HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
May 28, 2024

Approved 06.11.2024

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Vice Chairman Dave Richards called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:	Vice-Chairman Dave Richards Commissioner Phil Jordan Commissioner Josh Knight Commissioner Tori Broughton Commissioner Darek Slagowski Commissioner Greg Royall
Planning Commission Absent:	Chairman Dennis Gunn Commissioner Robert Wilson
Staff Present:	Planner Jacob Roberts Planning Office Admin Meshelle Kijanen Senior City Engineer Ross Hansen
Staff Participating Remotely:	Planning Consultant GCGarcia Anthon Beales
Also Present:	N/A
Also Attending Remotely:	Jeff Peterson Scott B.

III. Pledge of Allegiance: By Invitation

Commissioner Joshua Knight led the recitation of the Pledge of Allegiance.

IV. Prayer or Thought: By Invitation

N/A

V. Recuse for Conflict of Interest

N/A

2. Consent Agenda:

I. 04.09.2024 & 04.23.2024 Minutes for Approval

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

Discussion: N/A

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

3. Action Items:

I. Airport T-Hangar Site Plan, located at 620 W. Airport Road (Planner Woodbury/Engineer Hansen)

Planner Woodbury led discussion on this item. She reported that Staff had reviewed this application and explained it was a 17-unit condominium complex located on 1.45 acres of the airport property. She stated the dimensions were 60 feet wide and 464 feet long and clarified they met the lighting, parking, and setback requirements and so Staff recommended approval of the site plan as long as the proposal was met all findings and conditions as identified by Staff, the Planning Commission, and the FAA. She also shared blueprint images of the overall site and the individual units, and shared images of the planned materials and colors.

Commissioner Josh Knight asked if they had a schedule for the build out. Jeff Peterson identified himself as the developer and the lease holder for the building and said they hoped to submit their building plans and break ground in July, so they could get everything out of the way before the first snowfall of the year. He explained the building took six months to manufacture, so once they had a building permit they would place the order for the building and he hoped they would receive the building by October. In all, he anticipated being fully completed in March of the following year.

Commissioner Knight asked how tall the other hangars were and Mr. Peterson replied they were about 24 to 26 feet tall, and he added the proposed hangar was only 23 feet tall.

Commissioner Phil Jordan asked how close the nearest residential property was located to the proposed building, and clarified he was asking about this to determine if there would be a lighting impact. Mr. Peterson said the hangar faced northeast and there was nothing adjacent to it. Mr. Peterson said the closest residential unit was across the field and he did not except it would be impacted by lighting. Mr. Peterson estimated it was at least 400 or 500 feet away. Commissioner Jordan commented they needed to ensure they were Dark Sky compliant.

Senior Staff Engineer Hansen asked Mr. Peterson to explain the issue they were having and to tell the Planning Commission how they wanted to proceed. Engineer Hansen pointed out this building had a lot of walls in between the t-hangars, and those

t-hangars were individually owned. He said the City and the leasee had reached an agreement which stated that the leasee desired to create a hangar for privately owned aircrafts with individual hangar units platted as part of a lease-hold condominium, as the term was definition by the Utah Condominum Ownership Pact. He reported that they had met with City attorneys the previous week to discuss this issue, and the attorneys had determined that they needed to have a condominium plat. Engineer Hansen stated Mr. Peterson had been notified about this issue and he had since been working with Planner Baron about how to make an appropriate decision about how to move forward. Mr. Peterson said they had begun working on this project back in 2018.
The Commissioners could not hear Mr. Peterson due to a technical issue and he momentarily recused himself to solve the issue.
Engineer Hansen summarized that the attorneys office had directed staff to ask the applicant to submit a condominium plat, which had a different approval process than the site plan approval. Engineer Hansen said Mr. Peterson hoped to re-negotiate the agreement with the City to remove the words “condominium plat as required” as an alternative to going through that other process.
Mr. Peterson was able to re-join the meeting. He reiterated at when they had begun this project in 2018, they had negotiated for the initial intent of the plan. He said they had an agreement with the City and were about to start the draft of the lease when the City began the Airport Layout Plan, which essentially stopped all development. He said they had waited until everything was resolved for the ALP before beginning to renegotiate the lease, and he explained why they had kept the language about condominiums in the lease at that point.
Mr. Peterson then reported he had met with the Fire Marshal to make sure there were no fire safety concerns. Although the Fire Marshal had not raised concerns, the building inspector had found that the building needed fire walls if it was going to be designated as a condominium. Mr. Peterson thought the best way to move forward was to have one entity or individual own the building and then individuals could own their specific unit, so it would not functionally be condominium. He reported that he had met with his attorneys, who had advised him it should not be an issue to remove the language of “condominium” from the lease. Mr. Peterson summarized it would essentially be one building with one sewer line and one gas meter, so it would not be a condominium.

Commissioner Jordan asked if the units would be leased and Mr. Peterson said the units would be bought and sold. Mr. Peterson said the building was on City-leased land that would not be bought or sold, although the units would be sold. Commissioner Jordan said they could execute a 75-year lease which was comparable to home ownership although the lease document would need to stipulate that the land continued to be leased by the City. Mr. Peterson explained the lease hold interest was 40 years with a 40 year extension, so it was essentially a 80 year lease. He reiterated they would not sell individual units, but buying into the project and this would give them a hangar to use. He added they did not have deed, but rather a record of survey, and noted the other hangars on the property did not have deeds either.
Engineer Hansen mentioned that there had been previous conversation about the idea of each hangar having a tax ID and tax notice sent to the owner, and he asked if that

was still the intention. Mr. Peterson said there would be one tax notice. Mr. Peterson elaborated that when they got the water bill or other utilities, they would parcel it out to the shareholders.

Commissioner Tori Broughtonasked if the members could “sub-member” their stock out to someone else, or if they would have to release their share if they wanted to sell. Mr. Peterson explained that members could transfer their stocks to someone else. He also explained that all members would have to sign a compliance agreement in addition to the lease. Mr. Peterson said this would ensure everyone was aware of the rules before they purchased a share.

Commissioner Jordan asked about allowed permitted uses reference to “repair.” He asked if the fire department had reviewed that and were okay with the language, and also asked if there were any limits as to what repairs were allowed. Mr. Peterson said that the fire department had reviewed it and they were okay with doing epairs, although they could not do any welding or fabrication on the site. Mr. Peterson said what was permitted in terms of repairs was codified in their lease agreements.

Commissioner Jordan addressed the Planning Commission and summarized they could continue this until they heard the finding. He also said the plans that had been submitted seemed to be compliant, as far as he understood the legal position. Vice-Chairman Dave Richards agreed with Commissioner Jordan and said one of the conditions in the motion needed to be that the City Attorney and the City reach an agreement, since the scope of this went beyond the Planning Commission.

Commissioner Jordan said making an agreement with the City Attorney was an integral component of this proposal. Engineer Hansen said as far as the Planning Commission was concerned this was essentially a site plan approval, and so far this application had Staff approval as long as they could come to a legal agreement. Mr. Peterson said all of the conditions that Staff had found so far made sense to him and stated he was willing to work with all of those items. Mr. Peterson also expressed appreciation for Engineer Hansen for all the work he had put into this project so far.

Property manager that would enforce regulations for all of th owners and Mr. Peterson replied there would be, and said there would be regular building inspections as well. Mr. Peterson added their lease could be voided if they failed to maintain the property in accordance with City standards.

Motion: Commissioner Jordan moved to Airport T-Hangar Site Plan,located at 620 W. Airport Road, as presented with the findings and conditions as identified by Staff. In addition, there was a provision that the project only move forward if the conditions of the City Attorney were met. Commissioner Broughton made the second.

Discussion: Vice-Chairman Richards asked if there should be language about the “condominum” issue in the motion. Commissioner Jordan said he wanted to avoid any discussion of that in order to leave it under the City Attorney’s jurisdiction.

Voting Yes: Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Jordan, Commissioner Broughton, Commissioner Royall.

Voting No: None.

The Motion Passed 6-0. Vice-Chairman Richards wished Mr. Peterson best of luck as he moved forward with the project. Mr. Peterson thanked the Commission as well and

4. **Work Meeting: N/A**

5. **Administrative Items: N/A**

6. **Adjournment:**

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

Discussion: N/A

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

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant