearance of 8'0" above the public right of way. Such signs shall not project more than 5', nor be less than 2'.	Composition: Lettering shall not exceed 5" on awnings. Awning signs shall not project above any part of the roof line. Text/lettering may cover up to 40% of the awning's surface. Limited to non-residential uses.	C_2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ

Canopy/gas island: Shall be complementary to the building material and color.	Height and width: Height shall not exceed 20'0" from grade and no canopy fascia may exceed 4'0" in height. Individual letters, logos, or symbols may not exceed 3' in height or project out from the canopy more than 18". Shall not exceed 15% of the area of the side of the canopy in which it is located. May include physically changeable copy. Gas price signs may include electronic changeable copy for the prices only.	The canopy shall not extend more than 10'0" from the pump and street side edges shall not encroach on the ROW closer than 10' Lighting: The island shall have sufficient lighting for safety, with light levels between 0.1 to 1.0 foot-candle (depending on the circumstance). The light may be downward directed outside of the canopy area. Limited to non-residential uses	C-2, C-4, I-1, I-2, MURCZ, MCZ, NVOZ
Roof Signs.	Area shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.	Shall not extend above the top of any roof line. Limited to non-residential uses.	C-2, C-3, C-4, PF, MURCZ, PC
Painted Wall Sign	15% of facade (primary wall), 5% of facade any other wall.	Fluorescent paint prohibited. Shall not obscure key architectural features of the building.	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ
Menu Board	2 per business, not located in front yard. May include physically changeable copy, Limited to rear building locations only in the C-3 zone.	Maximum size of 30 square feet and maximum height of 6'	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ

Blade/Projecting Sign	One per business, limited to 12 square feet, with 8' minimum clearance above any sidewalks.	No lighting allowed	C-3, and Village Centers in NVOZ
Rural Iconic Signs	One per frontage Unique distinctive designs that reinforce the rural character of Heber. Up to 50 square feet of sign area.	Shall be located in a landscaped area at least 200 square. Shall be complementary to the building materials and color, with differences in material or finish to be minor, i.e., not jarring or competitive. External lighting, downward directed only. For use only by Planned Shopping Center/Commercial Complex.	C-2, C-4, MURCZ, as a conditional use with final approval by the City Council.

18.104.050 Monument/Landscape Signs

Sign Type	Configuration	Components	Where Allowed
Low Profile/Monument types: Shall be complementary to the adjacent building(s) in material and color. All monument signs must include a masonry (or stone) base (between 1'0" and 2'0" in height). One for every 200' of frontage	Height and width: The sign must not exceed 10' in height from its site grade or from the nearest public right of way. Location: The sign shall be placed in a minimum of 3'0" from the public right of way, with a minimum of 100' between monument signs. Signs shall be set back at least their height or width (whichever is greater) from any adjoining side	Context and setting: Monument signs shall have a minimum of 3'0" of landscaping around the base of the sign, including shrubs, flowers, and ground cover. Structural support poles shall be concealed, unless used as a decorative element of the sign.. The maximum square footage of the sign (not including the masonry base) shall not exceed	C-2, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ Permitted in all residential zones as part of the subdivision approval process when utilized for a neighborhood identification sign and for existing neighborhoods with a known identity, except height shall be limited to 6'.

	property line. May include physically changeable copy and such signs are subject to clear view provisions (see D (2))	30% of the street frontage length (example: 100 linear feet x 30% = 30 sq. ft.), with a maximum of 100 sq. ft. Lighting: Monument signs shall be externally illuminated, without glare to passersby and downward directed and shielded to prevent light spillage onto the roadway or use individually constructed letters with internal lighting (all wiring, mounting brackets, bolts, tracks, etc., shall not be visible).	

18.104.060 Streetscape Signs

Sign Type	Where Allowed
Public necessity signs: Permanent materials shall be used; good quality and attractive. Height and width: Shall meet the minimum and maximum standards of the regulating entity. Installed as required by the City Engineer, Public Works Director or other applicable regulating entity. Community signs - maximum size of 32 square feet, maximum height of 12' for up to 30 days. Community signs, streetlight banners, as approved by the Public Works Director and the Planning Director. See banner policy.	All Zones

<u>A Fram Signs: 1 per business placed directly in front of the business.</u>	<u>Commercial Districts on Main Street between 600 N and 600 S, or 600 West between 100 North and 300 South and NVOZ Village Centers</u>
<u>Temporary Signs in Right-of-Way: Any temporary signs as allowed in 18.104.070, no more than 4 square feet when in right-of-way.</u>	<u>By zones in 18.104.070</u>

18.104.070 Temporary Signs

Sign Type	Configuration	Technique	Where Allowed
Going out of business: Signs announcing the closing of a business or ownership.	A maximum height of sign face of 8' and a maximum size of 64 sq. ft. A maximum overall height of 10' of combined sign and base/support.	3 per business. Must be located entirely on private property, but may be located within 1 block off site. Requires written permission of the private property owner(s) where the signs are to be located. 90 day (maximum) period. Limited to non-residential zones.	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ
Directional development signs: Temporary directional signs for new subdivisions and planned unit developments being marketed or constructed. One onsite construction/development sign.	Height and width: A maximum height of sign face of 8' and a maximum size of 64 sq. ft. A maximum overall height of 10' of combined sign and base/support.	3 per development. Must be located entirely on private property, but may be located within 1 block off site. Requires written permission of the private property owner(s) where the signs are to be located. 90 day (maximum period).	All Zones
Gas pump signs: Shall be complementary to the building material and color. To prevent advertising above gas pumps, a high quality	Height and width may not exceed the base of the standard gas pump. The height and width of	The sign(s) shall be placed within a permanent sign enclosure only (on the base of each side	C-2, C-3, C-4, I-1, I-2, MURCZ, MCZ, NVOZ

changeable sign (bottom portion of the gas pump itself only) may be used to advertise.	the temporary sign must fill the base area completely, replacing the typical plastic panel in some manner.	of the pump). 1 double faced permanent sign (changeable) for each type of fuel sold is allowed per gas island. Limited to non-residential uses.	
Fabric Banners: Special promotion, seasonal, grand opening.	A maximum height of sign face of 3' and a maximum width of the tenant space is permitted.	One banner shall be placed on 1 wall. The sign shall not interfere with a window, ingress/egress, lighting, or mechanical equipment. Limited to non-residential uses.	C-2, C-3, C-4, I-1, I-2, MURCZ, MCZ, NVOZ
A-frame: Special promotion, grand opening out of business.	A maximum height of sign face of 3' and a maximum width of 3' is permitted. Bottom edge shall be weighted.	Only allowed in ROW in commercial districts on Main Street and 600 West (see J (4) and Village Centers in NVOZ. Plastic materials only but may include a chalk board. One per business. Limited to non-residential uses.	C-3, MCZ, NVOZ
Window signs: Signs placed inside a window for temporary advertisement.	A maximum of 20% of a window panel area may be used for a permanent (changeable) sign or temporary advertisement.	1 per building side, mounted from the inside of the building. Limited to non-residential uses.	C-2, C-3, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ
Post and stake signs: Signs mounted to posts, poles, or stakes, and in any way attached to the ground.	A maximum height of 4' and a maximum size of 20 sq. ft. is permitted.	1 per street front. Limited to non-residential uses.	C-2, C-4, I-1, I-2, BMP, CMP, PF, MURCZ, MCZ, RC, PC, NVOZ, R

	A maximum overall height of 10' for combined sign and base/support. Such signs may be used for home occupations in any residential zone but are limited to 4' square foot and shall be setback at least 5' from the ROW.		zones for home occupations.
Political Signs: Political or campaign signs on behalf of candidates for public office or measures on ballots.	Shall not be placed within the 60 foot sight triangle, nor in any other location that creates a vehicular or pedestrian traffic visibility hazard. <u>4 square feet maximum in public right-of-way.</u>	No limit. Political and campaign signs may be placed only with the approval of the property owner and must be placed on private property and not on public property or in a public right-of-way. <u>May not be placed on public property other than right-of-way.</u>	All Zones
Real estate and Development signs: Any sign used to advertise the sale, development, or lease of an individual property.	8 foot max height. The sign shall not be located in the public right of way.	1 sign permitted per street frontage.	All Zones
* No temporary sign may be displayed for longer than 3 months. No temporary sign shall be considered a permanent sign. All temporary signs shall be maintained in a new appearance with no torn fabrics, faded lettering or designs, etc.			

18.104.080 Non-Conforming Signs

A. Moving, Extensions Or Alterations: A nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered, or enlarged unless the sign is changed so as to conform to all provisions of this chapter. A nonconforming sign may be temporarily removed for routine maintenance and reinstalled in the same location and manner. When a change of use occurs, the new use shall extinguish the non-conforming nature of the existing sign and construct a conforming sign. Alterations shall also include the changing of the text or message of the sign as a result of a change in use of the property. Alterations

shall not be interpreted to include changing the text or copy on multi-tenant, theater signs, or other similar signs which are designed to accommodate changeable copy. Specific modifications may be permitted to nonconforming signs designated as historic signs (50 years or older and having cultural and architectural design significance) as per review and approval by the City Council.

B. Unsafe Signs: If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after the building official or code enforcement officer gives notice pursuant to section C, the building inspector may abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the city the costs incurred in such removal within thirty (30) calendar days after written notice is mailed to such person.

C. Non-maintained, Unsafe, Or Abandoned Signs: The building official or code enforcement officer may require each non-maintained, unsafe, or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.

D. Illegal Signs: If an illegal sign is not brought into compliance with the provisions of these sign regulations within thirty (30) working days after the building official or code enforcement officer gives notice pursuant to subsection C of this section, the building inspector and/or code enforcement officer may abate and remove the sign, and the owner, person having charge, control or benefit of any such sign shall pay to the city the costs incurred in such removal within thirty (30) calendar days after written notice is mailed to such person.

E. Restoration Conditions: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God or damaged by any other cause, to the extent of more than sixty percent (60%) of their replacement value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter, or shall be removed.

18.104.090 Sign Definitions

A. Sign. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag, badge, or insignia of any government or governmental agency erected for and used to identify said government or governmental agency.

B. Sign, A-Frame. Any portable sign, structure, or configuration composed of 1 or 2 sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section.

C. Sign, Abandoned. A sign which no longer correctly directs or influences any person, advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.

D. Sign, Animated. A sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights.

E. Sign Area. The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same object shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display, with posted copy.

F. Sign, Awning. An awning having copy or logo, or which is back-lit or externally illuminated or a non-illuminated which does not have an architecturally compatible color and design with the structure.

G. Sign, Off Premise/Billboard. An advertising sign which directs attention to a business, product, commodity, or services not related to the premises on which it is erected, and which is designed and constructed for the display of a temporary and changeable face advertising such business, product, commodity, or service, for which a sign permit is not required for the face change of the sign.

H. Sign, Changeable Copy. A sign on which the copy is changed manually such as a reader board with changeable letters, and electrically controlled time and temperature signs. It does not include poster panels or painted signs.

I. Sign, Cutout. A sign with an opaque cabinet face and semi-opaque lettering, permitting only the lettering to be illuminated.

J. Sign, Digital. A sign where the content of the sign is projected through the use of electronic devices or technology. Such signs include, but are not limited to, electronic message centers, LED, LCD, or Plasma screens, and projectors.

K. Sign, Festive Flag Banner. A flag or banner constructed of cloth, canvas or light fabric that is hung from a light pole. The flag/banner shall contain no advertising except for cultural events; i.e., Wasatch County Fair Days, special holidays/seasons, etc.

L. Sign, Flashing. A sign or parts thereof which is intermittently on and off or which revolves in such a manner to create the illusion of being on and off, with the exclusion of time and temperature signs.

M. Sign, Flat. A sign erected parallel to and attached to the outside wall of a building and extending out not more than eighteen inches from such wall with messages or copy on the face side only.

N. Sign, Floodlighted. A sign made legible in the absence of daylight by devices which reflect or project light upon it from a downward angle.

O. Sign, Free-Standing (or Pole Sign). A sign supported by a fixed permanent form(s) or support(s) in the ground.

P. Sign, Monument Sign/Low Profile. A low sign where the extent of the sign surface is attached to the ground or a foundation in the ground, and where there are no poles, braces, or other visible means of support other than attachment to the ground. Includes neighborhood identification signs provided for new subdivisions and for existing areas with known neighborhood identity.

Q. Sign, Guide and Directional. Signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; public or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural beauty or naturally suited to outdoor recreation. Directional signs may also be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties on which they pertain. No such sign is to be used for advertising purposes and shall not exceed 6 square feet in area.

R. Sign, Home Occupation. An unlit sign identifying a home occupation legally existing on the premises.

S. Sign, Illuminated. A sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

T. Sign, Interior. A sign located within a building so as to be visible only from within the building in which the sign is located.

U. Sign, Marquee or Canopy. A sign attached to or constructed in or on a canopy or marquee and as defined separately in this chapter.

V. Sign, Menu Board. A sign that is used to advertise the product available at a fast food restaurant.

W. Sign, Movable (or Portable). A sign excluding real estate signs constructed so as to allow the sign to be moved on vehicles or transported by hand.

X. Sign, Name Plate. A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

Y. Sign, Nonconforming. A sign or sign structure of portion thereof lawfully existing at the time this Code became effective, which does not conform to all regulations prescribed in the district in which it is located.

Z. Post and stake signs: Signs mounted to posts, poles, or stakes, and in any way attached to the ground.

AA. Sign, On-Premise. A sign which directs attention to a business, commodity, product, use, service or other activity which is sold, offered or conducted on the premises upon which the sign is located.

BB. Sign, Projecting. A sign attached to a building and extending in whole or in part more than eighteen inches beyond any wall of the building.

CC. Sign, Property. A temporary sign related to the property on which is located advertising contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

DD. Sign, Public Necessity or Hazard. A sign informing the public of any danger or hazard existing on or adjacent to the premises.

EE. Sign, Real Estate. A temporary sign related to the property on which it is located and offering such property for sale or lease.

FF. Sign, Roof. A sign erected partly or wholly free-standing on or over the roof of a building.

GG. Sign, Service. A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots or location of restrooms.

HH. Sign, Snipe. A sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, or other objects with the message appearing thereon.

II. Sign, Structure. The supports, uprights, bracing, cables and framework of a sign or outdoor display.

JJ. Sign, Temporary. A banner, pennant, valance or advertising display constructed of paper, cloth, canvas, fabric, cardboard, wall board or other materials, with or without frames, intended to be displayed in or out of doors for a short period of time; shall include political signs, special events signs, special business promotions or movable signs.

KK. Sign, Wall. A sign that is either painted on a building wall or it's facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

LL. Sign, Wind. Any propeller or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including pennants, flags or banners.

MM. Sign, Window. A sign either attached to a window or door or located within a building so as to be visible through a window or door from outside of the building.

NN. Marquee. A permanent roofed structure over the entrance to a building often bearing an advertising sign. This structure is designed to meet all provisions of the current Building Code and other specifications as outlined in this Code. Where specifications in this Code and the Building Code as adopted by Heber City differ, the more restrictive shall apply.

OO. Community Signs. Temporary, on or off-premise signs, generally made of a woven material or durable synthetic materials primarily attached to or hung in a vertical fashion from light poles or on buildings, of solely a decorative, festive, and/or informative nature

announcing activities, promotions, events, seasonal or traditional themes having broad community interest, and which are sponsored or supported by Heber City, or a local community based non-profit organization.

PP. Planned Shopping Center/Commercial complex. A group of three (3) or more architecturally unified commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that it serves. The unit provides on-site parking in definite relationship to the types and total size of the stores. Thus any number of small single ownership commercial developments would not qualify as a shopping center.

QQ. Sign, Rural Iconic. A uniquely designed sign that reinforces the rural theme of Heber and does not conform to conventional sign designs.



Planning Commission Staff Report

MEETING DATE: 8/25/2026
SUBJECT: Public Hearing to consider a Text Amendment addressing the undergrounding of existing utilities.(Planning Manager Jamie Baron)
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE:

SUMMARY

The City Council adopted a temporary ordinance to no longer require existing utilities to be ungrounded. The proposed is to make this code change permanent.

RECOMMENDATION

Staff recommends the planning commission forward a positive recommendation with the findings in the conclusion of this report.

BACKGROUND

The City Council was approached by property owners about the cost to bury power and communication lines. The Council adopted a temporary ordinance allowing existing utilities to remain above ground when the adjacent parcel is developed.

DISCUSSION

FISCAL IMPACT

N/A

CONCLUSION

The City Council was approached by property owners about the cost to bury power and communication lines. The Council adopted a temporary ordinance allowing existing utilities to remain above ground when the adjacent parcel is developed. The proposed amendment would make this change permanent. Staff is recommending the Planning Commission forward a positive recommendation with the following findings:

Findings

1. The Planning Commission held a public hearing on August 25, 2026.
2. The Planning Commission forwarded a positive recommendation on August 25, 2026.

ALTERNATIVES

Staff Recommended Option - Positive Recommendation

I move to **forward a positive recommendation** of the utility text amendment as presented, with the findings and conditions as presented in the conclusion of the staff report.

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. 1779839485_Ordinance 2026-10

ORDINANCE 2026-10

NOTICE OF PENDING ORDINANCE

UNDERGROUND PUBLIC UTILITIES

An ordinance establishing temporary regulations pertaining to the requirement for existing above-ground utilities to be buried underground upon development/redevelopment.

NOTICE is hereby given to all interested persons that Heber City is currently considering an ordinance modifying, amending and affecting the regulations pertaining to the requirement for the burial of existing above ground utilities by development/redevelopment.

In accordance thereto, and pursuant to State Code, **10-20-504 Temporary Land Use Regulations**; this Ordinance is proposed to put the public on notice that a Pending Ordinance entitled “Underground Public Utilities” is hereby adopted for a period not to exceed **one hundred eighty (180)** days from the effective date of this Ordinance, to allow Heber City time to either formalize the pending ordinance, amend the existing ordinance or determine not to adopt.

WHEREAS, Heber City through the City Council has determined that a compelling, countervailing public interest exists in enacting this temporary land use ordinance to allow the City to examine its Zoning Ordinance; and

WHEREAS, the City Council of Heber City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of Heber City to enact this Temporary Land Use Ordinance as set forth below.

NOW, THEREFORE, the City Council finds it in the public interest to adopt the Underground Public Utilities Pending Ordinance.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.117.030 C. of Heber City Municipal Code is hereby amended as shown in Exhibit A.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Temporary Land Use Ordinance does not involve any development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor, pursuant to Utah Code, **10-20-504, (3)(a)(b)**.

This Ordinance shall become effective as set forth below and shall remain in effect for one-hundred eighty (180) days from the effective date.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 19th day of May, 2026.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne Barney	<u>X</u>	_____	_____	_____
Aaron Cheatwood	<u>X</u>	_____	_____	_____
Michael Johnston	<u>X</u>	_____	_____	_____
Morgan Murdock	<u>X</u>	_____	_____	_____
Sid Ostergaard	<u>X</u>	_____	_____	_____

APPROVED:

Heidi Franco
Mayor Heidi Franco



ATTEST:

Nina Wallace Date: 5/19/2026
RECORDER

EXHIBIT A

18.117.030 Improvements

- A. Requirements. The following improvements, designed according to the adopted Heber City Standard Specifications and Drawings, shall be installed in all subdivisions. The improvements shall include:
 - 1. Drinking Water, Pressurized Irrigation, Sewer, Storm Drain, Solid Waste:
 - a. A potable water supply in amounts and manner as required under Section 17.28.030 of this chapter in accordance with the State Board of Health Standards;
 - b. The installation of Drinking Water mains and Drinking Water laterals to each lot property line
 - c. Sewer mains, and sewer laterals to each lot property line;
 - d. Fire hydrants and locations as directed by the Fire Marshal
 - e. Solid waste disposal facilities
 - f. Storm drain system
 - g. Pressurized irrigation system.
- B. Streets:
 - 1. The grading and graveling of all streets and the installation of all required culverts
 - 2. The hard-surfacing of all streets.
 - 3. Curbs and gutters and sidewalks.
- C. Public Utilities. Electric, cable/internet natural gas, and telephone lines shall be installed. These utilities shall be located underground., ~~except when major transmission lines are on site and when other adjacent property owners would be impacted.~~ Existing above ground utilities are not required to be placed underground.
- D. Survey Monuments.
- E. Sensitive lands and environmental hazards shall be addressed as per Chapter 18.67.
- F. Street lighting.



Planning Commission Staff Report

MEETING DATE: 8/25/2026
SUBJECT: Public Hearing to consider an amendment to Food Trucks in the Right of Way. (Planning Manager Jamie Baron)
RESPONSIBLE: Jamie Baron
DEPARTMENT: Planning
STRATEGIC RELEVANCE:

SUMMARY

The proposed amendment is to allow food trucks the ability to set up on the 200 S festival street and stay overnight.

RECOMMENDATION

Staff is recommending the planning commission forward a positive recommendation with the findings in the conclusion of this report.

BACKGROUND

Since the completion of the festival street on 200 south, the City has been allowing food trucks to set up as part of events. These trucks have had to use noisy generators and leave each night. This spring, the city had additional power placed on the street to allow the trucks to plug in while on plaza and will be holding events. It is the desire of the City to allow the trucks to set up overnight so they can attend multiple days of events without having to take them down each night.

DISCUSSION

FISCAL IMPACT

N/A

CONCLUSION

The proposed amendment is to allow food trucks the ability to set up on the 200 S festival street and stay overnight as part of events. Staff is recommending the planning commission forward a positive recommendation with the following findings:

Findings

1. The Planning Commission held a public hearing on August 25, 2026.
2. The Planning Commission forwarded a positive recommendation on August 25, 2026.

ALTERNATIVES

Staff Recommended Option - Positive Recommendation

I move to forward a positive recommendation of the food truck amendment as presented, with the findings and conditions as presented in the conclusion of the staff report.

POTENTIAL MOTIONS

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. Food Trucks on Festival Street

18.68.608 Mobile Food Vendors (D)

D. Food Trucks

1. Retail sales are restricted to Commercial, Industrial, and Manufacturing Zones and shall:
 - a. Only be permitted at an existing brick and mortar business location, with the property owner's written permission.
 - b. Provide, maintain, and remove trash receptacles for the duration of sales and/or event.
 - c. Provide sanitation services for employees and patrons. An agreement with the hosting business may satisfy this requirement.
 - d. Exceptions: Retail sales are permitted on public and private school property with written permission of the school district or property owner, regardless of the zone.
 - e. Retail sales are permitted at parks or on public property as part of a Civic, Recreation, or Special Event with written permission of the property owner, regardless of the zone.
2. Dining areas are only permitted when approved by the property owner and shall be set up and taken down with each occurrence.
3. Food Trucks shall not be parked at a sales location overnight without written permission from the property owner. Food Trucks shall not be parked overnight on public property or within a public right of way, with the exception of 200 South between Main Street and 100 W, with the permission of the City.-



Planning Commission Staff Report

MEETING DATE: 8/25/2026

SUBJECT: Public Hearing for proposed amendment to the Standard Specifications and Heber City Code regarding water and sewer connection standards for Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units.(Community Development Director/Tony Kohler)

RESPONSIBLE: Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

The City adopted the new Central Heber Overlay Zone (CHOZ) last year. The CHOZ provides more flexibility for infill and redevelopment than past policies and code permitted. The City's Engineering Standards and Specifications, as well as its water and sewer connection codes, are out of date with this new flexibility, as they address all connections as if they are detached single-family dwellings. The proposed policy updates address the new home types and needed flexibility, primarily to have connections to private sewer and water mains. The second issue is the City's Condominium Code is overly restrictive and dissuades multi-family developments from converting into condominium developments. The proposed update simplifies the Condominium Code.

RECOMMENDATION

Staff recommends the Planning Commission hold the public hearing and make a recommendation at the following meeting. If Planning Commission doesn't have significant comments or public comments regarding the amendment, the Planning Commission could consider making a recommendation after the public hearing.

BACKGROUND

The proposed amendments were brought up to address redevelopment and infill in the CHOZ. Recently the City has been approached by an apartment owner that would like to convert the apartments into Condominiums. Through this process, Staff discovered the many challenges the Condominium Code provides to this process.

Most Condominiums first go through the City's site plan approval process and construct the buildings as apartments, and address setbacks, height, parking and open space requirements at that time. Later, sometimes a year or two later, owners of these apartments return to the City with a

Condominium Plat to convert the apartments into owner occupancy Condominiums. Owner occupancy is the difference between apartments and condominiums. Apartments and Condominiums are constructed the same way and have the same parking, open space, height, density and setback requirements.

DISCUSSION

Below is a summary of the changes being proposed. See attached text for actual proposed language.

Section 18.117.030 Improvements

- This is part of the City's subdivision standards. The update adds a reference to the Standards and Specifications, which contain the standards for connection to water, sewer, storm drain and irrigation facilities, rather than keeping a separate code and standard that could conflict with the Standards and Specifications.

Section 18.117.020 Condominiums

- A, C, and C4: minor text update to add clarity
- D. 1: moved to D. 11, whereby the City can withhold the Condominium application until life-safety issues are resolved.
- D. 3: parking section removed and replaced with D. 4. Most apartment complexes already comply with the parking code. D.4. indicates that if there has been an illegal change to parking on the property, that needs to be rectified. The general reference to parking in D.3. was removed because the use is already in place and already has parking, and a conversion to a Condominium will not increase parking demands over apartments and would dissuade that ownership occupancy from occurring.
- D.5 and D.6.: If an apartment complex and all improvements are already in place and constructed, and are either conforming to the code or grandfathered, there is little chance that such an apartment complex could reasonably be modified to add more open space or landscaping over what was included at the time of construction, thus providing a disincentive to convert apartments to condominiums. Thus this section is proposed to be deleted.
- D.4 (New Section). This requires that a development that has been illegally modified to the point where the development doesn't comply with parking, landscaping or open space requirements, would need to be modified to comply with the city code.
- D.5 (New Section) Added a reference to Standards and Specifications
- D.8, D.9., D.10: Deletion of sections that may conflict with Standards and Specifications.
- E. Approval Process. Update that permits a fully compliant apartment complex that is already constructed to go through a small subdivision process rather than a large scale process. With an already constructed and approved site, there is little need to go through preliminary and final approval just to create a subdivision Condominium Plat.

13.04.240, 13.04.270 13.08.230 and 13.32.270

Added a reference to Standards and Specifications for the new CHOZ housing types.

Standards and Specifications

1.03 deletion of Section 1.03 and replacement with entirely new language

1.03 Revised: permits the connection of new housing types to private easements and private utilities

with approval by City Engineer

Condos: can share water sewer connections if an HOA is established

Shut Off Valves: required for each individually owned unit.

Shared irrigation services are permitted with HOAs.

Flag Lots and SDUs (CHOZ) can share private sewer main under certain conditions (manholes at right of way and separate billing for each parcel). Shared irrigation also permitted with HOAs and location of services at right of way.

FISCAL IMPACT

The proposed amendment will promote infill and redevelopment and home-ownership in the CHOZ in the core of town.

CONCLUSION

The proposed amendment simplifies the sewer and water connection policies to address the new dwelling types permitted in the CHOZ and simplifies the Condominium Code to promote mutli-family dwelling conversions to an owner occupied type, Condominiums.

ALTERNATIVES

Staff Recommended Option - Approval

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

Alterntive 2 - Continuance

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

Alternative 3 - DENIAL

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

POTENTIAL MOTIONS

ACCOUNTABILITY

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

EXHIBITS

1. Utility Service Update Redline
2. Utility Service Update Clean

**Amendment to the Standard Specifications and Heber City Code
regarding water and sewer connection standards for Flag Lots,
Commercial and Residential Condominiums, Townhomes and
Subordinate Dwelling Units and other individually owned units. Date: August
11, 2026
Redline-Strikeout Version**

18.117.030 Improvements

- A. Requirements. The following improvements, ~~designed according to the adopted Heber City Standard Specifications and Drawings~~, shall be designed according to Heber City Standard Specifications and Drawings and installed in all subdivisions. The improvements shall include:
1. Drinking Water, Pressurized Irrigation, Sewer, Storm Drain, Solid Waste:
 - a. A potable water supply in amounts and manner as required under Section 17.28.030 of this chapter in accordance with the State Board of Health Standards;
 - b. The installation of Drinking Water ~~m~~Mains and Drinking Water laterals to each lot, ~~-unit~~ or property line;
 - c. Sewer mains, and sewer laterals to each lot property line;
 - d. Fire hydrants and locations as directed by the Fire Marshal;
 - e. Solid waste disposal facilities;
 - f. Storm drain system; and
 - g. Pressurized irrigation system.
 2. Streets:
 - a. The grading and graveling of all streets and the installation of all required culverts
 - b. The hard-surfacing of all streets.
 - c. Curbs and gutters and sidewalks.
 3. Public Utilities. Electric, cable/internet natural gas, and telephone lines shall be installed. These utilities shall be located underground. Existing above ground utilities are not required to be placed underground.
 4. Survey Monuments.
 5. Sensitive lands and environmental hazards shall be addressed as per Chapter 18.67.
 6. Street lighting.

18.117.020 Condominiums

- A. Purpose. Utah State Code establishes condominiums as a form of subdivision. Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit attached residential dwellings (aka multi-family dwellings). ~~residential condominium dwelling units~~. Conversions of legal and legally non-conforming multi-family dwellings ~~may also be are~~ permitted and approved as per this ordinance.
- B. Approval Required. Prior to the construction or conversion of any building or use as determined as a condominium, a subdivision plat and site plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards

contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

- C. ~~Submittal Requirementssion of Application~~. The owner or developer of a proposed condominium project or conversion project shall file an application with the City. Such application shall be accompanied by and be in accordance with the following:
1. The surveyed subdivision plat shall be drawn to scale in accordance with the Heber City subdivision process and current Standard Specifications and Drawings as adopted by the City. Such subdivision plat shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.
 2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, it shall display proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.
 3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or homeowners organization (HOA).
 4. ~~Where conversions of existing buildings are proposed as part of the project, A~~ site and building condition report ~~prepared by a Fire Code and Building Code Official/Inspector~~ containing information that compares the existing construction to the International Building Code ~~and Fire Code~~ requirements, ~~along with an assessment of the general condition of the building and site improvements, shall be submitted as part of the application together with a plan of all proposed improvements and repairs.~~

~~D. Standards for Approval. Review by The Planning Commission. After DRM/staff review and application revisions, if needed, the Planning Commission shall review the proposed application, processed as a preliminary plat, and related documents to determine whether the project conforms with all appropriate requirements, Condominiums shall conform to the following.~~

~~1. Standard Specifications and Drawings of the City.~~

~~D.2. _____ and is in conformance with the The~~ Utah Condominium Ownership Act.

1. ~~For conversions of existing buildings to condominiums, if the Building Official finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all life/safety violations have been corrected.~~
2. ~~The proposed project shall be consistent with t~~The International Fire Code and Adopted Building Codes, verified by inspections through the Building Department ~~and Fire Department.~~
3. ~~Depending on the current use parking demand, additional parking needs shall be based on occupancy levels and proposed customer demand, but in no way shall it be less than what is required under the zoning district in which the project is proposed.~~
4. ~~Site access shall be evaluated and modified to meet the needs of the new proposed use, considering traffic patterns, traffic generations, and the anticipated population of the development.~~
5. ~~A minimum of 20% of the gross area of the site shall be open space~~
3. ~~If not already in compliance with the Zoning Ordinance, additional landscaping to assure appropriate buffering and compatibility with adjacent uses, is required.~~

6.4. ~~_____ The development shall conform or shall be made to conform to the parking, landscaping and open space requirements in effect at the time of construction of the development.~~

7.5. ~~_____ Utility-Utilities and utility~~ meters shall be installed to the development and/or each condominium unit as specified by the applicable utility ~~and/or the City Standard Specifications and Drawings.~~

8. ~~Water meters shall be installed according to City Standard Specifications and Drawings at street rights-of-way.~~

9. ~~All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the City Engineer deems them essential for the feasibility of the project.~~

10. ~~Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.~~

11.6. ~~_____ Prior to recording the final plat, building and site deficiencies shall be corrected or bonded for. The City may hold the Condominium application until such time that all life/safety violations have been corrected.~~

E. ~~Approval Process. Preliminary and Final Plat Final Approval. For previously completed constructed developments, subdivisions or site plans, a follow-up Condominium Plats shall~~may be approved through the procedures for a Small Subdivision. ~~Condominium Plats for developments that have not been constructed and approved through the City's subdivision and site plan procedures shall follow the approval procedures for a Large Scale Subdivision, which includes Preliminary and Final Approvals. are required by Utah State Code to follow a Preliminary and Final Plat Process. The Planning Commission shall be the Land Use Authority for the Preliminary Plat of a condominium plat. The Planning Director, or designee, shall be the Land Use Authority for Final Plat Approval of a condominium plat. Approval of a condominium project shall remain in effect and only expire pursuant to the submittal of a new application that negates the condominium application.~~

13.04.240 Separate Service Upon Noncompliance

Where two or more premises are now supplied from the same water service, the failure on the part of either of said parties to comply with the provisions of this Chapter shall warrant the Public Works Director in withholding water until a separate service is installed from the City system to water user. Provided, however, Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units expressly permitted by the zoning ordinance may have individual water service provided from private mains pursuant to approval of the City Engineer and pursuant to the requirements of the City's adopted Standards and Specifications.

13.04.270 Installation of Water Services

A. All water services and other pipes used shall be installed in the street park strip or property line per the Heber City Standard Specifications laid not less than five (5) feet below the surface of the ground.

- B. All installations and alterations of water services shall be inspected and accepted by the Public Works Department.
- C. No private water service shall be extended to provide water to an adjacent parcel. Each parcel of land receiving water shall have its own individual service from the public main.
 - 1. Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units expressly permitted by the zoning ordinance may have individual water service provided from private mains pursuant to approval of the City Engineer and pursuant to the requirements of the City's adopted Standards and Specifications.

13.08.230 Separate Sewers Required

- A. A separate and independent building sewer lateral shall be provided for every lot extending from the front of the lot to the main in the street.
 - 1. Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units expressly permitted by the zoning ordinance may have individual sewer service provided from private mains pursuant to approval of the City Engineer and pursuant to the requirements of the City's adopted Standards and Specifications.
- B. Where one lot stands at the rear or side of another through an adjoining alley, court, yard or driveway and can only be serviced by constructing a private sewer, as determined by the City Engineer, the City will require the owner of the lot needing service to obtain a recorded agreement or easement over the property crossed lot. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

13.32.270 Separate Connections

It is unlawful for separately described parcels (pursuant to the records of the Wasatch County Recorder) to be supplied from the same City-maintained service valve, unless approved by the City Engineer pursuant to the requirements of the City's adopted Standards and Specifications.

Existing Standards & Specifications Language

- ~~1.03 — All parcels receiving water, sewer, or irrigation service shall have their own independent services and laterals. These laterals or services shall be contained within the parcel or along the frontage of the property for which the service is intended to eliminate special utility easements crossing adjacent properties.~~

Proposed Standards & Specifications Language

The City shall own and operate all culinary water mains and appurtenances located on the City side of the city owned customer service box. Sanitary sewer, pressurized irrigation, and storm drain mains and system components located in private roads and areas shall be privately owned unless otherwise approved by the City Engineer. City owned infrastructure located in private areas shall be located within easements granted to Heber City. Notes designating public or private ownership of utilities should be included on development plats whenever possible.

- 1.03 All residential or commercial parcels receiving water, sewer, and/or irrigation service shall have their own independent services and laterals. These laterals or services shall normally be contained along the parcel frontage within the public right-of-way or in the parcel near the roadway frontage of the property for which the service is intended.

Exceptions to Individual Parcel City Service Requirements:

Condominium units within a shared exterior building structure may share culinary water and sanitary sewer service connections if property owner associations are established and billing accounts for the property owner associations are established properly with the City.

All units sharing a culinary water connection shall include individual unit shut-off valves and backflow prevention devices. Individual unit sub-metering is also recommended.

Developments with established property owner associations and shared common areas may utilize shared irrigation services for these areas provided that billing accounts for the property owners associations are established properly with the City.

Flag-Lot and SDU (Subordinate Dwelling Unit) developments may share a private sewer main to serve multiple parcels if the shared private line meets Heber City and Utah Division of Water Quality minimum requirements, is located within an accessible area and City approved easements are established in favor of all parcels using the shared facility. The point of connection into the City sewer system will be at a cleanout or manhole located at the right-of-way line. When a shared private sewer main is approved, each parcel owner will be billed separately for sewer service.

Flag-Lot and SDU developments may also utilize shared irrigation services to serve multiple parcels if the shared portion of the private line is located within an accessible area and City approved easements are established in favor of all parcels using the shared facilities and if property owner associations are established and billing accounts for the property owner associations are established properly with the City. Shared irrigation services shall be located along the parcel frontage at the public right-of-way.

**Amendment to the Standard Specifications and Heber City Code
regarding water and sewer connection standards for Flag Lots,
Commercial and Residential Condominiums, Townhomes and
Subordinate Dwelling Units and other individually owned units. Date:
August 11, 2026
Clean Version**

18.117.030 Improvements

- A. Requirements. The following improvements shall be designed according to Heber City Standard Specifications and Drawings and installed in all subdivisions. The improvements shall include:
1. Drinking Water, Pressurized Irrigation, Sewer, Storm Drain, Solid Waste:
 - a. A potable water supply in amounts and manner as required under Section 17.28.030 of this chapter in accordance with the State Board of Health Standards;
 - b. The installation of Drinking Water Mains and Drinking Water laterals to each lot, unit or property line;
 - c. Sewer mains, and sewer laterals to each lot property line;
 - d. Fire hydrants and locations as directed by the Fire Marshal;
 - e. Solid waste disposal facilities;
 - f. Storm drain system; and
 - g. Pressurized irrigation system.
 2. Streets:
 - a. The grading and graveling of all streets and the installation of all required culverts
 - b. The hard-surfacing of all streets.
 - c. Curbs and gutters and sidewalks.
 3. Public Utilities. Electric, cable/internet natural gas, and telephone lines shall be installed. These utilities shall be located underground. Existing above ground utilities are not required to be placed underground.
 4. Survey Monuments.
 5. Sensitive lands and environmental hazards shall be addressed as per Chapter 18.67.
 6. Street lighting.

18.117.020 Condominiums

- A. Purpose. Utah State Code establishes condominiums as a form of subdivision. Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit attached residential dwellings (aka multi-family dwellings). . Conversions of legal and legally non-conforming multi-family dwellings are permitted and approved as per this ordinance.
- B. Approval Required. Prior to the construction or conversion of any building or use as determined as a condominium, a subdivision plat and site plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.
- C. Submittal Requirements. The owner or developer of a proposed condominium project or conversion project shall file an application with the City. Such application shall be accompanied by and be in accordance with the following:

1. The surveyed subdivision plat shall be drawn to scale in accordance with the Heber City subdivision process and current Standard Specifications and Drawings as adopted by the City. Such subdivision plat shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.
 2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, it shall display proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.
 3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or homeowners organization (HOA).
 4. A site and building condition report prepared by a Fire Code and Building Code Official/Inspector containing information that compares the existing construction to the International Building Code and Fire Code requirements, along with an assessment of the general condition of the building and site improvements.
- D. Standards for Approval. Condominiums shall conform to the following.
1. Standard Specifications and Drawings of the City.
 2. The Utah Condominium Ownership Act.
 3. The International Fire Code and Adopted Building Codes, verified by inspections through the Building Department and Fire Department.
 4. The development shall conform or shall be made to conform to the parking, landscaping and open space requirements in effect at the time of construction of the development.
 5. Utilities and utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility and/or the City Standard Specifications and Drawings.
 6. Prior to recording the final plat, building and site deficiencies shall be corrected or bonded for. The City may hold the Condominium application until such time that all life/safety violations have been corrected.
- E. Approval Process. . For previously constructed developments, a follow-up Condominium Plat may be approved through the procedures for a Small Subdivision. Condominium Plats for developments that have not been constructed and approved through the City's subdivision and site plan procedures shall follow the approval procedures for a Large Scale Subdivision, which includes Preliminary and Final Approvals. Approval of a condominium project shall expire pursuant to the submittal of a new application that negates the condominium application.

13.04.240 Separate Service Upon Noncompliance

Where two or more premises are now supplied from the same water service, the failure on the part of either of said parties to comply with the provisions of this Chapter shall warrant the Public Works Director in withholding water until a separate service is installed from the City system to water user. Provided, however, Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units expressly permitted by the zoning ordinance may have individual water service provided from private mains pursuant to approval of the City Engineer and pursuant to the requirements of the City's adopted Standards and Specifications.

13.04.270 Installation of Water Services

- A. All water services and other pipes used shall be installed in the street park strip or property line per the Heber City Standard Specifications laid not less than five (5) feet below the surface of the ground.
- B. All installations and alterations of water services shall be inspected and accepted by the Public Works Department.
- C. No private water service shall be extended to provide water to an adjacent parcel. Each parcel of land receiving water shall have its own individual service from the public main.
 - 1. Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units expressly permitted by the zoning ordinance may have individual water service provided from private mains pursuant to approval of the City Engineer and pursuant to the requirements of the City's adopted Standards and Specifications.

13.08.230 Separate Sewers Required

- A. A separate and independent building sewer lateral shall be provided for every lot extending from the front of the lot to the main in the street.
 - 1. Flag Lots, Commercial and Residential Condominiums, Townhomes and Subordinate Dwelling Units and other individually owned units expressly permitted by the zoning ordinance may have individual sewer service provided from private mains pursuant to approval of the City Engineer and pursuant to the requirements of the City's adopted Standards and Specifications.
- B. Where one lot stands at the rear or side of another through an adjoining alley, court, yard or driveway and can only be serviced by constructing a private sewer, as determined by the City Engineer, the City will require the owner of the lot needing service to obtain a recorded agreement or easement over the property crossed lot. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

13.32.270 Separate Connections

It is unlawful for separately described parcels (pursuant to the records of the Wasatch County Recorder) to be supplied from the same City-maintained service valve, unless approved by the City Engineer pursuant to the requirements of the City's adopted Standards and Specifications.

Proposed Standards & Specifications Language

The City shall own and operate all culinary water mains and appurtenances located on the City side of the city owned customer service box. Sanitary sewer, pressurized irrigation, and storm drain mains and system components located in private roads and areas shall be privately owned unless otherwise approved by the City Engineer. City owned infrastructure located in private areas shall be located within easements granted to Heber City. Notes designating public or private ownership of utilities should be included on development plats whenever possible.

- 1.03 All residential or commercial parcels receiving water, sewer, and/or irrigation service shall have their own independent services and laterals. These laterals or services shall normally be contained along the parcel frontage within the public right-of-way or in the parcel near the roadway frontage of the property for which the service is intended.

Exceptions to Individual Parcel City Service Requirements:

Condominium units within a shared exterior building structure may share culinary water and sanitary sewer service connections if property owner associations are established and billing accounts for the property owner associations are established properly with the City.

All units sharing a culinary water connection shall include individual unit shut-off valves and backflow prevention devices. Individual unit sub-metering is also recommended.

Developments with established property owner associations and shared common areas may utilize shared irrigation services for these areas provided that billing accounts for the property owners associations are established properly with the City.

Flag-Lot and SDU (Subordinate Dwelling Unit) developments may share a private sewer main to serve multiple parcels if the shared private line meets Heber City and Utah Division of Water Quality minimum requirements, is located within an accessible area and City approved easements are established in favor of all parcels using the shared facility. The point of connection into the City sewer system will be at a cleanout or manhole located at the right-of-way line.

When a shared private sewer main is approved, each parcel owner will be billed separately for sewer service.

Flag-Lot and SDU developments may also utilize shared irrigation services to serve multiple parcels if the shared portion of the private line is located within an accessible area and City approved easements are established in favor of all parcels using the shared facilities and if property owner associations are established and billing accounts for the property owner associations are established properly with the City. Shared irrigation services shall be located along the parcel frontage at the public right-of-way.



Planning Commission Staff Report

MEETING DATE: 8/25/2026

SUBJECT: Public Hearing to consider Text Amendment to Heber City Code Chapter 18.110 Telecommunications Ordinance. (Community Development Director/Tony Kohler)

RESPONSIBLE: Tony Kohler

DEPARTMENT: Planning

STRATEGIC RELEVANCE: Community Development

SUMMARY

Atlas Towers recently modified their contract with Heber City, moving the location of the tower to the cemetery. This will permit the cell tower to be setback over 300' from existing homes. Atlas indicates a need to increase the height of towers to 80 feet in order to accommodate co-location of 3 carriers, which is a requirement of the Telecommunications Ordinance. The purpose of this meeting is to hold a public hearing to consider a formal amendment to the City's Zoning Ordinance changing the permitted height of cell towers to 80 feet.

RECOMMENDATION

Staff recommends the Planning Commission hold the public hearing and continue the decision to a future meeting to give the Planning Commission time to deliberate on any public input received on the proposed code amendment. If no public comments are received, the Planning Commission might consider recommending approval after the public hearing.

BACKGROUND

The proposed code update does the following:

1. Increases the minimum setback for cell towers from 115% of the pole height to 150% of the pole height as measured from the pole to a residential lot line.
2. Adds a new setback of at least 300 feet as measured from the pole to an existing home.
3. Changes the minimum height from 35 feet/65 feet (depending upon zone) to 80' feet to ensure co-location can be accommodated, as those shorter heights cannot accommodate 3 provider antenna.

DISCUSSION

Changing the minimum height to 80' will accommodate co-location on cell towers, thus reducing the demand for additional towers throughout the City. The current 35-foot height limit does not allow for

co-location, as carriers need to have their antennas separated by 10 feet, which would place a second carrier at 25 feet, which is not tall enough for adequate service. The larger setbacks will ensure existing homes are separated from cell towers in the future. And the minimum 1-mile spacing will ensure future towers are separated from each other.

Pros to the proposed amendment include: it will ensure monopoles are separated from existing dwellings and would allow taller monopoles in areas where cell service is needed.

Cons to the proposed amendment include the potential for more visible, taller monopoles to be installed in the community, impacting visual aesthetics.

FISCAL IMPACT

The proposed amendment does not have a fiscal impact to the City.

CONCLUSION

The proposed amendment will promote better cell service in the community, will protect existing residences from cell towers being located closer than 300 feet and will promote fewer cell towers in the community, as the taller cell towers will be able to accommodate 3 cell providers instead of 1.

ALTERNATIVES

Staff Recommended Option - Approval

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

Alternative 2 - Continuance

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

Alternative 3 - DENIAL

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

POTENTIAL MOTIONS

ACCOUNTABILITY

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

EXHIBITS

1. Telecom Ord Update 8-4-26

2026 HEBER CITY TELECOMMUNICATION UPDATE

Draft Date: August 4, 2026

18.110 Telecommunication Facilities

18.110.010	Purpose
18.110.020	Findings
18.110.030	Definitions
18.110.040	Applicability
18.110.050	Application Requirements
18.110.060	Approval Process
18.110.070	Location
18.110.080	Uses
18.110.090	Co-Location
18.110.100	Lease Agreement
18.110.110	Development Standards
18.110.120	Additional Regulation for Monopoles and Towers
18.110.130	Area Limitations for Wall and Roof Mounted Antennas
18.110.140	Safety
18.110.150	Site Requirements
18.110.160	Site Disturbance
18.110.170	Signs
18.110.180	Subdivision and Condominium Covenants
18.110.190	Related Provisions

18.110.010 Purpose

The purposes of this ordinance are:

- A. To regulate wireless services antennas and related electronic equipment and structures.
- B. To provide for the orderly establishment of wireless services facilities in the City.
- C. To minimize the number of antenna support structures by encouraging the use of stealth facilities, by encouraging the co-location of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of City and Government-owned property for antenna support structures.
- D. To establish siting, appearance, and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of wireless services facilities.
- E. To comply with the Telecommunications Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and

(3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

18.110.020 Findings

The City Council makes the following findings:

- A. Wireless services devices are an integral part of the rapidly growing and evolving telecommunications industry and present unique zoning challenges and concerns for the City.
- B. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, aesthetics, and orderly planning of the community.
- C. The City has experienced an increased demand for wireless services facilities to be located in the City and expects the increased demand to continue into the future.
- D. It is in the best interests of the City to have quality wireless services available, which necessarily entails the erection of wireless services facilities in the City.
- E. The unnecessary proliferation of wireless services facilities throughout the City creates a negative visual impact on the community.
- F. The visual effects of wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
- G. The City and other government entities own parcels of property spread throughout the City where wireless services facilities can be located so as to be as inoffensive as possible to the residents and businesses of the City.
- H. Spacing wireless services facilities evenly throughout the city reduces the negative impact created by the proliferation of telecommunication towers.
- I. Because of the height and appearance of some wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower.
- J. A private property owner who leases space for a wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.
- K. Encouraging wireless services facilities to be located on City and Government property, with lease payments paid to the City or other Governments instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities and is therefore the fairest method of distributing burden and benefit.
- L. Locating antennas on existing buildings and structures, or constructing an antenna as a stealth facility, creates less of a negative visual impact on the community than the erection of lattice or guy towers.
- M. Buildings and structures on public property are capable of being used to provide support for antenna arrays, thus reducing the proliferation of towers in all areas of the City.
- N. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by encouraging the use of less visually

intrusive antennas and permitting the locating of wireless communication systems on telecommunication towers and antenna support structures that are located on property owned, leased, or used by the City or other Governments.

- O. The requirements set forth in this ordinance for the placement of wireless services facilities on property owned, leased or used by the City or other Governments are necessary to protect the health, safety and general welfare of the community.
- P. The Utah Code grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City or other Governments the fair market rental value for the use of any City or other Government-owned site.

18.110.030 Definitions

- A. ANTENNA. A device that transmits and/or receives telecommunications and/or radio signals for telecommunications and communication equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of wireless service.
- B. ANTENNA SUPPORT STRUCTURES. Any structure that can be used for the purpose of supporting an antenna(s).
- C. ANTENNA, DRIVE TEST. A temporary antenna which is used for field testing of telecommunications signals and possible locations but does not provide telecommunications to customers.
- D. ANTENNA, ENCLOSED. An antenna or series of individual antennas entirely enclosed inside a structure including but not limited to a cupola or wall of a building or chimney.
- E. ANTENNA, FREESTANDING. An antenna mounted on or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.
- F. ANTENNA, ROOF MOUNTED. An antenna or series of individual antennas mounted on a roof of a building.
- G. ANTENNA, TEMPORARY. An antenna used for a time period of less than thirty (30) days.
- H. ANTENNA, WALL MOUNTED. An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney or penthouse. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.
- I. APPLICABLE CODES: The International Building Code, the International Fire Code, the National Electrical Code, the International Plumbing Code, and the International Mechanical Code, as adopted and amended under Utah Code Annotated, title 15A, State Construction and Fire Codes Act.
- J. APPLICABLE STANDARDS: The structural standards for antenna supporting structures and antenna, known as ANSI/TIA-222, from the American National Standards Institute and the Telecommunications Industry Association.
- K. APPLICANT: A wireless provider or their authorized agent who submits an application.

- L. APPLICATION: A request submitted by a wireless provider for a permit to co-locate a small wireless facility in a right-of-way or to install, modify or replace a utility pole or a wireless support structure.
- M. CITY. The City of Heber, Utah.
- N. CITY-OWNED PROPERTY. Real property that is owned, leased or controlled by the City.
- O. CO-LOCATION. The location of telecommunication facility on an existing structure, tower or building in a manner that precludes the need for that telecommunications facility to be located on a free-standing structure of its own.
- P. DIRECTOR. The Planning Director or designee.
- Q. ELIGIBLE SUPPORT STRUCTURE: Any monopole, utility pole, wireless support structure or related accessory equipment, as defined in this chapter, provided that it is existing at the time the relevant application is filed with the City.
- R. EQUIPMENT SHELTER. A cabinet or building used to house equipment for telecommunications facilities.
- S. GOVERNMENT-OWNED PROPERTY. Real property that is owned, leased or controlled by an agency of State, Federal, or Local government other than Heber City.
- T. LATTICE TOWER. A self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.
- U. MONOPOLE. A single, self-supporting, cylindrical pole constructed without guy wires or ground anchors, that acts as the support structure for antennas.
- V. MONOPOLE ANTENNA WITH PLATFORM. A monopole with antennas and antenna support structure exceeding two feet (2') in width, but not exceeding fifteen feet (15') in width or eight feet (8') in height.
- W. MONOPOLE ANTENNA WITH NO PLATFORM. A monopole with antennas and antenna support structure not exceeding two feet (2') in width or ten feet (10') in height.
- X. PERMIT. Written authorization from the City allowing the provider to perform work pursuant to the installation of a small wireless facility.
- Y. PERMITTED. An application that is permitted pursuant through the standard building permit process.
- Z. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.
- AA. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.
- BB. Personal Wireless Services Facilities. Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures, supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
- CC. RIGHT-OF-WAY. Refers to any area within, on, below, or above a public road, highway, street or alley, and may include sidewalks, park-strips and other areas associated with them and controlled by the City.
- DD. STEALTH TELECOMMUNICATIONS FACILITY. A telecommunications facility which is disguised as another object or otherwise concealed from public view.

EE. TELECOMMUNICATIONS. The transmission between or among points specified by a user of information of the user's choosing without change in the form or content of the information as sent or received.

FF. TELECOMMUNICATIONS FACILITY. A Telecommunications Facility consists of antenna, equipment shelters and related structures used for transmitting and/or receiving telecommunications and/or radio signals.

GG. TOWER. A free-standing structure, such as a monopole tower, lattice tower, or guy tower, that is used as a support structure for antenna(s).

HH. WHIP ANTENNA. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional and vary in size depending on the frequency and gain for which they are designed.

II. II. TECHNICAL NECESSITY. A particular design, placement, construction, or location of a telecommunications facility that is technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

JJ. UTILITY METERING INFRASTRUCTURE. Towers and other infrastructure owned or operated by public entities that provide public utilities.

18.110.040 Applicability

This ordinance applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems, and to wireless Internet service providers. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

- A. Amateur Radio. Any antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
- B. Satellite/television antenna. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- C. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

18.110.050 Application Requirements

Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. The City shall not consider the application until all required information has been included. A complete application shall include all elements of the proposed telecommunications facility and shall produce all information required by the telecommunications facility application. Applicants shall provide the following submittal requirements.

- A. Fee. As adopted by the Heber City Consolidated Fee Schedule.
- B. Site Plan. A site plan meeting the City’s standard requirements for site plans.
- C. Written Information.
 - 1. Environment. A full description of the environment surrounding the proposed facility, including a description of adjacent uses, any adjacent residential structures, and any structures and sites of historic significance.

2. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
3. Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
4. Location. A map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into the service network.
 - a. An Applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on City or Government owned properties, existing buildings or structures or co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations shall be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.
 - b. Applicants proposing to construct new telecommunications facilities shall document the locations of all of the applicant's existing telecommunications facilities that provide telecommunications within the City, as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing telecommunications facilities. Applicants shall provide competent testimony from a radio qualified professional regarding the suitability of potential telecommunications facility locations in relation to the applicant's existing telecommunications facilities.
 - c. Each application shall include a site location alternative analysis describing the location of other sites considered for the proposed telecommunications facility, the availability of those sites, the extent to which other sites do or do not meet the applicant's telecommunications needs and the reason the subject site was chosen for the proposed telecommunications facility. The analysis shall address the following issues:
 - 1) How the proposed location and telecommunications facility relate to the object of providing full telecommunications services within the City area;
 - 2) How the proposed telecommunications facilities relates to the location of the applicant's existing telecommunications facilities that provide telecommunications within and near the City;
 - 3) How the proposed telecommunications facility relates to the applicant's anticipated need for additional telecommunications facilities that provide telecommunications within and near the City;
 - 4) If applicable, how the applicant's plans specifically relate to, and are coordinated with, the needs of all other telecommunications providers within and near the City.

5. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
6. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
7. Visibility Impact. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed telecommunications facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed telecommunications facility will be most visible.
8. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.
9. Additional information requirements for monopoles. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.
10. Additional information requirement for facilities not located on highest priority site. If the applicant desires to locate antennas on a site other than the highest priority site (as described in Section 18.110.070), the applicant shall provide the following information to the approving authority:
 - a. Higher priority sites. The identity and location of any higher priority sites located within the desired service area.
 - b. Reason for rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible.
 - c. Justification for proposed site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

18.110.060 Approval Process

All telecommunication facilities shall be reviewed by the Planning Director or designee, pursuant to its standard site plan and building permit approval process. Permitted uses are reviewed and approved but the Planning Director or Designee, Conditional Use Permits are approved by the Planning Commission as regulated in Chapter 18.70. It shall be unlawful to install any telecommunication facility without first having a permit from the Planning and Building Departments of the City.

18.110.070 Location

1. Priority of antenna site locations. Personal wireless services antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to locate antennas on sites in the following order of priority:
 1. Structures located on City-owned property. Existing buildings, structures and antenna support structures located on City-owned property.
 2. Structures located on Government-owned property. Existing buildings, structures and antenna support structures located on Government-owned property.
 3. Monopoles located on City or Government-owned property.

4. Existing Structures. Lawfully existing buildings, structures and antenna support structures on private property, provided that the buildings, structures or support structures are either: (1) located in a non-residential zone, or (2) located in a residential zone on property that is being used for non-residential uses (e.g. government, school or church).
 5. Monopoles on Non-residential Private Property. Monopoles constructed on private property, provided that the private property is (1) located in a non-residential and non-C-3 commercial zone, or (2) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church).
 6. Other. Sites other than those listed above.
2. Burden of Proof. The applicant shall attempt to locate its antennas on sites in the order of priority set forth above. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority.
 - A. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area
 - B. Reason for rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
 - C. Justification for proposed site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

18.110.080 Uses

- A. Permitted Telecommunication Uses are as outlined in the following tables. Any use not listed is prohibited.

P - Permitted, N - Not Permitted (Prohibited), C- Conditional Use

Commercial, Industrial, and Mixed Use Zones Permitted Use Table

Telecom Uses	C-2	C-3	C-4	MURCZ	NVOZ	I-1	I-2	BMP	IPF	Limitations
Monopoles	P*	N	P*	C	C	P	P	p	p	Must use stealth when a conditional use. *Not permitted between 500 North and 600 South, and 600

Telecom Uses	C-2	C-3	C-4	MURCZ	NVOZ	I-1	I-2	BMP	IPF	Limitations
										West and 600 East. Utility Metering Infrastructure does not require stealth.
Lattice Tower	N	N	N	N	N	N	N	N	N	
Guy Tower	N	N	N	N	N	N	N	N	N	
Freestanding - Other	N	N	N	N	N	N	N	N	N	
Roof Mounted	C	C	C	C	C	P	P	P	P	Antenna not to exceed 5' in height when conditional.
Wall Mounted	C	N	C	C	C	P	P	C	C	
Stealth Antenna	C	N	C	C	C	P	P	C	C	
Co-Location on Existing Facilities	P	P	P	P	P	P	P	P	P	Facility must be legally constructed, including legal non-conforming facilities that meet the FCC definition of an Eligible Facility.
Eligible Facilities Modification	P	P	P	P	P	P	P	P	P	Facilities defined as an Eligible Facility by the FCC.

P- Permitted, N- Not Permitted (Prohibited), C- Conditional Use

Residential and Agricultural Zones Permitted Use Table

Telecom Uses	R-1	R-2	R-3	PC	MCZ	A-2	RA-1	RA-2	Limitations
Monopoles	C	C	C	C	C	C	C	C	Must use stealth and be located on government land or private with non-residential uses. Utility Metering Infrastructure does not require stealth.
Lattice Tower	N	N	N	N	N	N	N	N	
Guy Tower	N	N	N	N	N	N	N	N	
Freestanding -Other	N	N	N	N	N	N	N	N	
Roof Mounted	N	N	N	N	N	N	N	N	
Wall Mounted	N	N	N	N	N	N	N	N	
Stealth Antenna	C	C	C	C	C	C	C	C	Must be located on government land or private land with non-residential uses.
Co-Location on Existing Facilities	P	P	P	P	P	P	P	P	Facility must be legally constructed, including legal non-conforming facilities that meet the FCC definition of an Eligible Facility.
Eligible Facilities Modification	P	P	P	P	P	P	P	P	Facilities defined as an Eligible Facility by the FCC.

18.110.090 Co-Location

Every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least three wireless telecommunications providers on the structure in the future. In no instance does this requirement override or permit monopoles to be taller than allowed in 18.110.110. Any conditional use permit for a monopole may be conditioned upon the agreement

of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry. Co-location on a lot may be permitted by the Planning Director or designee, if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

- A. Structural capacity of the antenna towers;
- B. Geographic telecommunications area requirements;
- C. Mechanical or electrical incompatibilities;
- D. Inability or ability to locate equipment on existing antenna towers; and
- E. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the antenna tower.

18.110.100 Lease Agreement

Applicants for telecommunication facilities on public facilities shall sign and agree to a development agreement with the public agency addressing items including, but not limited to access and security, maintenance of site and facilities, utility costs, and a fee for use of the public facility. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the designated land use authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

18.110.110 Development Standards

Standards for Antennas and Antenna Support Structures. Personal wireless services facilities are characterized by the type or location of the antenna structure. There are four general types of antenna structures allowed by this ordinance: wall mounted antennas; roof mounted antennas; monopoles with no platform; and monopoles with a platform. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

- A. Wall Mounted Antennas.
 - 1. Maximum Height. Wall mounted antennas may not extend above the roof line of the building or structure or extend more than twelve (12) inches from the face of the building.
 - 2. Setback. Wall mounted antennas shall not be located within one hundred feet (100') feet of any residence.
 - 3. Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.
 - 4. Color. Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall

be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

B. Roof Mounted Antennas.

1. **Maximum Height.** Roof mounted antenna, placed on a flat roof of a 2 story or less building, may extend up to ten (10) feet above the existing structure. Roof mounted antenna, placed on a flat roof of a 3 story or taller building may extend up to fifteen (15) feet above the existing , structure. Flat roof mounted antenna shall be provided that the antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the antenna. Roof mounted antenna, placed on a pitched roof, may extend a maximum of five (5) feet above the existing structure.
2. **Setback.** Roof mounted antennas shall be located at least five feet (5') from the exterior wall of the building or structure, and at least fifty (50') feet from any residence.
3. **Mounting options.** Roof mounted antennas may be mounted on top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight (8') feet above the existing roof line of the penthouse or mechanical equipment room.
4. **Color.** Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

C. Monopoles

1. **Antenna Height.** The antenna itself shall not exceed ten feet (10') in height.
2. **Setback.** ~~Monopoles shall be set back 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.~~ New monopoles shall be setback at least 300 feet from any existing dwelling and at least 150% of the height of the monopole from the nearest residential lot line.
3. **Color.** Monopoles, antennas, and related support structures shall be stealth and painted a neutral color or a color intended to match the stealth concept.

D. Tower Height by Zone. The maximum height for any tower shall be as follows:

Commercial, Mixed Use, and Industrial Zone

C2	C3	C4	MURCZ	NVOZ	I1	I2	BMP	IPF
100'	-	100'	<u>65'80'</u>	<u>35'80'</u>	100'	100'	<u>65'80'</u>	<u>65'80'</u>
Utility Metering Infrastructure may utilize a tower up to 100' in any zone.								

Residential, Mountain, and Agricultural Zones

R1	R2	R3	PC	MCZ	A2	RA1	RA2
<u>35'80'</u>	<u>35'80'</u>	<u>35'80'</u>	<u>35'80'</u>	<u>35'80'</u>	<u>65'80'</u>	<u>35'80'</u>	<u>35'80'</u>

Utility Metering Infrastructure may utilize a tower up to 100' in any zone.

18.110.120 Additional Regulation For Monopoles And Towers

- A. Distance from other Monopoles. Monopoles and towers shall be located at least one mile (5,280 feet) from each other, except upon a showing of necessity by the applicant, or upon a finding by the City Council that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.
- B. Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area.

18.110.130 Area Limitations For Wall And Roof Mounted Antennas

Any building may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of sixty (60) square feet or 5 percent (5%) of each exterior wall of the building.

18.110.140 Safety

- A. Regulation Compliance.
 - 1. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
 - 2. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.
- B. Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the monopole.
- C. Fencing. Monopoles and towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the Planning Director or designee unless the Director determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.
- D. Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.

- E. Abandonment. The applicant, or the applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused telecommunications facilities within ninety (90) days of abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.
1. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
 2. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City.
 3. Nuisance. Abandoned, unmaintained, or telecommunication devices that pose an immediate threat to public health and safety are hereby declared to be a nuisance.

18.110.150 Site Requirements

- A. Setbacks. The placement of telecommunications facilities on a lot shall comply with the setbacks of the underlying zone as stated herein. Telecommunications facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
- B. Regulations for Accessory Structures.
1. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site.
 2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade.
 3. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 350 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
- C. Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is no parking available on the site.
- D. Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat and attractive manner.
- E. Landscaping. All sites with a personal wireless services facility shall be landscaped in accordance with the zone requirements where the facility is located.

- F. Height. The height shall be measured from the grade or roof beneath to the top of the antenna or mounting hardware, whichever is higher. G. Design
1. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding area. Stealth telecommunications in the commercial zones C2 and C4, Chapter 18.28. Stealth design includes structures that look like trees, church steeples, art, large light poles or ones that blend with the building they are located on and are designed in a manner to blend with the existing and natural environment. Monopoles, antennas, and any associated buildings or equipment shall be painted to blend with their surroundings and/or the stealth concept being used.
 2. Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

18.110.160 Site Disturbance

Any application, temporary or permanent, which requires the removal of significant vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a conditional use permit. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty (20) feet of a proposed telecommunications facility. The Planning Director or designee shall determine the Limits of Disturbance.

18.110.170 Signs

Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the telecommunications facility application and subject to review by the Planning Department for compliance with Chapter 18.103 Sign Regulations.

18.110.180 Subdivision and Condominium Covenants

Many Subdivision and Condominium Covenants may address the location of telecommunications facilities within Condominium units and the lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of telecommunications facilities are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the telecommunications facilities within the Common Area has been granted as a part of the permit application filed with the City.

18.110.190 Related Provisions

- Chapter 18.12 Administration
- Chapter 18.08 Definitions

- Chapter 18.108 Conditional Use Permits
- Chapter 18.72 Off Street Parking and Loading
- Chapter 18.103 Sign Regulations
- Chapter 18.78 Lighting
- Chapter 18.174 Enforcement
- Chapter 17 Subdivisions
- Heber City C-2/C-4 Zone Design Standards and guidelines