

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting Amended
August 27, 2024

Approved 09.24.2024

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 6:03 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 Robert Wilson
Alt. Commissioner Greg Royall

Planning Commission Absent:

Chairman Dennis Gunn
Commissioner Darek Slagowski

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
City Engineer Ross Hansen

Staff Participating Remotely:

Planning Consultant GC Garcia
IT Specialist Anthon Beales
Alt. Commissioner Jami Hewlett
City Council Member Aaron Cheatwood

Also Present:

N/A

Also Attending Remotely:

DW, Scott B, A L K,

III. Pledge of Allegiance: By Invitation

Commissioner Phil Jordan led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation ()

Commissioner Tori Broughton spoke about how the last several sessions of their

Planning Commission meetings had been really interesting. She expressed gratitude for being there and thanked the Commissioners for being so welcoming to her, as she was new to the Commission. She also noted it was great to see how engaged the public had been lately.

V. Recuse for Conflict of Interest N/A

2. Consent Agenda: N/A

3. Action Items:

- I. Edgewood Hangar Development~Site Plan, located at 158 W. 1780 S. (Planner Denna Woodbury/Engineer Ross Hansen)

Planner Woodbury presented this item and said it was a site plan approval for the Edgewood Hangar Development. She stated the property was 0.91 acres in total and located on airport property. She shared the dimensions of the hangar as well as the color and materials, which she noted were consistent with other hangars at the location.

She reported that the hangar applicant would need to receive a determination from the FAA and this was one of the conditions for approval. She noted that the hangar would not have any free-standing lights, but did have lights on the building and these were in compliance with the City Code. She reported that the airport staff recommended that the Planning Commission issue a positive recommendation, pursuant to the following findings and conditions: that the application must be compliant with the Municipal Zoning Code, General Plan, and all City, State, and Federal laws, and that all requirements issued by the City Engineer, City Code, Planning Commission, and FAA be adhered to.

City Engineer Hansen said he was comfortable moving forward to the Planning Commission recommendation that evening since the applicant was aware of all of the changes they needed to make and would be able to meet all of Engineering's requirements.

Commissioner Jordan asked about the retention pond. City Engineer Hansen explained the issue was that the retention pond was not located on the lessee's property, so the applicant was working with the airport to come to an agreement. City Engineer Hansen added that the applicant had reported they had resolved the issue but did not know details of the agreement.

Jason Talley said he was the principal applicant and reported he had executed a lease-term agreement with the City the previous day about the retention pond. He also spoke about the process they had gone through with the City Council for approval of the hangar and explained the scope of Elevation Aviation, which was the business that would use the hangar. He said that they needed an expansion from their original location, which was why they were building the new hangar and said they had made efforts to comply with City and airport regulations. He noted they had made sure the color scheme and style matched the existing hangars on the property.

Commissioner Jordan asked about the plans for a grease trap and Mr. Talley explained they had floor drains, so they had installed the grease trap in order to be in compliance with the Code. Mr. Talley added that they did not anticipate anything would ever

discharge into the floor drains and the traps were just a precaution.

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

Discussion: N/A

Voting Yes: Planning Commission Vice-Chair Richards, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall. **Voting No:** None. The Motion Passed 5-0.

II. Highlands Residential~Subdivision Preliminary, located at the Intersection of US-40 and Commons Boulevard

Planner Woodbury introduced this item as a discussion for approval of the Highlands Residential Subdivision preliminary. She explained this plan would subdivide the land into individual parcels for single-family detached homes and townhomes. She said the plats identified open space and confirmed to the conceptual site plan which had been approved by City Council in the previous year. She reported that the Staff recommended a positive approval of the preliminary site plan, subject to the findings and conditions: the site plan was compliant with the Municipal Zoning Code, General Plan, and all City, State, and Federal laws; and that all requirements issued by the City Engineer, City Code, Planning Commission be adhered to.

City Engineer Hansen stated that all of Engineering's conditions were identified in the approval, and said that their main concerns were all things that would need to be dealt with at time of approval of the different phases.

An applicant spoke on behalf of DR Horton and expressed appreciation for the City's cooperation on this project. He recapped the process of approval thus far and noted that everything was in compliance with the City Code.

Commissioner Royall asked if this would be an HOA development and if yards and roads would be maintained by the applicant. The applicant replied there were private roads which would be maintained by them through an HOA, although public roads would continue to be maintained by the City.

Vice-Chairman Richards explained the Commission's options were to move the application forward, deny it, or continue and asked if they were ready for a motion.

Commissioner Jordan asked City Engineer Hansen about his thoughts on this development and City Engineer Hansen said he felt positively about it. City Engineer Hansen added that he felt comfortable that the applicant would continue to respond well to any concerns that Engineering brought up. City Engineer Hansen also informed the Commission that the applicant had already received a mass grading permit and were currently moving dirt on the site.

Planner Baron noted that the Commission would not see this application again unless there was an issue or a significant deviation from the preliminary site plan. Planner Baron said it would go before the City Council again for final approval and said there were no substantive concerns identified by Staff or Council. Commissioner Jordan asked if this was the first application to go through the NVOZ and Planner Baron replied

that it was.

Motion: Commissioner Jordan moved to approve the items on the Consent Agenda. Commissioner Wilson made the second.

Discussion: N/A

Voting Yes: Planning Commission Vice-Chair Richards, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall. **Voting No:** None. The Motion Passed 5-0. Denna Woodbury explained the Agenda Item.

4. Work Meeting:

- I. *Central Heber Overlay Zone (John Janson & Tony Kohler)

5. Administrative Items:

- I. City Council Communication Item

Planner Baron reported on the most recent City Council meeting to the Commissioners and noted it was fairly short since they had done a Truth in Taxation meeting first, and per State law, they were only permitted to address budget items after that.

Planner Baron said they had first discussed a potential telecommunications Code amendment. He said they currently allowed for a 35-foot cell tower, although the City currently had some requests from cellular providers to build towers taller than that.

Planner Baron said the Council had considered the Code of other cities along the Wasatch front that permitted towers anywhere from 50 to 80 feet tall. He noted that Heber City was significantly lower than the standard and said there was a need in the City to bring in more cellular access as its population continued to grow. Planner Baron explained the taller the tower, the greater the range. He also said that taller towers could allow for more carriers.

Planner Baron noted that an Animal Control MOU had been signed between the different agencies in the Valley about how they would work together.

Planner Baron then commented on the Public Safety Report from the Police Chief. He said the Chief had gone over their recent cases and incidents in the last quarter.

Planner Baron said they had also gone over how locations for Crossing Guards were selected and placed throughout the City. He said they were studying Mill Road and Center Street to determine if there was need for guards, although it was not required by law.

Planner Baron said the Council had discussed and approved a contract for the Cemetery Section B landscaping. He noted the road was currently closed.

Planner Baron said the Council had sworn in three new police officers. He said the three officers already worked for the City but had been promoted to new positions and so had to be sworn in.

Vice-Chairman Richards asked how long the roads would be closed by the cemetery.

Planner Baron explained there were two new roundabouts by the cemetery, and the

landscaping contract would be for the section that was still not open. Planner Baron said he did not know specifics about the road closure on Mill Road but anticipated it should be open soon. Vice-Chairman also asked about the closure on 500 North. City Engineer Hansen replied that the top two inches of asphalt on 900 North did not meet inspection, so they needed to go back in and mill that. He said the plan was to fix the road on Friday, and they could pave after that. City Engineer Hansen elaborated that the road had a lot of ruts and was not level, so they had asked the contractor to fix that before they opened the road. He said the process to fix the road should not take too long. City Engineer Hansen added that 500 North was due to be paved in the next several weeks.

Commissioner Jordan asked about the Animal Control MOU and if Midway wanted Heber City's services. Planner Baron said there was a conversation going on about Midway hiring Heber City's police force, although Animal Control was a separate issue.

Commissioner Royall asked if the area would turn into a metro if Midway hired Heber City's police. Planner Baron replied it would not and said there was a precedent for this kind of outsourcing. Planner Baron explained that Midway was not able to provide their own police so they were hiring from another outside agency, similar to a consultant.

Planner Baron said he did not know details of the agreement but explained that likely, it would mean that Midway would fund one or two officers within Heber's department and those officers would patrol and respond to incidents in Midway.

Planner Baron reported the Wasatch County Annexation petition had come up during the Action Items. He explained this petition was for their new administration building and it would be located on the land by the ballfields owned by the County. Planner Baron explained the reason for this was a law that required the elected officials' office to be located within the boundary of the County seat, which was Heber. Planner Baron said this was a very preliminary discussion to see if the Council was willing to consider it, which they had done. He said this item would eventually come before the Planning Commission for their consideration.

Planner Baron then moved on to the Truth in Taxation meeting and reported that the budget had been passed and a property tax increase had been approved. He said they held a public meeting where about a dozen members of the public spoke.

Planner Jordan asked about when they would discuss the Envision Heber codes and asked the Planners for a recap on their timeline. Planner Baron replied that the Staff had decided to slow down the dates that the Commission had proposed at the last meeting in order to allow for everyone to have time to review the Code. Planner Baron said he also wanted to arrange a walking tour of downtown for the Commission and Council members so they could fully understand what this would look like. Planner Baron summarized that they still wanted to move forward, but slow the pace down to ensure that they did everything right.

Vice-Chairman Richards said that he and Commissioner Jordan had attended the Affordable Housing meeting the previous night and reported on the meeting. He said the first hour they had gone over the need for affordable housing although they had not identified ways to achieve it. He opined that they were already aware of how important affordable housing was but they needed to come up with solutions. He also brought up that it was frustrating that members of the public generally came to meetings to complain when affordable housing projects were proposed, but they did not attend

meetings like this to find out why it was so important.

Planner Baron agreed it was a challenge and pointed out that the meeting had highlighted that affordable housing was actually an economic benefit to the City, which was a point that the public often did not realize. Planner Baron said they needed to balance data with finding out what people wanted, so they needed to solicit public feedback as well to holistically understand household needs. Planner Baron added they were thinking about hiring a consultant who could help them work through some of those things. Planner Baron noted that there was no one magic solution for affordable housing since not everyone had the same needs, so the answer was a multi-faceted approach. Vice-Chairman Richards agreed there was no one way to solve for affordable housing, but thought it would be better to have a financial implement, something like a subsidized interest rate, rather than to try and come up with one product that would work. Vice-Chairman Richards noted that people were giving up on Heber and moving to more affordable cities.

Planner Baron acknowledged the point about loans being more feasible than creating affordable housing but said the City could not offer loans. Vice-Chairman Richards said he knew the City could not underwrite loans but thought they could facilitate access to finding loan programs, or some other program to help people find affordable housing.

Planner Baron said that the City needed to think about other ways to make affordable housing accessible, and said Vice-Chairman Richards was thinking along the right lines of trying to find other things they could do. Planner Baron noted the reason the City had relaxed their laws on ADUs in order to provide people with other opportunities for housing. Planner Baron thought they should think about partnerships with Habitat for Humanity or other agencies that could help with this too.

Commissioner Royall asked if the City had thought about purchasing land to be used for an affordable housing project and Planner Baron said they were thinking about it and had discussed some ideas. Planner Baron said that it was within the City's ability, as long as they could come up with the money in the budget. He recalled that the Council had considered a piece of property in the past, and said the City was trying to be proactive about this.

Commissioner Broughton asked about how the AMI was determined. She recalled at the meeting the previous night they had pointed out that Heber's AMI was skewed by people who did not work in the community. Planner Baron replied that the State defined affordable housing as "80% or less of the area median income." Planner Baron said the "area" for Heber City was defined as the median income for all of Wasatch County. Planner Baron noted that 'median' was different than 'average' and said based on his research, 50% of people in Wasatch County made that number or less per household, but for Heber it was greater than 50%. Planner Baron said Commissioner Broughton was correct in noting that Heber's AMI was impacted by their neighbors who had higher incomes. Planner Baron gave more details about how AMI was calculated and added that they took into account growth projections. He said there was a lot that went into it and it was determined by the State. Planner Baron said their last AMI was calculated based on the 2020 census so it was time to update their data. Planner Baron reported the current AMI for Heber was \$127,000. He said there were issues with dual-income households since they usually did not fall below this threshold

and thus did not qualify for affordable housing, but they were being priced out of the market. Planner Baron said they needed to take into account households who had two or three incomes, and said they were doing internal data collection to determine if what they were doing was working.

Commissioner Broughton asked if they could leverage developers to ask for more affordable housing in their MOUs. Planner Baron discussed that they had moved from a voluntary affordable housing ordinance to a mandatory affordable housing ordinance in 2018. He explained this meant that any development with ten or more units needed to have 10% deed-restricted affordable housing units. He recalled that the State had told them that they could not do that as an administrative function, though they could do that through legislative action. He elaborated this meant the City could still negotiate for those requirements with legislative bodies like the City Council or recommending bodies like the Planning Commission. Planner Baron explained it was within the Commission's prerogative to only recommend a project for approval if it met their affordable housing requirements.

II. Planning Commission Training - https://www.youtube.com/watch?v=K_8etqfOAd0

Planning Admin Kijanen explained the training requirements for the Commissioners.

She noted that any Commissioners who were going to attend the upcoming APA conference should meet their training hours requirement. She explained that the Commissioners needed to submit four hours of training in total. She also indicated that she had completed the registration for Commissioners who were attending APA.

City Engineer Hansen asked why the meeting had been filmed and if they were allowed to do so. Planner Baron explained they had a right to film since they were in a public place. Planner Baron said the Chamber of Commerce had filmed their meeting that evening to capture footage of people in the community performing community service.

6. Adjournment:

Commissioner Jordan moved to adjourn at 6:55 PM. All voted aye and the meeting was adjourned.

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant