

**MINUTES OF THE
WASATCH COUNTY PLANNING COMMISSION
DECEMBER 14, 2023**

PRESENT: Chair Chuck Zuercher, Commissioner Scott Brubaker (*via Zoom*), Commissioner Kimberly Cook, Commissioner Wendell Rigby, Commissioner Doug Grandquis.

EXCUSED: Commissioner Mark Hendricks, Commissioner Doug Hronek.

STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Nathan Rosvall, Assistant Wasatch County Planner; Anders Bake, Assistant Wasatch County Planner; Jon Woodard, Deputy Wasatch County Attorney

PRAYER: Commissioner Wendell Rigby

PLEDGE OF ALLEGIANCE: Led by Commissioner Kimberly Cook and repeated by everyone.

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday, December 14, 2023. Chair Chuck Zuercher indicated that Commissioner Hronek and Commissioner Mark Hendricks are excused. Chair Chuck Zuercher indicated that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Chuck Zuercher thanked the Planning Staff for the good job they do because it really helps the Planning Commission. Chair Chuck Zuercher then called the first agenda item.

APPROVAL OF THE MINUTES FOR NOVEMBER 9, 2023

Motion

Commissioner Doug Grandquis made a motion that we accept the minutes of the meeting of November 9, 2023 as written.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, Wendell Rigby, Doug Grandquis, Scott Brubaker

NAY: None.

Chair Chuck Zuercher then read the following:

“As indicated on the screen, a required public hearing will be held for certain agenda items prior to Planning Commission action. After each such item has been presented, time to comment will be provided for all those who wish to speak. Public hearings and citizen comments are a legitimate source of information for the County to consider in making legislative decisions.

For items that do not require a public hearing, public comment may still be taken following presentation of the item, however, please keep in mind the following if public comment is accepted during these items: When making land use decisions, the Planning Commission can only rely on substantial evidence on the record, which is that amount and quality of evidence relevant to proving or disproving a specific requirement of the applicable law.

During any public comment period, each speaker will generally be limited to three minutes. Additional time may be given to individuals specifically invited to speak by the Planning Commission.”

CONSENT AGENDA

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that Item No. 1 on the Consent Agenda was erroneously placed on the agenda and does not need any action by the Planning Commission because approvals for extensions of applications can be made by the staff.

ITEM 2 BLUE SAGE RANCH, LLC REQUESTS A MINOR PLAT AMENDMENT TO BLUE SAGE RANCH SUBDIVISION IN ORDER TO CONVERT OPEN SPACE PARCELS TO COMMON AREA AND TO REVISE THE ALIGNMENT OF A PUBLIC TRAIL EASEMENT THROUGH THE SUBDIVISION LOCATED AT APPROXIMATELY 5300 E 1200 S IN THE RESIDENTIAL AGRICULTURE 5 (RA-5) AND MOUNTAIN (M) ZONES. (DEV-8700; AUSTIN CORRY)

Chair Chuck Zuercher then opened the matter up for public comment and there was none so the public comment period was closed.

Motion

Commissioner Wendell Rigby made a motion that we approve Blue Sage Ranch request for a minor subdivision plat amendment with all the findings and conditions.

Commissioner Doug Grandquis seconded the matter.

The matter carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Kimberly Cook, Doug Grandquis, Scott Brubaker.

NAY: None.

ITEM 3 ROBERT JOHN & ALICE C HICKEN TRUST REQUEST THE CREATION OF AN AGRICULTURAL PROTECTION AREA CONSISTING OF 23.41 ACRES OF CATTLE AND LIVESTOCK GRAZING LOCATED AT APPROXIMATELY 750 W 1200 N ON PARCEL 00-0007-9629 IN THE AGRICULTURE 20 (A-20) ZONE. **IF FORWARDED, THE RECOMMENDATIONS BY THE PLANNING COMMISSION AND THE AGRICULTURE PROTECTION AREA ADVISORY BOARD ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON DECEMBER 20, 2023.* (PLN-AGPRO-8697; NATHAN ROSVALL)

Staff

Nathan Rosvall, Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that the John Robert and Alice C. Hicken Trust requests a creation of an Agricultural Protection Area consisting of 23.41 acres of livestock grazing and meadow hay production located near 600 West and 1200 North in the A-20 zone. The property is being used for livestock grazing and meadow hay production. There are no proposed limitations on this agricultural production. Also it has Rock Creek running through it. It is located in the central planning area. Properties to the east and to the west and also to the north have also received agricultural protection.

Nathan Rosvall then went through the proposed findings:

1. The request is to create an Agriculture Protection Area to maintain the agricultural use and the rural environment.
2. The subject property is located near 600 West 1200 North in the Agricultural (A-20) zone of Wasatch County (North Fields).
3. Total acreage of the Agricultural Protection Area is 23.41 acres.
4. The current use of the property proposed for protection status is greater than fifty percent of the land is devoted to agriculture, including livestock grazing, and in the summer months, growing meadow hay for production.
5. The existing use is compliant with the purpose and intent of the A-20 code and the goals of the General Plan for the area.
6. Rock Creek runs through the property.
7. Commonly found soils in the North Fields are: Fluventic Haploborol, this soil is common for tall grasses; Kovich, this soil occurs on broad valley floors and is a slow permeable soil; Logan, this soil is common for meadow hay and pasture.

8. Wasatch County Code Section 16.29.08 outlines the evaluation criteria for granting the Agriculture Protection Area, and the proposal is consistent with the evaluation criteria of the code and the current agricultural uses on the property satisfy the evaluation criteria for the preservation status.
9. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
10. No objections have been received in response to the notices sent or signs posted on the property.
11. If the Agricultural Protection Area is approved, the approval will be in effect until its 20th calendar review year.

Nathan Rosvall then indicated that as a modification of the proposal and recommendation to the County Council staff recommends that the applicant be required to maintain historic irrigation channels and that the irrigation company would have the right to maintain and clean the canal to ensure downstream flows.

Applicant

John Robert Hicken replied that he just wants to thank you for the time and effort in considering this.

Public Comment

Chair Chuck Zuercher then opened the hearing up for public comment and there was none so the public comment period was closed.

Motion

Commissioner Doug Grandquis made a motion that we recommend to the County Council approval of the agricultural protection area of 23.41 acres by John Robert Hicken and Alice C. Hicken consistent with staff analysis and modification and the findings.

Commissioner Wendell Rigby seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Kimberly Cook, Doug Grandquis, Scott Brubaker.

NAY: None.

ITEM 4 ROCKY MOUNTAIN POWER REQUESTS A CONDITIONAL USE PERMIT TO REBUILD 5.74 MILES OF EXISTING 46KV TRANSMISSION LINE AND INSTALL A WILDFIRE STANDARD TRANSMISSION LINE INCLUDING NEW POLES WITH HEIGHTS UP TO 110 FEET. THE NEW POLES WILL FOLLOW THE EXISTING TRANSMISSION LINE ALIGNMENT BEGINNING AT THE MIDWAY SUBSTATION, RUNNING TOWARDS WASATCH MOUNTAIN STATE PARK, CROSSING SWISS ALPINE ROAD, LOWER LIME CANYON, AND THE GOLF COURSES, CONTINUING UP PINE CANYON TO THE COUNTY LINE AT GUARDSMAN PASS ROAD JUST EAST OF BRIGHTON ESTATES. (DEV-8114; ANDERS BAKE)

Staff

Anders Bake, Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and presented a Power Point presentation and then indicated that this application is a conditional use permit request from Rocky Mountain Power. The application is to replace wood poles with metal poles on an existing transmission line that is located along the west side of Midway and going through Wasatch Mountain State Park and up into Park City. The reason for this request is for fire safety reasons. The replacement of the wood poles with metal poles will be less prone to wild fire and the replacement also includes a height increase which will be important for fire reasons because as the applicant indicated that it will create separation between lines and then also creates separation from the ground and from the vegetation on the ground. Also the angle that the new lines will be better for lightening protection for fire safety reasons.

Anders Bake indicated that there are 57 existing wood poles and those wood poles will be replaced in the exact same location so the line will not move and the pole locations will not move. The average height will increase so the current lines range from height from 50 feet to 80 feet and the new lines will range from 60 feet to 110 feet. The average height of the existing poles is 64 feet and

the new average height will be 79 feet so average increase of 15 feet. The project passes through areas of Midway, unincorporated Wasatch County and goes into Summit County. The areas in Wasatch County are in our RA-1, P-160 and M zone and all those zones require a conditional use permit for this type of project to be reviewed and approved by the Planning Commission. One of the concerns with this project would be the construction process and just making sure that the environment is impacted during that construction process. The wire will not be replaced so that will be a specular wire that will stay with the update. The new poles are designed to blend into the environment. Anders then presented a map showing the location of the poles. Midway City has provided approval for the line location that goes through their area.

Anders Bake then went through the project summary:

- The proposal will replace approximately 57 existing wood poles with steel and fiberglass poles.
- The existing poles have an average height of 64 feet. The proposed steel poles are an average of 79 feet in height.
- The existing transmission line has a voltage of 46kV. This project will not result in increased voltage capacity and the line will continue to operate at 46kV.
- This project will pass through areas in the RA-1, P-160, and M zones in unincorporated Wasatch County.
- A Conditional Use Permit is required in the RA-1, P-160, and M zones for the replacement of existing electric transmission lines. The Conditional Use Permit requires Planning Commission approval.
- The Department of Natural Resources has approved the portions of the project going through Wasatch Mountain State Park.
- The construction process will result in some vegetation removal which will be reseeded according to the proposed reclamation plan. No new roads will be constructed to place the poles.
- The existing specular wire will continue to be used for this transmission line.
- The new steel poles will be self-weathering with a rusted color. The fiberglass switch poles will have a maroon color.

Anders Bake then went through the proposed findings:

1. The proposal replaces approximately 57 existing wood poles with fiberglass and metal poles as well as raises the height of the poles with the intent to provide better line safety.
2. Heights are raised from an existing height of 50-80 feet to 60-110 feet with the intent to provide better separation between lines and vegetation.
3. The transmission line will continue to operate with a voltage of 46 kV.
4. Much of the new line runs through areas prone to wildfire.
5. Much of the line runs through Wasatch Mountain State Park which the County has no jurisdiction over. The State Park has provided an approval letter for the proposed line replacement.
6. The line has been designed to fit in with the surroundings as much as possible by using earth tones colors and non-specular wire.
7. The new easements are needed for the installation of the line.
8. Access from existing roads will be used and no excavation will be done.
9. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County code related to Conditional Uses.
10. Notice has been sent to neighboring property owners within 500 feet of the property on 4 December, 2023. The planning department has received two phone calls from residences expressing their concern with the proposed pole sizes.
11. There are no known zoning violations on the property at this time.
12. The location of the transmission line will not be altered with this project. The applicant has demonstrated that they have access rights to make the proposed changes.
13. The applicant has attached a Reclamation Plan with their proposal to mitigate the potential impacts of construction on the natural landscape.
14. The proposal furthers the health, safety and welfare of the residents of the County by updating an outdated power line to current best industry standards.
15. The Development Review Committee has reviewed the project and accepted the item for the Planning Commission to render a decision.

Anders Bake then went through the proposed conditions.

1. The applicant shall follow all mitigation procedures explained in the attached Reclamation Plan.

2. All issues raised by the DRC, as noted in the DRC report dated 30 November, 2023 shall be resolved to the satisfaction of the applicable review department prior to building permit approval.

Anders Bake indicated that after we put together the staff report we realized that the applicant is not proposing to replace the existing wire and so the existing wire is a specular wire and so recommend changing those conditions to just include one and three shown on the staff report

Anders Bake then went through the DRC Report.

PLANNING comments:

- Condition of approval – Please show ownership of all parcels that are being effected by the project in unincorporated Wasatch County. Show the subdivision boundaries for Brighton Estates and label as Brighton Estates.

MAG REGIONAL TRAIL PLANNER comments:

- Conditional of approval. Any damage to back country trails system will need to be repaired.

Commission Comments

Commissioner Wendell Rigby asked that with the new construction and the wire not being changed out, does the new construction allow for additional power lines to be hung, additional capacity.

Applicant

Travis Jones, from Rocky Mountain Power, addressed the Wasatch County Planning Commission and indicated that this design is for a single circuit. If we are to add an additional line we would have to come back in and re-evaluate that but at this point it only carries the one line on the pole. If we did that we would have to come before the Planning Commission and get a conditional use permit for the different voltage being served on there as well. This is being done for wild fire mitigation work.

Jon Woodard, Deputy Wasatch County Attorney, asked if you would be opposed if we made that a condition that if the wires were replaced in the future that they would be non-specular. Travis Jones indicated that is reasonable and I think that was our intent within the County consistent with our approach to stick with the standards but if that line is changed out we will go with the non-specular and it is just that they are transferring that over. Jon Woodard also indicated that he is really grateful that Rocky Mountain Power is upgrading their lines so that we don't have the fires that we are seeing on the West Coast all the time. This is so proactive.

Public Comment

Chair Chuck Zuercher then opened the public hearing for public comment.

Brant Mock, resident just outside of Midway Swiss Mountain Estates or Swiss Alpine and wanted to know if Rocky Mountain Power could comment on poles fourteen through seventeen and what the existing height is and what the proposed height is for those poles and it is not mentioned here in Exhibit E. Travis Jones indicated that he could get that information for Mr. Mock because it just doesn't have it right before him. Brant Mock gave his e-mail address. Travis Jones replied that he will e-mail that to you.

Anders Bake replied that there were a couple that expressed concern about the height increase and they had indicated that they would be here but evidently didn't make it here this evening.

Chair Chuck Zuercher then closed the public comment period.

Motion

Commissioner Scott Brubaker made a motion that we approve the conditional use permit, Item No. 4, the 46kV transmission line of Rocky Mountain Power, in light of the findings and subject to the conditions presented in the staff report. Also we are not requiring Condition No. 2 on the non-specular wire as written in the Staff Report.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Kimberly Cook, Doug Grandquis, Scott Brubaker.

NAY: None.

ITEM 5 STONY OAKS HOLDINGS, LLC REQUESTS FINAL SUBDIVISION APPROVAL FOR STONY OAKS, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 11 RESIDENTIAL LOTS ON 15.094 ACRES LOCATED AT 1353 S MILLS LANE IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. (DEV-7767; AUSTIN CORRY)

Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and indicated that this proposal received preliminary approval in 2022 and has been working through the DRC process for final subdivision. Since that time very little has changed in the development proposal since preliminary application other than modification to comply with conditions to the preliminary approval. Some of the interior lot lines shifted because they didn't have enough frontage on Lot No. 1, but that was something that was discussed at the preliminary stage and have shifted over but the general outlay, the road layout, it is all the same as what you have seen.

Austin Corry then went through the DRC Report.

JORDANELLE SSD comments:

- Coordinate plan review and update with District Engineer for plan approval.

PLANNING comments:

- In the future, please do not upload "revisions" to documents that aren't changing. It appears that a number of the submittal documents uploaded a new version, but comparing the documents shows no change had occurred. The review process can be more focused and efficient if you only upload revisions to documents that are actually changing.
- Some adjustments were made to the development approval memo to comport with the fencing indicated on the grading plan submittal. It is anticipated the redline changes are acceptable to the applicant since they align the memo with the actual submittal plans.
- Append to Note #9... "flood insurance is recommended, though not required."
- The front setback on Lot 5 needs to reflect the turn-around easement as well. Add a note to the plat that driveway access to Lot 5 is prohibited through the turn-around easement.

RECORDER comments:

- Looks good.

Austin Corry then went through the proposed findings:

1. The subject property is approximately 15 acres located at the southeast of the intersection of 1200 South and Mills Lane.
2. The subject property is in the RA-1 zone.
3. The RA-1 zone allows density of 5 acres per unit if not connected to public sewer and water and 1.3 acres per unit if connected to public sewer and water. The proposal is at 1.4 acres per unit.
4. There are no open space or common area parcels included in the proposal.
5. The applicant proffered a ten percent affordable housing obligation by fee-in-lieu during the preliminary approval which was accepted by the County Council. The fee will be \$30,800 due to the Wasatch County Housing Authority prior to plat recording.
6. WCC 16.21.14 requires that large scale developments provide fencing of suitable quality to keep farm animals out of residential properties.
7. The applicant has provided details for a 5 foot fence consisting of two strands of barb wire and 4 feet of field net mounted to wood posts along the south and east property lines.
8. The Development Review Committee has reviewed the project for technical requirements of applicable codes and forwarded the item for consideration with comments noted in a DRC report.

9. WCC 16.01.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. The applicant is required to fulfill all commitments made by the applicant through the application materials including, but not limited to, affordable housing, infrastructure, maintenance obligations, etc.
2. The record of the approval and associated plan documents shall be memorialized by the recording of a Development Approval Memorandum prior to plat recording.
3. Note 9 on the plat shall include “flood insurance is recommended, though not required.”
4. The front setback on Lot 5 needs to reflect the turn-around easement and a note on the plat that driveway access to Lot 5 is prohibited in the easement.
5. The applicant shall work with the County to ensure notes regarding on-going maintenance of the storm water facilities is adequately addressed prior to delivering the mylar for signatures by the County. The note will need to address the party responsible and methods of enforcement in compliance with County standards.

Applicant

Chad Christensen, the applicant, just wanted to thank you for being patient with us as we have gone through almost three years of working on this. Thanks to the staff for helping us through each of the details.

Commission Comments

Commissioner Kimberly Cook wanted further explanation on the fence. Austin Corry replied that there is a strand of barb wire and then there is a four foot field wire mesh and another barb wire. So there is two strands of barb wire but a net fence in-between.

Public Comment

Chair Chuck Zuercher then opened the hearing up for public comment and there was none so the public comment period was closed.

Motion

Commissioner Doug Grandquis made a motion that we give approval of the final subdivision for Stony Oaks Holdings, LLC, consistent with and in light of the findings and subject to the conditions.

Commissioner Wendell Rigby seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Kimberly Cook, Doug Grandquis, Scott Brubaker.

NAY: None.

ITEM 6 CONSIDERATION OF A PROPOSED AMENDMENT TO WASATCH COUNTY CODE CHAPTER 16.33, GENERAL PARKING STANDARDS, AS IT RELATES TO SHARED PARKING STUDIES AND ON-GOING MONITORING OF PROJECTS WHEN PARKING REDUCTIONS ARE GRANTED. **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON DECEMBER 20, 2023.* (AUSTIN CORRY)

Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the County Council has seen recent discussions related to shared parking studies which are allowed to be presented for consideration in lieu of standard compliance with the parking counts matrix listed in WCC 16.33 of the code. It was requested that staff look into adding requirements to have transportation consultants or other professionals required to be involved with the applicant in the process to provide better guidance. The item was discussed during the November

Planning Commission meeting. Staff has taken the input received during that meeting into consideration for what is presented here now for formal consideration. This is to address when an applicant is requesting a parking reduction which is allowed currently in the code, helping to provide some better clarity to the procedure that they would go through and what types of limitations we might add to that. A parking study that an applicant has to provide needs to be done by a transportation planner, architect or engineer and somebody with a license that is related to that request. They can use two different strategies, the shared parking strategies is identifying dissimilar uses or different operating times for uses so they wouldn't need the parking spaced to be able to be at capacity at both times. The other is through a transportation demand management strategy. Also they would have to actually provide data to demonstrate that the uses are operating separately. Also puts a reduction on how the reduction happens. It is somewhat opened ended saying that you can come and ask us for a reduction on a shared parking concept but it doesn't really give guidance on what that reduction might be. This would allow the County to grant up to fifty percent of the lowest demand use being removed. If you have high demand use and a low demand use and they are shareable you can take that low demand use and cut it in half and that is your number.

Austin Corry replied that if you utilize the TDM strategy and you could do both in the request and there is basically two different things that it provides. The full code has been put in the staff report. We have an actual land use table so if you go to the Mountain Zone per se you can go in there and there is a land use under the permitted uses and the conditional uses. If you go to our actual table that just says that these are all the options available to you we are talking thousands of numbers that are in there. We don't get many requests for ink printing presses or things like that any more but we have got them in a list. That is one clarifying factor that we put in there. The code already spoke to it but we made it blatantly clear in there that if the use is not specifically in that table that the planning director could pick a use that is most similar to it and apply it and if the planning staff doesn't feel comfortable doing that or we don't feel like there is one that really speaks to it then we require a parking analysis to determine the code requirement.

Austin Corry presented key issues to consider.

- Applicants should be required to include data driven studies when making requests.
- The County can provide guidance on successful approaches.
- Projects that have been granted parking reductions should be monitored for compliance and also to help inform future decision makers of the success or issues related to the regulations.

Austin Corry then went through the amendment summary.

Amendment Summary:

- Clarifies the process for requesting a parking reduction
- Study must be prepared by a transportation planner, architect, or engineer
- Can use shared parking, TDM, or both
- Shared parking must demonstrate dissimilarity using data driven time of day approach
- Establishes some limits to what the shared parking can reduce (50% of lowest demand use)
- TDM strategy lists potential ways
 - Landscape "potential" parking areas
 - Alternative transportation options

Austin Corry then went through some proposed findings:

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:
 - a. Goal 9 seeks to encourage multi-modal transportation options to meet the travel requirements of existing and future residents and visitors.
 - b. The General Plan supports the need to provide flexibility in the approval process for projects that seek creative and successful measures that reduce parking demands.
2. The parking standards in the code have a direct impact on the ability to encourage the transportation options desired under the General Plan.
3. The proposed amendment is consistent with the purpose and objectives outlined in Section 16.33.
4. It is a positive benefit if automobile parking lots are reduced in size to support higher landscape standards or other more efficient or productive land uses.

5. The proposed change clarifies the need to objectively analyze professional data when considering reductions to parking standards.
6. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Public Comment

Chair Chuck Zuercher then opened the public hearing for public comment and there was none so the public comment period was closed:

Motion

Commissioner Wendell Rigby made a motion to forward a positive recommendation for approval of the amendment to Wasatch County Code Chapter 16.33 to the County Council consistent with and in light of the findings presented in the Staff Report.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Doug Grandquis, Kimberly Cook, Scott Brubaker

NAY: None

ITEM 7 CONSIDERATION OF A PROPOSED AMENDMENT TO WASATCH COUNTY CODE TITLES 2, 14, AND 16 IN ORDER TO ADDRESS THE APPLICABLE LAND USE AUTHORITY, APPEAL AUTHORITY, AND OTHER SUBDIVISION PROCESS ITEMS IN RESPONSE TO THE UTAH STATE LEGISLATURES SENATE BILL 174 AND OTHER BILLS FROM THE 2023 LEGISLATIVE SESSION. **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON DECEMBER 20, 2023.* (AUSTIN CORRY)

Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that earlier this year the State Legislature passed Senate Bill 174 which modified a number of provisions for how land use applications can be processed by local jurisdictions starting February 1, 2024. The provisions passed have caused a number of jurisdictions across the state to make wide sweeping changes to their land use ordinances and processes as a result. For Wasatch County, however, there are only a few aspects of our current process that would not comply with the requirements. The highest impact element is that the legislature is precluding the Council from acting as a land use authority for preliminary subdivisions for certain single-family residential products and is precluding the Planning Commission from acting on final subdivisions.

Austin Corry also indicated that while the adjustment to the process could be made quickly to comply with SB174's written intent, the County staff has spent time analyzing what appears to be the intent of the state legislature and has attempted to also identify ways that the County can improve efficiency for many of the current processes. At the same time, staff has also heavily weighed the benefits of the public process and necessity for transparency. The proposed amendment is the result of many hours of staff research and discussion weighing the varying interests, legal ramifications, and opportunities for improvement.

Austin Corry also indicated that while the totality of the amendment can only be understood through the complete ordinance, it is understandable that a nearly 50 page document can be difficult to digest easily. The below summary provides at least a high level understanding of the various changes being made and in some instances, a brief explanation of the intent behind the proposed change.

Austin Corry indicated that the legislature want things to move faster through a land use process. The things that SB174 did are first, it modified some moderate income housing reporting requirements that became effective immediately. The County already complies with those requirements. It also modified requirements for a county regarding internal accessory dwelling units. The main change that it made is that it precludes a jurisdiction from requiring there to be an internal connection between the ADU and

the main dwelling. And a large part of that is focused on allowing people to build what it appears to as you read the changes in the text is it is allowing people to build their ADU's above a garage but that ADU might get their access through a stairwell in the garage or something like that rather than trying to find habitable floor space to get back and forth to the other main area. That is a change that we need to make in order to comply with state code. The larger thing that SB174 does is modifying the process for subdivisions of single-family dwellings, two-family dwellings, or town home applications. That specific provision, like I said, is the largest change that this SB174 does. It gave our specific County until February 1, 2024 to comply with this code.

Austin Corry noted some of the other things are that they have instituted time lines for how quickly applications need to be reviewed. Internally through our county procedures we are well in compliance with the time lines that they gave. They gave a requirement of fifteen business days on preliminary subdivisions, twenty business days on final subdivisions. Typically our DRC process we are doing things in fourteen calendar days. Like I say we are well within the requirements there. It does limit preliminary subdivision stage that you cannot have more than one public meeting. This proposal, although I think we could comply without changing our code, but we are adding some language in there or suggesting to add some language in there that helps codify that we are complying with that. If you recall the discussions we had with one of the proposed code amendments that you received earlier this year this was one of the main sticking points was that proposal had some provisions in it that pretty much looked like another public meeting that would conflict with this provision. That is where a lot of our concerns were being raised during that time period.

Austin Corry replied that the last thing that it does in terms of the review process is that it caps the number of review cycles to four. So we are talking about our DRC process now. An applicant submits their documents, the county reviews it and gets some comments back and sends it to them saying here are corrections that you need to make in order to comply with code. The state law for these types of applications says that we cannot have any more than four. So under a strict reading I would usually suggest that for applicants that struggle to meet the code requirements what it is going to result in is a lot of denials happening because we will reach the four review cycles. They haven't been fixing things that the DRC has been asking them to and we will say that we can't do any more than four so you are denied. Which I don't really like the intent but it very much is what the language says. We believe that we have come up with at least an idea to provide some better flexibility. We have codified or we are proposing to codify that four review cycles but also noting that an applicant and the county can agree to let it keep going to more review cycles if they would like. Somebody who innocently doesn't know and honestly trying to work through it and it is not that they are openly ignoring the review comments they are just not understanding them or something. We can keep working through those with them and get them to an approval.

Doug Smith, the Wasatch County Planner, replied that what it might create is some engineer/developers that get to that fourth review cycle and we have recommended denial because they are not in compliance they will demand to come to the Planning Commission and obviously we will have a DRC report that says denial but it could be that we are debating what some of these developers think about that.

Austin Corry replied that you start seeing applications in front of you that aren't ready. The state code is giving them the right to come in front of you after that fourth cycle. Once a land use decision is actually rendered then they would follow the same normal appeal process.

Commissioner Wendell Rigby replied that they can say that we have the four cycles of review and can they press that as a requirement that we have to approve what they submitted or is there something that they still have to meet the county requirements and I have seen that happen before. Austin Corry replied that what you are saying there is a very high likelihood that if an item shows up to you because the applicant is saying that I have my four review cycles and I need to be on an agenda and they will take that position that you are saying. I don't read the state law to say that they are exempted from requirements of the code just because they made it through four review cycles. If they are in front of you demanding a decision then that takes away the option of continuing it unless in the meeting they go ahead and request that they continue you at that time and it will start resulting in likely more denials. Wendell Rigby replied that what is holding them back is either the developer or the developer's engineer who doesn't want to admit to his client that he hasn't gotten it done and they blame the County or the City for the delays or the fact he didn't review right the first time, the second time, the third time and you are adding things to the review each time. The laws that we are seeing are written by the legislature which is sixty to seventy percent of the legislators were developers. They have lobbyists to lobby to put these kind of laws into effect because it speeds up the process but it also I think it ends up hurting the public, the people who they are building these homes and projects for and these end up damaging the residents and developers just go their way after it is all built.

Austin Corry indicated that a lot of these state codes they tend to come through because of bad players. These are the same conversations that I have in my own office just in the DRC process and they will come in and say that they don't like that code and

I don't have the authority to saying that I am not going to enforce it. I just tell you what it is and that you comply with it. Commissioner Doug Grandquis replied that it takes a lot of our discretion away from us and no question about that.

Austin Corry replied that we have to have a published list of what the requirements are for a subdivision. It is codified in our code so that is not an issue. It adopts language similar to what it reads in the State Code right now under conditional use permits that says that if they meet your code you have to approve them. We comply with that. You see us bring projects to you all the time if they are meeting the code it is our recommendation for you is approval. They are re-enforcing that under the state level. It requires modifications to the appeal authority options for subdivision reviews. In essence when it is these single-family residential subdivisions it creates two descriptions for the types of plans that you are receiving with these subdivision applications. It refers to subdivision ordinance review and subdivision improvement plans. It says that if it is a subdivision improvement plans, it suggests that it is the civil engineering documents that are tied to, your water line, sewer line things like that. If it falls under that category than the applicant has a right to appeal even if the DRC is saying that you need to fix your sewer line to do this and they can appeal that to a panel of experts that would be an engineer selected by the applicant and engineer selected by the county and then a third engineer who the two parties agree on. That would make up three body panel where they can go in and argue about what the requirements are for their subdivision improvement plans. Here in the county and at least right now I am not concerned about it because we don't have a standard that meets the definition of what the state is restricting saying these things. Austin Corry replied that as we read through that state code it does suggest that is an option and that we don't have to use that panel of experts. Personally I feel like it would be a lot cleaner and a lot easier if there is a high likelihood if they are upset about one thing they are upset with more than one thing. This could really lengthen the time. Our proposed language we are suggesting that the county is encouraging them or the applicant to utilize our normal appeal authority to go through that process for appeals. When you have the one single review body you can talk about all the issues at once.

Austin Corry replied that obviously required us to address appeal authorities and as part of that we have also looked at our Board of Adjustment. This has been allowed under state code for a number of years. Your appeal authority does not have to be a Board of Adjustment. Since we have been looking at our Board of Adjustment and that board being a board with multiple people when we get appeals we have time lines that we have to meet in order to render decisions on those appeals and with multiple individuals that scheduling and getting hearings set up and things like that becomes difficult. We are recommending that we move to instead of an appeals hearing officer which would be a singular person that would hear the appeals. The person would be familiar with land use and laws and things like that but it would just be a single person and we could facilitate hearing appeals in a quicker manner.

Austin Corry replied that the biggest item in SB174 really forces Wasatch County to do and that is to the land use authority provisions. Preliminary subdivisions and final subdivisions for single family residential projects or two family and town home developments. Preliminary subdivision and final subdivision those are administrative decisions and we have had pretty lengthy discussions between the legislative approvals and administrative approvals. Legislative tends to come with high discretion. That is like zoning code amendments, general plan amendments and things where you are affecting the laws. Then the administrative approval route is do they meet the laws that are in place. Then you are operating as a land use authority that is what you are doing is an administrative approval. In Wasatch County I feel that we have been really good about it. We have to react with what the State Code is having us do.

Austin Corry presented flowcharts of development types review process to the Planning Commission and explained what they signify. Master Plans are not subject to the SB174 changes. The process is that the application gets submitted and the DRC reviews it and if they are giving comments there is this kind of back and forth and then the applicant resubmits. Once they get to where the DRC has established that they are compliant with code and they are ready for a decision we automatically advertise those things for the public hearings that they need to go through and at that time we write the staff report and it comes to you as a Planning Commission as the recommending body and then the Council is where a decisions rendered. The Council is our legislative body.

Austin Corry replied that moving on through our current process for those same overlay zones if they went through a master plan and their next step would be preliminary. Preliminary plans are the starting point if you are talking about a standard large scale development anything more than five lots would go through this process. This is the exact same process as that master plan. The land use authority at this stage this is an administrative decision but right now our land use authority is the County Council. SB174 explicitly says you can't use your legislative body as a land use authority for a preliminary subdivisions. We need to adapt for that. This proposal takes the legislative body out of that just for those applications that are more restrictive from doing that. JSPA, JBOZ, areas in the geologic hazard overlay zone, those are still going to follow the current process that we have. This is only for single-family residential subdivisions. You would now be the land use authority, you as the Planning Commission would now be the land authority for preliminary subdivisions. You are no longer recommending you would be the authority. You can only

have one public hearing on it as well. Commissioner Wendell Rigby replied that it limits the public involvement but the legislature is putting laws into effect that limit in this case the ability of the public to come and comment on it.

Austin Corry replied that this removes some of the transparency and the public process. Our Representative Kohler raised the same concerns when this was on the house floor. Also there is a difference between a public meeting and a public hearing and could result in instances where an item ends back in front of you but you can't take public comment. Jon Woodard replied that he doesn't see anything in the code that says that you have got people here to talk and you can't allow them to talk. Doug Smith replied that will be interesting to see if you do allow the public comment that I suspect there is some developers that would say that you can't do that.

Austin Corry replied that the change that is being made with preliminary basically just pulling the Council out of it because SB174 says that you can't use the Council. And it does put more responsibility on the Planning Commission. One of my concerns is I think there is benefits in having the individuals who create the laws see what those law are actually resulting in to help inform them whether the laws are really working or not. By removing the lawmakers the legislative body out of even seeing those applications they are removed far enough and you may not have results of good laws then.

Commissioner Doug Grandquis said not only that but then later on you say that the Planning Commission is removed as a land use authority for final subdivisions and replace them. In a sense when you approve the preliminary that is it, we are through. Austin Corry replied that we have a provision in our code and state law allows it to happen, that if there are substantial changes to that project we are going to get to the stage it is now final and now we are saying that doesn't meet your preliminary and you have to go back to preliminary and back to the Planning Commission and start a whole new application process to make a change that way. That is going to be one of the unintended consequences that will get people pretty fired up.

Commissioner Wendell Rigby replied that it is more general and then you get to final and it has got all the infrastructure and all the detail in it. Austin Corry replied that we do require engineering plans in the preliminary stage. The DRC at least the way we operate right now is we tend to be more forgiving on what we will allow to move forward. That will likely have to change now and DRC reviews are going to be more critical at preliminary than the developers will like.

Commissioner Doug Grandquis replied that we won't be able to address any feedback then because of this decision being moved on beyond our control. We won't know if what we decide here is put into the final plan. Doug Smith replied that I think the assumption is there and if there is a significant change it will come back to you but what you are approving should be substantial similar to what the final is. It opens up more disagreements because you will have a developer/engineer arguing that it is not a substantial change and we are arguing it is a substantial change.

Chair Chuck Zuercher said do we have to approve the code now. Jon Woodard replied it has to be done by February 1, 2024 or we will get a black eye with the legislature and will be in violation of state law. Austin Corry replied that there is flexibility and if you have other ideas I am all ears so the restrictions in the State Code is that you can't use certain bodies to do certain things. It doesn't necessarily specify how you go about doing that. They want people to just start using staff to make approvals and there are no public meetings, no planning commission, there is no council and suggests that but it doesn't strictly require that. Preliminary plan says that you can't use your Council and we think our Planning Commission operates just dandy. We like you guys. We felt that it is okay for us to use that. We think that we have come with a solution for final to help reintroduce some of the benefits that come from our current process.

Austin Corry indicated that the new preliminary process for single family residential matches our current process for final subdivisions. Unfortunately State Code SB174 says that you can't use your planning commission for the final subdivisions. What we are proposing is that there be the creation of a new committee. This committee would be called the Administrative Land Use Committee. It would consist of the Council Chair, the Planning Commission Chair, and the JSPA Planning Committee Chair or their designee. So the idea there is if somebody can't be there as a chair you can ask somebody else to attend and really think the designee is more appropriate for especially at the Council level because they are broken up to represent certain areas and it is likely that they will ask the person representing that area to operate at that time and that can change who the designee is from meeting to meeting. I think there is an opportunity to improve beyond just having these new committee created and we always have these meetings. There is a real valid concern with the concept if we create another committee that is one more public meeting and this is staff time to be at every public meeting and if we are attending so many meetings that we can't actually do our DRC reviews. Additional meetings place a burden on staff time that make it difficult to get to those other things. So there was the concern that if we take every item yet another meeting because it can't be the Planning Commission meeting that it takes it away from that. We also think that we can meet an intent although it wasn't required in state code but it was clear that the intent was trying to expedite some of these approvals. The idea here would be that those items that you typically see on your consent agenda

and if it is a consent type item and they have worked through the DRC and the DRC is recommending approval the staff report would be written and it would be sent to the Land Use Committee Chair. The chair of that meeting will always be the Council member but it is sent just to the chair. The applicant will have seven days to look at the staff report and see the findings and see the conditions and if they raise no concerns the chair can just approve it administratively with no hearing. Just consent to the approval and it is done.

Austin Corry replied that if there is a concern there or in the case of unresolved comments after four review cycles and they are saying I want a decision and I demand a decision or a rip cord provision from state code and things where they are not meeting those requirements or if it is an item of high public interest that really just shouldn't be done as a consent item and then in those cases the meeting would be established and would be a meeting like we operate with the JSPA where the meetings are just called as needed and not a regularly scheduled meeting and just call them as needed and that is when the three members would assemble together and we operate like we do a normal public meeting. We would allow a lot of these consent things to just go through and signed off and be done.

Austin Corry indicated that I have got four things here that are the most prominent benefits from this idea and 1. It does retain some level of some involvement in the land use process and what I mean by that is because you have got the Council Chair that is sitting on that committee you as a Planning Commission Chair are sitting on that committee you are at least seeing those things that come through. We did present this idea to the Council to make sure that they were comfortable in concept with it before we drafted up the language that we did and there was talk in there that they would likely even use that member that is attending those meetings to then report in their board reports to the rest of the Council what is getting done in those committee meetings so the Council is being made aware in the best way they can. The same with the JSPA. It does reduce the number of extra meetings that need to be held while still protecting that ability to be involved. It provides an expedited route from the current process for consent items so even from today's process you will notice in there is that one of the suggestions and the only requirement from SB174 is moving the single-family residential projects through this new process. Minor subdivisions like Timber Lakes Lot combinations things that show up on your consent agenda quite regularly we site why don't we move those that same way. One of the benefits is that we can start lighting up your agendas. It still helps to preserve a good record of that decision. I think that a staff report being written helps more clearly identify what and how something gets approved as opposed to the DRC reports which might have some applicable comments but explaining how something is meeting a code requirement or how something is anticipated to be adjusted, conditions or approval type of a thing and the staff report helps pull all those together and make it more clear what the expectation is should a dispute arise later on. And it provides a clear record of the decision rendered. These are some of the benefits I see coming from this new Land Use Committee idea. Admittedly our current process is better but we can't use in anymore.

Austin Corry then went through the summary of the proposed amendment:

AMENDMENT SUMMARY

- Panel of Engineering experts listed as appeal option for civil improvement plans on subdivisions.
- Changes appeal authority from a Board of Adjustment to an Appeals Hearing Officer.
- Adjusts duties and responsibilities of the Council, Planning Commission, and other land use authorities to comply with SB174.
- Creates an Administrative Land Use Committee to expedite certain approvals in the county.
- Adjusts fee schedule.
- Cleanup and moving of sections to organize the code for efficient and easier understanding.
- Adjusts IADUs requirements to comply with SB174.
- Other small cleanup items to reinforce existing county policies.

Austin Corry then went through some proposed findings:

1. The Utah State Legislature enacted Senate Bill 174 earlier this year (2023).
2. SB174 requires the County to, by February 1, 2024, modify local land use regulations to, among other things, eliminate any provisions that require certain single-family residential developments from being subject to review by the legislative body acting as a land use authority.
3. The county has previously shown an interest in protecting public transparency and interests.
4. The county has weighed the public benefit for other land use authority provisions and appeal authorities in consideration of transparency, fiscal responsibility, and efficiency.

5. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Commission Discussion

Commissioner Wendell Rigby indicated that isn't this something that if we pushed it off until January to decide that doesn't give you much time to put this committee together and be in compliance with the legislature. Austin Corry replied that some of the reason why I pushed real hard to get it on this agenda was if we do need to make adjustments we do still have another meeting. If this was January right now I would be saying that we have got a problem because we have got to adopt this by February 1, 2024. I think we have got some time here and if there were some things that you saw in there that you had concerns with and wanted us to move into. That said, if you read the draft ordinance that is in there it does state that it would not go into effect until February 1, 2024 even if it were passed now in December we would wait until February 1, 2024 before it went into effect. The Land Use Committee is not that difficult because it is already spelled out who the members are that just is what it is. What we are looking for some more time on is that move from the Board of Adjustment to the appeals hearing officer. We would likely have to go for an RFP or RFQ we need to find somebody who would actually fill that hearing officer role and that is something that we would need some time on.

Doug Smith replied that if it was continued it would go to the Council in the third meeting in January and still be okay unless the Council wanted to continue it. Even then if someone submitted a project after February 1, 2024 they would be vested under this process SB174 and anything prior to that would be under our current process I am assuming. Austin Corry replied so if we didn't make the change and our code ends up in violation of the SB174 then we would not be allowed to enforce our code. We would have to just come up with some sort of a process for them to follow through. It is helpful if it is codified. Is there anything in particular that you are seeing there or just wanting some time to review it?

Commissioner Kimberly Cook replied that it is a lot of information to digest. Doug Smith replied that the Council is aware of this and there has been discussion with them. Commissioner Kimberly Cook replied that if we took another month that wouldn't change things or is there a problem. Austin Corry replied that we have time to implement it still if you felt like you needed another month.

Chair Chuck Zuercher replied that we would like to hear Commissioner Mark Hendricks in what he has to say about this going forward. We could take more time to go through it more thoroughly. Doug Smith replied that there are five commissioners here and this is a big issue to decide.

Commissioner Scott Brubaker replied I have got one person over here saying that a month isn't going to change much and this other person over here saying maybe you should slow down and see what else you could figure out here. It is hard to know that we will come up with anything better. I think that these guys have been looking at this for a long time. I guess I would ask Doug and Austin, do you think we are there? I mean do you think we are as good as we are going to get? Or do you think there is something else that we could do and I mean you probably have already thought through that. Any comments on that? Austin Corry replied that I never liked to give an answer to, are we as good as we are ever going to get. I think there is always room for improvement. I will say there has been a significant amount of work going into this to where I feel like we are about as improved as we could do to be in compliance.

Jon Woodard replied that my work on this and I pushed as hard as I felt like I could without feeling like we are going directly against what the legislature wants to try and maintain the ability of our elected representatives role in the planning process and for the public to have a role in the planning process. It takes away substantially from both of those things but I feel like we have done as much as I could see to do and preserve those and comply with SB174.

Commissioner Kimberly Cook replied that I would like to hear what Commissioner Mark Hendricks has to say. Chuck Zuercher replied that we could put it off for a month to give time for Commissioner Mark Hendricks to look into this. Austin Corry that is fine with me.

Chair Chuck Zuercher replied that he would like to hear what Commissioner Mark Hendricks would say. We can only do a few things and still be in compliance with what they want period. Austin Corry replied that there are options and some of them aren't good ones and there are consequences. Austin Corry replied that the moderate housing changes that I talked about that is what the state wrote in if you don't comply and then we are pulling your state transportation funds.

Commissioner Kimberly Cook asked if other counties just comply and do what they need to do. Commissioner Scott Brubaker replied that I bet there are other counties with their staff going crazy right now or they aren't going crazy and they will get a black

eye for that. Doug Smith replied that you have to just comply regardless. Commissioner Scott Brubaker, that is true. Doug Smith indicated that you can't process it the old way you have to just write a new code.

Chair Chuck Zuercher replied that as much as I would like to hear Commissioner Mark Hendricks and he could bring us some great ideas but the bottom line is we are probably pretty close the way it has to be. Austin Corry replied that as it is composed it would comply with State Code.

Commissioner Doug Grandquis indicated that philosophically, politically, ethically or whatever I am deeply opposed to this and I was going to vote no to this but after listening to staff and taking their input I don't think we really have a chance. I think that we have got to move forward. There is just that time line and we can't tell if there is going to be an adequate number of people here for the next meeting and then what will we do. We are really up against the wall here so it is against my judgement and I have talked this over with my wife because like I said I have been enabled on a number of issues and I am going to go ahead and make a motion after public comment.

Public Comment

Chair Chuck Zuercher then opened the public hearing up for public comment and there was none so the public comment was closed.

Motion

Commissioner Doug Grandquis made a motion that I would recommend to the County Council to approve the proposed amendment to the Wasatch County Code Titles 2, 14, and 16 in compliance with SB174 based on staff's recommendations and subject to the findings.

Commissioner Wendell Rigby seconded that motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Scott Brubaker, Kimberly Cook, Doug Grandquis.

NAY: None.

ADJOURNMENT

Motion

Commissioner Wendell Rigby made a motion to adjourn.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Scott Brubaker, Kimberly Cook, Doug Grandquis

NAY: None.

Meeting adjourned at 8:00 p.m.

CHUCK ZUERCHER/CHAIRMAN

Wasatch County Planning Commission January 11, 2024



Item #1

Benloch Ranch Phase 3
-Private Capital Diversified Fund-

90-Day Extension

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL

Memo

To: Wasatch County Planning Commission
From: Doug Smith
Date: January 3, 2024
Re: Item # 1 – Benloch Ranch phase 3 final plat approval extension (DEV 8824)



Commissioners,

Russell Skuse, representing Private Capital Diversified Fund, requests the fourth and final of four possible 90 day extensions under the provisions of WCC §16.01.16 to the Final Plat Approval of Benloch Ranch Phase 3 (DEV-4466) which was granted by the Planning Commission on March 10, 2022 and set to expire December 6, 2023 under the most recent extension approval. (DEV-8824; Doug Smith)

Benloch Ranch phase 3 is a proposed residential subdivision consisting of 134 units on 189.62 acres. Phase 3 is part of the Benloch Ranch master plan. Phase 3 is located south of Highway 32 and east of Victory Ranch. Phase 3 is located closer to Highway 32 on the north side of the master plan. The property has been sold to a new developer and there have been a number of issues that have taken time to resolve. The applicant is requesting that the Planning Commission extend the expiration date 90 days from December 6, 2023 to March 6, 2024.

Per Wasatch County Code 16.01.16:

- F. Upon written request of an applicant, the expiration date of an application or its approval, as the case may be, may be extended for ninety (90) days beyond the expiration date provided that:
1. *an application for an extension of time is submitted prior to the expiration date; and*
 2. *the Planning Commission or its designee finds, based on substantial evidence placed in the record:*
 - a. *Substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;*
 - b. *In the case of an unapproved application, no changes to this Title have occurred or are being considered that may affect the application; and*
 - c. *In the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the Wasatch County Code.*
 3. *In no case shall the time period be extended for more than twelve (12) months from the original expiration.*

Attached is the applicant's request and the Report of Action from the March 10, 2022 Planning Commission meeting. The Planning Commission will need to state findings as part of any motion made on this item. If the Commission chooses to approve the extension request, the applicant's justification criteria provided in the attached letter may be considered the findings for approval.



December 5, 2023
Wasatch County Planning
Attention: Doug Smith, Director

SUBJECT: Benloch Ranch Phase 3 **Fourth** Extension

Dear Mr. Smith:

Horrocks respectfully requests the **Final** 90-day extension of time from the date of the prior approval for the above referenced approved Final Plans and Plat for Phase 3 in the Benloch Ranch Master Planned Community.

While we cannot speak to the master developer and delays incurred regarding progress in recording Phase 3 there continues to be challenges that have further delayed our progress.

Our client, Cache Private Capital (Prospera) while developing Phases 4, 5, & 6 through Horrocks, has been working diligently to secure the ability to develop all phase in a timely and cost-effective manor while overcoming constraints as secondary access anticipated to be located, designed, and constructed by the master developer. We are confident a solution has been found together with obtaining a contractor for the project. We continue to work with county staff, Ardurra, and JSSD to secure a grading permit for Phase 3.

Horrocks and Prospera continue to meet with both planning and engineering to facilitate the permit.

Thank you in advance, we look forward to receiving further correspondence, attending all necessary meetings and if you have any questions regarding this request, please contact me at 702.580.1146 or russell.skuse@horrocks.com

Sincerely,
Horrocks

A handwritten signature in black ink, appearing to read 'RS', with a small dot to the right.

Russell J Skuse
Senior Associate
Land Development Director
Arizona & Utah Regions

Cc: Sean Clark, Prospera

Wasatch County Planning Commission
Report of Action
 10-March-2022

Commissioner Chuck Zuercher was present as Chair.

ITEM #4 – AJ Fireside Park City LLC requests Large Scale Final Subdivision approval for Benloch Ranch Phase 3, a proposed residential phase consisting of 134 units on 189.62 acres (142.2 on final plat), 48 of which are townhouse units. Phase 3 is part of the Benloch Ranch master development located in the Jordanelle planning area in Sections 1 & 2, Townships 3 South & 2 South, Range 5 East in the Jordanelle Basin Overlay Zone (JBOZ). (DEV-4466; Doug Smith)

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The retaining walls on the project and an agreement from the applicant that they would not be part of the approval discussion at this time.
- Discussion regarding open space deeding and plat recording procedures.
- Discussion regarding questions of whether final plans were substantially similar. Applicant has agreed to submit a revised preliminary plan for all future phases.

APPLICANT AND PUBLIC COMMENT

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Guy Williams, civil engineer representing applicant, presented paper renderings of the walls to the Planning Commission and stated that they are eliminating the 10 foot walls and will do 4 foot walls instead. They are not trying to create flat pad sites, but instead create an interesting spaces for buyers to be able to have a yard. He indicated the code allows 4 foot walls regardless of length.
- Scott Kirkland, applicant, added that they want to have the walls move back and forth so it isn't a big blank wall.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Hendricks asked if the Commission will see the wall later once it is designed. Mr. Smith replied that the motion, if approving, may need to include a need for the wall to go to the Council if need be. Staff will need to see the new design of the retaining walls and decide if it needs to go to Planning Commission or not.
- Commissioner Hendricks asked if the conditions should be tweaked to reflect the discussion about retaining walls. Mr. Smith pointed out that it would affect either conditions or findings.

MOTION

Commissioner Hendricks made a motion to approve the applicant in light of findings outlined in the staff report with the exceptions of item #7 which should be deleted. Included in the motion are the recommended conditions with the exception of conditions six and seven to be modified as discussed.

Commissioner McMillan seconded the motion.

VOTE (5 TO 1)

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Doug Grandquis	AYE	<u>NAY</u>	ABSTAIN
Wendell Rigby	<u>AYE</u>	NAY	ABSTAIN	Kimberly Cook	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN	Karl McMillan	<u>AYE</u>	NAY	ABSTAIN

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

1. The proposal is a conglomeration of three previous master plans and their associated densities granted by the County.
2. Due to a law suit against the Jordanelle Special Service District and a subsequent settlement agreement the property is vested with 2,046 ERU's.
3. Density is vested as long as the proposal is in compliance with the codes in place at the time of the entitlement agreement or appropriate ordinances.
4. The proposal is showing that all lots and attached and detached product are 1 ERU as represented to the County Council on May 9, 2018.
5. The DRC has forwarded the application for action by the planning commission.
6. The code requires extensive retaining walls to be approved by the County Council after a recommendation from the Planning Commission.

CONDITIONS

1. Prior to the plat being signed final landscape plans need to show quantities and sizes of all landscaping as well as an irrigation plan. A bond will need to be provided at plat recording that complies with the approved plan.
2. As per the development agreement a deed needs to be recorded that assures the 56% open space can be met.
3. Compliance with DRC report and comments from all departments.
4. Prior to final plat recording the affordable housing payment will need to be made which is \$375,200.
5. Work with the trail planner to provide a plan that shows the backcountry trail connectivity to the development's trail master plan to the east, south and west and to the paved multi-use trail along Highway 32. Approval to connect to a Victory Ranch paved public trail to the northeast also needs to be provided otherwise the trail should connect to Highway 32 by the JSSD pump station as previously discussed.
6. The applicant will work with staff and present a grading plan for review by staff for compliance with code at staff discretion and if there is a disagreement to the interpretation or ability to approve the item will be brought back to Planning Commission for a recommendation to Council regarding the retaining walls.



Wasatch County Planning Commission - Chairman

The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action. Official action of the Planning Commission on this item is subject to the approved minutes.

Wasatch County Planning Commission January 11, 2024



Item #2

Diamond Bar X No. 6 Lots 20 & 21
-Bucknell Investments LLC-

Minor Plat Amendment

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL

ITEM 2 Mike Johnston, representing Bucknell Investments LLC, requests a Minor Plat Amendment to Diamond Bar X No. 6 in order to combine lots 20 and 21 into one lot and to combine Open Space Areas A, B, and D into a single parcel located at 5616 S Diamond Bar X Road in the Preservation (P-160) zone. (DEV-8627; Anders Bake)

PROJECT SUMMARY

Applicant: Mike Johnston
Hearing Date: 11 January 2024
Property Owner(s): Bicknell Investments LLC
Existing Land Use: Vacant residential/ open space

Existing Zone: P-160
Existing Plat: 16 lots and 4 open space parcels on 61.7 acres
Lots Affected: Lots 20 and 21 and open space parcels A, B, and D

BACKGROUND

The applicant is seeking to amend the Diamond Bar X Ranch Subdivision, No. 6 Third Amended plat for the purpose of combining lots 20 and 21 into one lot (parcel #s 00-0021-3816 and 00-0021-3817). The proposed amendment would also combine open space parcels A, B, and D into one open space parcel (parcel #s 00-0021-3823, 00-0021-3824, and 00-0021-3826). All lots and parcels affected by this amendment are owned by Bicknell Investments LLC.

The applicant has received approval to abandon the existing public utility easement that separates lots 20 and 21. The easements along the boundary of the new lot 21 will remain. Some of the easements located in the open space areas have also been abandoned while others will remain in place according to the requests of the public utility companies.

The plat notes regulating the use and ownership of the open space areas will continue to apply to this amended plat. These notes state that the open space areas are privately owned but their use is limited to open area, agriculture, and livestock. Structures are also limited to “fences, gates, wells, pump houses, utility lines and other structures not buildings.”

Lot 17 in the existing Diamond Bar X Ranch Subdivision, No. 6 Third Amended plat is not included in this plat amendment. However, the boundary line between open space D and lot 17 on the proposed plat is different from the location depicted on the existing plat because it reflects the correct boundary line location as described in previously recorded Boundary Line Adjustments.

The subject properties are located at 5616 S Diamond Bar X RD. The amended plat will be titled Diamond Bar X Ranch Subdivision No. 6 Lots 20, 21 and Open Space Amended.

Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested Plat Amendment. State law requires a public hearing to amend any plat when the amendment is not signed by all the owners within the plat being amended. At the time of this report, no objections have

been received in response to the notices sent.

Utah Code § 17-27a-609 allows the County to approve a Plat Amendment if the County finds that: (a) there is good cause for the vacation, alteration, or amendment; and (b) no public-street, right-of-way, or easement has been vacated or altered.

KEY ISSUES TO CONSIDER

- The existing Diamond Bar X Ranch Subdivision No. 6 Third Amended Plat is a legal non-conforming subdivision recorded in March 2019.
- The existing lot sizes are:
 - Lot 20 – 0.68 acres
 - Lot 21 – 0.09 acres
 - Open Space Area A – 3.14 acres
 - Open Space Area B – 0.68 acres
 - Open Space Area D – 0.67 acres
- The proposed lot combination will result in one residential lot and one open space parcel with the following sizes:
 - lot 21 – 1.77 acres
 - Open Space Area A Amended – 4.5 acres.
- The increases in lot sizes will bring the property more in compliance with the 160 acre minimum lot size requirement for the P-160 Zone.
- Notes on the existing plat which restrict the use for the open space area will also be in effect on the proposed amended plat

STAFF ANALYSIS

– GOOD CAUSE –

Wasatch County Code 16.04.02 has defined “good cause” as:

“Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.”

Staff has reviewed the plat amendment and finds the proposal complies with the need to meet “good cause” as required by State Law. It is not anticipated that the proposed action would affect the neighboring landowners negatively. Lot combinations assure less density, more open space, and fewer septic drain fields. No roads are being affected by the proposed plat amendment.

– PUBLIC RIGHT-OF-WAY OR EASEMENTS –

The public utility easements along the front, rear, and side lot lines of the proposed lot 21 will remain while the easement along the lot line that currently separates lots 20 and 21 will be vacated. The public utility easements within the open space parcels will also remain except for the easement along the boundary line that currently

separates open space parcels B and D. No public-street or right-of-way is proposed to be vacated or altered by this amendment.

– *NON-CONFORMING LOT* –

The existing Diamond Bar X Ranch Subdivision, No. 6 Third Amended plat is a legal non-conforming lot. Since the original Diamond Bar X Ranch Subdivision was created, zoning regulations for the property have changed. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.

DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached (see Exhibit D). The Committee has accepted the item for the Planning Commission to render a decision.

POTENTIAL MOTION

Move to Approve with Conditions consistent with the findings and conditions presented in the staff report.

Findings:

1. The proposal is to combine lots 20 and 21 into one lot (parcel #s 00-0021-3816 and 00-0021-3817). The proposed amendment would also combine open space parcels A, B, and D into one open space parcel (parcel #s 00-0021-3823, 00-0021-3824, and 00-0021-3826).
2. The combination will result in one 1.77 acres residential lot (lot 21) and one 4.5 acre open space parcel (Open Space Area A).
3. All relevant plat notes from the existing plat have been copied onto the proposed amended plat. This includes a note which limits the use of the open space area to open space, agricultural and livestock. Residential structures are also prohibited on the open space area.
4. Good cause for the amendment exists since lot combinations reduce density, increase open space, and reduce the number of septic drain fields.
5. No public or private roads are being vacated as part of this plat amendment.
6. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.
7. This proposed revision conforms to the Wasatch County development standards.
8. The proposal is consistent with Utah Code § 17-27a-609.
9. The Development Review Committee has reviewed the project and provided a favorable recommendation.

Conditions:

1. The plat amendment approval shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.
2. The applicant shall resolve any conditions noted in the DRC report to the satisfaction of the applicable review department.

ALTERNATIVE ACTIONS

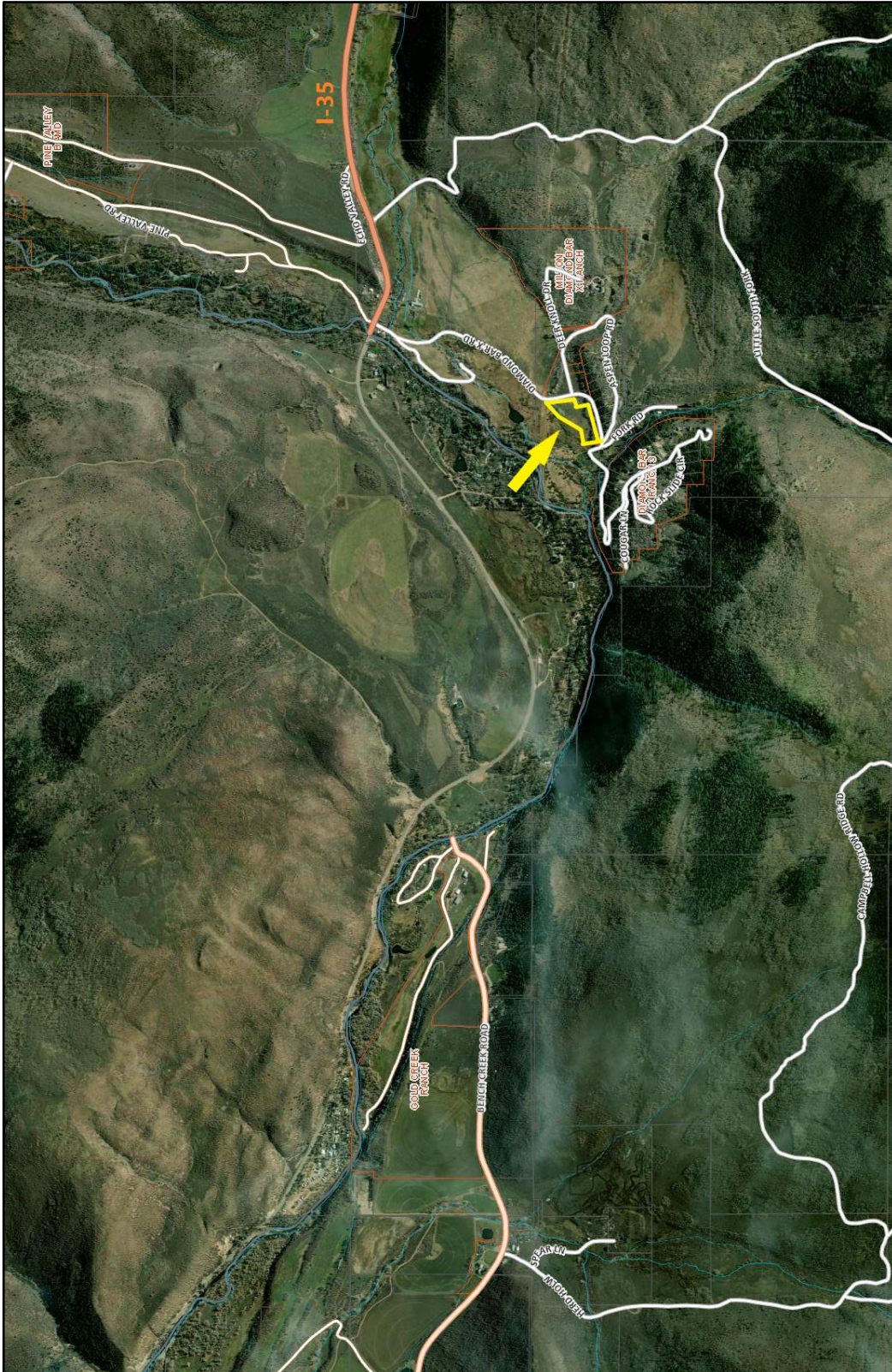
The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the potential findings listed in this staff report, the Planning Commission should state new findings.

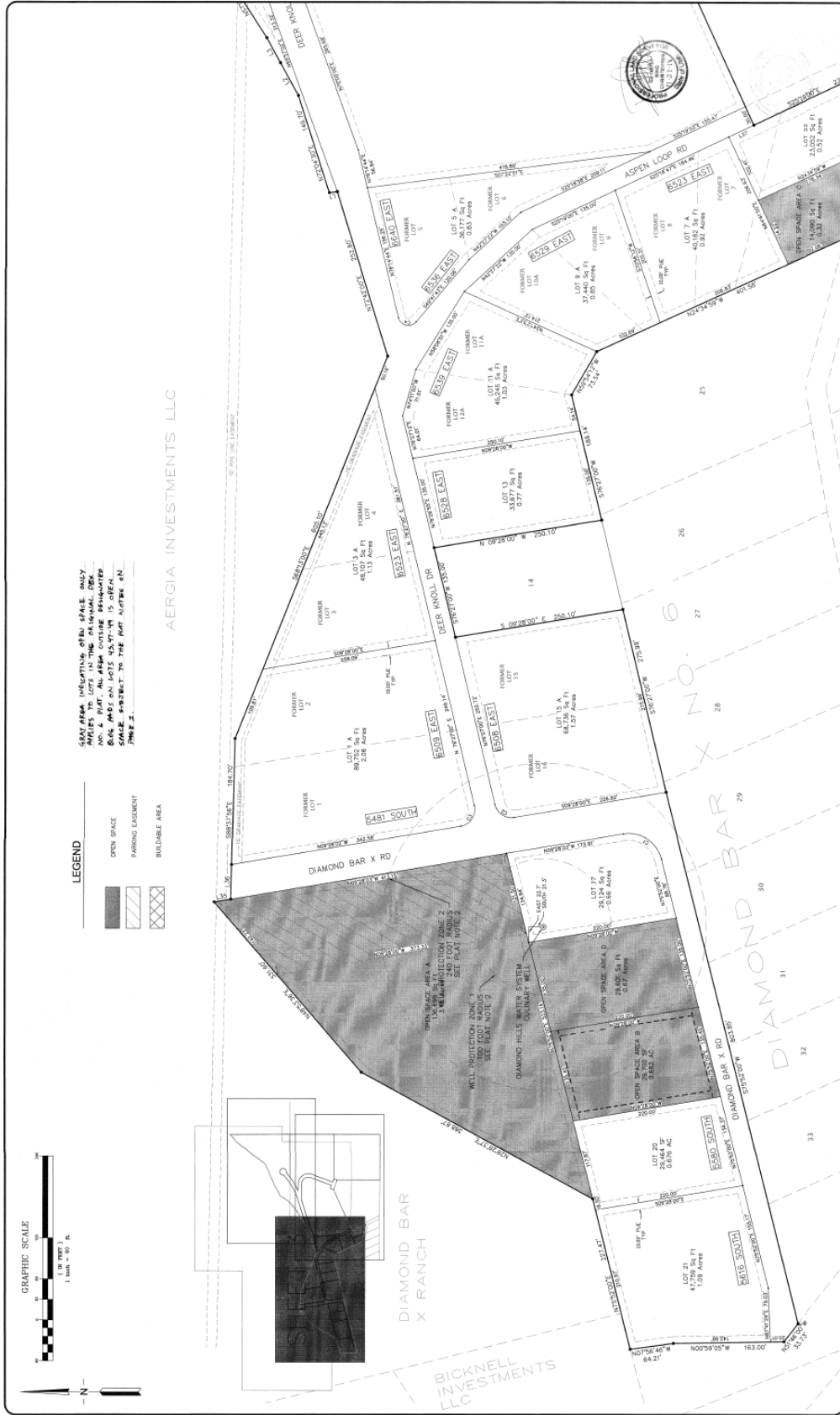
1. Recommendation for Approval. This action may be taken if the Planning Commission finds that the Plat Amendment is compliant as proposed with Wasatch County Code and all other applicable ordinances.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that issues can be resolved prior to final approval.
3. Continue. This action can be taken if the Planning Commission needs additional information before a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action can be taken if the Planning Commission finds that the proposal does not meet the intent of the ordinance.

EXHIBITS

- A. Vicinity Plan
- B. Existing Subdivision Plat
- C. Proposed Plat Amendment
- D. DRC Report

EXHIBIT A – Vicinity Plan





Summi Engineering Group
 1000 S. 1000 E. SUITE 100
 WASHINGTON, UT 84798
 TEL: 801.734.5500
 FAX: 801.734.5501
 WWW.SUMMIENGINEERING.COM

DATE BY: TLT
REVIEWED BY: IC
SCALE: 1" = 50'
PROJECT: P17024

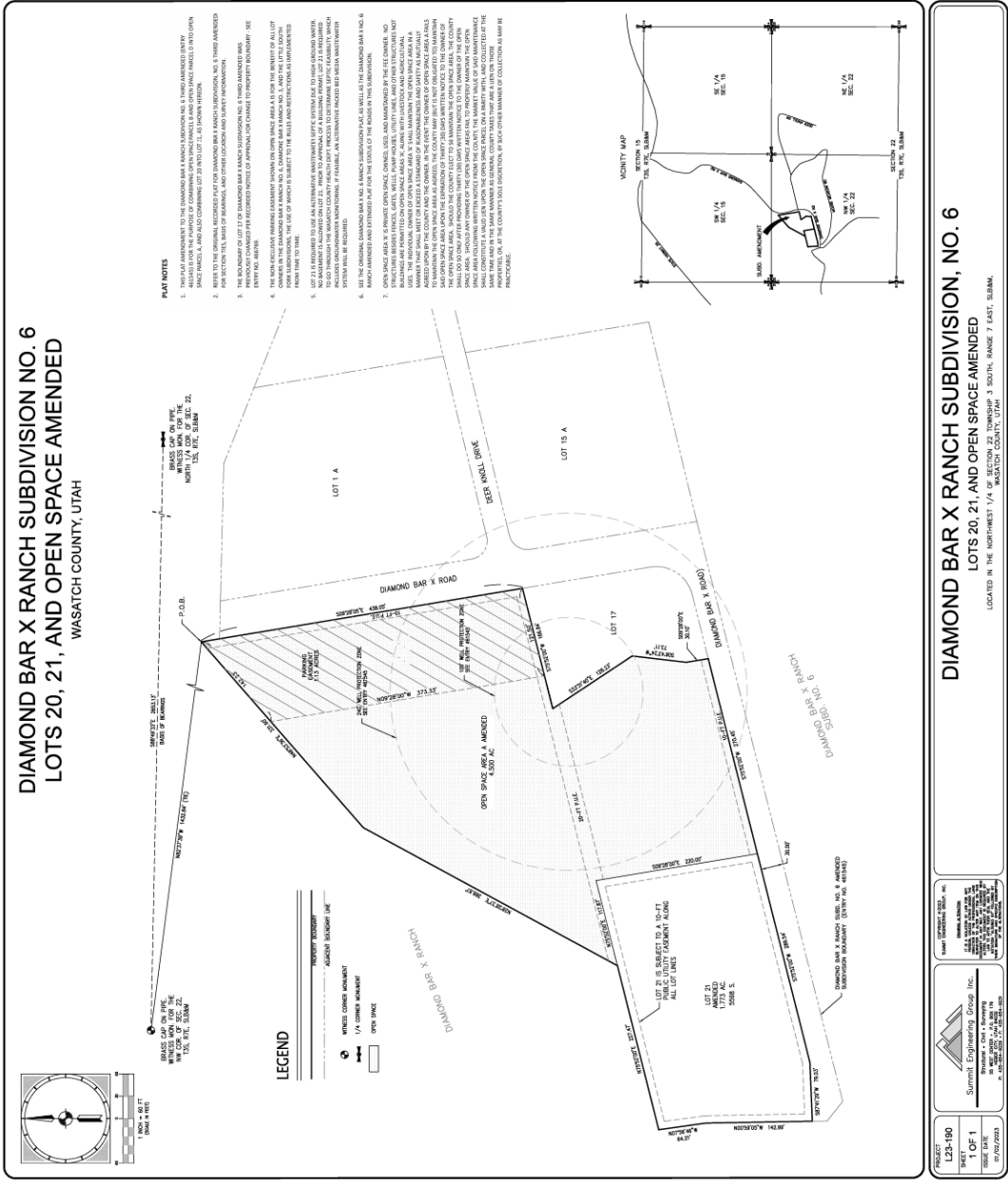
LOCATED IN THE SOUTHEAST
 1/4 OF SECTION 15, & THE
 SOUTHWEST 1/4 OF SECTION 16,
 TOWNSHIP 3 SOUTH, RANGE
 10 EAST, COUNTY OF WASATCH,
 WASHINGTON COUNTY, UTAH

PROJECT NO. **461515**
 DATE: **12/16/2024**
 DRAWING NO. **1534/083**
 SHEET NO. **3**
 TOTAL SHEETS: **8**

2: U:\03 Projects\COURT PROJECTS\15E-005 Court Cassard\15E-005 Court\15E-005 Court\15E-005 Court.dwg

EXHIBIT C – Proposed Plat Amendment

BOUNDARY DESCRIPTION
BASIS OF BEARINGS
SURVEYOR'S CERTIFICATE
OWNER'S DEDICATION
ACKNOWLEDGEMENT



DIAMOND BAR X RANCH SUBDIVISION, NO. 6
LOTS 20, 21, AND OPEN SPACE AMENDED
LOCATED IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 7 EAST, SUBM.

PROJECT: D23-190
DATE: 07/20/2023
SUMMIT Engineering Group Inc.
Washoe County Planning Commission

EXHIBIT E – DRC Report



**Wasatch County
DESIGN REVIEW
COMMITTEE (DRC)
COMMENTS**

PROJECT ID: DEV-8627
PROJECT NAME: PLAT AM - DIAMOND BAR X PH-6 LOT 21
PLAT AMENDMENT
VESTING DATE: 10/24/2023
REVIEW CYCLE #: 2

REVIEW CYCLE STATUS: CHANGES REQUIRED

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
GIS Department	Ready for Decision
Health Department	Ready for Decision
Recorder's Office	Ready for Decision
Planning Department	Changes Required

Approved = Reviewing entity has approved the project under consideration of their applicable codes. Any open comments are considered conditions of the entities recommendation.

Ready for Decision = Reviewing entity recommends the project move forward to a Planning Commission meeting (if applicable). Any open comments are considered conditions of the entities recommendation.

Changes Required = Reviewing entity has identified an issue(s) that needs to be resolved before recommending the project move forward.

No Action = Reviewing entity has not taken any action for the review cycle.

OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
DRC-ENG2	ENG - Engineering	Condition of Approval: Before the mylar is signed, documentation should be provided showing that the pertinent utilities are aware of and approve of the abandonment of the PUE along the side lot line being removed.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG1	02b - Amended Plat	Condition of Approval: Note 5 should read "Lot 21 Amended" not Lot 20.
DRC-ENG2		Condition of Approval: Before the mylar is signed, documentation should be provided showing that the pertinent utilities are aware of and approve of the abandonment of the PUE along the side lot line being removed.

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN1	02b - Amended Plat	Please add a note stating that all other Plat Notes from the Diamond bar X Ranch Subdivision, No. 6 Third Amended will apply to this plat.
DRC-PLN5	02b - Amended Plat	Add Surveyor's Certificate signature and stamp to mylar - WCC 16.27.12.K.3.
DRC-PLN6	02b - Amended Plat	Add " the acceptance of dedications of public lands, streets and easements;" to County manager's approval. - WCC16.27.12.K.7.
DRC-PLN7	02b - Amended Plat	Include Plat Note #4 from the Diamond bar X Ranch Subdivision NO. 6 Third Amended.

Wasatch County Planning Commission January 11, 2024



Item #3

Christensen Farm Phase 1
-Christensen Farms Lots LLC-

Plat Amendment

ITEM 3 Brian Balls, representing Christensen Farms Lots LLC, requests a plat amendment to Christensen Farm Phase 1 subdivision plat to add 0.134 acres of adjacent property to a retention area parcel located at 1460 S 2130 E in the Residential Agriculture 1 (RA-1) zone. (DEV-8733; Austin Corry)

PROJECT SUMMARY

Applicant: Brian Balls

Hearing Date: 11 January 2024

Property Owner(s): Christensen Farm Lots LLC

Related Applications: Plat Amendment DEV-6646
(approved 2022, expired 2023)

Existing Zone: RA-1

Existing Land Use: Retention Area

Existing Plat: 33 Lots on 43.923 acres

Lots Affected: Retention Area Parcel

BACKGROUND

In October 2022, the applicant received an approval to amend the Christensen Farms Phase 1 plat in order to add 0.134 acres of property from outside the subdivision boundary into a retention area parcel inside the subdivision. This was to facilitate the applicant’s proposed design of an adjacent subdivision to be called Christensen Farm Phase 2 & 3 subdivision. Approval for the amendment was granted, but the applicant did not proceed with the approval under the requirements listed in county code 16.01.16, which were also reiterated within the staff report, and listed in the conditions of the approval. As such, the approval expired.

The Christensen Farm Phase 1 subdivision is a development that was recorded on December 11, 2019. The subdivision reached the maximum density allowable of 1.3 acres per unit with 33 lots on 43.923 acres. With the proposed amendment, the retention area parcel is increased in size, and the notes of the plat are amended to alter the specifics of maintenance responsibilities for the retention area.

Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. State law requires a public hearing to amend any plat when the amendment is not signed by all the owners within the plat being amended. At the time of this report, no objections have been received in response to the notices sent.

Utah Code § 17-27a-609 allows the County to approve a plat amendment if the County finds that: (a) there is good cause for the vacation, alteration, or amendment; and (b) no public-street, right-of-way, or easement has been vacated or altered.

STAFF ANALYSIS

– GOOD CAUSE –

Wasatch County Code 16.04.02 has defined “good cause” as:

“Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.”

Given that the request mirrors that of the one approved one year ago, and that the DRC did not identify any changes to codes or conditions that would suggest a different outcome, staff has provided a list of potential findings at the end of this report that replicate those from one year ago. The County Council still may make another determination if they believe that circumstances warrant a different decision.

– MAINTENANCE RESPONSIBILITY –

Open Space areas are required to be landscaped by the developer. Presently the area has some native grasses and weeds. The applicant proposes to seed the area with pasture grass, install livestock fencing, and plant the required street trees.

Wasatch County Code 16.40.01(E) and the existing plat note 5 require the retention pond to be maintained by the HOA. Since the HOA is the entity responsible for maintenance, the DRC requested that the HOA be given the opportunity to review the proposed landscaping they are responsible to maintain. The applicant has indicated that attempts to work with the HOA were unsuccessful and that they would instead propose that their newly created HOA assume the maintenance responsibility previously assigned to the phase 1 HOA. As a result, the County Attorney’s office worked with the applicant to create the following proposed note in light of the circumstances indicated by the applicant.

4. THE HOA FOR CHRISTENSEN FARMS PHASES 2 AND 3 WILL ASSUME MAINTENANCE RESPONSIBILITY FOR THE DETENTION BASIN AND STORM DRAIN FACILITIES. IN THE EVENT THAT THE CHRISTENSEN FARMS PHASE 1 DETENTION BASIN IS NOT MAINTAINED IN ACCORDANCE WITH WASATCH COUNTY STANDARDS, THE CHRISTENSEN FARMS PHASE 1 HOA MAY MAINTAIN THE DETENTION BASIN IN ACCORDANCE WITH WASATCH COUNTY STANDARDS AND CHARGE THE CHRISTENSEN FARMS PHASES 2 AND 3 HOA FOR ITS REASONABLE, ACTUAL COSTS. IN THE EVENT THE HOA FAILS TO MAINTAIN THE DETENTION BASIN, THE COUNTY MAY (BUT IS NOT OBLIGATED TO) MAINTAIN THE BASIN AND STORM DRAIN FACILITIES. THE MARKET VALUE OF THE COST OF THIS MAINTENANCE IS HEREBY AGREED TO AND SHALL CONSTITUTE A VALID LIEN ON THE PHASE 2 AND 3 LOTS ON A PARITY WITH AND COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS GENERAL COUNTY TAXES THAT ARE A LIEN ON THE LOTS.

– OPEN SPACE –

Open space areas in variable lot subdivisions are allowable and was a method used in the Christensen Farm Phase 1 subdivision. It is not clear why, but the existing recorded plat did not indicate the necessary open space easement in favor of Wasatch County as required by code §16.21.06 and §16.08.04(D). If approved, it is recommended that one of the conditions be the inclusion of this note to meet Wasatch County Code since one of the requirements of ‘good cause’ is to “resolve existing...non-conformities.”

– PUBLIC RIGHT-OF-WAY OR EASEMENTS –

No public-street, right-of-way, or easement is proposed to be vacated or altered by this amendment other than to increase the size of the retention area easement.

DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached in the exhibits. The Committee has accepted the item for the Planning Commission to render a decision.

POTENTIAL MOTION

Move to forward a Recommendation for Approval with Conditions to the County Council consistent with the findings and conditions presented in the staff report.

Findings:

1. The affected plat is Christensen Farm Phase 1.
2. The request is to add 0.134 acres into a 4.19 acre storm water retention area in the existing plat
3. The proposed landscaping is to seed the area with pasture grass and use the retention area as a pasture. Trees will be planted in the parkstrip per WCC.
4. The proposal includes a request to change the maintenance responsibility of the retention area from the HOA of the Christensen Farm Phase 1 subdivision to instead be maintained by the HOA of an adjacent subdivision.
5. The existing plat is currently at the maximum permissible density of 1.3 acres/unit for the zone.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the project and forwarded the item on for a determination by the Planning Commission and County Council.
8. Utah Code and Wasatch County Code require a finding of good cause in order for any plat to be amended or vacated. If good cause is not able to be found, the request should be denied.
9. Good cause is defined as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.
10. Good cause for the amendment exists by accommodating the current design of the Christensen Farm Phase 2 subdivision as proposed, which would create a nuisance strip if the parcel were not combined with the existing retention area, thus precluding the ability of approving the proposed subdivision.
11. Good cause also exists by adding the required open space easement missed in the previous recording, thus resolving an issue of non-conformity.
12. Based on the current zoning designation and its associated regulations, both the existing affected subdivision and the proposed subdivision would be at the maximum permissible density.
13. The proposal is consistent with Utah Code § 17-27a-609.

Conditions:

1. The plat amendment approval shall expire if the amended plat is not recorded within one year from the date of receipt of plat amendment approval.
2. The plat notes should be updated to also include an open space easement in favor of Wasatch County per Wasatch County Code § 16.08.04(D).

ALTERNATIVE ACTIONS

The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the potential findings listed in this staff report, the Planning Commission should state new findings.

1. Recommendation for Approval. This action may be taken if the Planning Commission finds that the Plat Amendment is compliant as proposed with Wasatch County Code and all other applicable ordinances.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that issues can be resolved prior to final approval.
3. Continue. This action can be taken if the Planning Commission needs additional information before a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action can be taken if the Planning Commission finds that the proposal does not meet the intent of the ordinance.

EXHIBITS

- A. Vicinity Plan
- B. Existing Subdivision Plat
- C. Proposed Plat Amendment
- D. Proposed Landscape Plan
- E. DRC Report

EXHIBIT A – Vicinity Plan

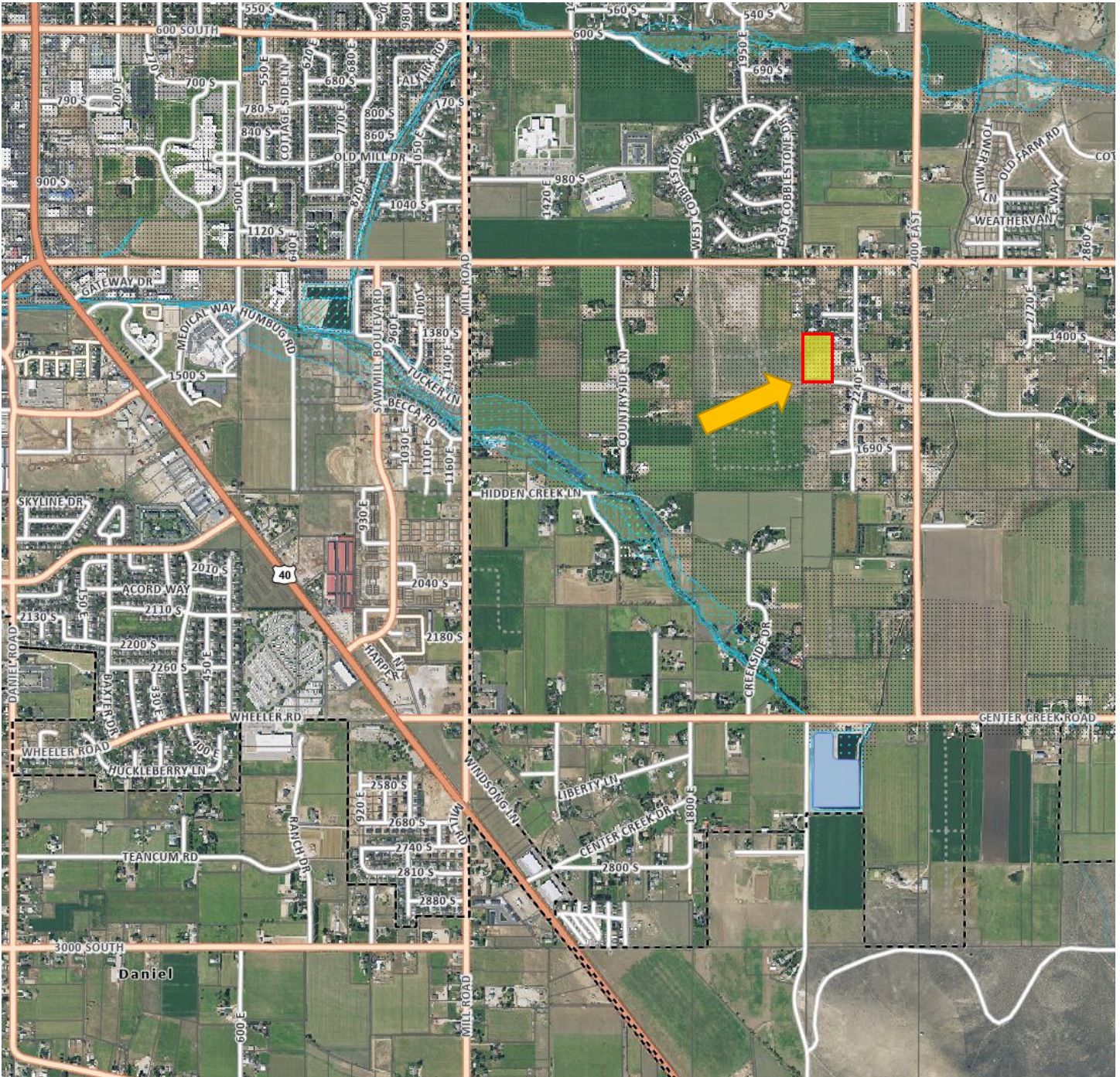
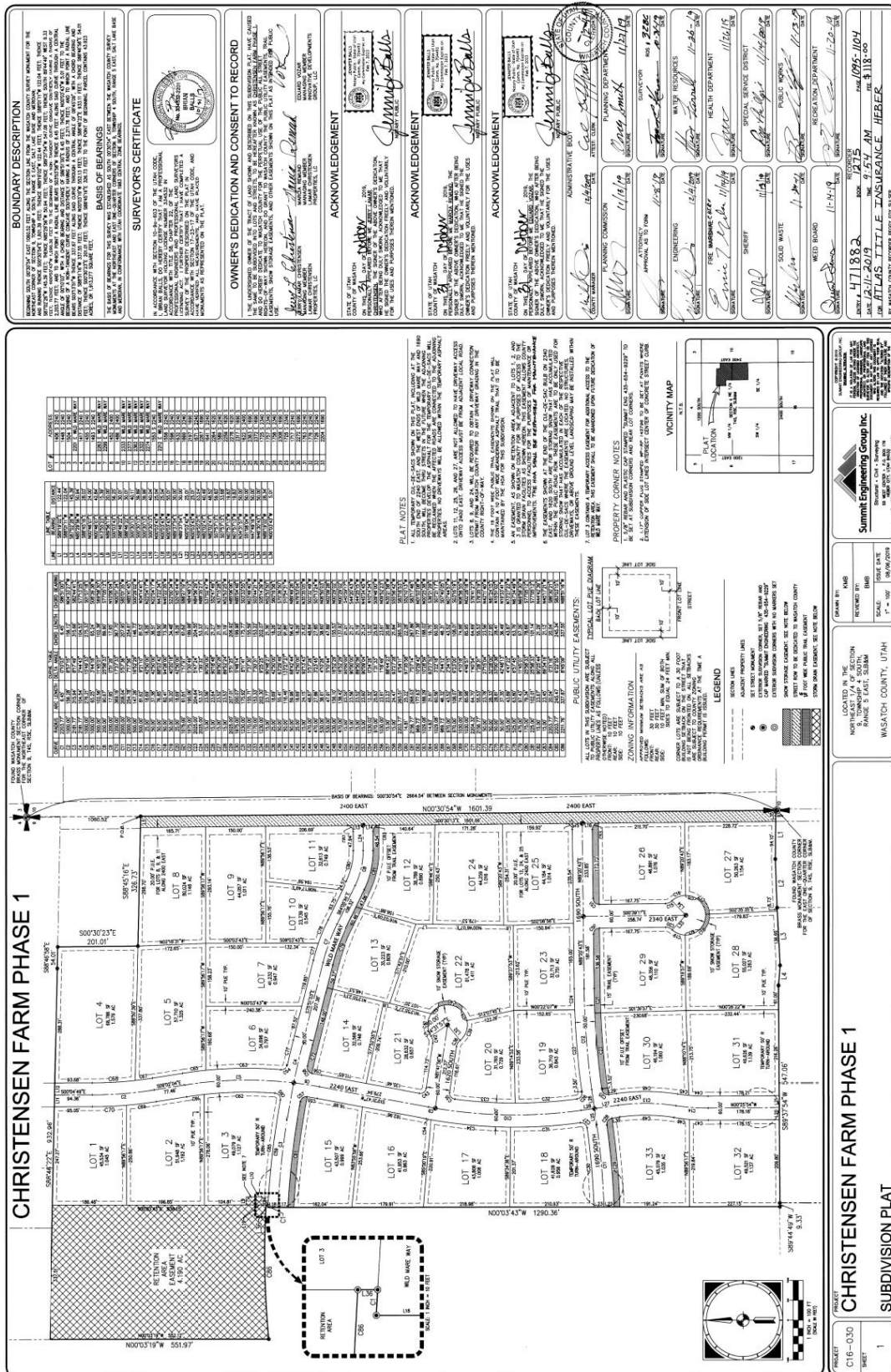


EXHIBIT B – Existing Subdivision Plat



BOUNDARY DESCRIPTION
 THE BOUNDARY DESCRIPTION OF THIS PLAT, TOGETHER WITH THE LOCATION OF THE BOUNDARY MARKERS, SHALL BE CONTAINED IN THE INSTRUMENT OF RECORD. THE BOUNDARY MARKERS SHALL BE PLACED AT THE CORNERS AND INTERSECTIONS OF THE BOUNDARIES, AND AT SUCH OTHER POINTS AS THE SURVEYOR SHALL DEEM ADVISABLE. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.

OWNER'S DEDICATION AND CONSENT TO RECORD
 I, the undersigned, owner of the land shown and depicted on this subdivision plat, have caused this plat to be surveyed and have caused this plat to be recorded in the public records of the State of Utah. I hereby dedicate and consent to the recording of this plat in the public records of the State of Utah, and I hereby consent to the recording of this plat in the public records of the State of Utah, and I hereby consent to the recording of this plat in the public records of the State of Utah.

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF WASATCH
 I, the undersigned, being duly sworn, depose and say that I am the owner of the land shown and depicted on this subdivision plat, and that I have caused this plat to be surveyed and recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah.

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF WASATCH
 I, the undersigned, being duly sworn, depose and say that I am the owner of the land shown and depicted on this subdivision plat, and that I have caused this plat to be surveyed and recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah.

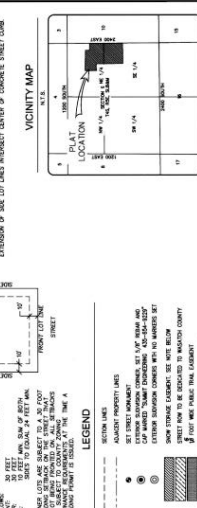
ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF WASATCH
 I, the undersigned, being duly sworn, depose and say that I am the owner of the land shown and depicted on this subdivision plat, and that I have caused this plat to be surveyed and recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah.

PLANNING COMMISSION
 I, the undersigned, being duly sworn, depose and say that I am the owner of the land shown and depicted on this subdivision plat, and that I have caused this plat to be surveyed and recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah, and that I have caused this plat to be recorded in the public records of the State of Utah.

LOT #	ACRES	AREA (SQ. FT.)	PERCENTAGE
1	0.1392	5988	0.1392%
2	0.1392	5988	0.1392%
3	0.1392	5988	0.1392%
4	0.1392	5988	0.1392%
5	0.1392	5988	0.1392%
6	0.1392	5988	0.1392%
7	0.1392	5988	0.1392%
8	0.1392	5988	0.1392%
9	0.1392	5988	0.1392%
10	0.1392	5988	0.1392%
11	0.1392	5988	0.1392%
12	0.1392	5988	0.1392%
13	0.1392	5988	0.1392%
14	0.1392	5988	0.1392%
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18	0.1392	5988	0.1392%
19	0.1392	5988	0.1392%
20	0.1392	5988	0.1392%
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26	0.1392	5988	0.1392%
27	0.1392	5988	0.1392%
28	0.1392	5988	0.1392%
29	0.1392	5988	0.1392%
30	0.1392	5988	0.1392%
31	0.1392	5988	0.1392%

PLAT NOTES
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. THE BOUNDARY MARKERS SHALL BE PLACED AT THE CORNERS AND INTERSECTIONS OF THE BOUNDARIES, AND AT SUCH OTHER POINTS AS THE SURVEYOR SHALL DEEM ADVISABLE.
 3. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 4. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
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 9. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 10. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.

PROSPECTOR'S NOTES
 1. THE BOUNDARY MARKERS SHALL BE PLACED AT THE CORNERS AND INTERSECTIONS OF THE BOUNDARIES, AND AT SUCH OTHER POINTS AS THE SURVEYOR SHALL DEEM ADVISABLE.
 2. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 3. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
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 9. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 10. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.



LEGEND

STREET PROPERTY LINES
 ADJACENT PROPERTY LINES
 BOUNDARY MARKERS
 PUBLIC UTILITY EASEMENTS

SECTION NOTES
 1. THE BOUNDARY MARKERS SHALL BE PLACED AT THE CORNERS AND INTERSECTIONS OF THE BOUNDARIES, AND AT SUCH OTHER POINTS AS THE SURVEYOR SHALL DEEM ADVISABLE.
 2. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 3. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 4. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 5. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 6. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 7. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 8. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 9. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.
 10. THE BOUNDARY MARKERS SHALL BE PLACED IN SUCH A MANNER AS TO BE EASILY LOCATED AND NOT REMOVED OR DESTROYED.

CHRISTENSEN FARM PHASE 1 SUBDIVISION PLAT

PROJECT: C16-030
SHEET: 1

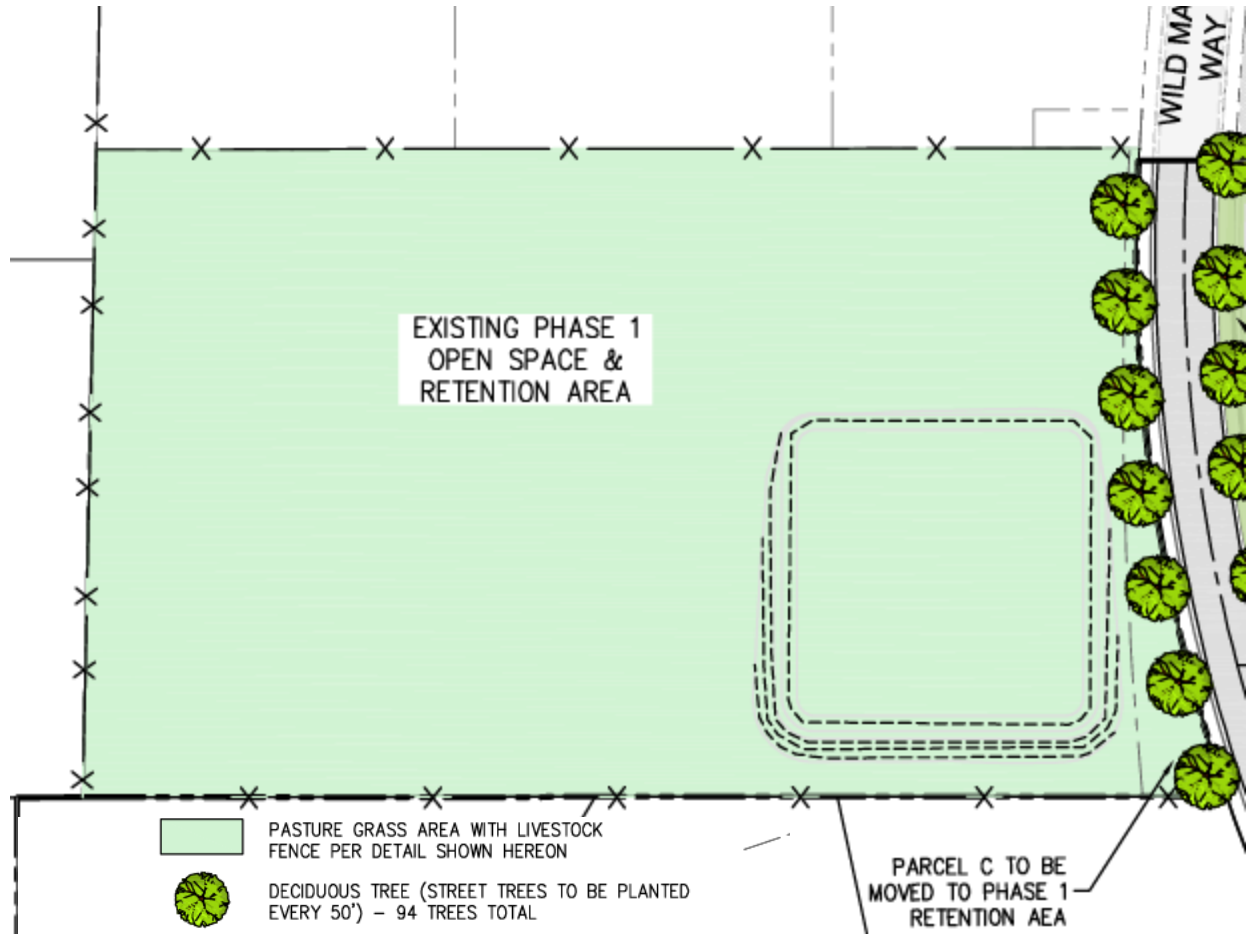
PLANNING COMMISSION STAFF REPORT – ITEM 6

Page | 6 of 9

Item Page 7 of 10

Packet Page Number:38

EXHIBIT D – Proposed Landscape Plan



TREE SPECIFICATION:

GLEDITSIA TRIACANTHOS 'SHADEMASTER' / SHADEMASTER HONEYLOCUST

SIZE: 2" CALIPER

MATURE SIZE: 45'X35'

IRRIGATED PASTURE BLEND	
	LBS./ACRE
SWEET TART FESTULOLIUM	6.25
MEADOW BROME (BROMOPSIS BIEBERSTEINII)	5.00
ORCHARDGRASS (DACTYLUS GLOMERATA)	5.00
TIMOTHY (PHLEUM PRATENSE)	3.75
ALFALFA (MEDICAGO SATIVA)	2.50
PERENNIAL RYEGRASS (LOLIUM PERENNE)	2.50
TOTAL	25.00

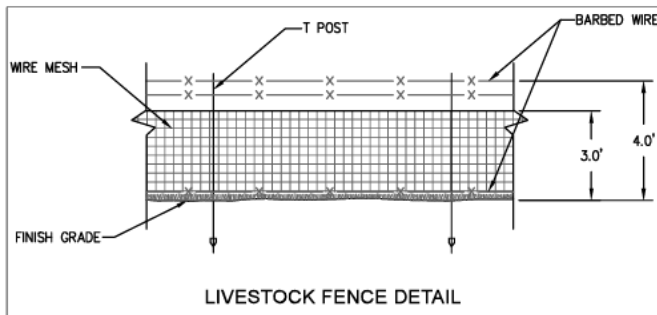


EXHIBIT E – DRC Report



**Wasatch County
DESIGN REVIEW
COMMITTEE (DRC)
COMMENTS**

PROJECT ID: DEV-8733
PROJECT NAME: PLAT AM - CHRISTENSEN FARMS
SUBDIVISION PHASE 1 - PLAT AMENDMENT
VESTING DATE: 11/15/2023
REVIEW CYCLE #: 2

REVIEW CYCLE STATUS: READY FOR DECISION

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
GIS Department	Ready for Decision
Health Department	Ready for Decision
Weed Department	Ready for Decision
Public Works Department	Ready for Decision
Building Department	Ready for Decision
County Surveyor	Ready for Decision
Recorder's Office	Ready for Decision
DRC - SSA 1 Water	No Action Taken
Fire SSD	Ready for Decision
DRC - Twin Creeks SSD	Ready for Decision
Sheriff's Office	Ready for Decision
Engineering Department	Ready for Decision
Assessor's Office	No Action Taken
Manager's office	No Action Taken
Planning Department	Ready for Decision

Approved = Reviewing entity has approved the project under consideration of their applicable codes. Any open comments are considered conditions of the entities recommendation.

Ready for Decision = Reviewing entity recommends the project move forward to a Planning Commission meeting (if applicable). Any open comments are considered conditions of the entities recommendation.

Changes Required = Reviewing entity has identified an issue(s) that needs to be resolved before recommending the project move forward.

No Action = Reviewing entity has not taken any action for the review cycle.

Wasatch County Planning Commission January 11, 2024



Item #4

Verizon Wireless - Install New Antenna
-American Tower Corporation-

Conditional Use Permit

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL

ITEM 4 Verizon Wireless, representing American Tower Corporation, requests a modification to a Conditional Use Permit to permit removal of existing equipment and antenna and to install new antenna on an existing tower located on parcel 20-0001 near the Wasatch County / Utah County border in Provo Canyon in the Preservation (P-160) zone. (DEV-8820; Austin Corry)

PROJECT SUMMARY

Applicant: Verizon Wireless

Hearing Date: 11 January 2024

Property Owner: Oveson Andrea A Tr

Related Applications: Orig. permit (2004), Mod. (2008)

Existing Zone: Preservation

Existing Land Use: Grazing, Cell Tower

Proposed Land Use: Grazing, Cell Tower

Acreage: 40

Proposed Density: n/a

Proposed Lots: n/a

BACKGROUND

The proposal is to modify the tower through removal of existing two omni antenna, six antenna, and nine RRHs (17 total pieces) and to replace with nine antenna and six RRHs (15 total pieces) and to modify the mounting of the antenna. The tower was originally approved in 2004.

The proposal has not indicated any intention of modifying anything structurally to the poles and the height remains the same. All ground mounted equipment and structures, as well as all access roads and vegetation is anticipated to remain the same. No indication has been given that this is anything more than replacing the antenna on the existing structure. The antenna would be below the existing structural pole height of 37.5 feet.

STAFF ANALYSIS

– SECTION 16.23.07 CONDITIONAL USES –

Wasatch County Code 16.23.07 outlines the criteria necessary for approving a Conditional Use Permit as follows (Staff responses provided in **bold**):

16.23.07 GENERAL STANDARDS AND FINDINGS REQUIRED

These standards shall be in addition to any standards set forth in this land use ordinance for the zoning district wherein the proposed conditional use will be established. If there is a conflict between these standards and those set forth for the appropriate zoning district, the more specific standard control. The county shall not issue a conditional use permit unless the issuing department or commission finds:

A. *The application complies with all requirements of this title;*

Response: The application reduces the scope of the existing CUP facility and is therefore considered compliant with existing vested rights.

- B. *The business shall maintain a business license, if required;*
Response: All necessary licenses, including franchise and/or lease agreements will be the responsibility of the applicant.
- C. *The use will be compatible with surrounding structures in use, location, scale, mass, design and circulation;*
Response: There is no change to the location, scale or mass of the structure with the proposed modification.
- D. *The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;*
Response: The proposal is compliant with existing vested rights. All conditions of the previous approval are required to be maintained, including any visual mitigation measures.
- E. *The use is consistent with the Wasatch County general plan;*
Response: The General Plan honors existing vested land use rights.
- F. *The effects of any future expansion in use or scale can be and will be mitigated through conditions;*
Response: Any future expansion or modification will be required to re-apply for and obtain a new Conditional Use Permit.
- G. *All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise and vibrations have been adequately mitigated through conditions;*
Response: There are no known impacts beyond the existing conditions.
- H. *The use will not place an unreasonable financial burden on the county or place significant impacts on the county or surrounding properties, without adequate mitigation of those impacts;*
Response: There are no identified financial burdens to the county beyond existing conditions.
- I. *The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County; and*
Response: It is not anticipated there will be any adverse impacts beyond existing conditions.
- J. *Any land uses requiring a building permit shall conform to the international uniform building code standard.*
Response: The applicant is required to obtain a building permit.

DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached in the exhibits. The Committee has accepted the item for Planning Commission to render a decision.

POTENTIAL MOTION

Move to Approve with Conditions consistent with the findings and subject to the conditions presented in the staff report.

Findings:

1. The application is for a modification to an existing conditional use permit for a cell tower located on parcel 20-2001.
2. The application indicates that the only modification is to the number of antenna and RRHs currently located on the existing structure. Total numbers are decreasing.
3. The application has not identified any modification to the structural elements, roads and access, vegetation, or any equipment other than the antenna and RRHs is being made.
4. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
5. Notice has been sent to neighboring property owners within 500 feet of the property.
6. There are no known zoning violations on the property at this time.

Conditions:

1. All conditions of the initial approval remain the same.
2. Any modification beyond replacing the antenna and RRH equipment listed on the application shall be required to apply, and be approved, for a modification to the CUP.

ALTERNATIVE ACTIONS

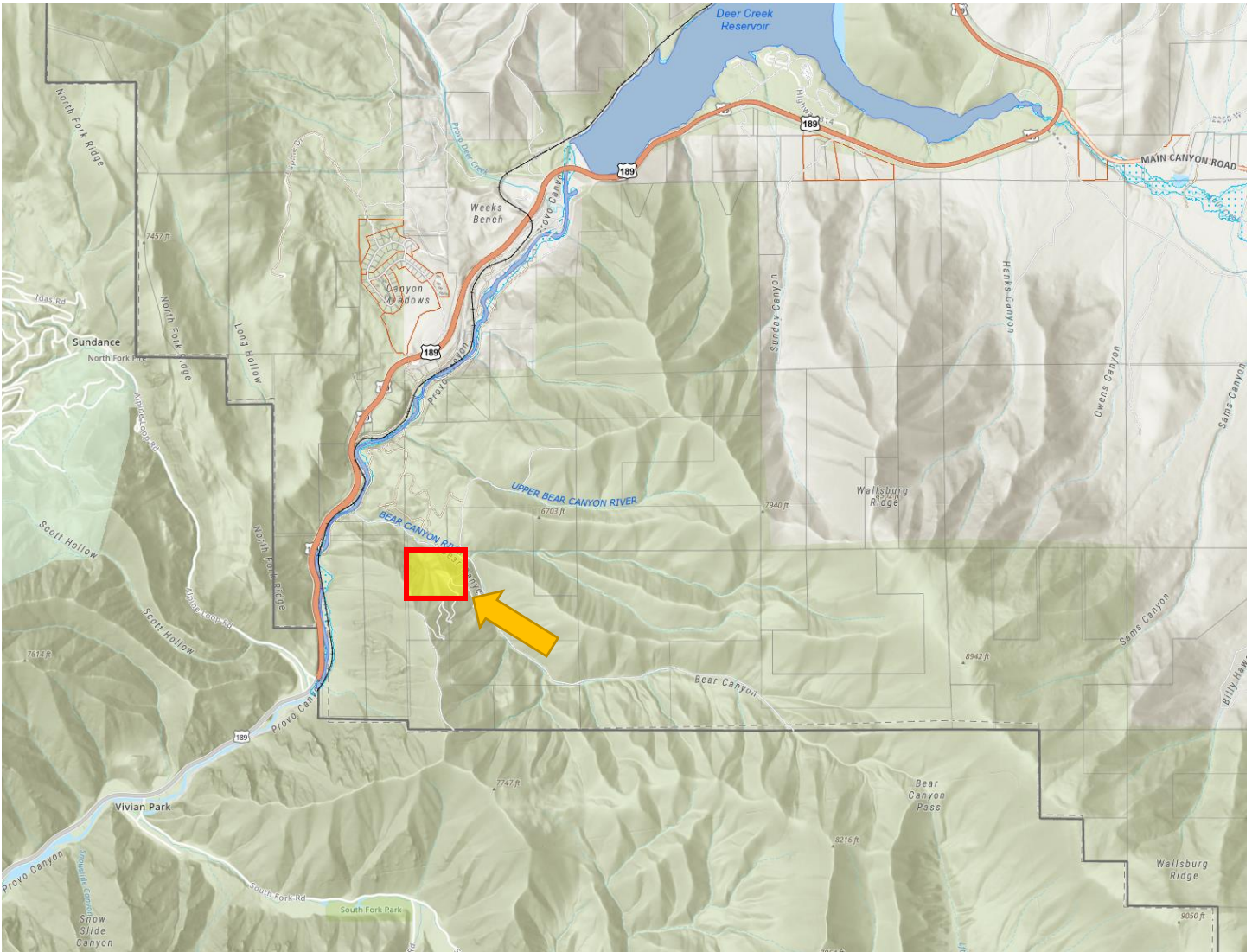
The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the potential findings listed in this staff report, the Planning Commission should state new findings.

1. Approve. This action may be taken if the Planning Commission finds that the Conditional Use request is compliant as proposed with Wasatch County Code and all other applicable ordinances.
2. Approve with Conditions. This action can be taken if the Planning Commission feels that impacts of the Conditional Use request can be mitigated to be compliant with Wasatch County Code. ****This action would be consistent with the staff analysis provided.****
3. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Deny. This action can be taken if the Planning Commission finds that the proposal does not meet the ordinance and that impacts of the proposal cannot be reasonably mitigated.

EXHIBITS

- A. Vicinity Plan
- B. Applicant Request
- C. Plan Documents
- D. DRC Report

EXHIBIT A – Vicinity Plan



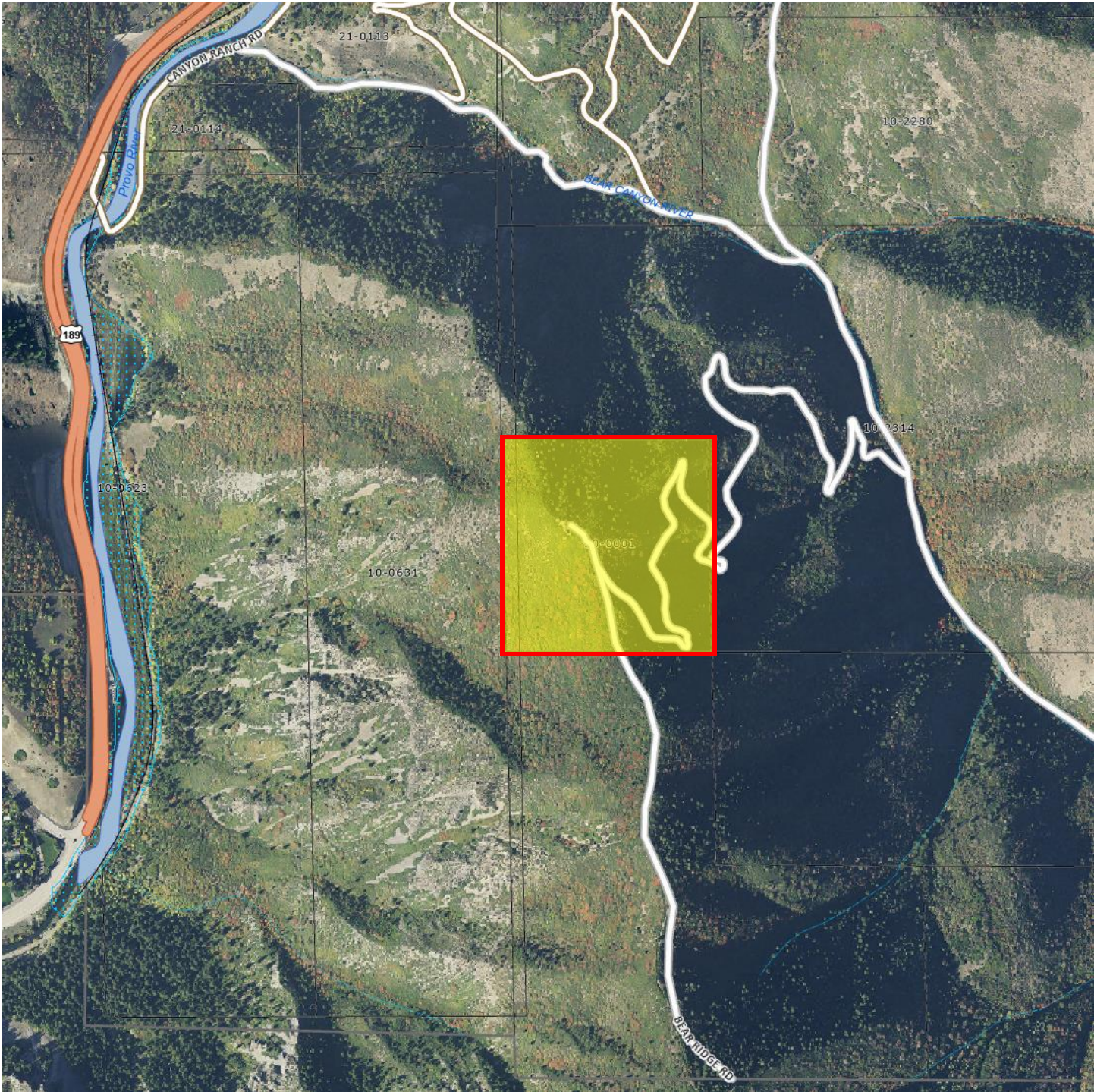


EXHIBIT B – Applicant Request

CELL TOWER ADDRESS:

E PROVO CANYON RD & ALPINE LOOP SCENIC BYWAY

WALLSBURG, UT 84082

Project Description:

THE PROPOSED PROJECT INCLUDES MODIFYING GROUND BASED

AND TOWER MOUNTED EQUIPMENT AS INDICATED PER BELOW:


REMOVE (2) OMNI ANTENNA(S), (6) ANTENNA(S), AND (9) RRH(S)

INSTALL MOUNT MODIFICATION(S), (9) ANTENNA(S), AND (6) RRH(S)

EXISTING (2) OVP(S) AND (2) 1-1/4" (1.25" - 31.8MM) HYBRID CABLE(S)

TO REMAIN

EXHIBIT C – Plan Documents




AMERICAN TOWER®
ATC TOWER SERVICES, LLC
 2500 RESEARCH PARKWAY
 SUITE 100
 CHARTER, NC 27918
 PHONE: (919) 469-9172

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND USE FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF AMERICAN TOWER OR THE SPECIFIED CARRIER. AMERICAN TOWER AND THE SPECIFIED CARRIER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY THAT MAY OCCUR AS A RESULT OF THE INSTALLATION OR OPERATION OF THE TOWER. CONTRACTORS MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES PRIOR TO THE ISSUANCE OF THIS DRAWING. IT IS SUPERSEDED BY THE LATEST VERSION.


REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	AM	10/31/23

ATC SITE NUMBER: 4110060
 ATC SITE NAME: VISION UT
 VERISON SITE NAME: VISION
 SITE ADDRESS: E PROVO CANYON RD 3 ALPINE LOOP WALLSBURG, UT 84602



Prof. Eng. No. 8221713 2022

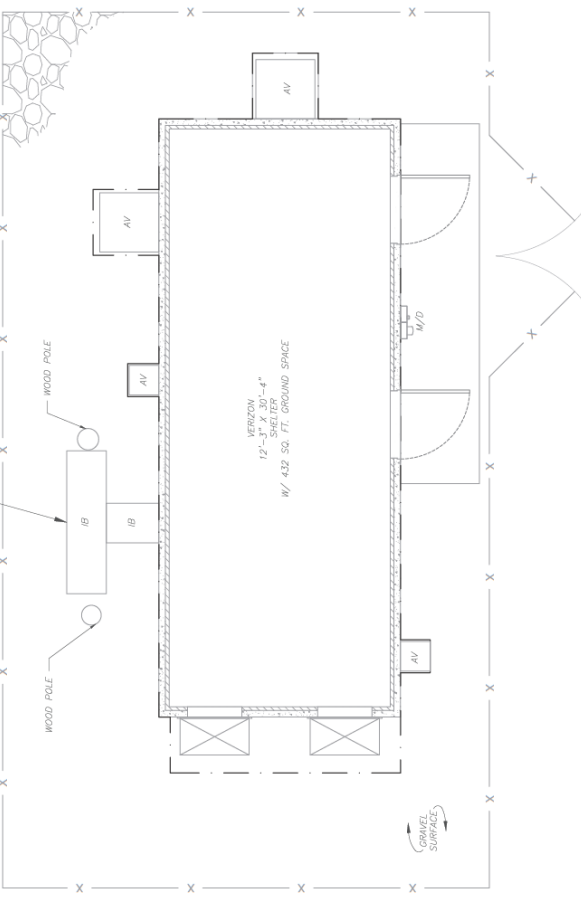
Digitally Signed: 2023-11-14



ATC JOB NO: 1446261_L01
 CUSTOMER: VISION
 CUSTOMER ID: 500126461

DETAILED SITE PLAN

SHEET NUMBER: **C-101** REVISION: **0**



VISION
 12'-0" x 10'-0" SHELTER
 W/ 432 SQ. FT. GROUND SPACE


WOOD POLE
 WOOD POLE
 IB
 IB
 AV
 AV
 AV
 AV
 M/D

EXISTING (2) 1-1/4" (1.25" - .318MM) (TO REMAIN)

GRAVEL SURFACES

1 DETAILED SITE PLAN

GRAPHIC SCALE
 0 3 5
 (IN FEET)
 1 UNIT = 5 FEET

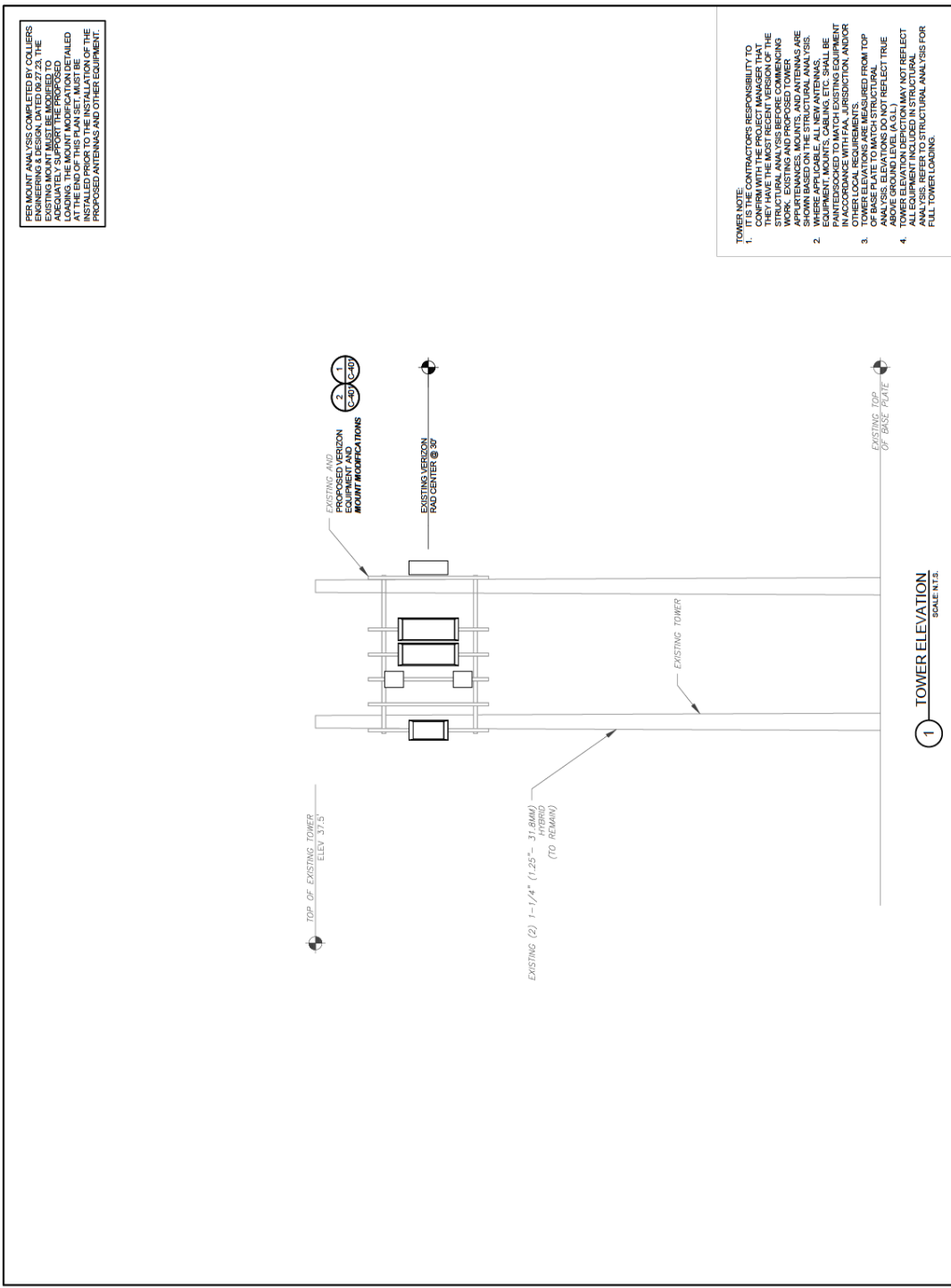


SITE PLAN NOTES:

- THIS SITE PLAN REPRESENTS THE BEST PRESENT KNOWLEDGE AVAILABLE TO THE ENGINEER AT THE TIME OF THIS DESIGN. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS RELATED TO THE SCOPE OF WORK FOR THIS PROJECT.
- ICE BRIDGE, CABLE LADDER, COAX PORT, AND COAX CABLE ARE SHOWN FOR REFERENCE ONLY. THE CONTRACTOR SHALL VERIFY THE EXISTING LOCATION OF ALL PROPOSED AND EXISTING EQUIPMENT AND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL ASPECTS OF THE COMPONENTS MEET THE ATC SPECIFICATIONS.
- NO ELECTRICAL SCOPE IS INCLUDED IN THIS PROJECT.

LEGEND

⊕	GROUNDING TEST WELL
TS	TRANSFORMER
B	CELL SITE CABINET
CSC	CELL SITE CABINET
D	DISCONNECT
E	ELECTRICAL
F	GENERATOR
GEN	GENERATOR RECEPTACLE
HLV	HAND HOLE, WALL
B	BATTERY
K	KEY BOX
LC	LIGHTING CONTROL
M	METER
MI	METER IN CABINET
PB	POWER POLE
T	TELCO
TRN	TRANSFORMER
—	CHAINLINK FENCE



TOWER NOTE

- CONTRACTOR'S RESPONSIBILITY TO CONFIRM WITH THE PROJECT MANAGER THAT THEY HAVE THE MOST RECENT VERSION OF THE DRAWINGS AND SPECIFICATIONS FOR ALL WORK. EXISTING AND PROPOSED TOWER APURTANCES, MOUNTS, AND ANTENNAS ARE TO BE INSTALLED IN ACCORDANCE WITH THE DRAWINGS. WHERE APPLICABLE, ALL NEW ANTENNAS, EQUIPMENT, MOUNTS, CABLING, ETC. SHALL BE INSTALLED IN ACCORDANCE WITH FAA JURISDICTION, AND/OR OTHER LOCAL REQUIREMENTS. ALL ELEVATIONS SHALL BE USED FROM THE TOP OF BASE PLATE TO MATCH STRUCTURAL ANALYSIS. ELEVATIONS DO NOT REFLECT TRUE TOWER ELEVATION DEFLECTION MAY NOT REFLECT ALL EQUIPMENT INCLUDED IN STRUCTURAL ANALYSIS FOR FULL TOWER LOADING.

AMERICAN TOWER
ATC TOWER SERVICES, LLC
3800 REAR CANYON DRIVE
SUITE 100
CARY, NC 27518
PHONE: (919) 468-9112

THE USE AND PUBLICATION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER WHICH THEY ARE PREPARED. ANY USE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION REVIEW OF THIS PROJECT. AMERICAN TOWER SHALL BE RESPONSIBLE FOR THE CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF PERMITS OR APPROVALS SHALL BE VOIDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	AM	10/21/23

ATC SITE NUMBER:
410060
ATC SITE NAME:
VISION UT
VERIZON SITE NAME:
VISION
SITE ADDRESS:
E PROVO CANYON RD & ALPINE LOOP
WALLSBURG, UT 84682

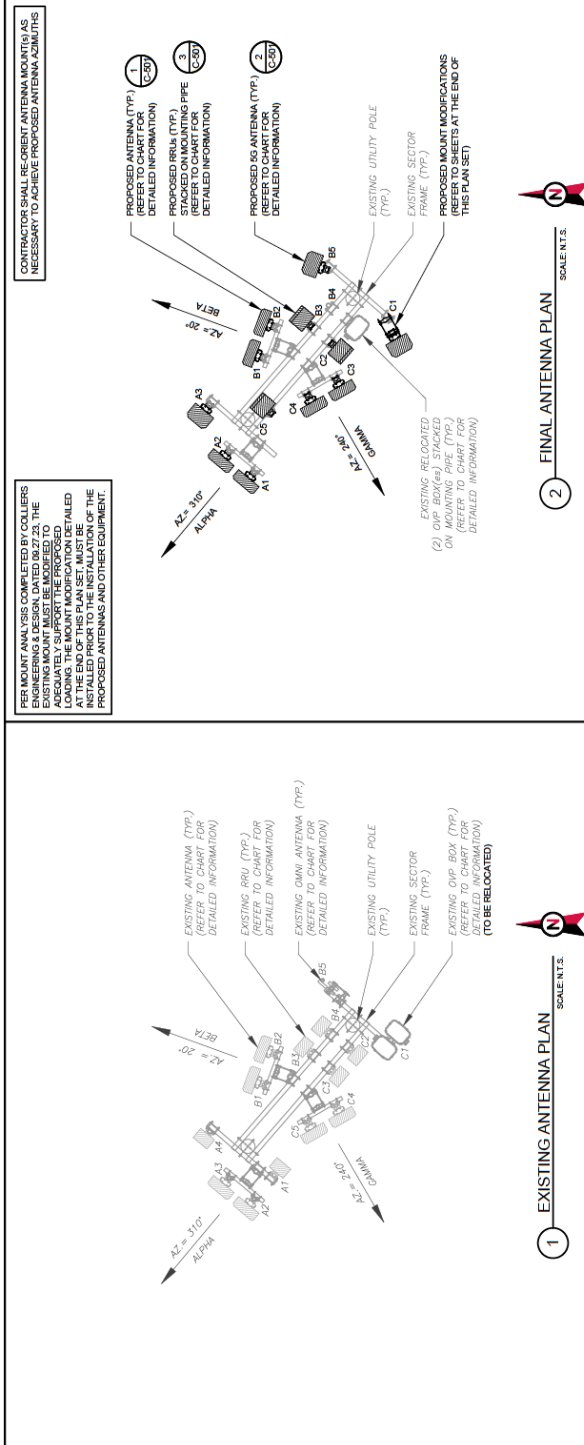
Digitally Signed: 2023-11-14

ATC JOB NO. | 14K202L_C0
CUSTOMER ID | VISION
CUSTOMER # | 50012801

TOWER ELEVATION

SHEET NUMBER:
C-201

REVISION:
0



CONTRACTOR SHALL RE-ORIENT ANTENNA MOUNT(S) AS NECESSARY TO ACHIEVE PROPOSED ANTENNA ADMITTANCE.

PER MOUNT ANALYSIS COMPLETED BY COLLIER ENGINEERING & DESIGN, DATED 09.27.23, THE PROPOSED ANTENNA MOUNT(S) WILL BE ADEQUATELY SUPPORT THE PROPOSED ANTENNAS AND OTHER EQUIPMENT.

EXISTING RRU (TYP.) TO BE RELOCATED ON SHEETS AT THE END OF THIS PLAN SET. (REFER TO CHART FOR DETAILED INFORMATION)

EXISTING RRU (TYP.) TO BE RELOCATED ON SHEETS AT THE END OF THIS PLAN SET. (REFER TO CHART FOR DETAILED INFORMATION)

EXISTING RRU (TYP.) TO BE RELOCATED ON SHEETS AT THE END OF THIS PLAN SET. (REFER TO CHART FOR DETAILED INFORMATION)

AMERICAN TOWER®
ATC TOWER SERVICES, LLC
3500 REGENCY PARKWAY
SUITE 100
CANTON, OHIO 44705
PHONE: (419) 488-8112

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. ANY USE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER OR THE SPECIFIED CARRIER IS PROHIBITED. THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THE PROJECT AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES OR CHANGES OF THIS DRAWING AS SUBMITTED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0.	FOR CONSTRUCTION	AM	10/01/23

ATC SITE NUMBER: 410060
ATC SITE NAME: VISION UT
VERIZON SITE NAME: VISION
SITE ADDRESS: E PROVO GANYON RD & ALPINE LOOP
SCENIC BYWAY
WALLSBURG, UT 84622

Digitally Signed: 2023-11-14

ATC JOB NO: 1442001_G0
CUSTOMER ID: VISION
CUSTOMER #: 50012861

ANTENNA INFORMATION & SCHEDULE

SHEET NUMBER: **C-401**
REVISION: **0**

EXISTING ANTENNA SCHEDULE				FINAL ANTENNA SCHEDULE				
SECTOR	RAD	AZ	POS	ANTENNA	BAND	STATUS	NON ANTENNA SUMMARY	
ALPHA	36'	A1	310'	NHH-40A-R2B	700/850/1000/AWS/AWS3 LITE	ADD	NON ANTENNA SUMMARY	
		A2	310'	NHH-40A-R2B	700/850/1000/AWS/AWS3 LITE	ADD	ADDITIONAL TOWER MOUNTED EQUIPMENT	
		A3	310'	AIR 0448	L-SUBB 5G	ADD		
		A4	310'	NHH-40B-R2B	700/850/1000/AWS/AWS3 LITE	ADD		
BETA	20'	B1	20'	NHH-40B-R2B	700/850/1000/AWS/AWS3 LITE	ADD		
		B2	20'	NHH-40B-R2B	700/850/1000/AWS/AWS3 LITE	ADD		
		B3	20'	B4	B4	ADD	448	ADD
		B4	20'	B5	B5	ADD	893	ADD
GAMMA	240'	C1	240'	AIR 0448	L-SUBB 5G	ADD		
		C2	240'	AIR 0448	L-SUBB 5G	ADD		
		C3	240'	NHH-40B-R2B	700/850/1000/AWS/AWS3 LITE	ADD	448	ADD
		C4	240'	NHH-40B-R2B	700/850/1000/AWS/AWS3 LITE	ADD	893	ADD

EXISTING FIBER DISTRIBUTION / O/P BOX				FINAL CABLEING SUMMARY			
MODEL NUMBER	STATUS	REL	ADD	MODEL NUMBER	STATUS	REL	ADD
(2) RR02CC-3315-PF-48	RMW			(2) RR02CC-3315-PF-48	RMW		
				(2) RR02CC-3315-PF-48	RMW		

NOTES:
1. CONFIRM WITH VERIZON REP FOR APPLICABLE BANDS AND CONFIGURATION (CONF), SC CONFORM SPACING OF NON WIRE TOWER CLIMBING PEGS.
2. PROPOSED EQUIP DOES NOT MEET VERIZON TOWER CLIMBING PEGS.
STATUS ABBREVIATIONS:
RMW: TO BE REMOVED
RMN: TO REMAIN
ADD: TO BE ALLOCATED
ADD: TO BE ADDED
CABLE LENGTHS FOR JUMPERS:
JUNCTION BOX TO RRU: 10'
RRU TO ANTENNA: 10'

SECTOR	RAD	AZ	POS	ANTENNA	BAND	STATUS	NON ANTENNA SUMMARY
ALPHA	36'	A1	310'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	(2) B5 RRH44-40-850
		A2	310'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	
		A3	310'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	
		A4	310'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	
BETA	20'	B1	20'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	(2) B66A RRH45-45-4R
		B2	20'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	B66A RRH45-45-4R
		B3	20'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	
		B4	20'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	
GAMMA	240'	C1	240'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	B13 RRH44-30-4R
		C2	240'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	(2) B13 RRH44-30-4R
		C3	240'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	
		C4	240'	SBHH-1045B	700/1900/AWS/AWS3 LITE	RMW	

3 EQUIPMENT SCHEDULES.



WEST > Desert Mountain Plains > Mountain Plains > Salt Lake City-2 > VISION
 Jockumsen, Jeffrey - jeffrey.jockumsen@verizonwireless.com - 20230616_155901

Project Details		Location Information	
Carrier Aggregation	N	Site Id	461796
Ecp	N	Search Ring	
Project Name	5G L-SUBS - CARRIER ADD	E-NodeB ID	D13069
Project Alt Name	5G L-SUBS - CARRIER ADD	PSLCA	101003
Project Id	16877740	Switch Name	Salt Lake City-2
Designed Sector Carrier 4G	15	Tower Type	
Designed Sector Carrier 5G	3	Site Type	MACRO
Additional Sector Carrier 4G	0	Street Address	NW 1/4 SEC 19 T 5S R 4E
Additional Sector Carrier 5G	0	City	WALLSBURG
Suffix		State	UT
FP Solution Type & Tech Type	MODIFICATION;5G_L-Sub6-Prep;4G_Rad io Swap	Zip Code	84082
		County	WASATCH
		Latitude	40.37056
		Longitude	-111.54472

Project Scope
Remove CDMA antennas and Coax Remove all Existing LTE antennas Replace with A- NHH-45A (2), B- NHH45B (2), G- NHH-45B (2) Add hybrid and OVP is CNST docs needed Add 6548 BBU for the C Band Antennas, 3-AIR6449

Antenna Summary												
Added Antenna												
700	850	1900	AWS	AWS3	L-Sub6	Make	Model	Center line	Tip Height	Azimuth	Install Type	Quantity
LTE	LTE	LTE	LTE	LTE	5G	COMMSCOPE	NHH-45B-R2B	30	33	20(B),240(C)	PHYSICAL	4
						Ericsson	AIR6449	30	31.3	310(A),20(B),240(C)	PHYSICAL	3
LTE	LTE	LTE	LTE	LTE		COMMSCOPE	NHH-45A-R2B	30	32	310(A)	PHYSICAL	2

Removed Antenna											
700	850	1900	AWS	AWS3	Make	Model	Center line	Tip Height	Azimuth	Install Type	Quantity
					ANTEL	BCD-80010 57 25%	38	43.7	()	SPARE	1
LTE	LTE	LTE	LTE	LTE	ANDREW	SBNHH-1D45B	30	33	310(1),20(2),240(3)	PHYSICAL	6

Retained Antenna																	
700	850	1900	AWS	AWS3	CBRS	LAA	L-Sub	28GHz	31GHz	39GHz	Make	Model	Center line	Tip Height	Azimuth	Install Type	Quantity

Added: 9	Removed: 7	Retained: 0
----------	------------	-------------

Non Antenna Summary													
Added Non Antenna													
Equipment Type	Location	700	850	1900	AWS	AWS3	L-Sub6	Make	Model	Install Type	Quantity		
RRU	Tower			LTE	LTE	LTE		Ericsson	8843	PHYSICAL	3		
RRU	Tower	LTE	LTE					Ericsson	4449	PHYSICAL	3		
RRU	Tower					5G		Ericsson	AIR6449	PHYSICAL	0		

Removed Non Antenna											
Equipment Type	Location	700	1900	AWS	AWS3	Make	Model	Install Type	Quantity		
RRU	Tower	LTE				Nokia	UHBA B13 RRH 4x30	PHYSICAL	3		
RRU	Tower		LTE			Nokia	UHFA B25 RRH 4x30	PHYSICAL	3		
RRU	Tower			LTE	LTE	Nokia	UHIE B96A RRH 4x46	PHYSICAL	3		

Retained Non Antenna																		
Equipment Type	Location	700	850	1900	AWS	AWS3	CBRS	LAA	L-Sub	28GHz	31GHz	39GHz	Make	Model	Cable Length	Cable Size	Install Type	Quantity

Added: 6	Removed: 9	Retained: 0
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EXHIBIT D – DRC Report



**Wasatch County
DESIGN REVIEW
COMMITTEE (DRC)
COMMENTS**

PROJECT ID: DEV-8820
PROJECT NAME: CUP - CELL TOWER ATC # 14424201
VESTING DATE: 12/12/2023
REVIEW CYCLE #: 1

REVIEW CYCLE STATUS: CHANGES REQUIRED

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
Engineering Department	Ready for Decision
County Surveyor	Ready for Decision
Fire SSD	Ready for Decision
Health Department	Ready for Decision
Public Works Department	Ready for Decision
Building Department	Ready for Decision
Recorder's Office	Ready for Decision
Sheriff's Office	Ready for Decision
Planning Department	Ready for Decision

Approved = Reviewing entity has approved the project under consideration of their applicable codes. Any open comments are considered conditions of the entities recommendation.

Ready for Decision = Reviewing entity recommends the project move forward to a Planning Commission meeting (if applicable). Any open comments are considered conditions of the entities recommendation.

Changes Required = Reviewing entity has identified an issue(s) that needs to be resolved before recommending the project move forward.

No Action = Reviewing entity has not taken any action for the review cycle.