

**MINUTES OF THE
WASATCH COUNTY PLANNING COMMISSION
NOVEMBER 9, 2023**

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

STAFF Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Rick Tatton, Court Reporter (*via Zoom*).

PRAYER: Commissioner Mark Hendricks

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, November 9, 2023. Chair Chuck Zuercher also indicated that all the Planning Commission members are present with Scott Brubaker attending via Zoom. The record should further reflect that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032.

APPROVAL OF THE MINUTES FOR OCTOBER 12, 2023

Motion

Commissioner Wendell Rigby made a motion to approve the meeting minutes from our Planning Commission meeting of October 12, 2023.

Commissioner Doug Hronek seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Wendell Rigby, Kimberly Cook, 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

Chair Chuck Zuercher indicated that we have two matters on the consent agenda this evening. All the matters on the consent agenda are considered routine unless somebody from the audience or Planning Commission would like to hear the matter. All of these matters will be handled with one motion.

ITEM 1 APPROVAL OF THE 2024 PLANNING COMMISSION MEETING SCHEDULE

ITEM 2 JOSH CALL, REPRESENTING BRENT CLEMENTS, REQUESTS A MINOR PLAT AMENDMENT TO DANCING SUN PHASE 7 IN ORDER TO AMEND THE BUILDING ENVELOPE FOR LOT 1 BASED ON AN UPDATED TOPOGRAPHIC STUDY, LOCATED AT 9191 N SAGEBRUSH CT. IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-8337; ANDERS BAKE)

Public Comment

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

Motion

Commissioner Mark Hendricks made a motion that we approve Items 1 and 2 on the consent agenda.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Doug Hronek, Doug Grandquis, Kimberly Cook, Wendell Rigby.

NAY: None.

Chair Chuck Zuercher then read the three items that will be discussed this evening on the regular agenda.

ITEM 3 BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS LOTS LLC, REQUESTS FINAL SUBDIVISION APPROVAL FOR CHRISTENSEN FARMS SUBDIVISION PHASE 2, A PROPOSED RESIDENTIAL SUBDIVISION OF 34 LOTS ON 44.24 ACRES LOCATED AT APPROXIMATELY 1900 E 1200 S IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. (DEV-7559; AUSTIN CORRY)

Staff

Austin Corry, the Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the subject property is on the valley floor halfway between Mill Road and 2400 East just south of the Cobblestone development.

Austin Corry indicated that although the name of the proposed subdivision is called Christensen Farms Phases 2 and 3 the proposal is an entirely separate application, unrelated to the Christensen Farm Phase 1 subdivision which received a separate preliminary approval and was platted under its own entitlements without consideration of Christensen Farms Phases 2 and 3.

Austin Corry showed the phasing plan to the Planning Commission. The preliminary included the entire property and this phase is 44.24 acres and thirty-four lots. There are some off site temporary turn around easements that they did supply with the project, executed easements for temporary turn arounds to provide cul-de-sacs outside of the plat. The ones to the south are for future phase 3 so that those temporary cul-de-sacs would be removed and replaced with the through streets. There is still an open area A and that is about twelve thousand square feet that just runs along the side of the road.

Austin Corry indicated that one of the other things I should mention if you recall during the preliminary they also had a request for a plat amendment that came in concurrently with that preliminary, a plat amendment to the Christensen Farm phase one

subdivision there is a retention pond for that subdivision here and the way they have designed their roadway was leaving a nuisance strip that wouldn't meet any of the qualifications to be included in this so that was going to be amended into that subdivision. That approval was allowed to expire so they did get approval and the applicant didn't bring in the plat to record or do anything there so it expired and they will need to come back and make that request again. It is anticipated that they will come in with the same request but they will have to get re-approval.

Austin Corry indicated that there has been a significant amount of grading activity that went on in anticipation of some bonus densities in exchange for some park area but then decided to pursue housing development on that property instead and that is the preliminary that is active now but as a result all of that excavation activity has occurred there.

Austin Corry indicated that in the plans that were sent to the geotech engineer they are estimating there will be areas of fill around three and a half to nine feet in depth to restore the area back from that for areas where the proposed building pads will go. Why that is important is that the placement of that material when you are placing footings on top of that material how that is compacted and how the soil stability works will be very critical to the future stability of those homes that get built on that area that now have to be filled back in because they were excavated. There is a note from the geotech engineer that says any areas where they have to fill more than three feet they need to come back and talk with their geotech for evaluation to make sure that they understand and the actual fill material they use should receive approval from the geotech engineer before they start placing that material.

Austin Corry indicated that something that changed between preliminary and final is their cut fill analysis of that. Originally during preliminary they were saying that they needed to import around thirty thousand cubic yards of material to restore that area back and currently with their final plans they are claiming they are an even cut fill and won't import any material in order to restore that.

Austin Corry indicated that the landscape plan is adapted after removal of the open space areas. Now their landscape requirement is just the open space that they have got and along the trails through the project as well. This plan does show this portion up here that is the phase one portion so that plat amendment is where those landscape requirements would take place but that is anticipated to be just pasture grass.

Austin Corry indicated that something else that has changed a little bit since you saw this at preliminary that during the preliminary there was a discussion about the right to farm regulations. Large scale developments that come in adjacent to existing agricultural uses have an obligation to fence the property. This is out of respect for the county's agricultural heritage. During the preliminary what was represented in the application documents was that the applicant's intention was to obtain waivers from all the property owners basically saying that the existing fencing that was there the property owners were agreeing that it was suitable to contain the farm animals which is what the code requirement is. They were not able to obtain those waivers so now at this stage they are in with a fencing plan. The code section as it reads with their fencing plan they have to identify the existing and potential agricultural uses. The materials that they plan to use in the fencing, safety, traffic and roads and aesthetics. You as the land use authority, this lower part is what you are being asked to determine. "The fencing must re-enforced so as to be of suitable quality to keep farm animals out of residential properties. The sufficiency of the proposed fencing plan will be determined and approved or rejected by the land use authority." In this case that is what you are being asked to determine is whether what they are proposing is of suitable quality to keep farm animals out of the residential properties. The applicant is proposing to fence the properties along the west boundary around this phase one portion into these lots of record where their temporary turn around is and actually fence into those and around basically the rest of the north east corner. The proposal is four foot tall woven wire with a strand of barbed wire on the top and the bottom.

Austin Corry indicated that the DRC went back and forth on this as is common practice with resolving conflicts of code requirement issues and now to the stage where the DRC feels like it is ready for you as a Planning Commission to make decisions. There are some conditions of approval that the staff recommends as part of that.

The DRC comments are:

JORDANELLE SSD comments:

- Construction drawing review and approval to be coordinated with District Engineer.

ENGINEERING comments:

- Condition of Approval: Final construction set must be stamped upon application for a subdivision construction permit.

- Condition of Approval: The engineer's estimate will be reviewed in greater detail upon application for a subdivision construction permit.
- Condition of Approval (Resolve before issuance of construction permit): Your response mentions a drainage swale added. This doesn't appear to be reflected in grading contours or the cross sections. Ensure that the correct cross section to any modifications along 1200 South is included in construction set. 1200 South is a major collector, not minor.

Original comment: I don't see a designated overflow on the basins. What is the course of this water in the scenario where it exceeds the design storm? Needs to be confined to roads/have a safe path.

PLANNING comments:

- The legend needs a correction to the 15 foot trail easement. It needs to state 'public' and the hatch pattern needs to match the same hatch pattern shown on the subdivision itself.

Austin Corry then went through the proposed findings:

1. The subject property is 44.24 acres per the applicant's surveyor.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. Preliminary approval granted a density of 1.3 acres per unit as long as all requirements of Wasatch County Code are met.
4. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
5. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
6. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
7. The proposal includes a small open space parcel that is to be landscaped by the developer and maintained by the proposed subdivision HOA as required by Wasatch County Code 16.21.06.
8. The phasing plan on the application includes a developer commitment to landscape the open space and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
9. The applicant has offered a ten percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
10. WCC 16.21.14 requires large scale developments to provide fencing of suitable quality to keep farm animals out of residential properties.
11. The applicant has provided a plan to install four foot tall field fencing, mounted on tee posts, with a strand of barb wire on top and bottom. The application also includes slides obtained from a USU extension presentation regarding fencing types used for agriculture.
12. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission.
13. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. The deep excavation area where homes will be placed shall meet all requirements of the geotechnical report, including adequate compacted lifts of structural fill where required.
2. The applicant is required to fulfill all commitments made by the applicant through the application materials including, but not limited to, affordable housing, infrastructure and landscaping improvements and timing, and on-going maintenance obligations.
3. Applicant shall resolve any comments required by the DRC report with the applicable review department.
4. A plat amendment to Christensen Farms Phase 1 combining the remnant piece into the retention pond will need to be recorded before this plat can be recorded.
5. The Development Agreement shall be recorded prior to recording of the final plat.

Commission Comments

Commissioner Hronek indicated that there have been trucks going in and out of there and concerned about the fill that is being brought in. Do we know what type of materials are in there and has it been brought in from other sources and has it been mixed and mingled. If it is fill it has got to be structural fill and needs to be a certain type of fill. I know the geotechnical engineers are going to be involved here and great to put all of this stuff on paper and write a specification of what is going to happen and the real

proof who observes the work while it is being done. It is almost a full time job for a geotechnical engineer on a project this size to be on site making sure it is being done in accordance with his specifications and his recommendation and my question is, is that going to happen. Austin Corry replied that the geotech report says they should be validating the structural fill before it is placed in every condition. Also has concerns for them testing the compaction requirements and things like that and that is what the County would expect in terms of the applicant's willingness to commit to that and that is something they can provide to you.

Commissioner Hronek indicated that his concern on unsuspecting homeowners purchasing a house that is on fill that ends up settling and then there are just all kinds of problems and not a good situation at all. We need to make sure that things are being done right there.

Commissioner Mark Hendricks indicated that he agrees with Commissioner Doug Hronek's comments. Also have no idea if this is the right kind of fencing.

Commissioner Wendell Rigby indicated that with my property I am okay with this type of fencing. Part of my concern is that there has been an indication by the developer that the existing fencing is sufficient and it is not as if they were trying to get away from providing the minimum that would be required. I am fine with the new proposal that they have for fencing.

Commissioner Kimberly Cook asked, are they replacing all of that fencing? Austin Corry replied that they are replacing the fencing.

Applicant

Peter Gamvroulas, from Ivory Development, addressed the Wasatch County Planning Commission and indicated that this proposal has come before this body at least six times between different applications. It has been well vetted and has gone through several DRC process. We have spent a significant amount of time on the fencing. Also with regard to the fill and most of the fill doesn't actually come from Ivory projects of some sort. We did engage a geotech to come in and do an additional geotech report.

Brian Balls, geotech engineer for Ivory Development, addressed the Wasatch County Planning Commission and indicated that we have prepared a new topographic survey of the area. The majority of the fill was between three and four feet and a couple of places nine feet. The footings will be sitting on native undisturbed material. The areas that we feel are the ones that need to be watched is going to be where driveways then get filled back in and that will need to be addressed properly by the excavators to make sure that those driveways are not sinking. Most of the places that will take the fill will be landscaping.

Commissioner Mark Hendricks indicated that you get to the end of this project and is the applicant taking this vertical and going to sell homes and not selling finished lots. That is a good thing because then there is some level of liability as the builder and contractor if there is a problem. How does the perspective buyer know there has been a fill problem?

Chair Chuck Zuercher indicated that the buyer needs to be notified that fill has been used. Peter Gamvroulas replied that our standard disclosure statements always include the geotechnical reports that were done on the properties.

Commissioner Mark Hendricks asked, is there anything on the County level to say yes this is the right kind of stuff and is it being installed correctly, compacted properly? Is there any policing that goes on or do we rely on the good faith of the developer for long term liabilities for construction defects? Austin Corry replied that there is a permitting process during the subdivision construction that the engineering department is doing inspections during that process. Commissioner Wendell Rigby indicated that one thing I would suggest and have seen it on different projects where there is fill in excess of where the basement would be that a note would be required on the plat for those lots that indicates that there is fill down to a certain area and could require that special geotechnical studies be done when they are doing the basement to make sure that the foundation is secure and don't end up with cracks with basement walls and footings and things like that. Peter Gamvroulas indicated that is always standard practice. There is a geotechnical report that happens with each excavation.

Commissioner Wendell Rigby replied that he would like to see a note on the plat for those lots. J.J. Lund, part of the development team, wanted to add one additional comment to this and as Brian states the basements will go down to native level and is standard practice for us to do those lifts properly and all the precautions are being taken. Peter Gamvroulas indicated that this is already going to be on all of our disclosures and any lot that we sell whether it is a lot or new building we include these disclosures which include our geotechnical reports also. Brian Balls replied that the most important thing is identifying at the excavation site where the cut or fill was to that native material. Peter Gamvroulas replied that he understands the attention to this and nothing to this

strikes us as a problem because it is standards practice already and what do we do to avoid this is already standard practice in a site that doesn't have the big piles of concerns.

Commissioner Wendell Rigby replied that he would be fine with that. Also with regard to all that fill that has been brought in there is not silt fence put up and no dust control and is there a construction entrance on the north end or not but those are all violations of the Utah Pollution Discharge Elimination System Permit also there has got to be some dust control. Brian Balls replied that there were two permits obtained and one for the off site sewer and two for the pond draining. The silt fence is adjacent to the sewer line.

Public Comment

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

Commission Comments

Wendell Rigby indicated that he has two other concerns. One is the concerns about the storm water retention basin does not show an out fall or a place where the water can actually go once it fills that detention basin up and don't want it to go to the residents. They need to indicate an out fall and where the water is to go with an over flow that directs that water north to 1200 South and does not go to the west. The second item of concern is the issue of ground water subbing up in people's basements because it has happened before in this area and that needs to be taken care of so that doesn't happen. Brian Balls indicated that those concerns have been taken care of with regard to tests and holes that have been dug so that won't happen again.

Wendell Rigby replied that he would like some further geotechnical work done so we can look at the underground strata and make sure that the water that is in that basin is not going to end up in the basements of the residents living in that area. Brian Balls replied that I can tell you that based on the reports and studies I am confident to say that we have mitigated all those issues.

Motion

Commissioner Wendell Rigby made a motion that we approve with conditions consistent with the findings and conditions presented in the staff report.

Commissioner Kimberly Cook seconded the motion

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Wendell Rigby, Kimberly Cook, Doug Grandquis, Doug Hronek.

NAY: None.

The record should show that Scott Brubaker has now joined the Commission and will listen to the following two items.

ITEM 4 DISCUSSION REGARDING THE MOST RECENT AND ONGOING PROJECTS RELATED TO IMPLEMENTATION OF THE WASATCH COUNTY MASTER TRAILS PLAN. THE DISCUSSION WILL INCLUDE CURRENT PROJECTS FOR TRAILS AND TRAILHEADS RECENTLY COMPLETED OR UNDER CONSTRUCTION, PROJECTS IN PLANNING AND FUNDING PHASES, AND SEEKING INPUT FROM THE PLANNING COMMISSION FOR FUTURE PROJECTS OR POTENTIAL AMENDMENTS TO THE MASTER TRAILS PLAN. (DON TAYLOR - MAG; DOUG SMITH)

Staff

Doug Smith indicated that we are in the process of updating the County trails master plan. The trail plan addressed both back country and urban hard surface trails as well as trail head locations and intended improvements. The County has great opportunities and potential for trail expansion. Wasatch County is unique in that we have seventy percent state or federal lands surrounding the valley and trails systems that should connect to these areas. We enjoy great partnerships with federal and state

agencies who we work with to further the construction of trails in and around the valley. We also require developments to participate in countywide trail plan and provide public trials as required in Section 16.21.18.

Doug Smith also indicated that because of the great potential for a world class trail system, the County, several years ago, worked to create a trail planner position that would be housed within Mountainland Association of Governments MAG. MAG does transportation planning and provides other planning opportunities for Summit, Wasatch and Utah Counties, the intent with having a trail planner housed with MAG is that he/she could be a countywide trail planner and work with Heber, Midway, and County for what we would hope would be a seamless trail system. Heber, Midway and the County participate in funding the trail planner.

Doug Smith indicated that Don Taylor was hired as that person and has done an incredible job. Don is well connected in the trail community and has arguably laid out and built more trails in the County than any other single person. Don has been and is now a true advocate for non-motorized trails. Around the same time Don was hired we started discussing the need for grants to help pay for the design and construction of trails and again worked with MAG to hire a countywide grant writer. MAG hired Nancy O'Toole who works with Heber, Midway and the County on all types of grants and has been very successful. With the recent passage of the RAP Tax we should be able to maintain the trails into the future.

This is for discussion purposes only. There will be a power point presentation by Don Taylor showing where the trails are and where new trails will be built. Nancy O' Toole also discussed the grants that are being put in for to help this trail network to keep improving.

The managers of Wasatch Mountain State Park and Jordanelle State Park were also in attendance and stated their support for Don and Nancy and that it's great to work with them.

ITEM 5 DISCUSSION AND POSSIBLE RECOMMENDATION TO AMENDING 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 6, 2023. (AUSTIN CORRY)*

Staff

Austin Corry, the 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. During the review some Council Members expressed frustration when the initial studies provided did not come with adequate citations or data to support claims being made by the applicant. It was requested that staff look into adding requirements to have transportation consultants involved in the process to provide better guidance.

Austin Corry also indicated that attached is a potential code amendment for consideration and discussion among the Planning Commission. As staff worked to address the immediate request, other aspects of the code are recommended to be updated to reflect more modern approaches to parking to provide better guidance for applicant's when seeking reductions. It is staff's intention to discuss with the Commission not only the overall direction, but potential other items that the Commission sees appropriate to attempt to address in an effort to provide a more comprehensive update for the County Council to consider.

Austin Corry stated that some of the items to be discussed are:

1. Immediate needs.
2. Methodology and options that could reduce parking demand.
3. Land use patterns in the County.
4. Current parking count matrix.
5. The ITE parking generation manual.
6. The potential addition of bicycle parking requirements.
7. Landscaping requirements.
8. Enforcement mechanisms.

Austin Corry indicated that we have a provision in our parking ordinance that allows for developments to come in with a shared parking study or a request to reduce their parking counts. They present this study and they go to the Planning Commission and say here is how I think that your parking counts are too high. The most common way and actually the only way that I am aware of that this has been approached so far has been through the shared use study and saying something like we have a grocery store and a restaurant. The restaurant is really only open in the evening and grocery store is kind of the middle of the day type of thing and so it is dissimilar uses type scenario. Yes we know that we are going to supply the full parking for the grocery and going supply the full parking for the restaurant but there are overlaps and we are using the same space for those different items. The question is can we make it better or more clear or more predictable as well. Your packet contains the first stab at what kind of things and if we were to be talking about shared parking or even just flat out parking reduction requests. Technically the code right now says if you to come in and say that look when you are doing a grocery store this is what you County code typically says but here is why my grocery store is unique with a setting or something. In the JSPA there is the potential of transit services there that are not necessarily contemplated in our code for another place and that is an example where somebody could come in and say that look I have got access to transit which should reduce my parking count. I was going to focus just on this Section 66.33.06 that is where the meat of everything is happening.

I am suggesting that we might be able to take as an approach that instead of right now in the code it is two sentences of code and one says that if you want to talk about how unique your project is we will think about it. If you want to talk about shared parking we will think about it and provide us a study. I thought there might be a benefit if we went through and said here is what we are actually looking for in trying to achieve if we did that. Here is one line of code that we could simply resolve the main catalyst question of just saying that when you are presenting a formal parking County justification study it is prepared by a transportation planner, traffic consultant, licensed engineer or architect for consideration so we just write in some qualifications there.

Number one if we are asking for shared parking or mentioning it is two or more dissimilar uses and that the justification needs to be specifically talk about what those hours of operation are and how much of a reduction are we willing to give. The general question is what does dissimilar means. This says that we are going to take the counts independently and the count that requires the least amount we are going to require you to provide the full amount for that use. The count that has the highest amount we will let you reduce it by up to fifty percent. So it is not a full split between the two and there is still parking allocated for each use but we are reducing the highest count number that is where there will be some overlap but not a complete replacement if you will. I am suggesting that type of an approach is because oftentimes when we talk about shared use and especially in the case of a development where they are trying to work through their tenant mixes and they don't know who their end user is going to be. It is hard to really predict if somebody is going to say that I have a restaurant and only going to be open for dinner time and that is what they are pitching and saying this is why I don't need any parking during the middle of the day for my restaurant but the reality is that ten years from now and they are going to get somebody that wants lunch too. There are times when the two dissimilar uses are operating at the same time although they are likely not going to be their peak operating hours.

The other is more of the robust one. I copied this from another jurisdictions code. Instead of the line item saying if you think your project is unique come and talk to us about and we will think about a parking reduction. I am referring to this one as utilizing transportation demand management strategies. What I am suggesting here is that come in and tell us what you are doing that is actually reducing your parking demands and listening to what those types could be. Number one would be designing the projects to have extra landscape area. If you are going to make me put in more parking I am going to take out open space. That is interesting because they were at their minimum open space already for the project and we have open space requirements and you can't take out open space if you are at your maximum or your minimum open space maximum parking counts. If we are going to give a parking count reduction that should be so that we can get more open space than we would typically would see, more plazas, more landscaped areas, bigger buffers, things like that. Good example of that would be Lee Burbidge's project and he came through and talked about a parking reduction and he showed the areas where he could fit in the parking that would meet our County code minimums. He had already built projects that already had been in operation. It kept showing data that I don't need what your minimum requirements really are but need less we just don't have that many cars here but I could met your minimums and here is where the parking would go but instead I want to landscape it and make it beautiful. The County approved that and gave him a reduction for that area and he has landscaped the areas. The idea here is if we have somewhere they maybe don't have the data yet but that still gives you an opportunity to where if a parking issue starts to arise they have area they can go in and grade it out and they can build more parking so that can be mitigated later on.

Another thing is providing robust bicycle amenities and that is just not providing a bike rack but you look at college campuses around Utah that they are starting to follow this model that Utah State found and if I simply provide a covered shelter and people do ride their bikes in the winter not during snow storms and when the roads are wet but when the roads are dry the cold doesn't

deter people but they want their bike protected when they park it up on campus. Another one is providing E-Bike charging stations.

Another one is proximity of the proposed project to employment centers, mass transit, commercial services if they are providing incentive programs for employee use of transportation modes other than single occupancy vehicles that is really a difficult one to really see that happening here in the count and didn't see any harm in including it.

There are other alternatives to transportation that could be used instead of just cars. There is car pool, ride share, we know that Uber and Lyft and things like that are more and more prominent or micro-transit if the facilities are actually provided for those loading and unloading areas that can be a strategy as well.

That is really the main meat of what the intent is and really instead of just suggesting that come to us with your ideas we are throwing out what we think are valid things for our consideration. The way it is written at least right now it doesn't suggest that those are the only things but still leaves it open that somebody could come and say that well I have got a creative idea and I want to talk about but it at least gives some level of guidance which is an important thing to do with the code aspect.

Lastly, I would suggest that this paragraph number 3 be heavily considered and that is that we codify that if a reduction is given that there is an enforcement mechanism tied to it. We have received push back from some of the other reductions that we have given when we have suggested you told us you are having this many square feet of grocery and this many square feet of restaurant, this many square feet of retail and we gave this reduction based on those square footages and they said that I don't want to have my hands tied though because if I want to do more restaurant that I want the ability to lease it out however. The enforcement mechanism is important if they are committing and saying here give me this reduction because of these assumptions I am giving you. We should be able to rely on those assumptions that they would monitor that. There is a project in Provo that went through that had allocated parking spaces and every business license and it is a strip mall and nothing exciting but every business license that goes through they come in with their lease agreement. Their lease agreement specifies how many stalls are assigned to that particular use and where those stalls are on the project. It is not that over bearing, As over bearing as it might sound that we want to know exactly what parking you are allocating as we analyze these business licenses and that project has been doing it for close to thirty years. The management know exactly what we are looking for. They know the stalls they have, they know what they can do and like it is a routine thing for them and it is just in their lease agreement already and those kinds of things just to help ensure that everybody really is aware that we are anticipating these things happening.

Another is that you monitor the parking lot once a year. I did write in that if after five years there are no problems going on you can extend that time period out to like a five year monitoring period. It is a report that the property owner has to submit to the County saying here is how our parking is working and we have not seen any issues. That could say things like here is what my tenant mix actually is and here are hours of operation that they are really doing.

Commissioner Mark Hendricks replied that is a great idea. Chair Chuck Zuercher replied that you take the smaller tenant and give the major tenant fifty percent of that and make it up to fifty percent as determined by the land use authority but not by the applicant but they have to come in and say that here is what I want. They could come in and say I only need a twenty percent reduction and you could say that is fine. I think the fifty percent cap is more of a way just saying that don't come in and ask us for a hundred percent reduction.

Commissioner Mark Hendricks replied that Austin Corry does a great job because this is a lot of work. Common sense says that we ought to have flexibility to not require all of this parking and this doesn't mandate it I think it is an important update of the parking code. It is a bigger deal in more dense situations. I applaud you Austin so thank you. I will read it and then I would say that any refinement that I would have to this are just as risky as being imperfect as any imperfection that might be there. We have to kind of get into it and over time refine what we didn't really think of that so we had better tweak the code a bit and this is really a great step.

Chuck Zuercher replied that Heber City should look into this because they have got a big problem with parking and also Midway too. This is a real great step forward.

Commissioner Wendell Rigby asked who actually does some of this monitoring and is monitoring of a parking lot adequacy and talks about doing it. Is that something that the planning department is going to do or you just require that the applicant the people who occupy these buildings submit.

Commissioner Hronek replied I think it would be the property owner or if it is a commercial property association or something like that would be the ones doing it. Austin Corry replied that I didn't get that specific in the details in this language but what I did do instead of say there needs to be an agreement and it needs to cover these types of thing. The idea would be that I would make Jon Woodard do all the work. After we crafted one of these agreements the first time we would have some of that stuff more flushed out but it would be that agreement that would spell out exactly how that would go and make modifications and tweaks to that agreement on a case by case rather than having such a prescriptive rigor written into the code.

Commissioner Mark Hendricks replied that gets all of the tenants to sign the report. Scott Brubaker via Zoom indicated that in San Francisco, which I have been familiar with shopping centers, etc., one of the monitoring tools that was used that each time a tenant came in, the occupancy permit has to be accompanied by that type of a form we are talking about showing that the other uses and what their parking requirements are and number of stalls and then it was determined if your use had enough parking. You need to look at what others have with regard to parking and parking stalls and how they handle it.

Austin Corry replied that there will be external indicators and likely we are going to be getting that. If it is a shopping center adjacent to residential and that parking is spilling out and always going down the street that we are going to know about it without needing a report each time. The important thing is that we have an enforcement mechanism if those problems are happening.

Austin Corry indicated that Jon Woodard hasn't seen this document yet because he has been overloaded with other things. The main intent tonight was to see if we could gather some feedback from you and possibly incorporate that.

Commissioner Doug Grandquis replied that this discussion was about commercial. What about multi-family residential apartments will you give consideration to that and I don't know if we are going to have any in the County because most of them are in the city but if it did come up would they be eligible as well to reduce parking. Austin Corry replied that under the transportation demand management strategy they could come in and ask. Both the shared use and the transportation demand management strategy both of those are written in a way that it is discretion, fully discretionary to the land use authority. Multi-family we will have some in the County but again we are talking the same area that we are talking about commercial. We are talking about up in the JSPA and a lot of times they are going to be associated in mixed use type environments. It would really be hard to argue in multi-family that you are going to need more parking. The best use to share with multi-family is office.

Jon Woodard replied that I have not seen this document or read it in full. I just glanced at it but I would like to have time to review this. So I would suggest that you continue this matter to give me a chance to review it.

Motion

Commissioner Kimberly Cook made a motion to continue this matter, Item No. 5, indefinitely.

Commissioner Mark Hendricks seconded the motion.

The motion carries with the following vote:

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

NAY: None.

ADJOURNMENT

Motion

Commissioner Mark Hendricks made a motion to adjourn.

Commissioner Wendell Rigby seconded the motion.

The motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 10: 00 p.m.

CHUCK ZUERCHER/CHAIRMAN

DRAFT

Wasatch County Planning Commission December 14, 2023



Item #1

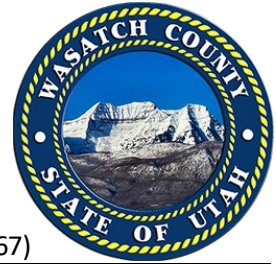
SkyRidge Pegasus 8B
-Allison Aafedt-

90-Day Extension

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL

Memo

To: Wasatch County Planning Commission
From: Planning Staff
Date: December 6, 2023
Re: Item # 1 – Extension of application for SkyRidge Pegasus 8B (DEV-7067)



Commissioners,

This item was erroneously placed on the agenda and does not need any action by the planning commission. Approvals for extensions of applications can be made by staff.

Wasatch County Planning Commission December 14, 2023



Item #2

Blue Sage Ranch Subdivision
-Blue Sage Ranch, LLC-

Minor Plat Amendment

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL

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)

PROJECT SUMMARY

Applicant: Blue Sage Ranch, LLC

Hearing Date: 14 December 2023

Property Owner(s): Numerous

Related Applications: Blue Sage Ranch plat (2021), Blue Sage Ranch Lots 10, 11, 17, 21 Amended (2022)

Existing Zone: RA-1, RA-5, M

Existing Land Use: Residential Single Family

Existing Plat: 21 Lots on 293 acres

Lots Affected: All

BACKGROUND

The applicant is seeking to amend both the Blue Sage Ranches Subdivision Plat and the Blue Sage Ranches Lots 10, 11, 17, 21 Amended Subdivision Plat for the purpose of changing parcel that are currently listed as open space parcel to now be called common area. The amendment also includes an updated public trail alignment that matches the as-built location of the public trail that runs from 1200 South to the 80 acre common area above the subdivision. Since this involves two plat simply because four of the lots have been amended once prior, the subdivision amendment also re-consolidates the lots all together under one plat.

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 plats currently have open space parcels that will change to common area.
- The platted easement over the public trail will be modified to meet the as-built location
- All property owners within the plat are listed under the owner's dedications.

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. The proposed amendment resolves a tax ownership issue and it corrects a non-conforming public trail easement. While the easement could be handled through other means, amending the plat does provide the cleanest method that is most understood by current and future property owners.

– 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 the public trail easement. However, the amendments to the public trail easement are not in the areas within the public right-of-way.

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 Approve consistent with the findings presented in the staff report.

Findings:

1. Good cause for the amendment exists to provide a clear depiction of the as-built trail and updated easement rights for future property owners.
2. The development agreement included provisions for an ability to update the trail easement location upon completion of construction.
3. No public or private roads are being vacated as part of this plat amendment.
4. This proposed revision conforms to the Wasatch County development standards.
5. The proposal is consistent with Utah Code § 17-27a-609.
6. The Development Review Committee has reviewed the project and provided a favorable recommendation.
7. Term of expiration of approvals are listed in WCC 16.01.16.

ALTERNATIVE ACTIONS

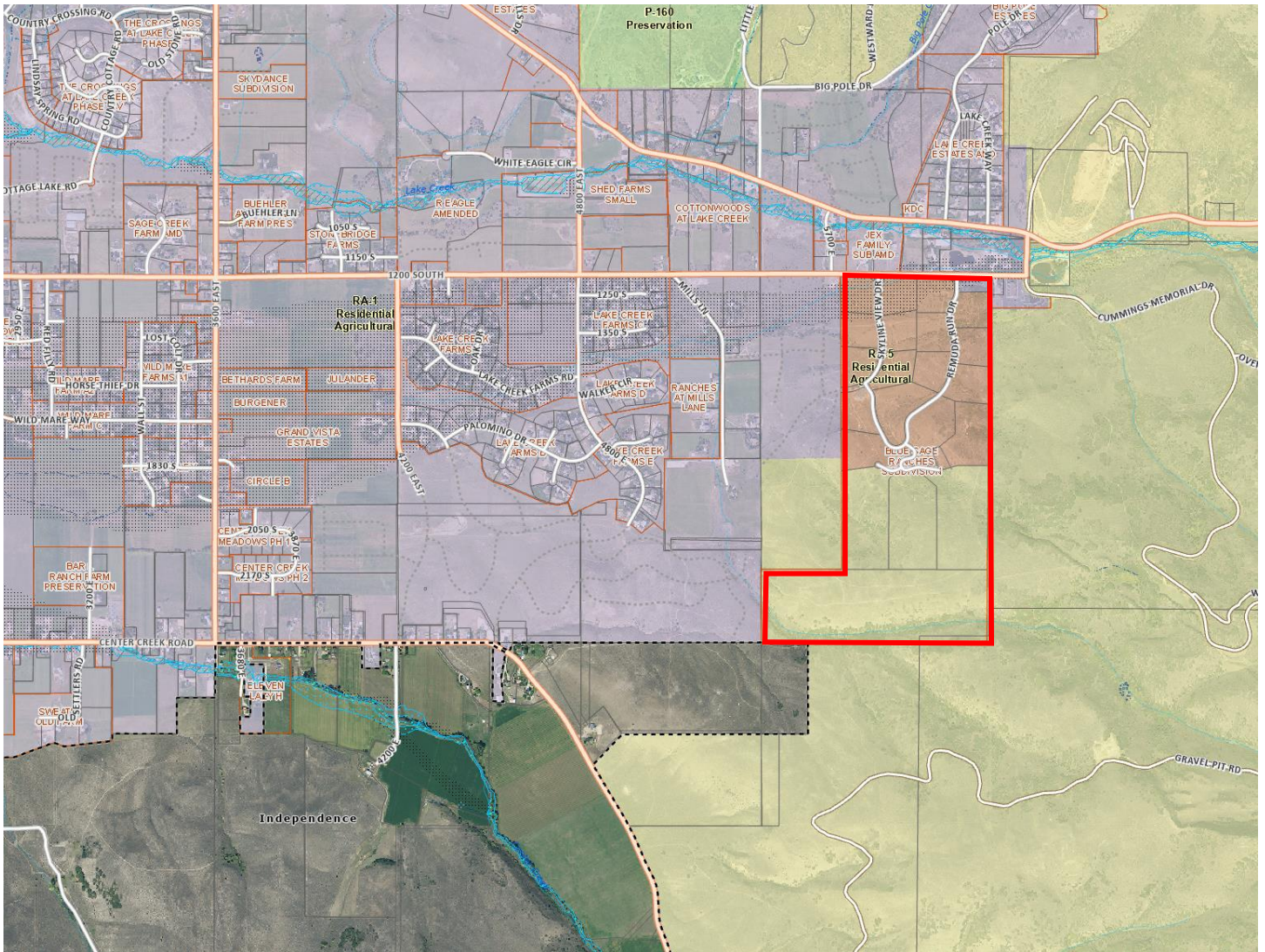
The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the potential findings listed in this staff report, the Planning Commission should state new findings.

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



APPROXIMATE AREA OF JOINT SLOPES

STATION WATER RETENTION POND



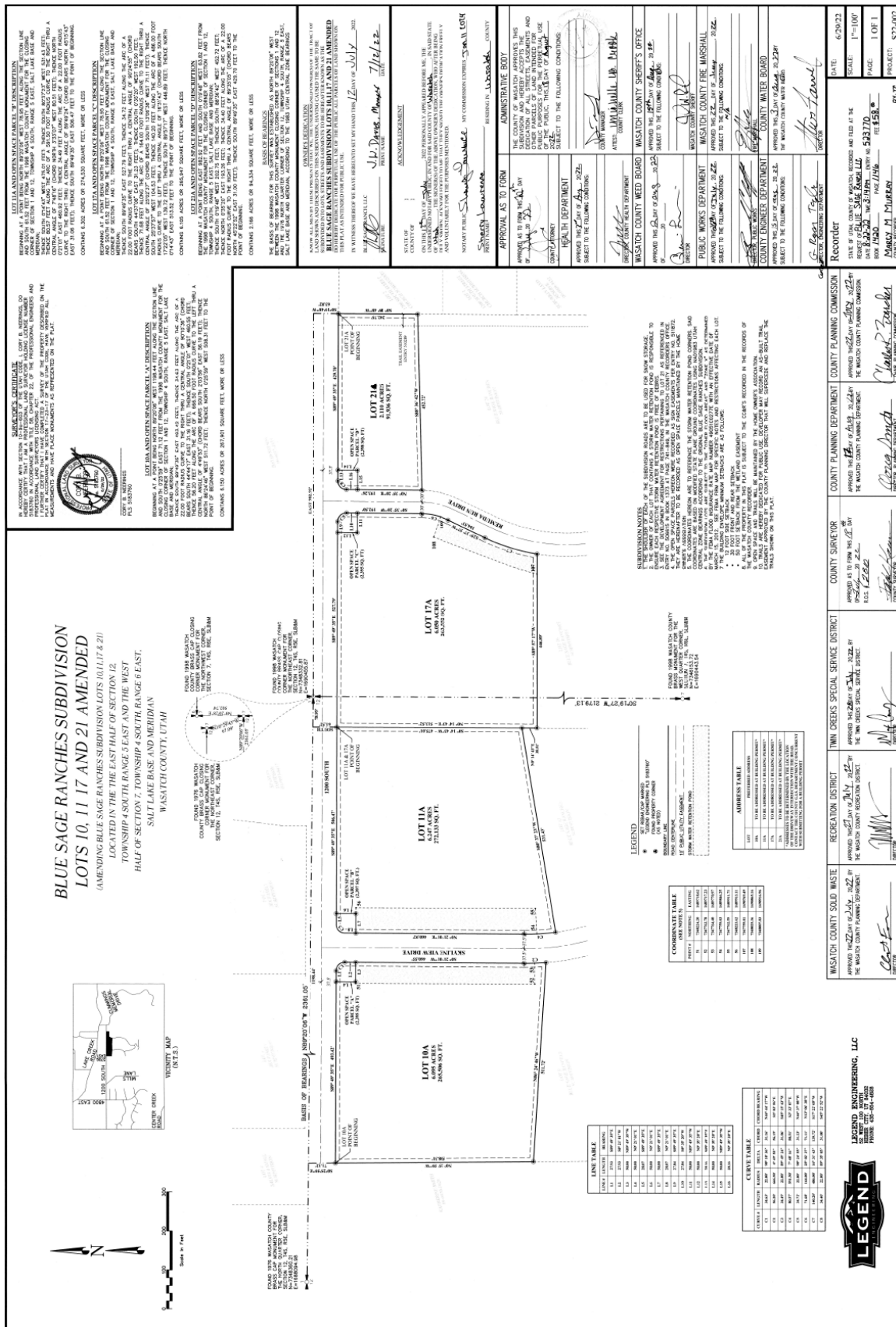
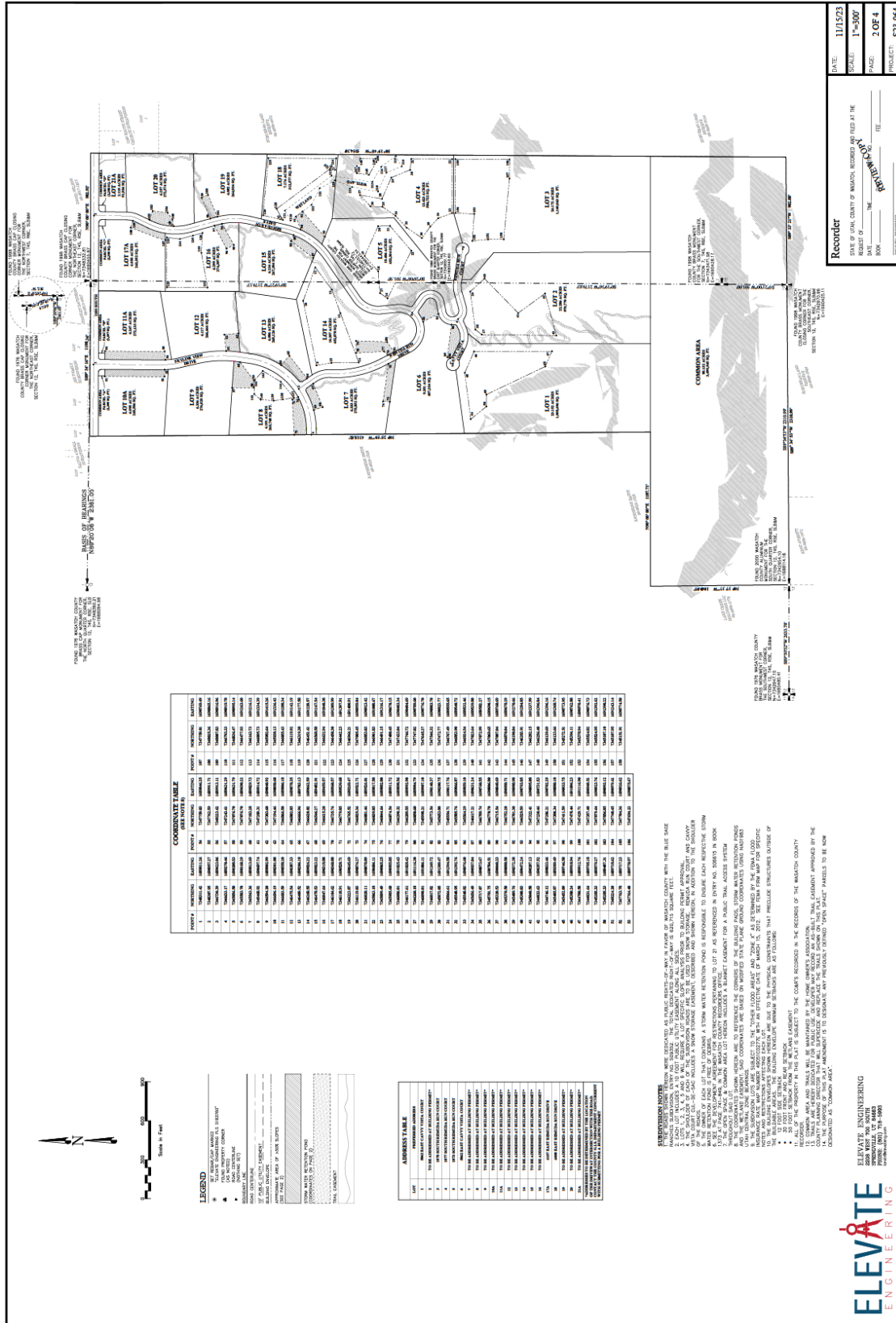


EXHIBIT C – Proposed Plat Amendment



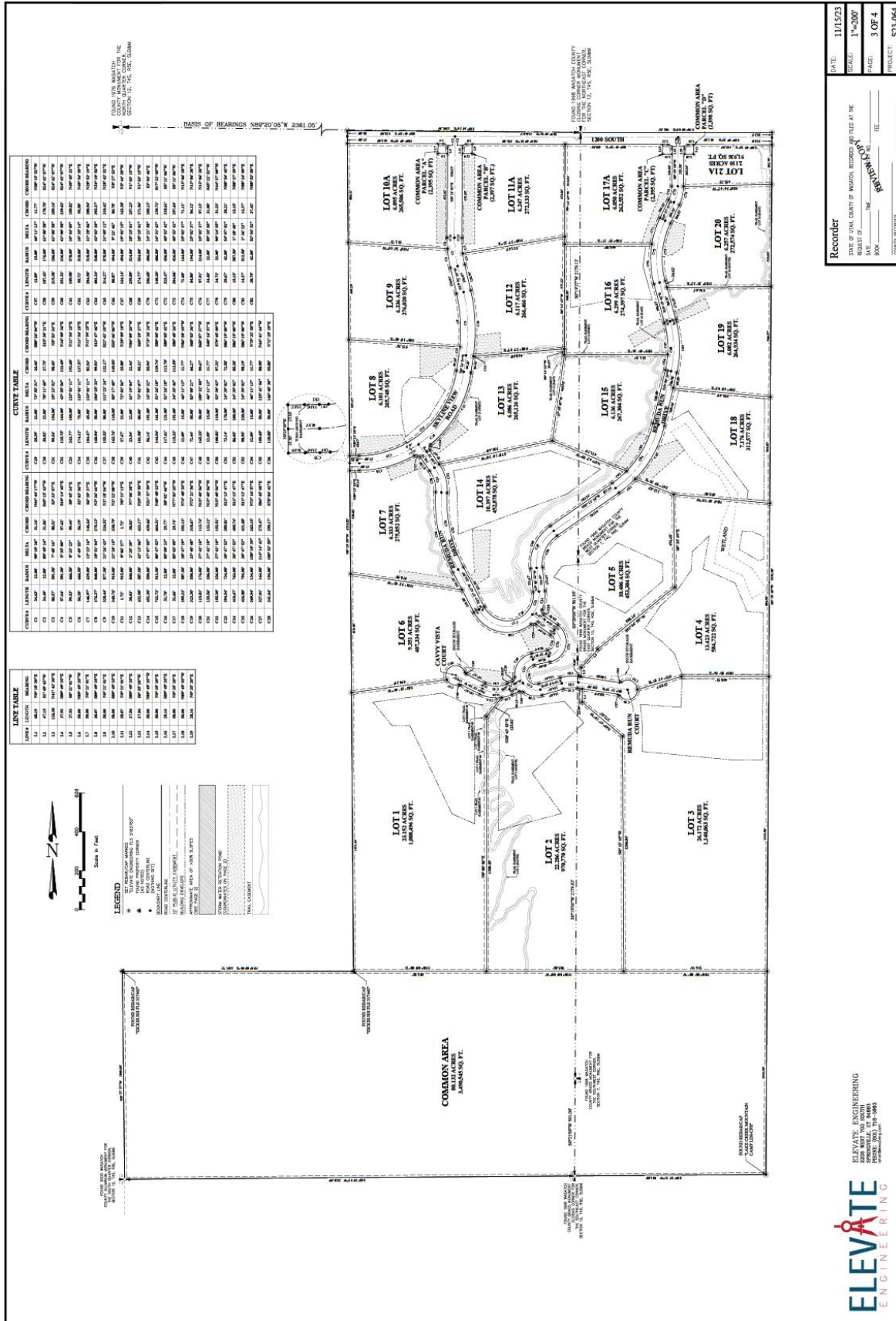


EXHIBIT D – DRC Report

Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-8700
PROJECT NAME: PLAT AM - BLUE SAGE RANCH
VESTING DATE: 11/16/2023
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
Weed Department	Ready for Decision
Public Works Department	Ready for Decision
GIS Department	Ready for Decision
Building Department	Ready for Decision
County Surveyor	Ready for Decision
Health Department	Ready for Decision
MAG Regional Trail Planner	Ready for Decision
Planning Department	Ready for Decision
Fire SSD	Ready for Decision
Sheriff's Office	Ready for Decision
Engineering Department	Ready for Decision
Recorder's Office	Ready for Decision
Assessor's Office	No Action Taken
Manager's office	No Action Taken
DRC - Twin Creeks SSD	No Action Taken

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 December 14, 2023



Item #3

Agricultural Protection Area of 23.41 Acres
-John Robert & Alice C Hicken Trust-

ITEM 3

Alice C. Hicken and Robert John Hicken request the 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 Agricultural 20 (A-20) Zone. (PLN-AGPRO- 8697; Nathan Rosvall)

PROJECT SUMMARY

Property Owner(s): Alice C. Hicken and Robert John Hicken TR

Hearing Date: December 14th, 2023

Related Applications: N/A

Acreage: 23.41 acres

Existing Zone: Agricultural (A-20)

Existing Land Use: Agricultural

Parcel Number: 07-9629

BACKGROUND

The applicants Alice C. Hicken and Robert John Hicken, are requesting an Agriculture Protection Area for a property located in the North Fields near 600 West and 1200 North in the Agriculture 20 (A-20) Zone of Wasatch County. The property contains 23.41 acres.

The proposed Agriculture Protection Area is dedicated for agricultural purposes. The land is devoted to agriculture, with the entirety of the property used for livestock grazing, and in the summer months, meadow hay production. The owners anticipate maintaining the existing agricultural operation. According to the applicants, more than 50% of the property is used for agricultural purposes. The adjacent property owners currently use their properties primarily for residential and agricultural purposes.

The application is made pursuant to the recently adopted County code (§16.29 Agricultural Protection Area) which code is allowed by the State code §17-41-201. The intent of these codes is to protect agricultural areas from encroachment of urban development and the impacts that come with it including nuisance complaints, future road expansion, changes in zoning regulations, eminent domain etc.

Wasatch County Code §16.29.04 requires the following noticing methods: sending notice to all property owners within 1,000 feet of the requested agricultural protection area, posting notices on the Utah Public Notice Website, and posting notice at five (5) places within or near the proposed agriculture protection area.

The process for obtaining the designation of an agricultural protection area includes review and recommendation by the Agriculture Advisory Board and the Planning Commission prior to the consideration of approval or denial by the County Council. Wasatch County Code §16.29.06 requires that the Planning Commission and the Agriculture Advisory Board shall report their analysis to the County Council, which shall;

1. Analyze and evaluate the effects of the creation of the proposed area on the county's planning policies and objectives.
2. Analyze and evaluate the proposal by applying the criteria contained in section 16.29.08;
3. Recommend any modifications to the land be included in the proposed agriculture protection area;
4. Analyze and evaluate any objections to the proposal; and

5. Include a recommendation to the county legislative body to either accept, accept and modify, or reject the proposal.

At the time of this report, no objections have been received in response to the notices sent.

STAFF ANALYSIS

– Section 16.29.08 Evaluation Criteria –

Wasatch County Code 16.29.08 outlines the criteria necessary for creating an Agricultural Protection Area. The agricultural advisory board, planning commission and County Council will need to ensure that all the requirements contained in the code, as listed below, are met before recommendations and approvals can be made. Below are the 8 evaluation criteria contained in the code with staff responses in **bold**:

16.29.08: EVALUATION CRITERIA

1. Whether or not the land is currently being used for agriculture production;

The County code defines agricultural production as follows: "Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.

"Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

According to the applicant they meet the definition for Agricultural production.

The applicant was and currently is utilizing the property for; livestock grazing and in the summer months growing meadow hay.

2. Whether or not the land is zoned for agriculture use;

The proposed area is located in the A-20 (Agriculture 20 acre minimum) zone. The primary purposes of the A-20 zone is to:

- **Avoid excessive costs for public services in areas with high physical constraints;**
- **Provide a location where the cultivation of crops and the raising and keeping of livestock and related uses can be protected and encouraged;**
- **Prevent the necessity of having to pay excessive taxes on grazing lands;**
- **Preserve the beauty of the entry corridors of Wasatch County;**
- **Protect the underground water supply from pollution; and**
- **Maintain an open rural buffer between Heber and Midway City.**

The allowed uses in the A-20 zone also include: raising of livestock, pasture and rangeland, agriculture, hay bailing and threshing services and field and seed crops etc.

3. *What the General Plan land use recommendation is for the land;*

The subject property is located in the Central Planning Area. As a matter of public policy, the Central Planning Area in the General Plan is expected to meet the following:

- **It is to be maintained in its historical land use pattern of open meadows, and river and small stream riparian habitat.**

- The use of this area for housing and other types of development is discouraged due to the physical constraints and the higher costs of providing governmental services.
- This area's scenic value contributes significantly to the real value of all land within the Heber Valley area.
- The preservation of open space in the Central Planning Area will also provide for a desired green belt separation between Heber City and Midway.
- The Development code should ensure that any development along state road 113 is set well back from the road and the rural character along this road is maintained.
- Avoid excessive costs for public services in areas with high physical constraints.
- Preserve the beauty of the entry corridors of Wasatch County
- Maintain an open rural buffer between Heber and Midway City.

In addition, the General Plan explicitly supports agricultural farmers and operations by stating the Wasatch Counties mission to, "protect the rural agricultural economy of the County by establishing agricultural operations as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land". The General Plan also recommends adopting agricultural protections strategies.

"12.1 OBJECTIVE: Implement "Agricultural Protection and Right to Farm" strategies requiring all non-agricultural activities to develop in a manner that is compatible with nearby agricultural operations.

12.1.1 POLICY: Create an Agricultural Protection Program in the Development Code, consistent with State Law, to protect agricultural lands and practices from impacts and complaints associated with nonagricultural growth and development on nearby properties.

a. Establish an Agricultural Protection Area Advisory Board, as required by State Law, to recommend appropriate areas to the County legislative body and to assist in identifying and promoting bonafide active agricultural operations in Wasatch County. Chapter Three Wasatch County General Plan 14 Wasatch County – State of Utah.

b. Allow the creation of Agriculture Protection Areas so long as the area has a minimum of 20 acres in the agricultural operation and the entire area qualifies for a "greenbelt" designation.

c. Include provisions in the Development Code that protect the rights of farmers and ranchers from complaints regarding noise, odors, length of work hours, and general operation from non-agricultural neighbors.

d. Require protection and easements in and around developments for irrigation and other water courses, including land drainage systems.

e. Require new development to analyze irrigation patterns as part of any development review and ensure that current patterns are continued.

f. Require new developments to fence its perimeter if the development will have an effect on adjacent agricultural operations. Also buffers and screening between producing farms and ranches and non-agricultural users should be required.

g. Provide mechanisms, in the form of plat notes and other appropriate means, to educate new residents of protected agricultural land and activities." General Plan Chapter 3, Goals and Policies.

Since the proposal is to protect the current agricultural use and land use pattern, the proposal is in alignment with the General Plan land use recommendations.

4. Compatibility of uses of neighboring properties for agricultural production;

Aerial imagery of the sites and the surrounding properties shows that the neighboring properties are involved in agricultural pursuits. All surrounding property is zoned A-20 and requires 20 acres for a building right or a lot of record.

5. Whether or not the land is viable for agricultural production;
The protection area is located in the agricultural (A-20) zone. The primary purpose of the A-20 zone is to provide a location where the cultivation of crops and raising of livestock is protected and encouraged. The subject property has and is currently being used for agricultural purposes. The past, present, and future use of the land indicates the property is viable for agricultural production.
6. The extent and nature of existing or proposed farm improvements;
The property owner is anticipating maintaining the existing farm operations and technology, which, according to the application is; livestock grazing and in the summer, growing meadow hay.
7. Anticipated trends in agricultural and technological conditions;
The anticipated trend in agriculture for the proposed area is the subject property and neighboring properties continue their agricultural land uses. The Wasatch County General Plan states that Wasatch County will continue to discourage development in the central planning area due to physical constraints (such as the high water table) and maintain its historic land use pattern. The General plan would discourage any rezoning of the property to anything less than the existing density.
8. Any other criteria to be considered under this Chapter, or related to the criteria of this Chapter.
For any future structures or dwelling, §16.29.02(D) An agriculture protection area may include within its boundaries land used for a roadway, dwelling site, park, or other nonagricultural use, if that land constitutes a minority of the total acreage within the agriculture protection area.

If the proposal is approved by the legislative body the County will need to do the following:

1. Designate the property as an Agricultural preservation area on the County zoning map.
2. Give constructive notice of the existence of the agriculture protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area, within ten days of the creation of an agriculture protection area, the County Planning Department shall file an executed document containing a legal description of the agriculture protection area with:
 1. the County Recorder; and
 2. the Planning Commission.
3. Within 10 days of the recording of the Agriculture Protection Area, the County Council Chair shall submit notification (via email at agriculture@utah.gov) to the Utah Commissioner of Agriculture and Food that the Agriculture Protection Area has been created. The notification needs to provide the following information:
 - i. The number of landowners owning land within the Agriculture Protection Area;
 - ii. The total acreage of the area;
 - iii. The date of approval of the area; and
 - iv. The date of recording

POTENTIAL MOTION

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

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 50 % 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 §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.

PROPOSED MODIFICATION(S):

Section 16.29.06 allows for the review of the proposal with the options that include accepting the proposal, rejecting the proposal or modifying the proposal.

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.

ALTERNATIVE ACTIONS

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

1. Approval with modification(s). This action can be taken if the planning commission or the agricultural advisory committee believes that there needs to be a modification to include an addition to the recommendation. ****This action would be consistent with the staff analysis.****
2. Recommend Approval. This action may be taken if the Planning Commission or agricultural advisory committee finds that the Agriculture Protection Area is compliant as proposed with Wasatch County Code and all other

applicable ordinances.

3. Continue. This action can be taken if the Planning Commission or agricultural advisory committee needs additional information before a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommend Denial. This action can be taken if the Planning Commission or agricultural advisory board finds that the proposal does not meet the intent of the ordinance.

EXHIBITS

- A. Description of Agricultural Pursuits
- B. Legal Description
- C. Proposed Limits
- D. Site Plan
- E. Notarized Declaration
- F. General Plan map
- G. Zoning Map
- H. Existing Land Use Map of the General Plan
- I. Aerial photo of Surrounding Conditions
- J. Central Planning Area Soils Map

Proposal to Create an Agricultural Protection Area Wasatch County

Owners: Robert John Hicken & Alice C. Hicken TR

Agricultural Pursuits

**Livestock Grazing and in the summer months producing Meadow Hay
for production.**

**Proposal to Create an Agricultural Protection Area
Wasatch County**

Owners: Robert John Hicken & Alice C. Hicken TR

Legal Description

Beg. 9-3/4 rods W. of SE cor. Of SW ¼ of Section 30, Tp.3 S. R. 5 E, S.L.M.; th. W. 1 rd; th. S. 2-3/4 rds. To rd; th. N. 89°12'W. 46-3/4 rds; th. N. 48' E. 2 rds. To ¼ sec. line; th. E ½ rd; th. N. 48' E. 78 rds; th. S. 89°12'E. 47-1/4 rds; th. S 48' W. 77 rds. 8 lks. To beg. Area 23.41 acres.

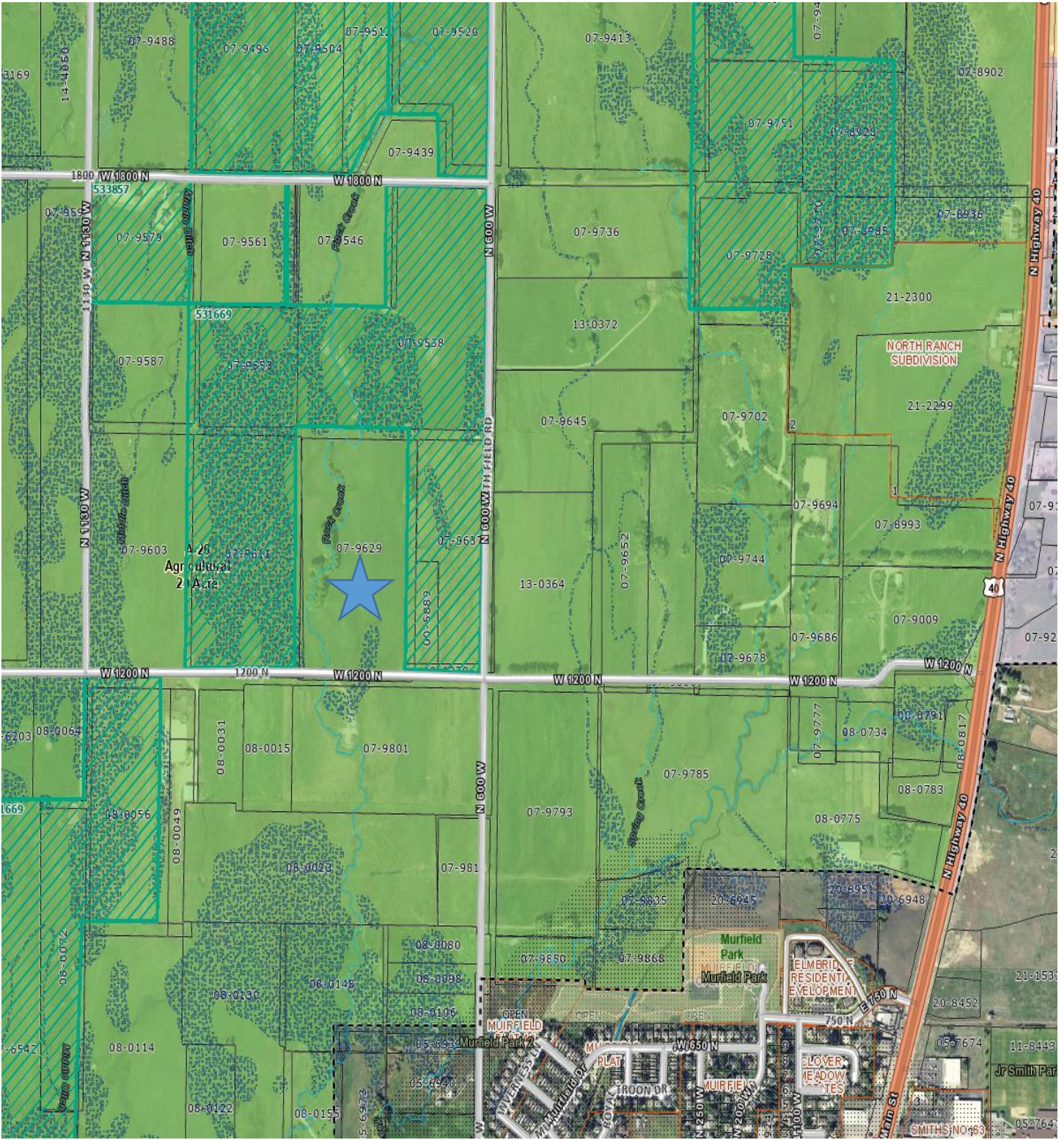
EXHIBIT C – Proposed Limits

**Proposal to Create Agricultural Protection Area
Wasatch County**

Proposed Limits:

***No proposed limitations on types of agriculture production
allowed on protected area.***

EXHIBIT D – Site Plan



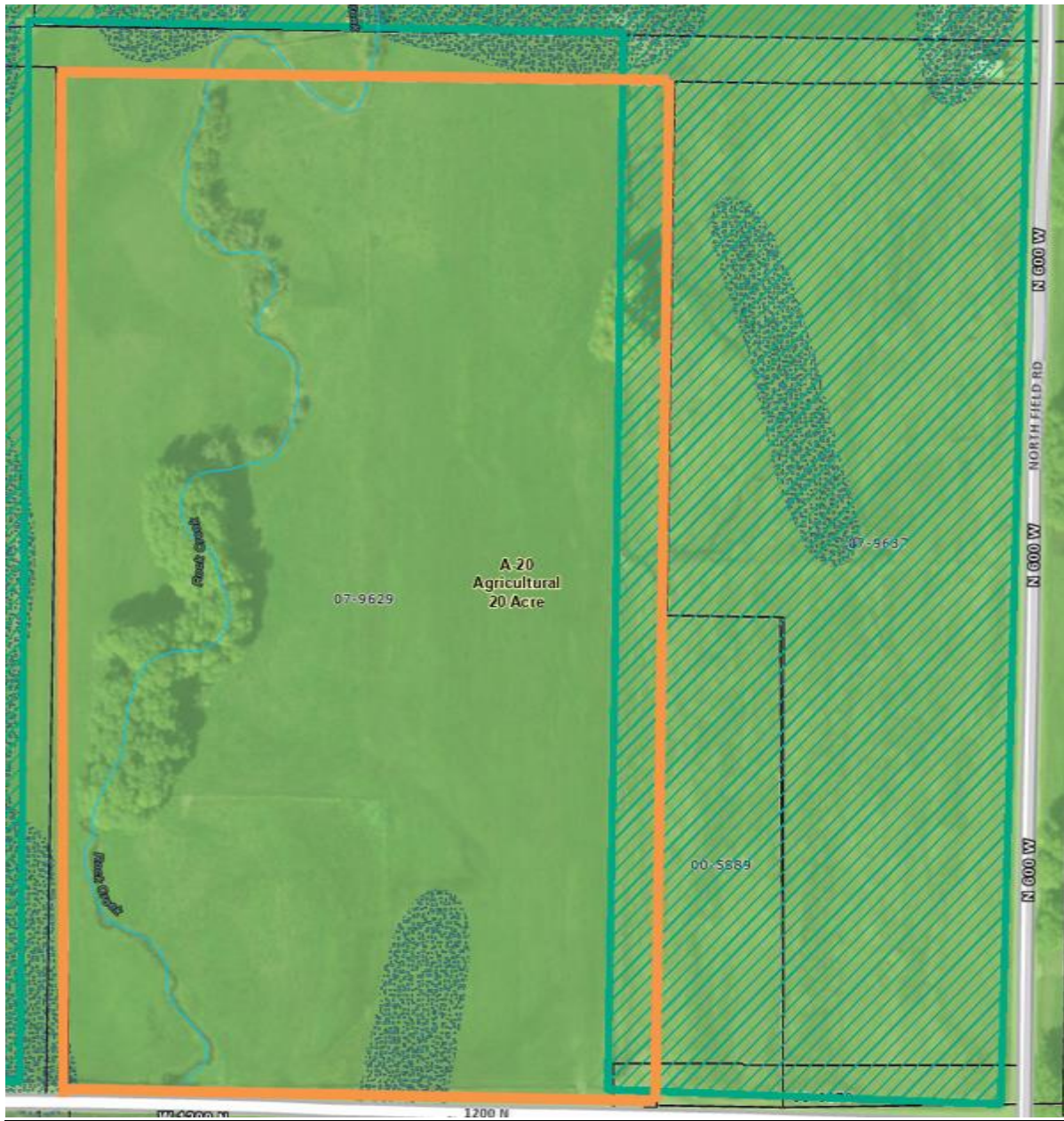


EXHIBIT E – Notarized Declaration

DECLARATION GRANTING PERMISSION
TO RECORD NOTICE OF AGRICULTURE PROTECTION AREA

I/ We Alice C. Hicken Robert John Hicken are the record owners of the Parcels listed in Exhibit A (for more than two owners provide separate notarized declarations). We have applied for property to be included in an Agriculture Protection Area, and we declare that the information contained in the application is true and correct to the best of our knowledge. We authorize Wasatch County to record a notice of agriculture protection area if all or part of the property from the Agriculture Protection Area Application is approved for inclusion in an agriculture protection area. After the initial approval, property may be removed from the agriculture protection area in accordance with the processes and requirements of the Utah Code 17-41-101 et seq., as amended, and the Owner authorizes the County to record subsequent recorded notices reflecting such modifications or removals.

Owner(s)

Alice C. Hicken

Robert John Hicken

STATE OF UTAH)

:SS

COUNTY OF Wasatch)

The foregoing instrument was acknowledged before me this 31st day of October, 2023, by Alice C. Hicken, who executed the foregoing instrument in his/her capacity as owner.

NOTARY PUBLIC

Residing at:

My Commission Expires: Jan. 11, 2024

Sherry Lawrence



STATE OF UTAH)

:SS

COUNTY OF Wasatch)

The foregoing instrument was acknowledged before me this 22nd day of November, 2023, by Robert John Hicken who executed the foregoing instrument in his/her capacity as owner.

NOTARY PUBLIC

Residing at:

My Commission Expires: Jan. 11, 2024

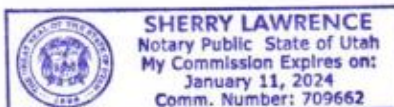


EXHIBIT F – General plan map

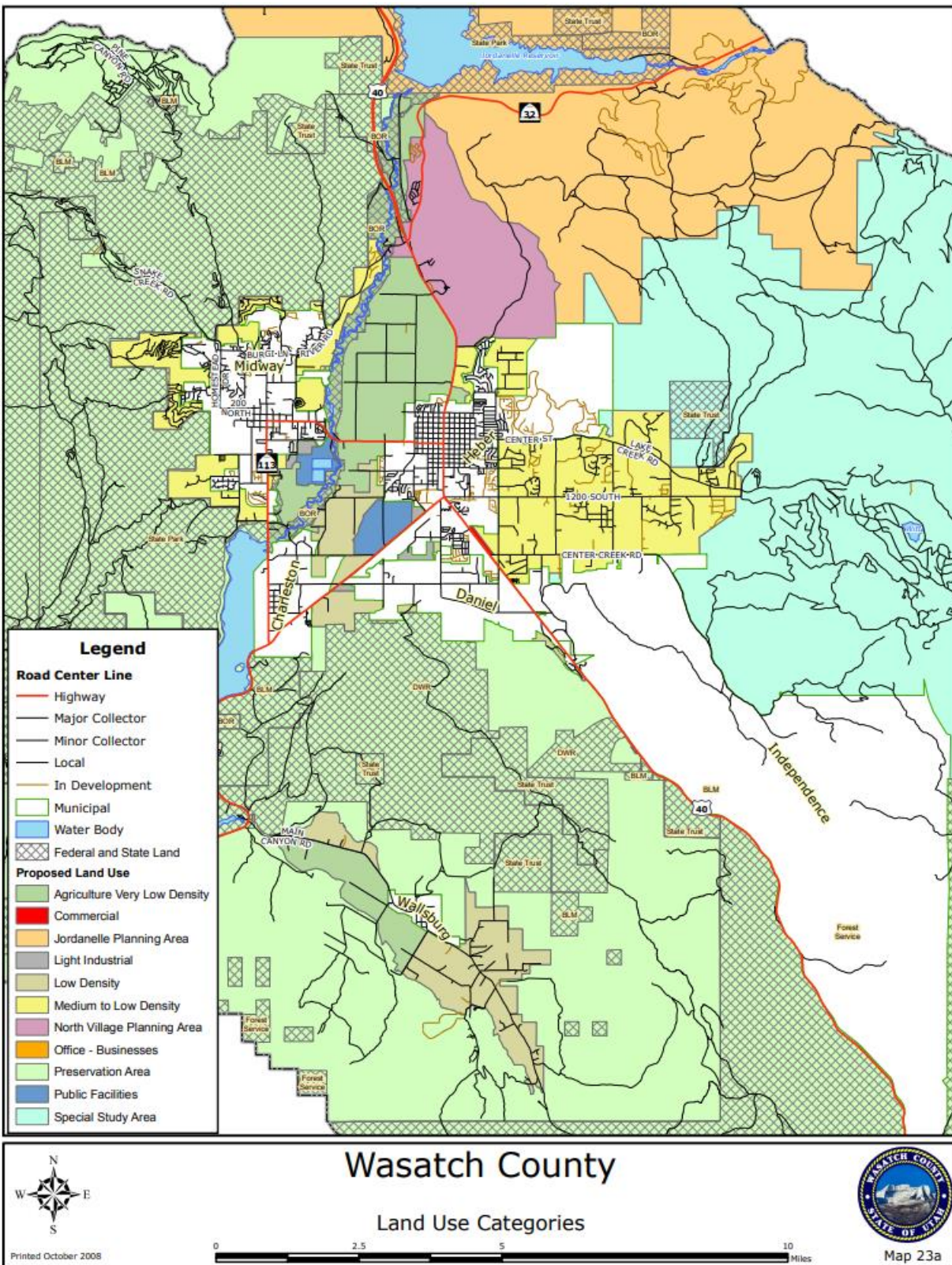


EXHIBIT G – Zoning Map

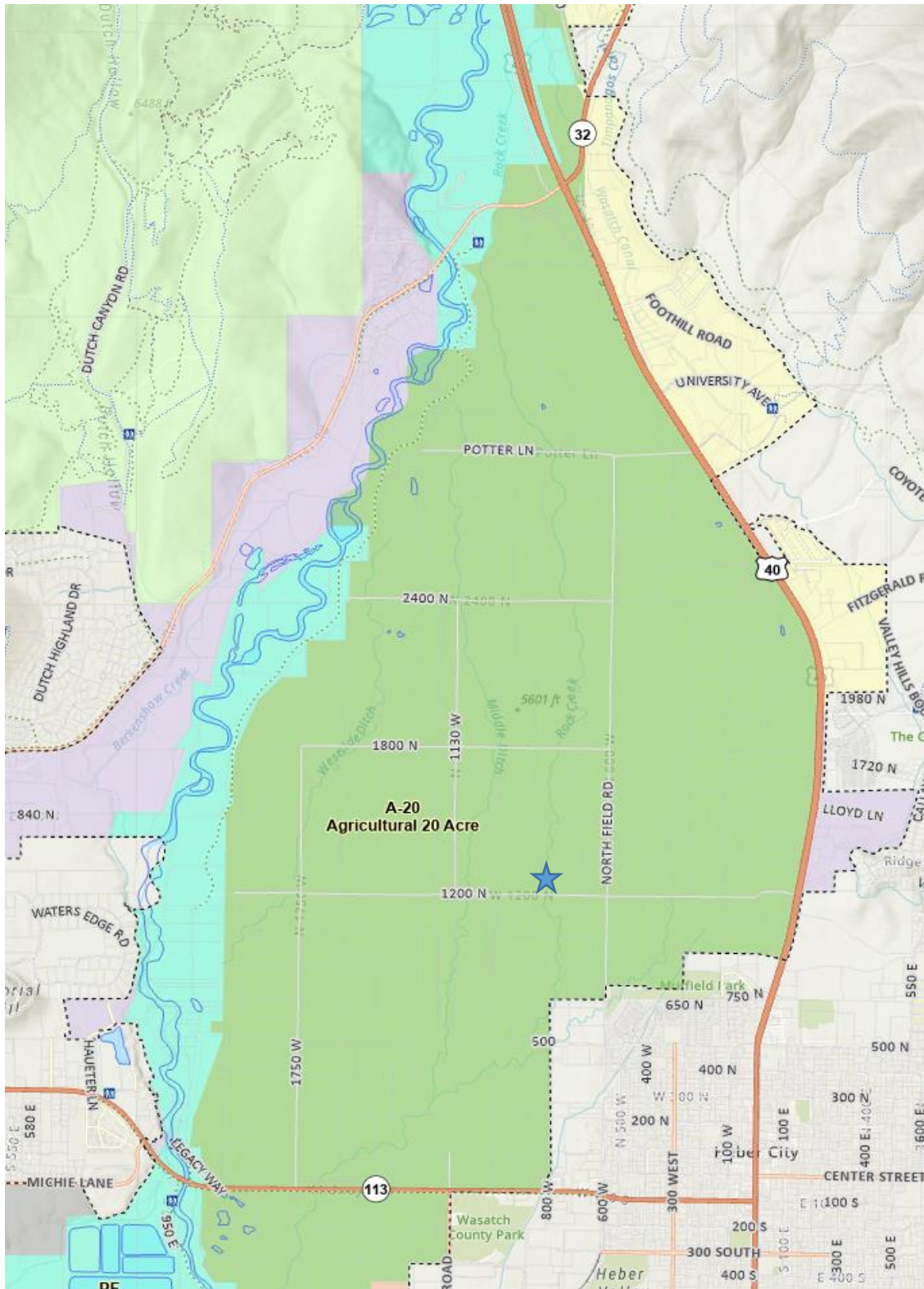


EXHIBIT H – Existing Land Use Map of the General Plan

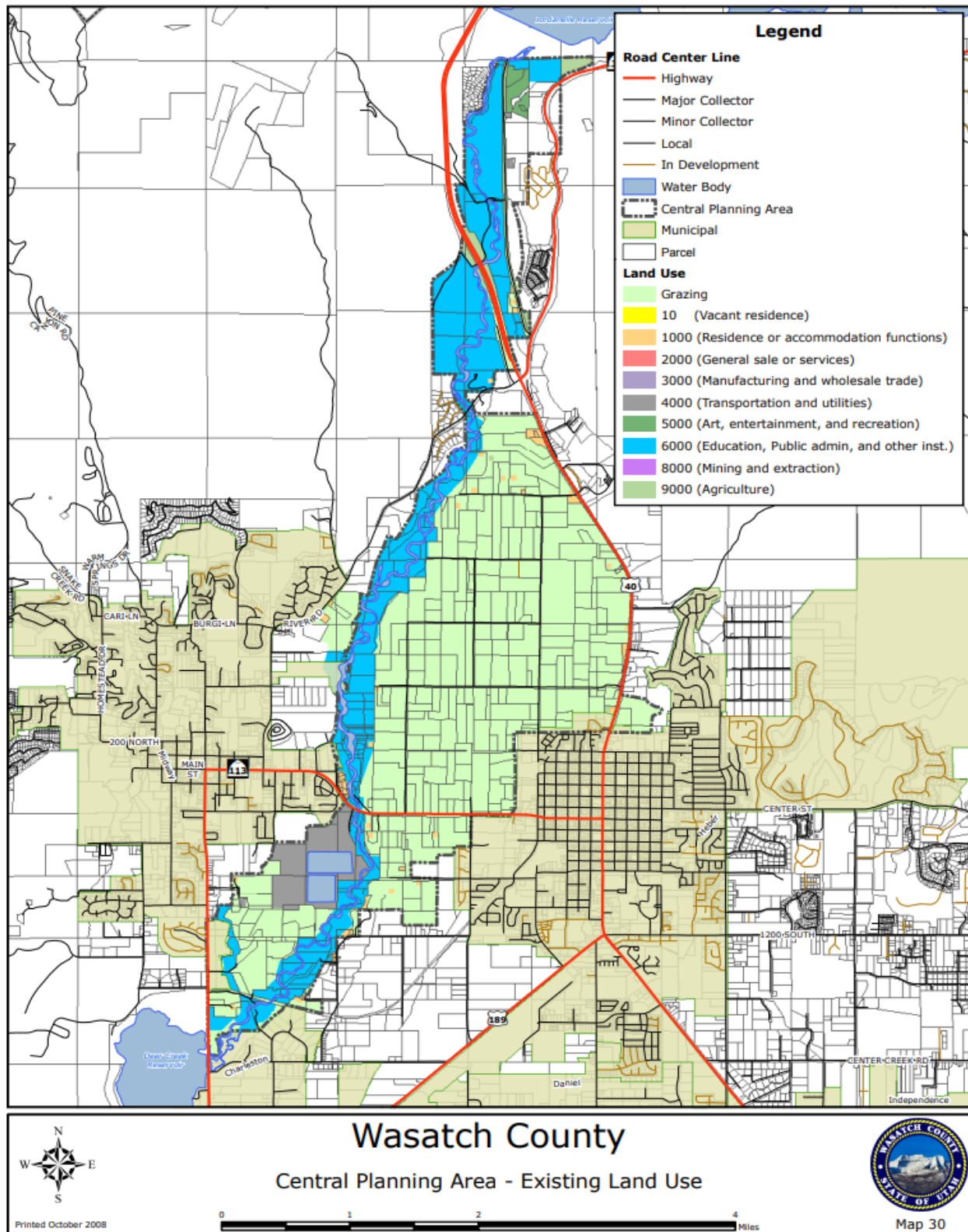


EXHIBIT I – Aerial photo of surrounding conditions

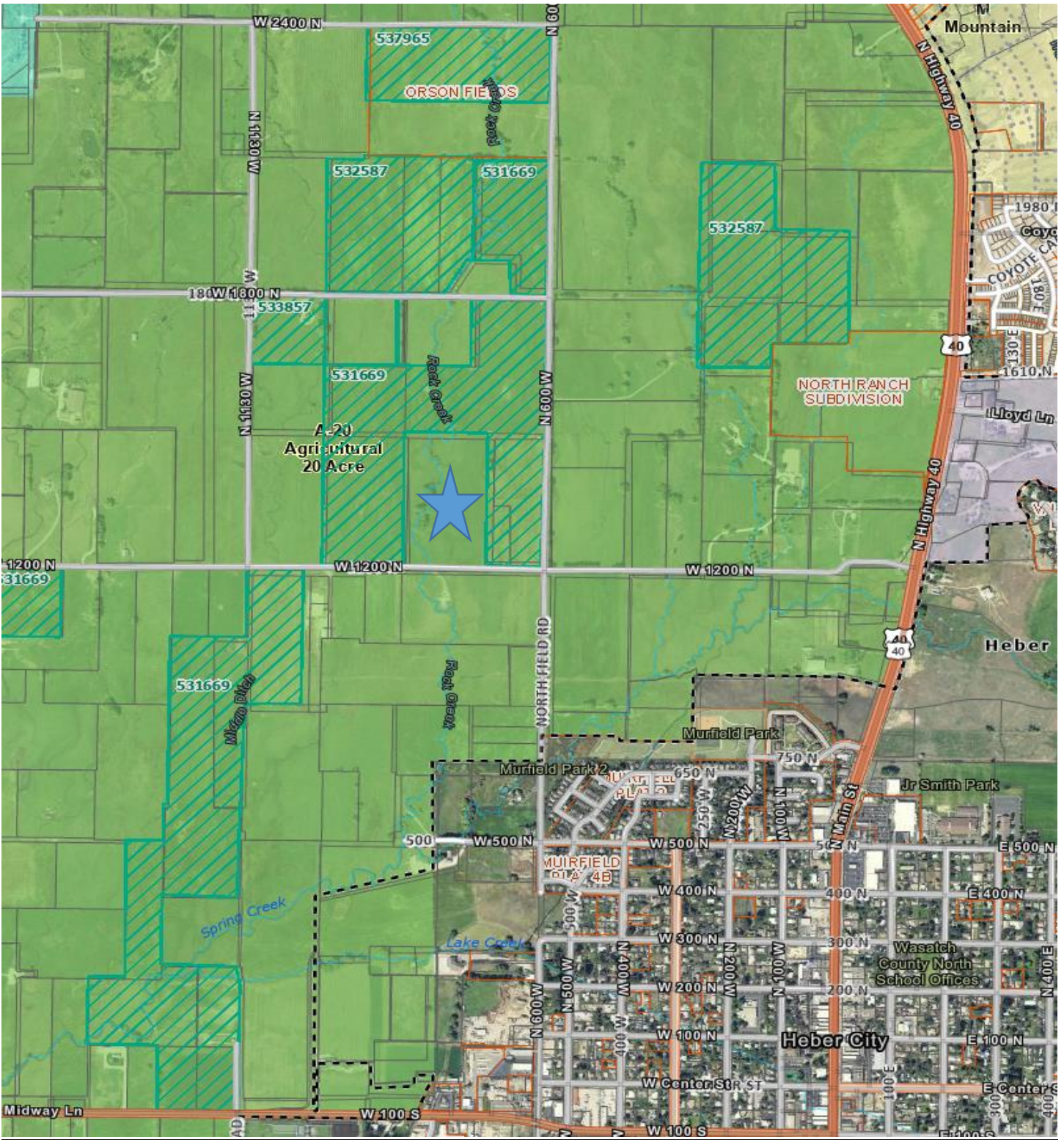
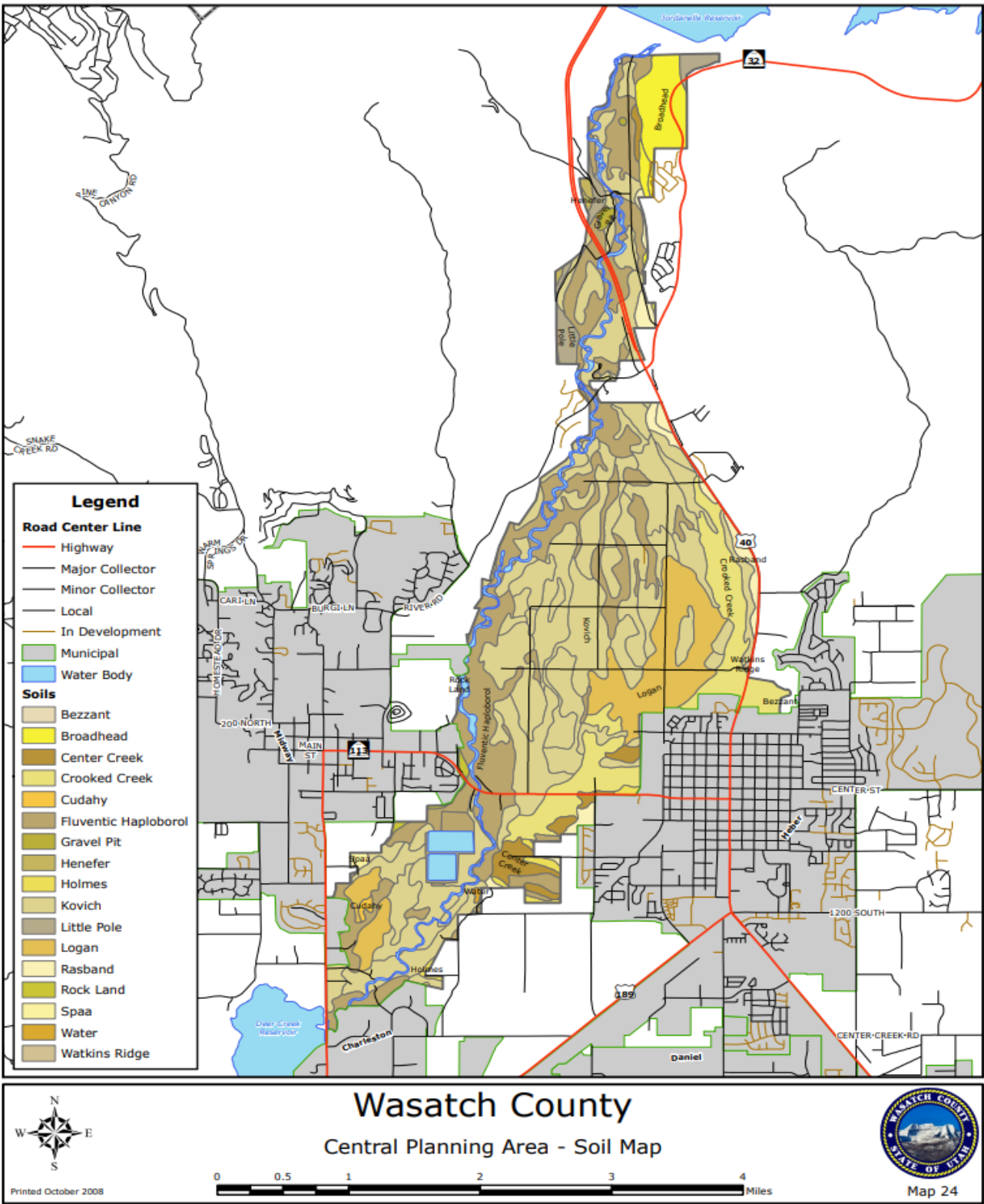


Exhibit J- Central Planning Area Soils Map



Wasatch County Planning Commission December 14, 2023



Item #4

46kv Transmission Line
-Rocky Mountain Power-

Conditional Use Permit

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)

PROJECT SUMMARY

Applicant: Rocky Mountain Power
Hearing Date: 14 December 2023

Existing Zone: RA-1, P-160, M
Existing Land Use: Residential, Golf Courses, State Parks

BACKGROUND

Rocky Mountain Power is seeking to upgrade the support poles for an existing power line located West of Midway and running north from the Midway Substation past the Wasatch County boundary near Brighton Estates. This upgrade will replace existing wood poles with steel structures. Switch structures will be replaced with fiberglass poles. The existing wood poles vary in height from 50 feet to 80 feet. The new poles will result in height increases with heights ranging from 60 feet to 110 feet. The average height of the poles will increase from 64 feet to 79 feet. This height increase is intended to provide more clearance between the power lines and vegetation in order to improve fire safety. According to the applicant the new structures are designed to have increased spacing between shield wire and conductor, as well as from conductor to conductor. The applicant has stated that the purpose of this upgrade is to improve the electrical system, improve safety, and reduce wildfire risk in the area.

Through the DRC review process, county staff have verified that Rocky Mountain Power has the necessary easements in place to access the poles that will be replaced as part of this project. Rocky Mountain Power has also included a reclamation plan which describes their plans to limit disturbances to the hillside during the construction process. The information provided by the applicant appears to demonstrate that the project will comply with the county code requirements for a Conditional Use Permit.

KEY ISSUES TO CONSIDER

- 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 zone for the replacement of existing electric transmission lines over 49 feet from finished grade and/or over 38 kV. The proposed replacement meets this criteria for pole

height and voltage. A Conditional Use Permit is also required for an electric transmission right of way in the P-160 and M zones.

- The Conditional Use Permit must receive Planning Commission approval due to the pole heights, voltage, and the number of poles involved in the project.
- Much of the replacement poles although in unincorporated County are in the State Park who has already granted approval to the proposal and the County has no land use jurisdiction over. Wasatch Mountain State Park has provided a letter stating their approval and support of the proposed project.
- 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 poles will use non-specular wire and steel poles will be weathered.

STAFF ANALYSIS

– LOCATION –

The proposed project will replace poles for an existing transmission line which runs through areas in the City of Midway and unincorporated Wasatch County. The line begins in Wasatch County at the Midway substation located next to the Midway Cemetery. The line runs west for about 1,000 feet and then north through Wasatch County and the Wasatch Mountain State Park. It then continues to run in a generally northern direction for the remainder of the project area. The line enters the City of Midway as it crosses the Swiss Alpine Road area and then re-enters Wasatch County as it crosses the Lundin Property. It then goes through the lower lime Canyon area in Midway and then back into Wasatch County a final time as it crosses the Wasatch Mountain Golf Course. The line then continues north up Pine Canyon to Guardsman Pass Road at the county line just east of the Brighton Estates Subdivision. After crossing the county boundary line, the power line continues north through the Bonanza Flats area and Park City. Exhibits A and B show the location of the existing transmission line which will not be altered by this project.

Rocky Mountain Power has provided documentation showing that easements are in place which give them access to the existing transmission line. It appears that the existing easements give Rocky Mountain Power the ability to replace the poles in the same locations and access the properties involved to install the new poles.

Most of the transmission line route passes through parts of unincorporated Wasatch County which are in Wasatch Mountain State Park. The State of Utah Department of Natural Resources has provided a letter stating that they are aware of and approve the project. The Department of Natural Resources has also discussed construction impacts and rehabilitation plans with the applicant (See Exhibit C).

– PROPOSED USE –

The proposed project will replace approximately 57 wood poles with steel and fiberglass poles. The materials used are designed to be self-weathering and with a rusted color that blends into the natural landscape (See Exhibit D). The existing wood poles vary in height from 50 feet to 80 feet. The new poles will result in height increases with heights ranging from 60 feet to 110 feet (See Exhibit E). The average height will increase from 64 feet to 79 feet. The diameter of the poles will increase by about two to three inches to about eighteen inches at ground level. There are a few larger structures with a diameter of about twenty-eight inches.

The line will continue to operate at 46kV. The new poles will be built at a 138kV standard which is dictated by wildfire safety standards and construction standards. According to the applicant, an increase in voltage capacity would only be

possible with substantial upgrades throughout the line and substations which Rocky Mountain Power is not planning to make.

– ACCESS AND RECLAMATION PLAN –

The applicant is not proposing the construction of any new roads with this application. They have stated that existing and historical access will be used throughout the project area. They have also confirmed that no vegetation removal will occur under the line.

The applicant has provided a reclamation plan which includes their plans to minimize the impact that construction will have on the natural hillside areas in Wasatch County. The applicant will primarily use existing accesses for the project construction using “drive and crush” practices. The plan explains that “This involves driving over existing vegetation with equipment to preserve the root system and to not disturb the soil. Drive and crush reduces opportunities for invasive species to be implanted into the soil bed and reduces potential erosion from the removal of the existing vegetation.” The Reclamation Plan also states that “vegetation would be removed only for access to the transmission structure. When areas of land are expected to be cleared of vegetation during the project, RMP will reseed using a site-specific seed mix to establish vegetation in all areas disturbed.” (See Exhibit F).

– 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 RA-1 zone in Wasatch County requires a Conditional Use Permit for the replacement of existing electric transmission lines over 49 feet from finished grade and/or over 38 kV. These poles are 80-110' feet and 46 kv. The P-160 and M zones require a Conditional Use Permit for all electric utilities. The applicant can comply with all conditions of this title for the RA-1, P-160, and M zones.
- B. *The business shall maintain a business license, if required;*
Response: No business license is required.
- C. *The use will be compatible with surrounding structures in use, location, scale, mass, design and circulation;*
Response: The proposed structures will include a height increase for the purpose of making fire safety improvements. The self-weathering metal material used for the poles is designed to blend in with the surrounding environment. The fiberglass poles used for switch structures have a brown color that is also intended to blend in with the surrounding environment (See Exhibit D).
- D. *The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;*
Response: The proposed change from wood poles to metal and fiberglass poles will improve fire safety the higher poles allow for a greater separation between the wires and vegetation in conformance with more recent industry standards. The applicant is using self-weathering metal poles

and fiberglass poles will be rust in color. The wires will be non-specular. The applicant has tried to use every means available to have the new line blend in with the surroundings.

E. *The use is consistent with the Wasatch County general plan;*

Response: Transmission lines are not specifically addressed in the General Plan

F. *The effects of any future expansion in use or scale can be and will be mitigated through conditions;*

Response: Future expansions to the existing transmission line or pole replacements that are not included in this project will require an additional 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: The project description and Reclamation Plan address mitigation for potential environmental disturbances during construction including vegetation, wildlife, water resources, air quality, and soils.

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: It is not anticipated that this project will create an unreasonable financial burden for the county or surrounding properties.

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 that this project will create unreasonable health, safety, or welfare impacts. The proposal furthers safety in a fire prone, urban interface area and because of this enhances the health, safety and welfare of County residents.

J. *Any land uses requiring a building permit shall conform to the international uniform building code standard.*

Response: Compliance with building code will be determined at the time of 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 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 fire 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 46kV.
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 toned colors and non-specular wire.
7. No 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 residence 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 proposals 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 accepted the item for the Planning Commission to render a decision.

Conditions:

1. The applicant shall follow all mitigation procedures explained in the attached Reclamation Plan (See Exhibit F);
2. Non-specular conductor wire shall be used for all the new lines to reduce light reflectance; and
3. 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 (See Exhibit G).

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.
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. Transmission line and pole locations
- C. Wasatch Mountain State Park Letter of Support
- D. Pole Plans and Images
- E. Pole Heights
- F. Reclamation Plan
- G. DRC Report

EXHIBIT A – Vicinity Plan

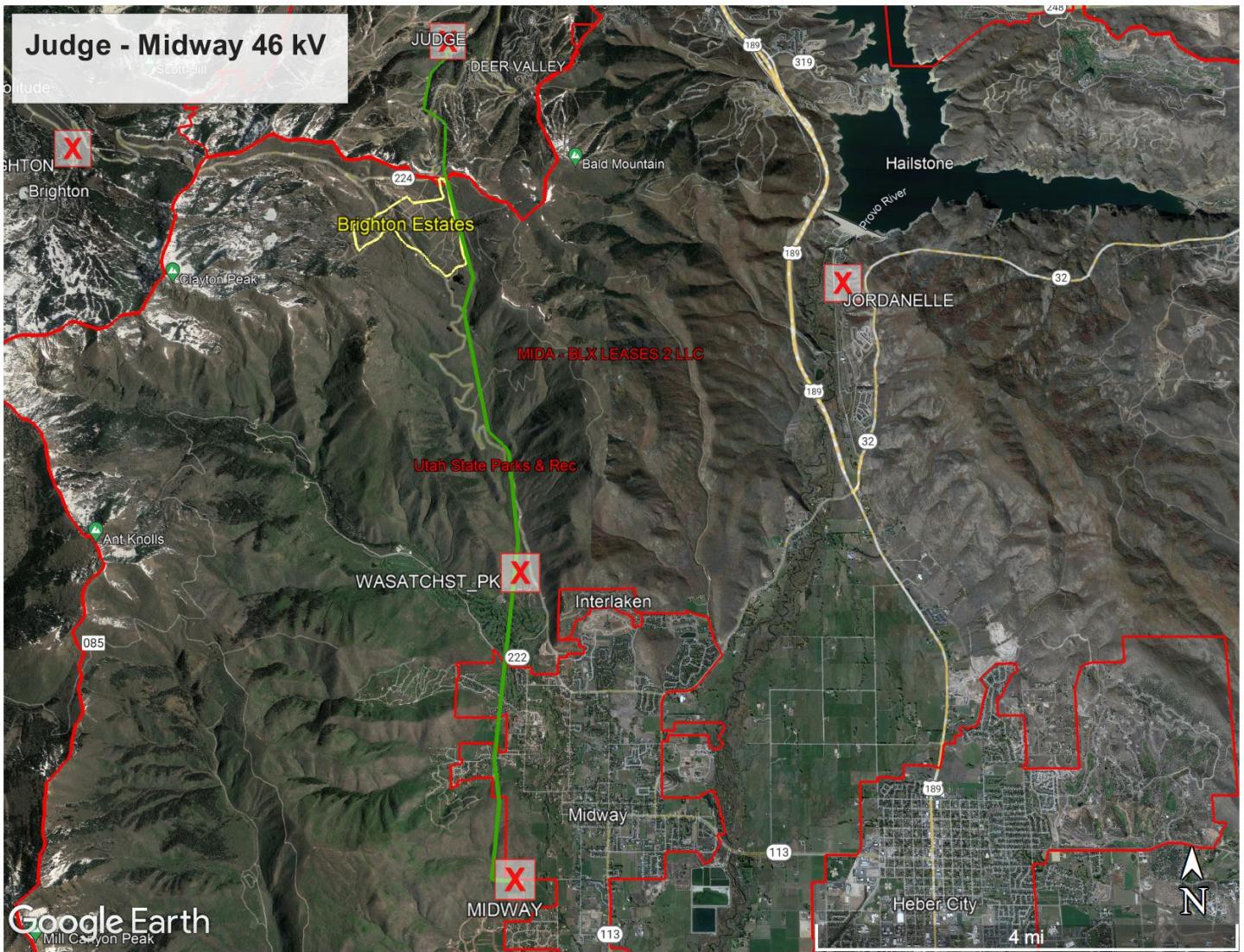
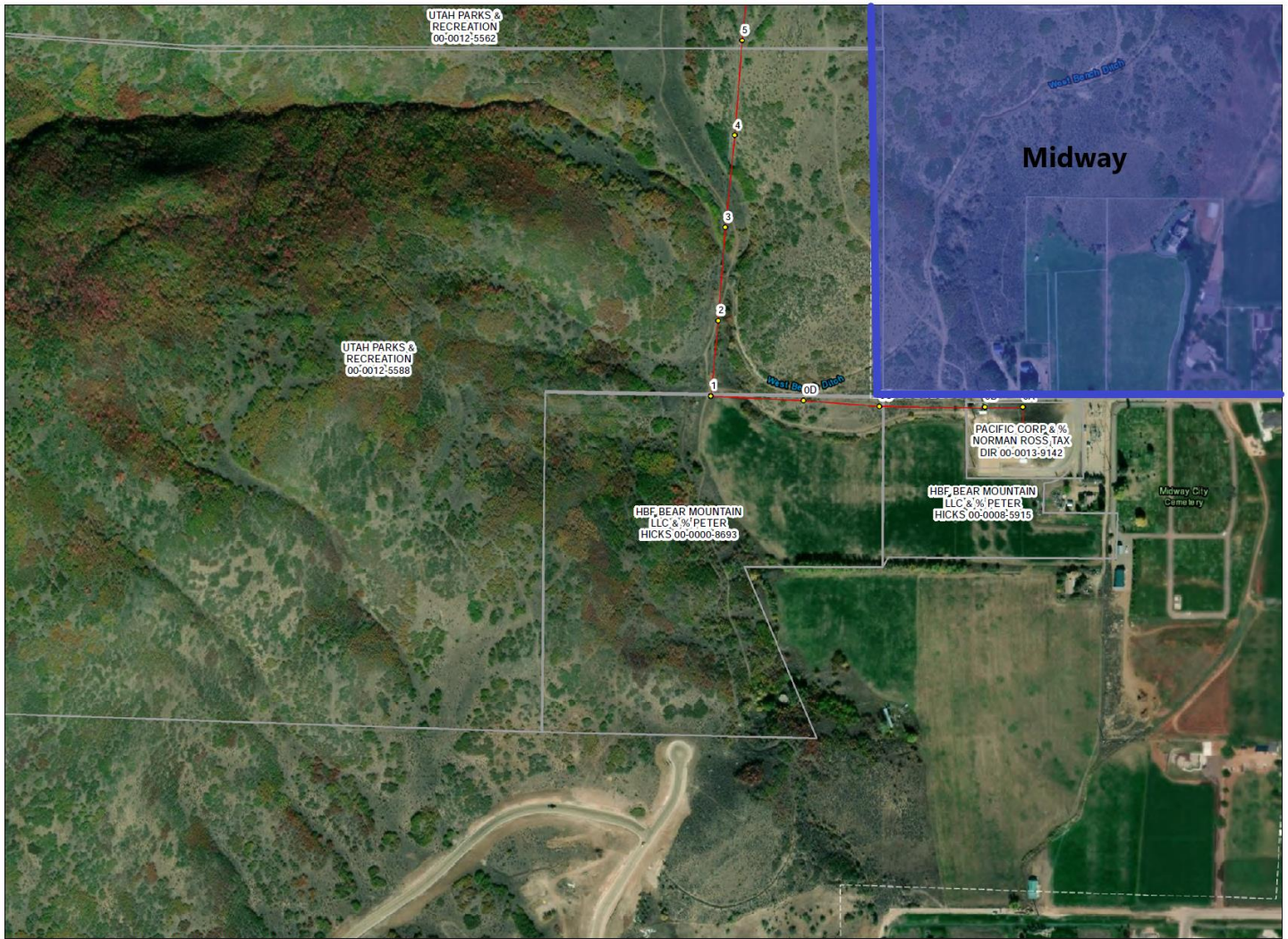
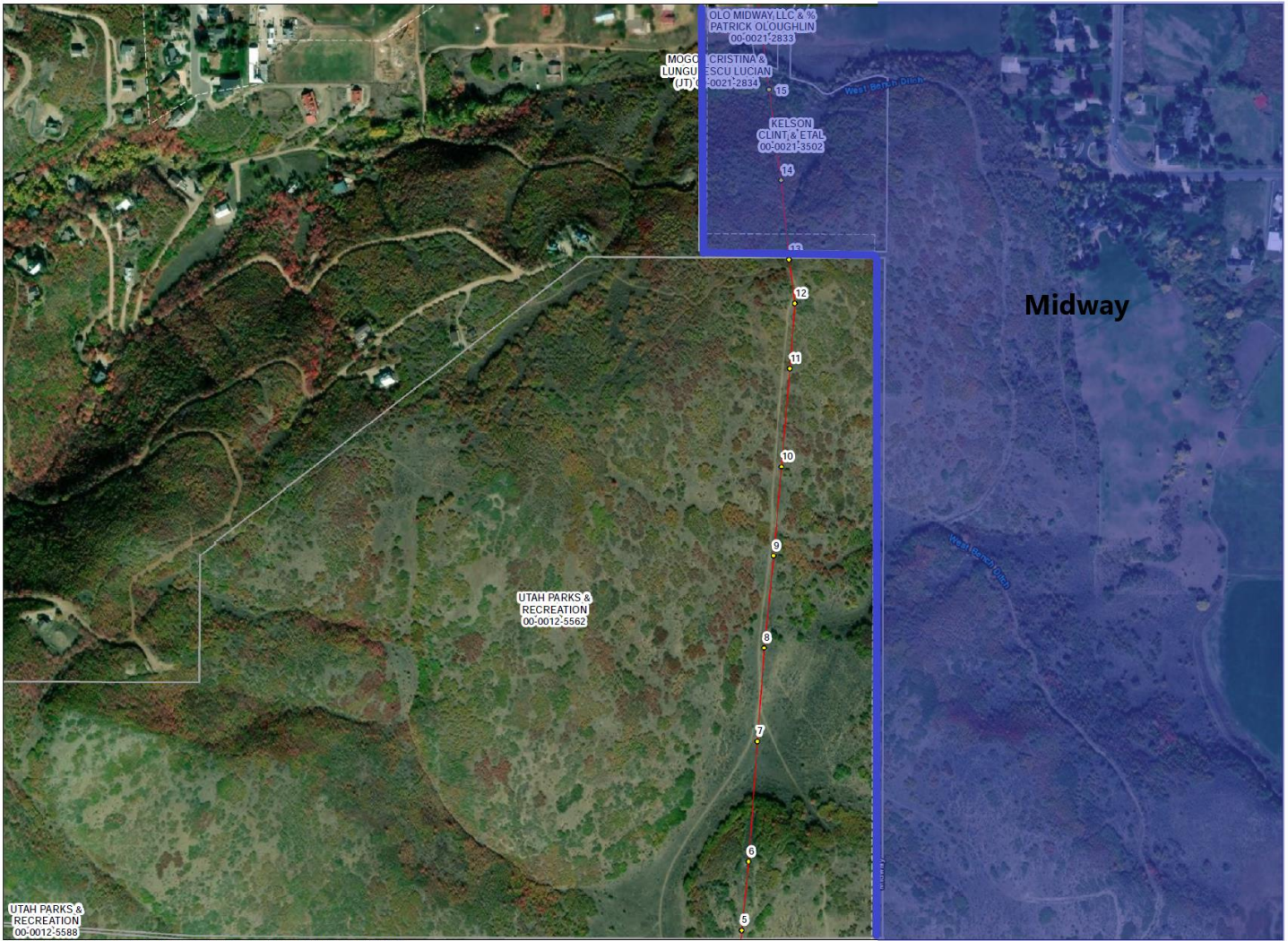
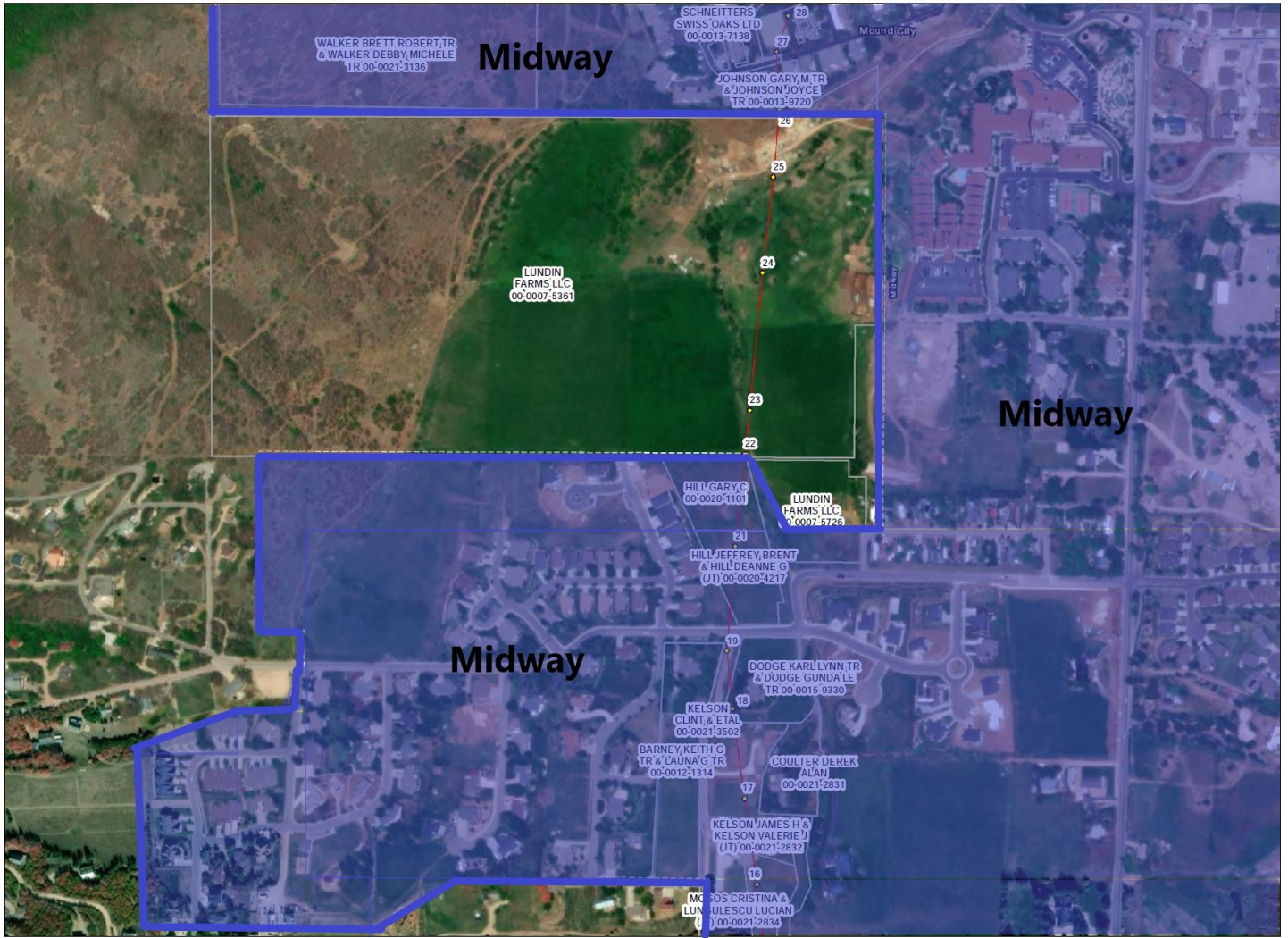
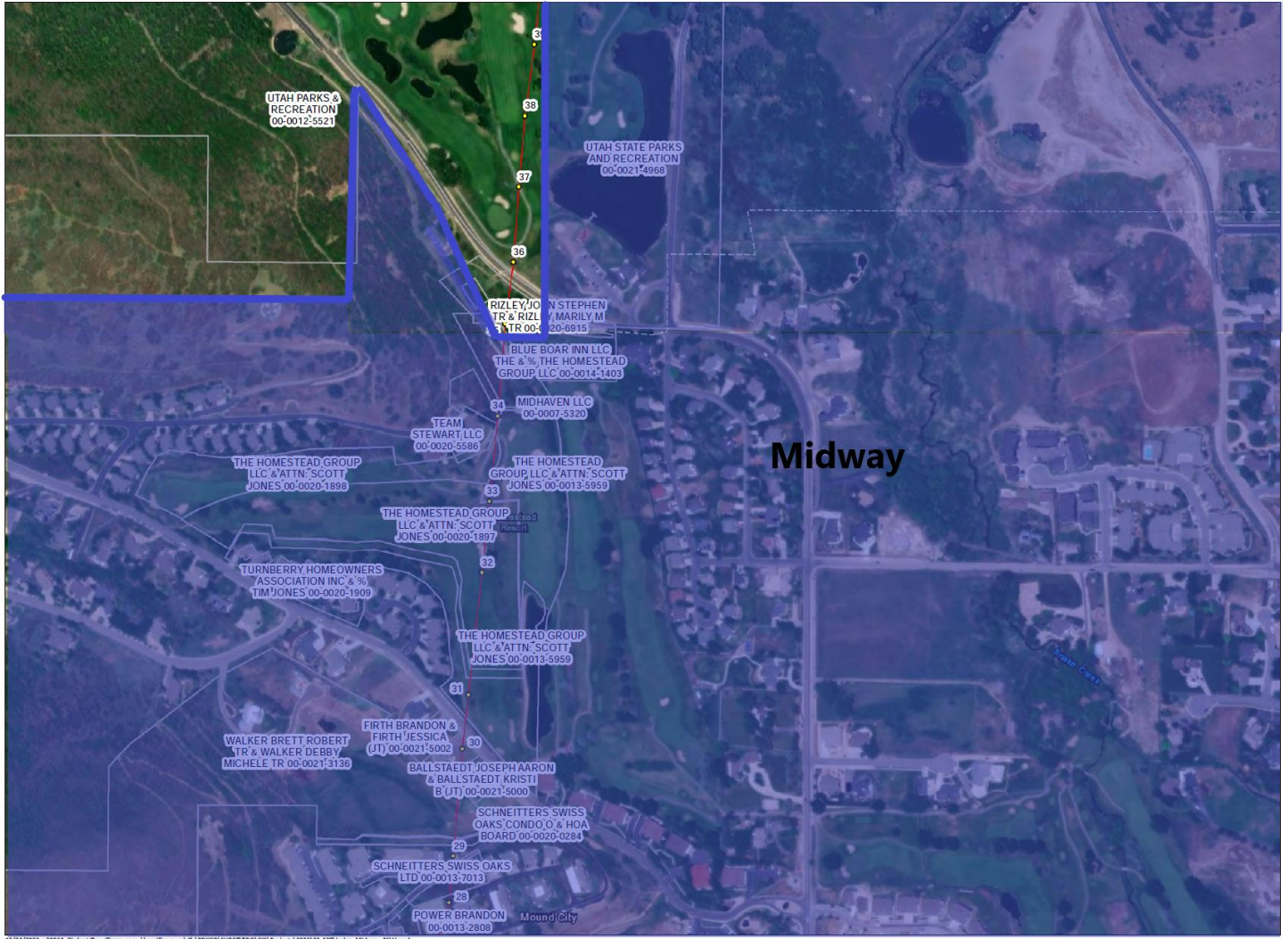


EXHIBIT B – Transmission line and pole locations



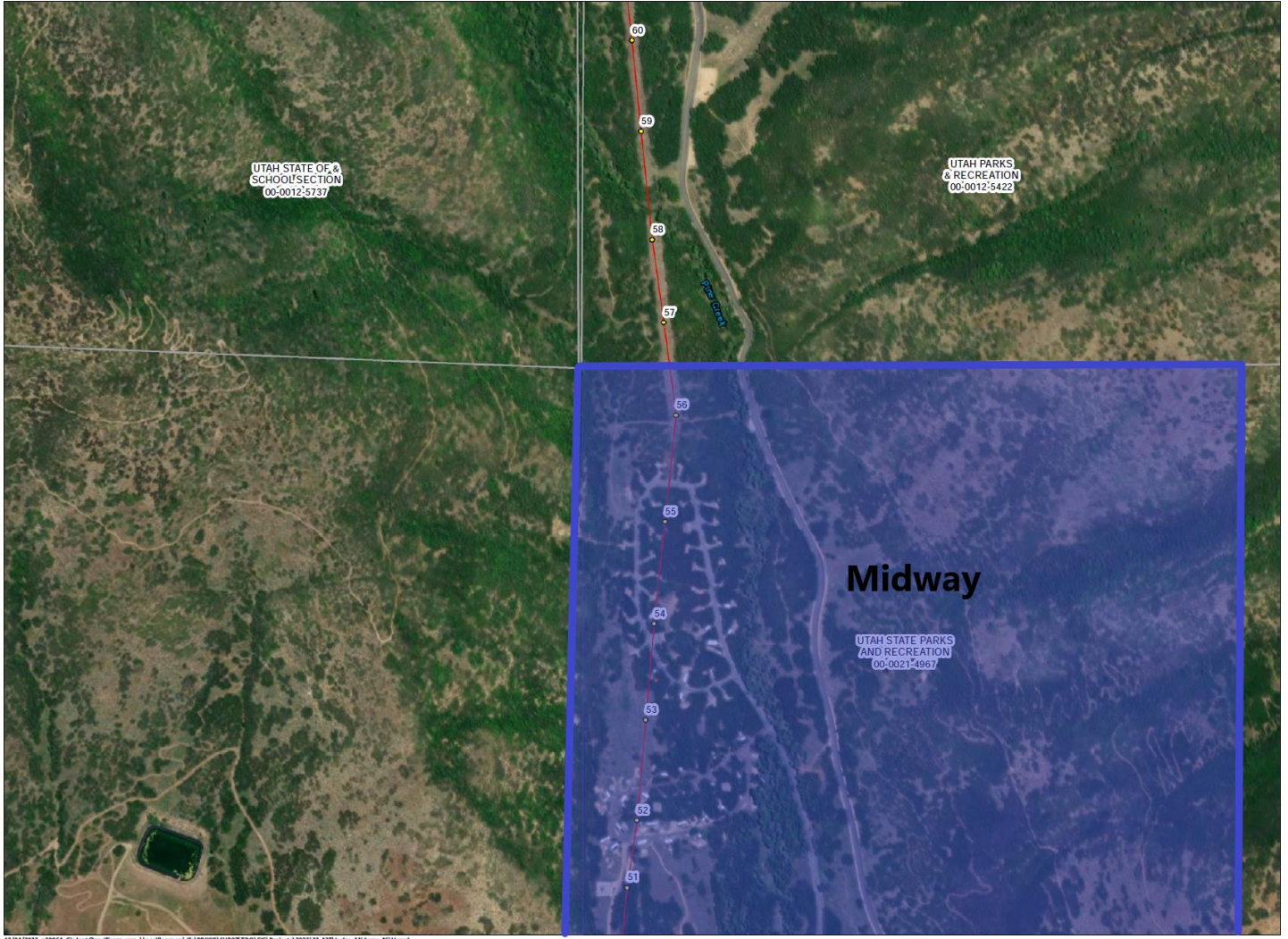




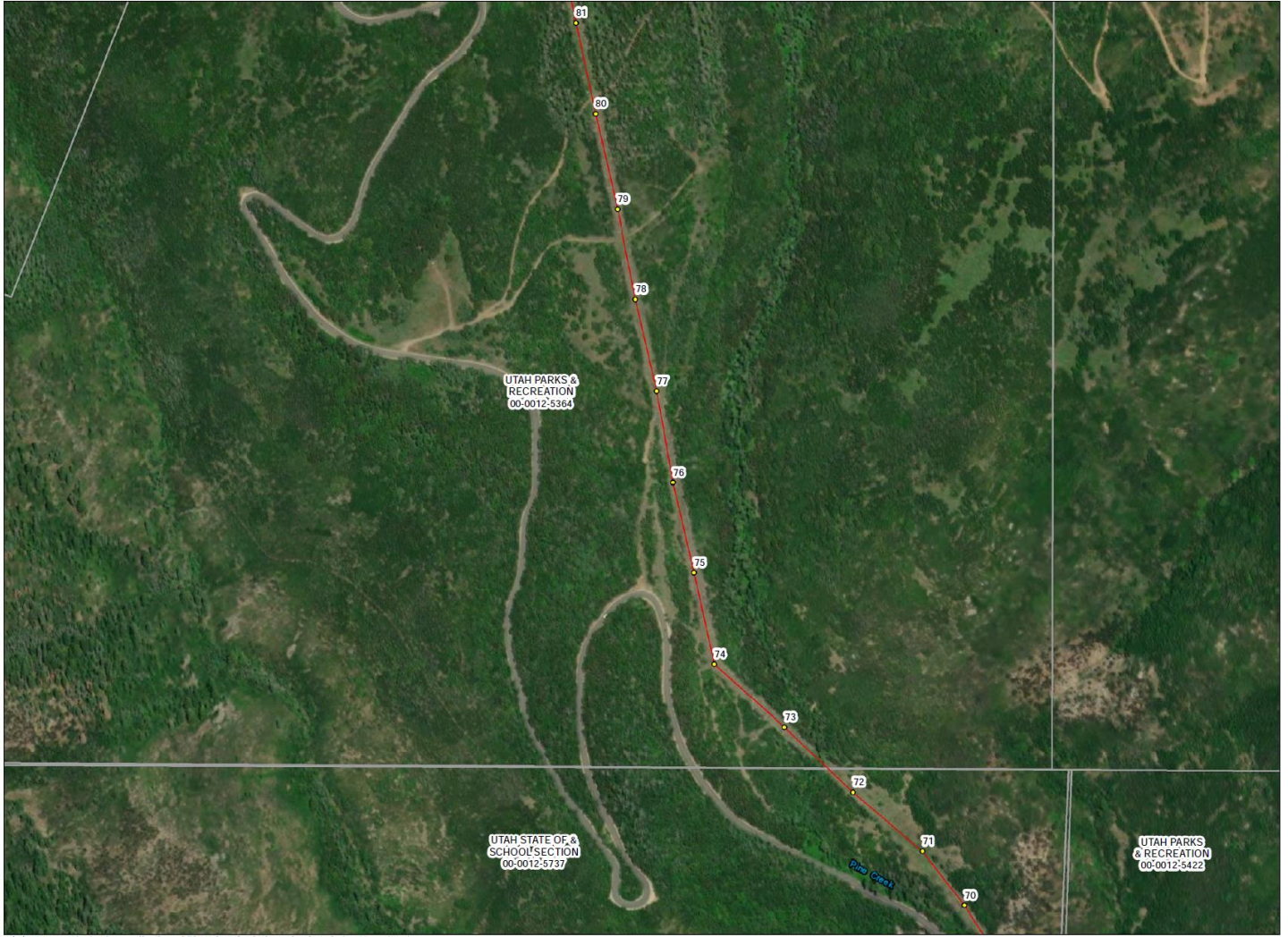


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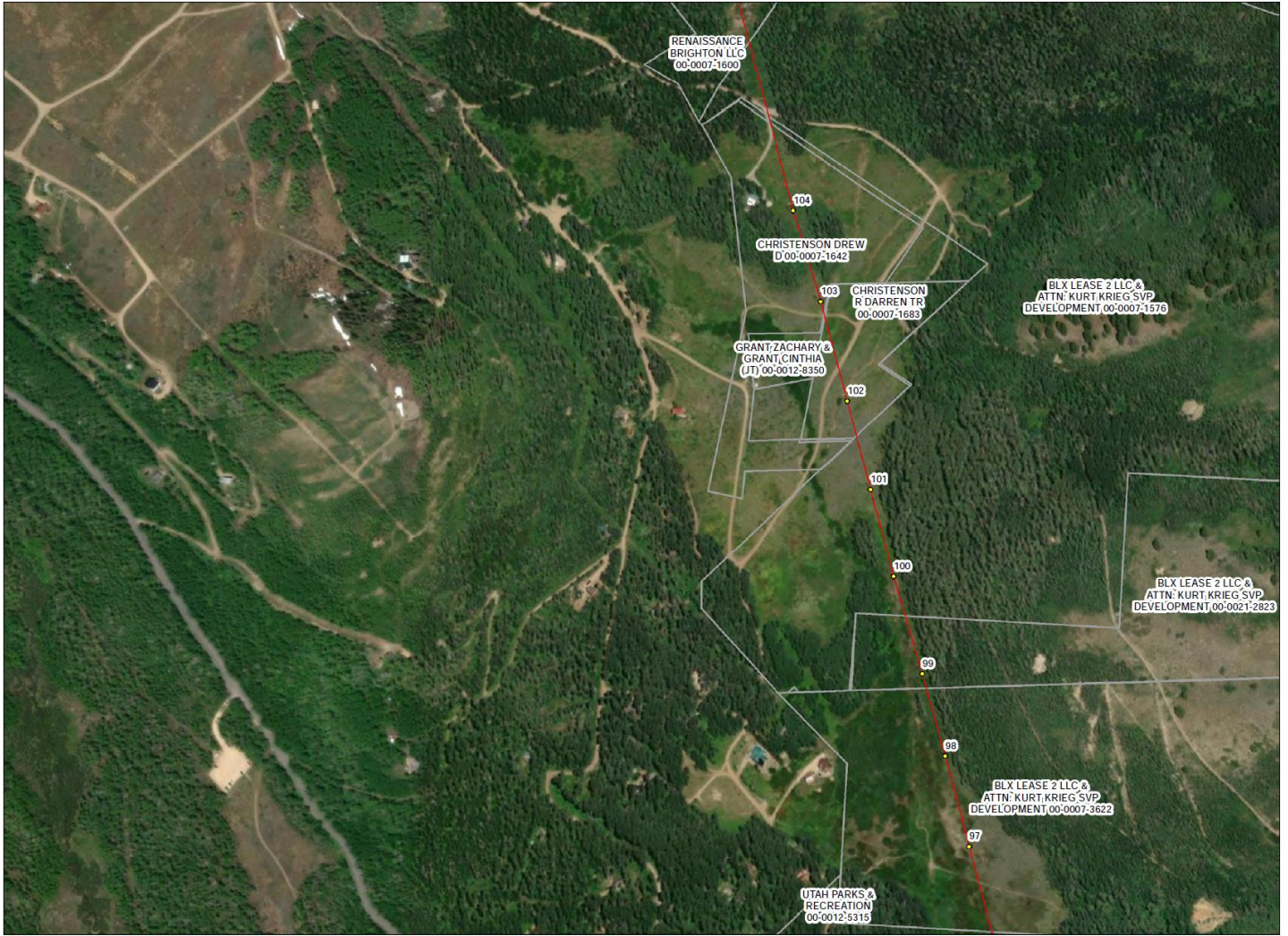












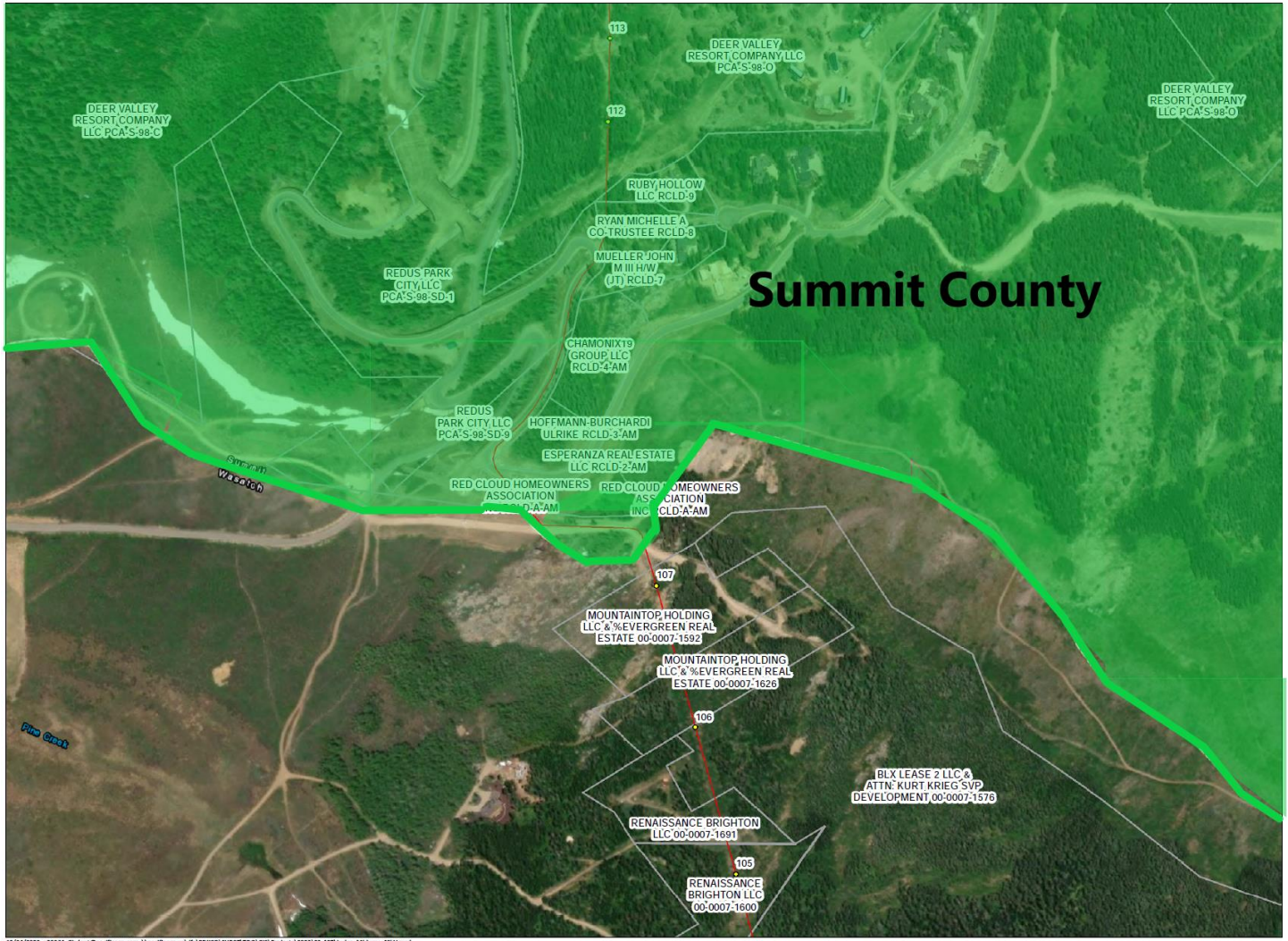


EXHIBIT C – Wasatch Mountain State Park Letter of Support



State of Utah

DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY
Executive Director

Division of State Parks

JEFF RASMUSSEN
Division Director

To Whom It May Concern,

Wasatch Mountain State Park is aware of the project that Pacificorp is undertaking in Wasatch County. Several miles of the project are on Utah State Park property.

Pacificorp has explained their processes to replace poles on our property and we have worked together to assure their timeframe fits our schedule. We have also discussed impacts during construction and ways that they can rehabilitate our disturbed lands so that they leave it in good condition.

We approve the project and plan to support them throughout the next few years.

Thank You

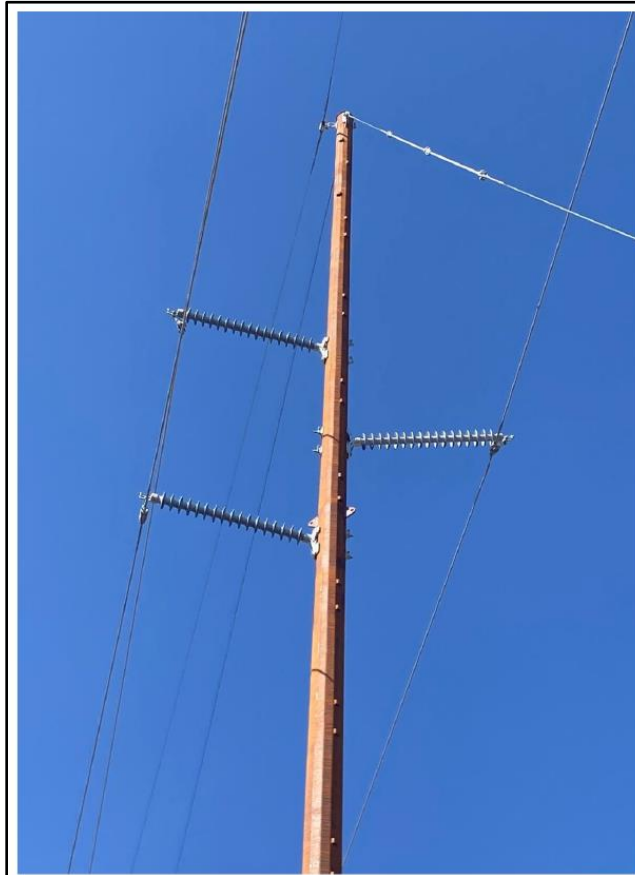
Jonathan Hunt
Park Manager, Wasatch Mountain State Park

Utah Division of State Parks • 1594 West North Temple, Suite 116, PO Box 146001
Salt Lake City, UT 84114-6001 • (801) 538-7220 • www.stateparks.utah.gov



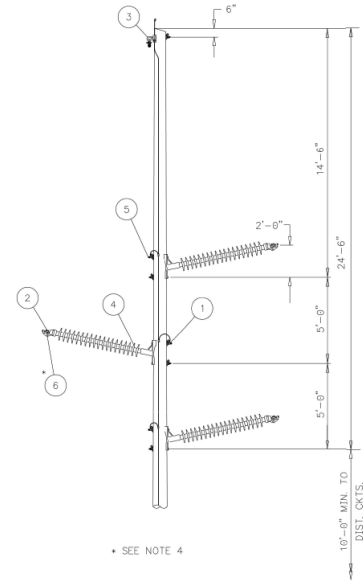
EXHIBIT D – Pole Plans and Images

Metal Poles



(NEW) Steel – Self Weathering 138kV standard

TG 201 138 kV Structure—Shielded, Single-Circuit—Tangent, Post Insulators



• SEE NOTE 4



Figure 1—Structure Layout

Transmission Construction Standard
Page 2 of 4
Published Date: 10 Oct 22
Last Reviewed: 10 Oct 22



Deviation from this standard requires prior approval. Contact the standards engineering manager for approval processes and forms.
Printed versions of this standard may be out of date. Please consult the online standards for the most recent version. This standard shall be used and duplicated only in support of PacifiCorp projects. Copyright ©2022 by PacifiCorp.

Fiberglass Switch Poles

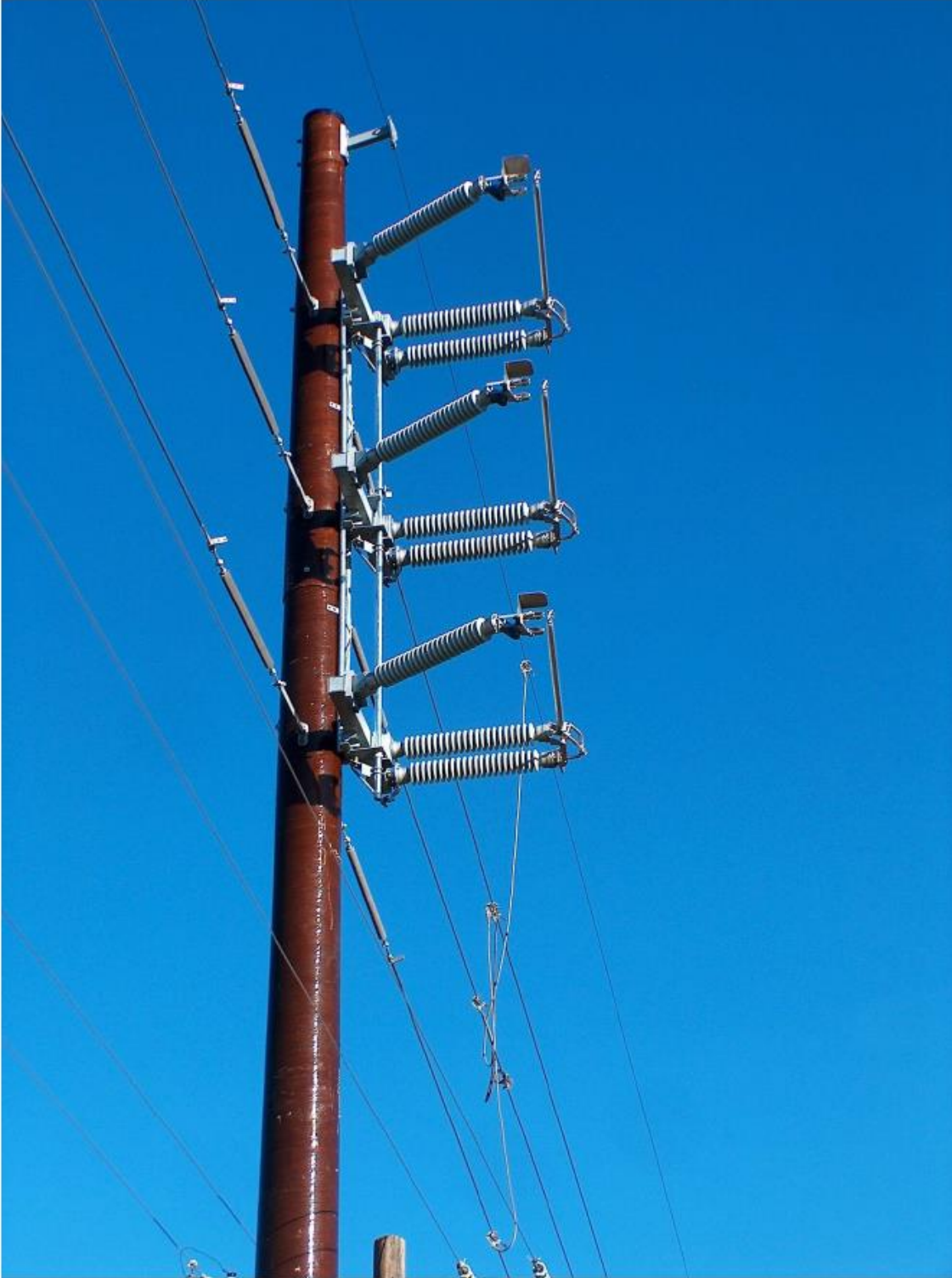


EXHIBIT E – Pole Heights

Str	Existing Str	New Pole	Height	Class
21	60' PSSM	tg201	75	CL1
22	PSSM 50	tg201	70	CL1
23	PSSM 60	tg201	70	CL1
23A	PSSM 60	tg201	75	CL1
24	PSSM 75	tg201	85	CL1
25	YS-DT 60	tg240	85	CL1
26	C2T 85	tg230	110	CL1
55	PSSM 60	tg201	75	CL1
56	CS-70	tg230	85	CL1
57	YS-65	tg201	80	CL1
58	YS-60	tg201	75	CL1
59	YS-60	tg201	75	CL1
60	YS-60	tg201	75	CL1
61	YS-60	tg201	75	CL1
62	YS-60	tg201	75	CL1
63	YS-60	tg201	75	CL1
64	YS-65	tg201	80	CL1
65	YS-60	tg201	80	CL1
66	YS-60	tg201	75	CL1
67	YS-60	tg201	75	CL1
68	YS-65	tg201	90	CL1
69	CS-65	tg235	75	CL1
70	YS-70	tg201	100	h4
71	CS-70	tg230	100	CL1
72	YS-70	tg201	80	CL1
73	YS-70	tg201	90	CL1
74	YS-70	tg235	90	CL1
75	YS-70	tg201	90	CL1
76	YS-65	tg201	85	CL1
77	YS-65	tg201	85	CL1
78	YS-60	tg201	75	CL1
79	YS-60	tg201	75	CL1
80	YS-60	tg201	75	CL1
81	PSSM-60	tg201	75	CL1
82	YS-55	tg201	70	CL1
83	YS-60	tg201	70	CL1
84	L3 60-60-65	tg450	75-60-65	CL1
85	ES 75-75	tg403	90-95	CL1
86	ES 75-80	tg403	70-75	CL1
87	ES 60-65	tg403	70-75	CL1
88	L3 65-65-65	TG450	70-60-70	CL1
89	CS-65	tg232	80	CL1
90	YS-60	tg201	80	CL1
91	YS-60	tg201	75	CL1
92	YS-60	tg202	75	CL1
93	YS-60	tg201	75	CL1

94	C-60	tg235	75	CL1
95	YS-60	tg201	75	CL1
96	YS-60	tg201	75	CL1
97	YS-60	tg201	75	CL1
98	YS-60	tg201	75	CL1
99	YS-65	tg201	80	CL1
100	YS-60	tg201	80	CL1
101	YS-60	tg201	75	CL1
102	YS-60	tg201	75	CL1
103	YSDT 65	tg201	95	CL1
104	L3 65-65-70	tg450	80-70-80	CL1
105	ES 65-65	tg403	95-90	CL1
106	ES 80-80	TG403	85-85	CL1

EXHIBIT F – Reclamation Plan

1. Introduction

Rocky Mountain Power (RMP) will construct the Judge to Midway 46kV FHCA Rebuild (Project) in compliance with all federal, state, and local regulations and all other applicable permits. RMP will rebuild approximately 12.2 miles, the total length, of the Judge – Midway 46kV transmission line along the existing easement. The line exists within an RMP-internally identified *Fire High Consequence Area* (FHCA). The project will replace, pole-for-pole, existing wooden poles with weathered steel poles, with over-engineered conductor sizes (138kV) installed to increase clearance spans. These designs are to minimize potential of the line to cause wildfire or be affected by a wildfire in the region. Design meets the Avian Power Line Interaction Committee (APLIC) Guidelines for raptor protection (Appendix A).

The transmission line is located in Summit and Weber Counties of Utah. Originating at the Midway Substation, outside of Midway, Utah in Wasatch County and travelling north to the Judge Substation near Park City, Utah in Summit County (Appendix B). The line is 30-years or older in age and has been in continually servicing Summit and Wasatch County residents and businesses. RMP Operations and Maintenance (O&M) have serviced the transmission line during this time utilizing existing access and egress and ingress within the existing right-of-way. The line, and existing access exists within Private and Public lands, the majority within Wasatch Mountain State Park (Utah Department of Natural Resources).

This Reclamation Plan (Plan) is part of RMP's efforts to ensure public interest is addressed by presenting details regarding the final reclamation phase of the Project. This Plan is intended to be adaptive to changing conditions and technologies – a “living document”. RMP will have discretion to update, modify, or change this reclamation plan should it be deemed warranted due to site conditions, stakeholders or other factors.

2. Disturbance Areas

The entirety of the Project will be constructed in previously disturbed areas within RMP's existing right-of-way and the original routes used to construct the powerline and conduct O&M. Temporary disturbance will be required to install the direct-embedded poles, access the right-of-way and establish pads to conduct work safely. Table 1 below shows the quantification of access routes, poles and an estimated amount of improved work areas, or landing pads, around the base of the pole.

Table 1. Approximate Disturbance Acreage

Disturbance	Units
Poles (x133)	133
Landing Pads (20'x20' or 400 sq/f)	1.22 acres
Access Routes (Established)	n/a
Access Routes (Existing, drive & crush)	10.13 miles
Access Routes (Needs Improvement) ~1 mile, estimated	1.19 acres
Total	Acres
Disturbed Areas	2.41

2.1 Access

Right-of-way access would be achieved using existing accessways with the exception of gaining access to complete the upgrade of some of the transmission poles. Access exists throughout the project area and has been utilized by RMP for O&M activities since the line was installed. To quantify the impact access routes will be considered 10' wide. When utilizing historical access "drive and crush" practices will be done. This is simply driving over existing vegetation with equipment to preserve the root system and to not disturb the soil. Drive and crush reduces opportunities for invasive species to be implanted into the soil bed and reduces potential erosion from the removal of the existing vegetation. No ground disturbance will be quantified for portions of right-of-way and access that are driven over while preserving vegetation.

Established access, roads most notably North Pine Canyon Road, but others including improved dirt roads, paved roads, golf cart paths, etc. will only be used when conditions will not lead to damage. This includes during winter when snowplowing will affect the roadway and spring when wet conditions will rut.

In certain areas where access is more difficult it may require improvement of existing corridors. This would require the grading and removal of vegetation. In areas where vegetation would be removed during grading activities, shrubs would be trimmed back creating woody debris slash piles on the down gradient side of the disturbance. Slash piles would be positioned to protect sediment and mitigate erosion during the construction process.

2.2 Installation

The new steel poles are embedded at 10% of their height +2'. For the Project the holes will be dug ~10 in depth. To achieve this depth a tracked excavator will be utilized to dig and backfill the hole. All spoils will be backfilled and packed to ensure pole stability. The installation of the pole and insulation equipment will be done with two (2) Class-VII trucks, one equipped with a personnel bucket, the other with a claw/crane. To operate these two Class-VII trucks safely some disturbance is expected around poles with perceptible slope. Disturbance at these areas is estimated to be 20'x20' feet in diameter or less and are largely dependent on the depth of cut and size of fill slope needed to build each "landing" pad as a sage and flat work surface. Poles located at relatively flat areas may require a similarly sized temporary work area, but grading activities are not anticipated and vegetation within the area would be crushed in place, but root system not disturbed.

2.3 Wreck-Out

Once weathered steel poles are installed, and conduit transferred, the existing wooden poles will be removed. The existing wooden poles will be removed by cutting 6" below grade and taken to a facility certified to receive the treated poles for proper disposal. Any soil removed during this operation will be used to backfill any depression and return the area immediately surrounding the old pole footprint and the new pole as it was.

3. Resources

In fulfillment of regulatory requirements RMP will coordinate with the State and County in preparation of appropriate permits to analyze the potential impacts of the proposed project and

mitigate any environmental degradation that could take place. The following are resources evaluated and protected by acquired permits or RMP's own internal operating procedures.

3.1 Land Use, Recreation, and Transportation

The existing transmission line exists within Wasatch Mountain State Park and Deer Valley Ski Resort. Numerous recreational trails cross the existing right-of-way and proposed access routes. RMP will take precautions during construction activities to notify the public of ongoing work and reclaim any damaged trails to the standard of land use observed prior to the Project.

3.2 Vegetation

As covered in Section 2.0 it is anticipated that vegetation would be removed only for access to the transmission line, where not passable via drive & crush, and for small areas around each transmission structure. Areas of land are expected to be cleared of vegetation during the Project, RMP will reseed using a site-specific seed mix to establish vegetation in all areas disturbed.

3.3 Wildlife

The project area is primarily within an alpine habitat along the Wasatch Mountain Range. This habitat is generally conducive to many common wildlife species expected to occur in alpine regions of the Wasatch. This includes but not limited to large ungulate species like Moose and Elk. During construction of the project attention to wildlife movement will be observed for both RMP's personnel safety and that of the animal. That includes transportation of personnel/equipment and operations.

3.4 Migratory Birds

Most bird species likely to occur within the project area are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Within the Project area no known Bald and Golden Eagle nests are documented. Preconstruction avian nest clearance surveys would be completed for ground-disturbing activities, including vegetation clearing, that would take place during the non-raptor migratory bird nesting season. Mortality of avian species is not anticipated to occur due to compliance with APLIC guidelines.

3.5 Federally Threatened, Endangered, and Sensitive Species

Federally listed species have potential to occur in the vicinity of the project area. The potential is low for suitable habitat for these species in the project area based on their individual habitat requirements; therefore, these species may not be present. RMP will continually observe the Project area and address concerns if they arise.

3.6 Water Resources

Based on review of National Wetlands Inventory data, one intermittent riverine features (Pine Creek), and several ephemeral features are mapped within the portion of the transmission line ROW. These features have been mapped, identified and protected from access. During operations RMP will avoid impacting these features with fill or drive & crush practices resulting in the alteration of a potential Water of the US (WOUS). Any work necessary near potential wetlands, not delineated and acknowledged by the US Army Corps of Engineers (USACE) under Clean Water Act (CWA) Section 404 will be done under the Nationwide Permit #57.

Compliant with the CWA 402 RMP has acquired a Construction General Permit as part of the Utah Pollutant Discharge Elimination System. A Storm Water Pollution Prevention Plan (SWPPP) is in place to administer potential sediment and erosion from the Project that has potential to pollute storm water and subsequently WOUS. RMP's permit number is UTRC07827 (Appendix C). The SWPPP will be kept digitally and onsite to inform the Project team of best management practices to reduce impacts to stormwater.

3.7 Air Quality

Construction and operation would result in small amounts of fugitive dust and tailpipe emissions from construction vehicle traffic. All vehicles and construction equipment would be maintained to minimize exhaust emissions and would be muffled properly to minimize noise. There would be a short-term increase in dust emissions during construction activities; however, disturbed areas would be watered during construction and operation as necessary to suppress dust. Per Utah Administrative Code (UAC) 307-09-6 RMP has obtained a Fugitive Dust Control Plan to mitigate PM10 and PM2.5 emitting from the Project (Appendix D).

3.8 Visual Resources

The rebuild of the existing 46kV transmission line will result in minimal visual impacts. Improved access will result in temporary loss of vegetation. No long-term visual resources are expected to be degraded.

3.9 Soil Resources

There are multiple soil types in the project area, with varying erosion hazards. Soil exposure to wind and water erosional forces will be minimized by waiting as long as feasible prior to beginning construction to clear vegetation and disturb soil. To control dust as needed, the applicant may spray ground or road surfaces with water. Topsoil, when removed, will be stockpiled separately from other soils to increase restoration success. Topsoil will be replaced at appropriate depths when site activities are complete. Any ground disturbances created during the removal of the poles and other equipment would be backfilled with on-site materials, tamped, and reseeded as a part of final reclamation.

3.10 Cultural Resources

The Project right-of-way contains no previously identified cultural resources. It is anticipated that all eligible cultural resources would be avoided during construction activities resulting in a finding of no historic properties affected. Unanticipated discoveries of potential cultural resources will be protected by RMP postponing work and contacting Environmental Services to document and determine the significance.

4. Reclamation

Final reclamation includes recontouring accessways back to the original contour, seeding, controlling noxious weeds, and may also include other techniques to improve reclamation success, such as constructing waterbars, mulching, and redistributing woody debris.

Disturbed areas (e.g., staging areas, structure locations, pulling and tensioning stations) will be restored to pre-disturbance conditions to the maximum extent practicable following construction activities. Disturbed areas would be stabilized (i.e., contours restored, compacted soils loosened, removed vegetation scattered etc.) as needed. Accepted and approved erosion protection measures

may be used to prevent soil loss during the reclamation process. Erosion and sediment control devices would be left in place until stabilization has been established.

Seeding and revegetation is necessary in an effort to minimize erosion during inclement weather. The seed mix for this project has been developed with the criteria of being drought tolerant and low maintenance. Reseeding will be conducted during the first appropriate growing season (Fall or Spring) after completion of construction. Seeding may need to be repeated if satisfactory growth is not established after the second growing season.

The seedbed would be prepared prior to seeding, consisting of dragging chains or harrowing (or similar) to roughen and loosen the soil surface, specifically to de-compact the soils surface, such as along accessways. Seed would then be broadcast and raked in or drilled to ensure seeds have adequate contact and cover by soil. Due to safety concerns, seed would be broadcast at areas along the Project that are too steep to rake or drill. The following seed mix has been submitted for approved to be used along and adjacent to the project corridor. Table seeding rates listed below are for rake and drill methods. Multiply seeding rate by 1.5 if broadcast seeding is necessary. Seeding is to be applied during the fall seeding window between October 15 and December 15 within the year of completion, if possible. **Table 2 contains the preferred seeding mix.**

Table 2. Site-Specific Seed Mix

Species	%
Bluebunch Wheatgrass (<i>Pseudoroegneria spicata</i>)	20
Mountain Brome (<i>Bromus marginatus</i>)	20
Basin Wildrye (<i>Leymus cinereus</i>)	20
Squirreltail Bottlebrush (<i>Elymus elymoides</i>)	10
Yarrow (<i>Anchillea millefolium</i>)	5
Showy Goldeneye (<i>Heliomeris multiflora</i>)	10
Silvery lupine (<i>Lupinus argenteus</i>)	5
Lewis's Flax (<i>Linum lewisii</i>)	10

5. Revisions

Author	Purpose/Change	Date
Jens Jorgensen	Composition	10.31.2023

EXHIBIT G – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-8114
PROJECT NAME: CUP - JUDGE - MIDWAY 46 KV LINE WILDFIRE
REBUILD
VESTING DATE: 9/5/2023
REVIEW CYCLE #: 3

REVIEW CYCLE STATUS: APPROVED

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
Planning Department	Approved

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

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN8	003G Site Plan - Judge to Midway boundaries and ownership	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.

EXT – MAG Regional Trail Planner		
Comment ID	Sheet Name	Comment
DRC-MAG1	003 Site Plan - Judge to Midway Project Map	Conditional approval. Any damage to backcountry trails system will need to be repaired.

Wasatch County Planning Commission December 14, 2023



Item #5

Stony Oaks
-Stony Oaks Holdings, LLC-

Final Subdivision Approval

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL

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)

PROJECT SUMMARY

Applicant: Stony Oaks Holdings, LLC
Hearing Date: 14 December 2023
Property Owner: Stony Oaks Holdings, LLC
Existing Zone: RA-1
Related Applications: Preliminary (2022)

Existing Land Use: Vacant
Proposed Land Use: Residential Single Family
Acreage: 15
Proposed Density: 11 lots (1.4 u/a)
Council Action Required: No

BACKGROUND

The proposed subdivision is on the east end of the valley floor just east of 4800 East and the Lake Creek Farms development. The property has an existing home in the center that would be incorporated into the new subdivision and remain as one of the lots. A little farther to the east is the Blue Sage Ranch project that recently went through a zone change request to change zoning from RA-1 to RA-5 to develop larger acreage lots at the base of the eastern foothills. This particular property remains in the RA-1 zone and the request is to pursue development under those standards.

The 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 modifications to comply with conditions to the preliminary approval.

STAFF ANALYSIS

– LAND USE AND DENSITY –

Residential Single-Family lots are a permitted use in the RA-1 zone at a density no less 5 acres per unit. If public sewer and water service is provided then the density is allowed to increase to 1.3 a/u. The proposal includes 11 lots at a density of 1.4 u/a. There is a single-family residence currently on the property that would remain in place and be on one of the 11 lots. Lot sizes range from 1 to 1.5 acres.

– SETBACKS –

Setbacks for the RA-1 zone are 30 feet for the front and rear yards, 24 feet combined side yards, and a minimum 10-foot side yard. Additional setback is required from 1200 South as a collector road, which would be 50 feet from property line, or 85 feet from centerline, whichever is greater. No driveway access is allowed on 1200 South.

There is also a temporary turn-around easement at the east end. In these instances, the county measures the setback from the edge of the easement since there is no timeline to when the easement may no longer be

needed. Once the road continues through, the easement area could be reclaimed and the setbacks would revert to the standard right-of-way. Driveway access through the easement is also not permitted since it would increase conflict with the easement should it be removed in the future.

– *BUILDING HEIGHT* –

Structures in the RA-1 zone are limited to 35 feet from existing natural grade. The submitted grading plans do not show any intent to artificially alter the grade for the lots.

– *MODERATE INCOME HOUSING* –

During the preliminary approval, the applicant requested the Council accept a fee-in-lieu payment of \$28,000 per Affordable Unit Equivalent (AUE) to be paid prior to plat recording. The AUEs were calculated at 10% of the development in-lieu of providing an affordable housing report. The Council accepted the applicant's request. The applicant's provided commitment is included in the Exhibits.

– *ENVIRONMENTAL CONSTRAINTS ANALYSIS* –

The information provided by the applicant indicates the existence of FEMA zone X which FEMA recommends, although does not require, flood insurance. A note is included on the plat to this affect in order to satisfy putting property owners on notice of the FEMA guidelines as required under WCC 16.28.

If any evidence later discovered indicates that representations from the applicant have not been made accurately, or there has been any change in circumstances indicating the likelihood of a failure to be able to meet the standards of WCC 16.27.25, the County may require that certain site specific reports be prepared. Additional evidence discovered may decrease the density originally approved for the project.

– *ROADS AND ACCESS* –

The project at this density is required to facilitate block lengths of 400 to 1300 feet. With the status of development on Mills lane, and undeveloped property to the east, this results in a needed connection through the project to the east. If/when the property to the east develops, it will need to incorporate the stubbed street into the project plans.

– *TRAILS* –

The project includes trails along 1200 South and the interior new roadway in compliance with the trails master plan and other trail connection requirements as outlined by WCC 16.38. It is anticipated that development on the east side of Mills lane will provide the completed trail connection with less conflict than the east side.

– *GEOTECHNICAL REVIEW* –

The applicant has provided a geotechnical report that has been reviewed by the County engineering consultant who has not identified any concerns with soil capacities or percolation rates needed to support the project as designed.

– *SEWER/WATER* –

All lots are required to provide adequate water rights for the culinary use, as well as sufficient water to irrigate any land that has been historically irrigated. In addition, developments more dense than five acres per unit are required to be connected to a public sewer system. Sewer and water will be provided by the TCSSD (Twin Creeks Special Service District) and will require a will serve letter from the district prior to final approval.

– STORM WATER –

Storm water is planned to be sent to retention ponds on lots 1 and 10 with an easement on the lots. The plat currently defers notes regarding on-going maintenance of the storm water facilities to the drainage report. This section of the drainage report could instead be included in full on the plat in order get the notice recorded in a more readily accessible manner. While the concept is acceptable, the applicant should work with the county attorney to ensure the wording is acceptable prior to printing the mylar for recording. Below is the specific excerpt from the 81 page drainage report that is reference by the current draft plat note:

V. STORMWATER QUALITY

Stormwater quality is achieved on this project by the use of Low Impact Development principles (LID). Stormwater will flow from public roadways to roadside bio-swales. The bio-swales will have as low a slope as possible for the stretch of roadway to aid in increasing the time of concentration and to eliminate pollutants to the final outfall. Sedimentation is the primary unit process of bio-swales.

The bio-swales will drain to the bio-retention filters, which slowly passes the stormwater through a soil mixture and into the subsurface. The primary unit processes associated with bio-retention filters are: peak flow attenuation, runoff volume reduction, floatation, sorption, precipitation, coagulation and filtration. Thus, the system of bio-swales and a bio-retention filter will treat stormwater runoff for a wide range of pollutants and will discharge a higher quality of stormwater to the subsurface.

A rain garden, or similar Low Impact Stormwater Control, will be required to be installed for each private lot to store and treat the stormwater generated on the lot. It is the responsibility of each lot owner to maintain their rain garden. Maintenance includes: inspection of the soil, tilling the soil as needed, removing debris, weeding and re-planting as necessary.

– FENCING –

Wasatch County places a high value on the protection and preservation of agricultural land for residents who wish to continue agricultural practices. As such, large-scale developments that may impact existing or potential agricultural uses are required to consider the impact and potential needs to mitigate. One of the primary factors that code addresses is the need to ensure that adequate fencing is provided by the development. The below excerpt is from Wasatch County Code 16.21.14 and was also included in the preliminary staff report:

D. Obligation To Fence: The Wasatch County council recognizes the importance of agricultural pursuits within the county. As development encroaches upon agricultural uses, fencing becomes an important issue. Therefore, large scale subdivisions must provide a fencing plan at the time of preliminary application. This fencing plan shall adequately address the following: 1) existing and potential agricultural uses in the area; 2) materials that will be used in the fencing; 3) safety; 4) traffic and roads; and 5) aesthetics. If the proposed large scale subdivision is in the vicinity of existing or

potential agricultural land, the proposed fencing must be reinforced so as to be of suitable quality to keep farm animals out of residential properties. The sufficiency of the proposed fencing plan will be determined, and approved or rejected, by the land use authority prior to preliminary approval.

The applicant's proposal is to provide five foot tall fencing with four feet field net and a strand of barb-wire on top and bottom. The fencing will be secured to wood posts. There are less agricultural uses and the proposed fencing is of a higher standard than the fencing type just approved recently with the Christensen Farms Phase 2 final subdivision. It is recommended this higher standard be accepted by the Planning Commission.

– BONDING –

All unfinished improvements must be bonded for in compliance with county bonding policies previous to plat recording.

– DEVELOPMENT AGREEMENT –

WCC 16.27.10 allows an applicant to request the use of an approval memorandum in-lieu of entering into a development agreement. While there are common items that are handled through the development agreement in narrative format, opting to take this route requires the plan documents to address more complete information. These items are then added as exhibits to make the approval record clear for the county, applicant, and future and adjacent property owners. It is recommended that this be listed as a condition of approval prior to plat recording to ensure the recording follows clear expectations.

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 conditions presented in the staff report.

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 10% 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.

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.

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 Final Subdivision 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 finds that issues can be resolved subject to the conditions noted. ****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 applicable codes and/or ordinances.

EXHIBITS

- A. Vicinity Plan
- B. Proposed Subdivision Plat
- C. Grading Plan (Includes Fencing Plan)
- D. DRC Report

Item Page 8 of 12



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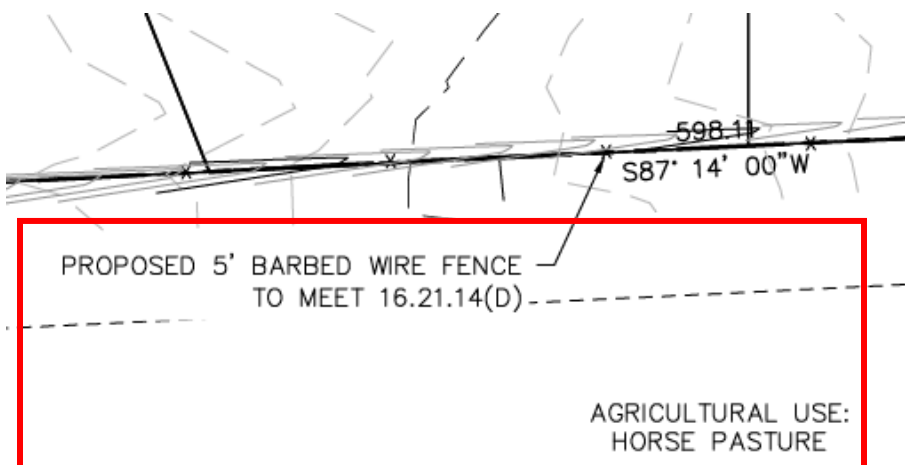
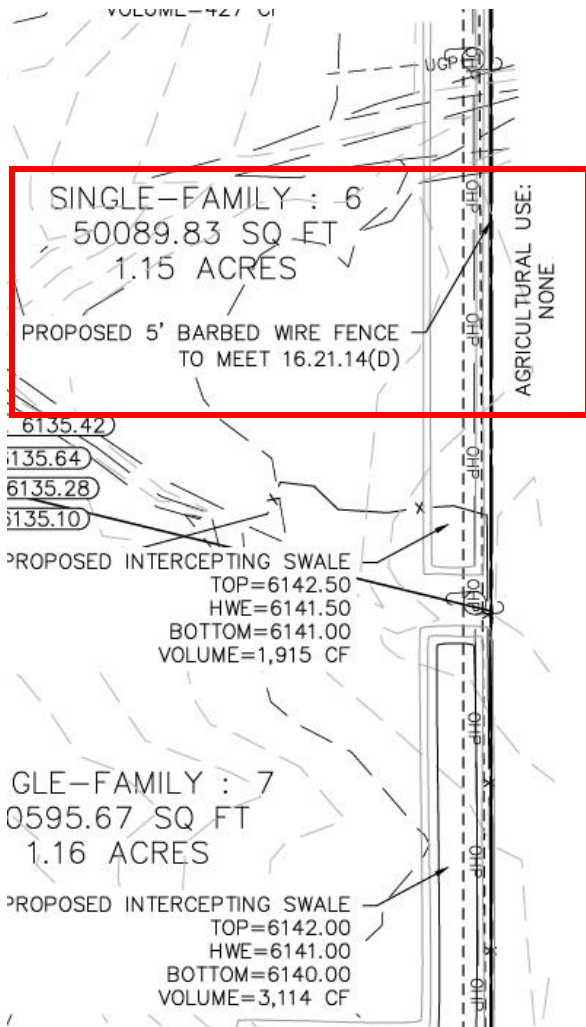


EXHIBIT D – DRC Report

Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-7767
PROJECT NAME: FINAL SUB - STONY OAKS SUBDIVISION
VESTING DATE: 4/12/2023
REVIEW CYCLE #: 4

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
Fire SSD	Ready for Decision
Building Department	Ready for Decision
DRC - SSA 1 Water	Ready for Decision
Planning Department	Ready for Decision
Health Department	Ready for Decision
Weed Department	Ready for Decision
Public Works Department	Ready for Decision
County Surveyor	Ready for Decision
Manager's office	Ready for Decision
Sheriff's Office	Ready for Decision
MAG Regional Trail Planner	Ready for Decision
Engineering Department	Ready for Decision
Assessor's Office	No Action Taken
Housing Authority	No Action Taken
Recorder's Office	Ready for Decision
DRC - Twin Creeks SSD	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.

OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
DRC-JSSD1	DRC - Jordanelle SSD	Coordinate plan review and update with District Engineer for plan approval.
DRC-PLN11	PLN - Planners	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.
DRC-PLN12	PLN - Planners	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.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN13	2 - Plat	Append to note #9 ... "flood insurance is recommended, though not required."
DRC-PLN14	2 - Plat	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.

DRC - Recorder Office		
Comment ID	Sheet Name	Comment
DRC-REC3	2 - Plat	looks good.

Wasatch County Planning Commission December 14, 2023



Item #6

Wasatch County Code Chapter 16.33 –
General Parking Standards

Consideration of a Proposed Amendment

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. (Austin Corry)

APPLICATION SUMMARY

Applicant: Wasatch County Planning

Hearing Date: 14 December 2023

Related Applications: None

Affected Zone(s): All

Applicable Code Section(s): 16.33, General Parking Standards

BACKGROUND

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. During the review, some Council members expressed frustration when the initial studies provided did not come with adequate citations or data to support claims being made by the applicant. 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.

As staff worked to address the immediate request, other aspects of the code are recommended to be updated to reflect more modern approaches to parking and to provide better guidance for applicant's when seeking reductions. Establishing standards and providing guidelines will, hopefully, provide for more objective analysis during any requests to reduce parking requirements.

This 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.

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.

PURPOSE AND INTENT

Wasatch County Code 16.02.05 requires that amendments to Title 16 “shall not be made except to promote more fully the objectives and purposes of the general plan and this title.” As stated, proposed amendments should be consistent with the purpose and objectives of the chapter or section being amended. The purpose outlined in the parking standards is quoted below:

16.33.01: PURPOSE

The purpose of this chapter is to increase safety and lessen congestion on public and private streets, by providing adequate off street parking, as well as accomplish the following:

- A. To integrate parking areas with other uses;*
 - B. Set standards for off street parking;*
 - C. Reduce the on street storage of vehicles;*
 - D. Enhance traffic circulation onto public streets from parking lots; and*
 - E. Require parking lots to be as attractive as possible.*
-

GENERAL PLAN

The first consideration in determining whether a code text amendment should be approved or denied is the language contained in the General Plan. Many of the sections of the General Plan that discuss parking are focused on providing landscape buffers and park and ride lots along the arterial highways in the county. However, the transportation element of the general plan and the associated goals and policies do focus on establishing multi-modal transportation options throughout the county. It is understandable then, that parking standards imposed on a project could have an impact on the ability to achieve those goals. Especially for areas in the JSPA where the development pattern is intended to focus on a mix of uses and potentially lower single-occupant automobile travel, the ability to consider how a development is interacting with adjacent uses and transportation options will be important for the county to consider.

With little data available to support a clear expectation in the JSPA area, it would be important to keep discretion available and to focus on what measures will be used to reduce parking. The proposed amendment is written in such a way that the data would need to be prepared and the land use authority would have high discretion. It is expected that in a couple decades, sufficient build-out may occur that provides more concrete data that could suggest alternative means for adjusting parking, but without that data currently available, it would be premature to consider making such drastic changes to the current standards.

POTENTIAL MOTION

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

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.

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 General Plan and proposed amendments are consistent and compatible.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved prior to final approval.
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. Recommendation for Denial. This action may be taken if the Planning Commission finds that the proposed code amendment is not appropriate at this time and/or is not supported by the General Plan.

EXHIBITS

- A. Proposed Language

EXHIBIT A – Proposed Language

ORDINANCE NO. 23-19

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.33 TO UPDATE PARKING STANDARDS, INCLUDING SHARED PARKING STUDIES AND ON-GOING MONITORING OF PROJECTS WHEN PARKING REDUCTIONS ARE GRANTED.

RECITALS

WHEREAS, Wasatch County Code Chapter 16.33 establishes general parking standards for projects within the county; and

WHEREAS, the parking standards were last reviewed for potential code considerations in 2019, but the most recent comprehensive update was 2012; and

WHEREAS, recent project approval requests have identified a need to address clarity and provide for better mechanisms for data driven parking reduction requests; and

WHEREAS, the General Plan seeks to develop multi-modal transportation infrastructure and to encourage reduced auto-centric travel demands; and

WHEREAS, the parking standards have a direct impact on the ability to encourage the transportation options desired under the General Plan; and

WHEREAS, the County Legislative Body has also considered criteria that can be updated to more fully promote the stated purpose of the parking standards; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Zoning Map and Land Use and Development Code be amended as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: See attached exhibit.

SECTION II: Repealer. If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: Amendment of Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and **PASSED** this _____ day of _____, 2023.

Attest:

WASATCH COUNTY COUNCIL:

Joey Granger
Wasatch County Clerk / Auditor

Spencer Park, Chair
Wasatch County Council

VOTE

Spencer Park, Chairman	_____
Karl McMillan, Vice-Chair	_____
Luke Searle	_____
Steve Farrell	_____
Erik Rowland	_____
Kendall Crittenden	_____
Mark Nelson	_____

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [] (a) Causing this ordinance to be entered at length in the ordinance book;
- [] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this ____ day of _____, 2023.

Joey Granger
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this ____ day of _____, 2023.

Notary Public

Residing in:
My commission expires:

EXHIBIT A – PROPOSED AMENDMENT

Chapter 16.33: GENERAL PARKING STANDARDS

...

16.33.03: NONCONFORMITY

Any use of property which on the effective date of this chapter, or of any subsequent amendments thereto, is nonconforming relating to off street parking facilities, may continue in the same manner as if the parking facilities were conforming. Such parking facilities shall not be further reduced. If the use is expanded, current parking standards will apply.

16.33.04: OFF STREET PARKING REQUIRED

~~There shall be provided a~~At the time of the establishment of any use or at the time any ~~main~~ building, structure, or improvement is enlarged or constructed, minimum off street parking shall be provided, and permanently maintained, with adequate provisions for ingress or egress by standard sized automobiles as provided and described in this chapter. The actual number of spaces and whether such spaces must be covered are determined using the parking computation matrix in this chapter.

The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring the vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue with the required vehicle parking facilities.

16.33.05: PARKING PLAN REQUIRED

A site plan showing the proposed parking area, number of stalls, aisle layout and accesses thereto shall be provided and approved prior to issuance of any building permit or ~~project site~~ plan approval. In addition, the site plan shall clearly show the location, size, shape, design, bumpers, landscaping, lighting, building and use square footages and other features relevant to the proposed parking area.

16.33.06: COMPUTATION OF PARKING REQUIREMENTS

- A. Each use shall be calculated ~~as a separate unit~~separately. The parking requirements for land uses which are not specified in this Chapter shall be determined by the Planning Director. Said determination shall be based upon the requirements for the most comparable use specified herein. Uses not listed in the parking computation matrix may be required to provide a parking analysis for review and approval at the discretion of the Planning Director.
- B. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use unless approved for a parking reduction plan as specified herein. Any request to consider a ~~shared~~ parking reduction plan shall require submission of a formal parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect for consideration by the planning commission and legislative body. ~~taking~~

37 into consideration the following: See section 16.33.13, "Parking Computation", Parking
38 Computation Matrix, of this chapter.

- 39 1. Shared Parking: When two (2) or more dissimilar uses are located adjacent to each other
40 and the demand times for parking would not conflict (i.e. one use is considered to be a
41 nighttime use, and the other use is considered to be a primarily daytime use), the
42 maximum number of parking spaces for the lower parking demand use may be reduced
43 by up to 50% as determined by the land use authority. The higher parking demand use
44 shall still provide the full parking requirement. If at any time there is a change in one or
45 both of the uses, additional parking may be required, or the change of use will not be
46 allowed.
- 47 2. Transportation Demand Management: In addition to the application materials required for
48 a site plan, an applicant shall submit with the parking count justification study, a TDM
49 program that may include, but is not limited to, the following:
 - 50 a. Design of the project site so that landscaped areas, other than those required to
51 meet other provisions of this Title, such as open space or general landscaping,
52 can be converted to provide additional parking areas meeting the full
53 requirements of 16.33.13 if the County determines the parking originally
54 provided under this reduction is inadequate based on parking demand;
 - 55 b. Robust bicycle amenities (e.g. bike lockers, e-bike charging stations, repair
56 facilities) and additional designated bicycle parking areas are provided;
 - 57 c. Proximity of the proposed project to employment centers, mass transit,
58 commercial services, and public recreation spaces;
 - 59 d. Incentive programs for employee uses of transportation modes other than single-
60 occupancy vehicles;
 - 61 e. Designated priority parking for carpool, ride-share, or car-sharing services; and
62 f. Designated loading and unloading areas for micro-transit or shuttle services.
- 63 3. Any approval of a parking reduction plan, shall be required to record a parking agreement
64 governing the provision of parking for the project. Such agreement shall be between the
65 property owner and the county and shall run with the land and include provision for:
 - 66 a. Monitoring of parking lot adequacy on at least an annual basis. After a period of
67 five (5) years, during which the number of parking stalls has never been found to
68 be inadequate, the Planning Director may authorize the monitoring report to be
69 reviewed every five years instead of annually;
 - 70 b. Construction of additional parking spaces, implementation of parking demand
71 mitigation measures, or compliance with the full Wasatch County Code parking
72 standards if trip generation rates for uses within the development change from
73 those set forth in the parking count justification study, which may include
74 reductions in seating capacities, usable square footages, or other reductions
75 necessary to achieve compliance;
 - 76 c. A financially responsible party shall be locally available to enforce provisions of
77 the agreement;
 - 78 d. Binding community rules regarding occupancy (including tenant use and hours of
79 operation), parking, other limitations and enforcement procedures and a note on
80 any plat documents, and such rules shall be posted conspicuously on the
81 premises; and
 - 82 e. Failure by the property owner to abide by the agreement shall be unlawful, shall
83 be a zoning violation, and will be subject to enforcement action(s) under this
84 Title.

16.33.07: LOCATION OF PARKING FACILITIES

The off street parking facilities required by this chapter shall be located on the same lot as the use except, in cases of practical difficulty the designated land use authority may approve a substitute location which meets the following conditions:

- A. All or part of the substitute location must be on an adjacent lot, or within two hundred feet (200') from the use, and easily accessible for pedestrian traffic so pedestrians are not required to cross a public street to access the use for which the parking is provided.
- B. The substitute lot must be in the same possession as the use it is intended to service and must be maintained as long as the use or structure exists. Such possession may be by recorded deed or long term lease and should run concurrently with the life of the building or use. The length of such lease shall be at least twenty five (25) years, but may be terminated or modified earlier with the consent of the county planning department, if the use for which the parking is required is terminated or modified.
- ~~B-C.~~ Off-street parking spaces required in connection with a use shall be in the same zone as the use the parking is intended to serve and shall not be located within a different zone, unless off-street parking lots are listed as a stand-alone permitted use within the adjacent different zone.
- ~~C-D.~~ Parking shall not be located in required front or side yards.

16.33.08: ~~SIZE OF PARKING SPACES~~ DESIGN STANDARDS

All off-street parking facilities shall be built consistent with figures 16.33.14, 16.33.15, and in conformance with the following design standards:

- A. Each off street parking space shall be not less than nine feet by twenty feet (9' x 20') for diagonal or ninety degree (90°) spaces, or nine feet by twenty two feet (9' x 22') for parallel spaces, exclusive of access drives or aisles; ~~except that commercial and industrial parking lots may have not more than five percent (5%) of the parking spaces designated for motorcycles, which shall measure at least four feet by eight feet (4' x 8').~~ The planning department may consider allowing up to a two foot (2') reduction in the length of diagonal or ninety degree (90°) parking spaces if bumper guards are placed so that a vehicle can extend over a landscaped area without interfering with the plants or pedestrian passage. No vehicle may protrude over any sidewalk or into the drive aisle. Handicap stalls shall be in accordance with (ADA) Americans with ~~disabilities~~ Disabilities act-Act requirements.
 - 1. Notwithstanding the above provisions, commercial and industrial parking lots may have not more than five percent (5%) of the parking spaces designated for motorcycles, which shall measure at least four feet by eight feet (4' x 8').
- B. Parking located adjacent to walls or other similar obstructions must be one (1) foot wider to accommodate door opening clearance and vehicle maneuverability.
- C. Additional back-up areas, such as a hammerhead, shall be provided at the end of a dead-end parking aisle.
- D. All bicycle parking facilities shall be built consistent with the Association of Pedestrian and Bicycle Professionals' Essential of Bike Parking guide. In no case shall any bicycle parking be placed in a manner that obstructs pedestrian movements, ADA accessibility, or blocks doors.

16.33.09: ~~PARKING FACILITIES RESTRICTED TO APPROPRIATE ZONE~~ RESERVED

~~Off street parking space, which is required in connection with a use, shall be construed to be part of that use and shall be in the same zone and not be located within a zone, unless such use is permitted therein.~~

130 ...

131 **16.33.12: COMMERCIAL, INDUSTRIAL, INSTITUTIONAL OR RESIDENTIAL OF**
132 **THREE OR MORE UNITS**

133 ...

134 E. Parking Lot Improvement Requirements: Every parcel of land hereafter used as a public or
135 private parking area, including commercial parking lots and automobiles, farm equipment, or
136 other open air sales lots and residential developments of three (3) or more units, shall be
137 developed and maintained in accordance with the following requirements:

- 138 1. Parking areas shall be properly graded for drainage, surfaced with concrete, ~~asphaltic~~
139 ~~concrete~~, asphalt, brick or stone pavers. Such surface must be maintained in good
140 condition, free of weeds, dust, trash and debris;

141 ...

142 ~~I.—Authorization For Parking Space Reduction Or Combination: The planning staff may approve or~~
143 ~~deny reduction of off street parking and loading space as part of an approved shared parking plan,~~
144 ~~taking into consideration the following, which must be set forth in a written form:~~

- 145 1. ~~Reduction In Parking Space: After consideration of the shared parking plan, the nature of~~
146 ~~the buildings or premises, and specific conditions, the planning department believes the~~
147 ~~shared parking plan would lessen the need for the parking spaces as specified in this~~
148 ~~chapter.~~
149 2. ~~Combined Parking Space: When two (2) dissimilar uses are located adjacent to each~~
150 ~~other and the demand times for parking would not conflict, the maximum number of~~
151 ~~parking spaces for the larger use, may be allowed. If at any time there is a change in one~~
152 ~~or both of the uses, additional parking may be required.~~

153 ~~J.I.~~ Guest/Recreation Vehicle Parking: For residential development containing attached units or
154 single-family planned unit developments of twenty five (25) or more units, recreation vehicle
155 parking areas may be required by the legislative body, after a recommendation for or against by
156 the planning commission.

157 ~~1. Parking Analysis: Uses not listed in the parkway computation matrix may be required to~~
158 ~~provide a parking analysis for the review and approval by the planning director.~~

159 **16.33.13: PARKING COMPUTATION**

160 ~~PARKING COMPUTATION MATRIX~~

161 ~~Except as otherwise provided in this Title, the number of off-street parking spaces shall be as follows:~~

Use Description	Off Street Spaces Required
Residential:	

Single-family dwelling	2 per unit up to 3 bedrooms 0.25 per bedroom above 3 (Minimum of 2 spaces are to be covered)
Multi-family	2 per unit up to 3 bedrooms and an additional .25 for each bedroom above 3 bedrooms (Minimum of 1 space per unit is to be covered)
Accessory dwelling	1 for up to 2 bedrooms, plus 1 for each additional bedroom
Assisted living facilities	1 for every 2 units, plus 1 for each 4 units for guest parking (Minimum of half [50%] of the spaces are to be covered)
Retirement housing, single-family detached or attached without medical assistance	Treat the same as single-family dwelling (Minimum of half [50%] of the spaces are to be covered)
Batching apartment	2 stalls per bedroom, plus 1 stall for visitor parking per unit, unless designated for single room (1 person) occupancy, for which there shall be 1 stall per bedroom and 1 per unit for visitor parking
Bed and breakfast - small	1 for each bedroom, plus 1 for each daytime employee, plus 2 for residential family
Commercial:	
Adult entertainment (SOB)	1 space for each 3 seats, based upon design capacity
Art gallery	1 per every 200 square feet of display area, plus 1 for each employee
Auction house	2 per every 100 square feet of floor area
Auditorium, stadium or	1 for every 3 seats, based upon design capacity

theater (indoor or outdoor)	
Automobile and machinery sales and service garages (not gas stations)	2 spaces plus 1 space for each 400 square feet of display area(s), plus 1 space for each daytime employee
Bank, savings and loans, drive-in banking	Minimum of 20 spaces with 10 additional spaces for every teller cage over 3. For drive-in windows, 1 space in use, plus 3 in each approach lane. (Minimum of 1 space per 200 square feet of floor area on main floor and 1 space per 500 square feet on any other floor)
Barber/beautician shop	2 spaces per station
Bowling alley	4 spaces per alley, plus 1 for each employee, plus any required based upon accessory uses such as cafes or taverns
Cafes, cafeterias, restaurants	1 space for each 100 square feet of floor space <u>including outside seating areas.</u>
Car wash	3 spaces in each approach lane to each wash bay
Churches	1 space for every 3 seating spaces in the main assembly room(s), based upon the maximum occupancy
Commercial recreation, i.e., billiard halls, etc.	1 space for each 2 persons such place is designed to accommodate, including participants and spectators, based upon design capacity
Dance halls	1 space for every 3 persons based upon maximum occupancy
Daycare center, children's nursery or preschool	4 spaces, plus 1 space per 500 square feet of floor area
Drive-in, fast food establishments	1 space per 100 square feet of floor area but not less than 10 spaces

Drive-up windows	1 space in use plus 4 in the approach lane. <u>If drive-up window traffic interferes with traffic on a road or unreasonably interferes with traffic flow in the parking lot, the drive-up window shall be closed.</u>
Dry cleaner	1 space per employee, plus 3 spaces for customer use
Gas stations and convenience stores	1 space per pump site, plus 1 space per employee. If convenience store also, add 3 spaces per 200 square feet of store area
Golf courses	4 spaces per hole, plus 1 per daytime employee
Hospitals, sanatoriums, convalescent hospitals, nursing homes	1 space for each 2 bed capacity, plus 1 space for every employee at the highest shift
Laboratory research, industrial, manufacturing, wholesale establishments	1 space per employee on the highest shift
Laundromat	1 space per washer/dryer combination
Library	5 spaces for every 500 square feet of public area, plus 1 for each daytime employee
Liquor store	1 space for every 200 square feet, plus 1 space for each daytime employee
Lounges, nightclubs, private clubs or taverns	1 space for each 100 square feet of floor space
Medical clinics	4 spaces per staff doctor, <u>physician's assistant</u> , or nurse practitioner, plus 1 for each daytime employee
Mortuary or funeral parlor	1 space for every 3 persons based upon design occupancy

Motel, hotel, inn	1 space for each unit and 1 space for each daytime employee, plus 1 space for every 200 square feet of assembly area(s)
Nursery or garden supplies	1 space for each daytime employee, plus 1 space for each 300 square feet of display area(s)
Offices	1 space per 200 square feet of office floor space, including reception area(s).
Post office	1 space per vehicle used by the operation, plus 1 space per employee at the highest shift, plus 10 spaces for customers
Professional office, i.e., legal, employment, insurance, travel, photo, real estate, etc.	1 space per 200 square feet of office floor space, including reception area(s).
Retail	1 space for each daytime employee, plus 1 space for each 200 square feet of floor area(s)
Skating rink	1 per 200 square feet in the building
Swimming pool	1 per 100 square feet of pool area, plus 1 for each daytime employee
Schools:	
Elementary	2 spaces for each classroom
Middle and junior high	2 spaces for each classroom
Senior high	1 space for each 4 seats provided in the auditorium or classroom, whichever is greater
College	1 space for each 3 seats provided in the classroom or auditorium, whichever is greater

162 ...

Wasatch County Planning Commission December 14, 2023



Item #7

Wasatch County Code Titles 2, 14, and 16
SB174

Consideration of a Proposed Amendment

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. (Austin Corry)

APPLICATION SUMMARY

Applicant: Wasatch County Planning

Hearing Date: 14 December 2023

Related Applications: None

Affected Zone(s): All

Applicable Code Section(s): Title 2, Title 14, and Title 16 | Numerous Sections

BACKGROUND

Earlier this year, the state legislature passed Senate Bill 174 (SB174) 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.

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.

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.

The proposed amendment makes the following primary changes (other secondary changes may be present):

1. Title 2, Title 14, and Title 16 has been adjusted to comply with SB174 that requires the ability to have subdivision improvement plans from a civil engineer heard by a panel of experts rather than through the land use appeal body. There are also provisions related to the width of a road.
2. Changes the appeal authority from a Board of Adjustment to an Appeals Hearing officer
 - a. This facilitates faster meeting times as it will only require coordinating the schedule of staff, the applicant, and a single hearing officer as opposed to a board of seven members. Previous requests have taken months in some instances to get a hearing scheduled.
 - b. The AHO is listed as an option for an applicant to use if they don't want to have separate appeal tracks on a project involving subdivision improvement plans.
3. Adjust language in the duties and responsibilities of the Planning Commission to comply with SB174
4. Removes references to the Daniels Township Planning Commission, which has not functioned in the county since the township incorporated.
5. Move the JSPA Planning Commission from 16.41 to 2.02 with the other boards and commissions and retitle the JSPA Planning Commission to be a JSPA Planning Committee.
 - a. The functionality is already consistent with SB174, but the retitling was to help make it abundantly clear that they operate as a land use authority and not as a Planning Commission as described in state law.
6. Create a new committee to be called an Administrative Land Use Committee
 - a. The committee is made up of the Council chair, PC chair, and JSPA PC chair or the respective designee(s).
 - b. This authority is for minor subdivision plat amendments and final subdivision approvals of single family residential only subdivisions.
 - c. The councilmember is automatically the chair of this committee and may render consent decisions without the need of holding a public meeting. The committee is only assembled if there is a dispute, staff or committee concern, or a compelling public interest in the project.
7. Breaks plat amendment fees into two categories: Minor and Non-Minor.
8. Moves retaining wall regulations to a new section for clarity and adjusts the threshold for retaining wall review by the Council to be 800 feet in length vs. 200 feet.
9. Adds clarifying language to the variance procedures.
10. Clarifies that illegal lot line adjustments are subject to the same requirements already written for illegal subdivisions.
11. Moves appeal language in 16.02.09 to other appropriate sections of the code to aid in clarity.
12. Adds clarifying language to help fulfill the purpose of connectivity plans.
13. Adds clarifying language to the definitions section and makes other changes throughout various sections to comport with the more substantial edits made elsewhere.
14. Adjusts the IADU requirements to comply with SB174 requirements that preclude the county from requiring an internal connection to the unit and allowing them to be above attached garages.
15. As required by SB174, modifies the procedures for development applications to change the land use authority that hears preliminary and final subdivision applications for projects that only involve single family residential homes. This is for lots for detached housing, twin-homes, and townhome projects without common amenities.
 - a. The council is removed as the land use authority for preliminary subdivisions and replaced by the planning commission.
 - b. The planning commission is removed as the land use authority for final subdivisions and replaced by the administrative land use committee.
 - c. Other language is added to reflect limits on the numbers of review cycles and how decisions are rendered when an applicant does not comply with DRC review.
16. Makes minor clarifying adjustments to the flood damage prevention regulations to ensure future buyers are put on notice of plats within FEMA regulated zones.

POTENTIAL MOTION

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

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.

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 General Plan and proposed amendments are consistent and compatible.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved prior to final approval.
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. Recommendation for Denial. This action may be taken if the Planning Commission finds that the proposed code amendment is not appropriate at this time and/or is not supported by the General Plan.

EXHIBITS

- A. Proposed Language

EXHIBIT A – Applicant Proposed Language

ORDINANCE NO. 23-20

AN ORDINANCE AMENDING WASATCH COUNTY CODE TITLE 2, TITLE 14, AND TITLE 16 AS RELATED TO VARIOUS BOARDS AND COMMISSIONS AND THE AUTHORITY PROVISIONS OF LAND USE APPROVALS.

RECITALS

WHEREAS, the Utah State Legislature has enacted Senate Bill 174 (2023); and

WHEREAS, said SB174 requires the County to, by February 1, 2024, modify local land use regulations to, among other things, eliminate any provisions that permit the legislative body from acting as the land use authority for subdivision applications for single family developments; and

WHEREAS, the County Legislative Body has considered the criteria required by said Senate Bills; and

WHEREAS, the County Legislative Body has also considered the need to protect public transparency and interests; and

WHEREAS, the County Legislative Body has weighed the public benefit for other land use authority provisions and appeal authorities in consideration of transparency, fiscal responsibility, and efficiency; and

WHEREAS, the County Legislative Body has also considered any further provisions required by SB174 related to internal accessory dwelling units; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Zoning Map and Land Use and Development Code be amended as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: ***See attached exhibit A.***

SECTION II: Repealer. If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: Amendment of Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This Ordinance shall become effective upon the last of execution by the Chair of the County Council, on February 1, 2024, and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and **PASSED** this _____ day of _____, 2023.

Attest:

WASATCH COUNTY COUNCIL:

Joey Granger
Wasatch County Clerk / Auditor

Spencer Park, Chair
Wasatch County Council

VOTE

Spencer Park, Chairman	_____
Karl McMillan, Vice-Chair	_____
Luke Searle	_____
Steve Farrell	_____
Erik Rowland	_____
Kendall Crittenden	_____
Mark Nelson	_____

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [] (a) Causing this ordinance to be entered at length in the ordinance book;
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- [] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this ____ day of _____, 2023.

Joey Granger
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this ____ day of _____, 2023.

Notary Public

Residing in:
My commission expires:

EXHIBIT A – ZONING CODE TEXT AMENDMENT

2.02.02: BOARD OF ADJUSTMENT DEVELOPMENT APPEALS

A. Establishment ~~And Membership~~: To provide for just and fair treatment in the administration of the Wasatch County Building and Engineering Department Code, the Land Use and Development Code, and to ensure that substantial justice is done, there is hereby created a Wasatch County ~~board of adjustment~~ Appeals Hearing Officer.

~~1. Regular Members: The board shall consist of five (5) members appointed by the county manager, with the advice and consent of the county legislative body.~~

~~2. Alternate Members: The county manager may, in his or her discretion, appoint whatever alternate members of the board the manager deems appropriate, with the advice and consent of the county legislative body. An alternate member of the board of adjustment may serve as a regular member of the board when a regular member is unable to do so due to absence, illness, conflict of interest, or any other cause. The chairperson of the board of adjustment shall select an alternate member to so serve. No more than two (2) alternate members of the board of adjustment may sit at any meeting of the board at one time.~~

1. Qualifications: The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes. The appeals hearing officer(s) shall be appointed by the county manager with the advice and consent of the county legislative body. The manager may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for hearing officer review.

~~3.2. Compensation: Members of the board shall serve without compensation, except for reimbursement for actual expenses incurred, upon presentation of proper receipts and vouchers~~ The appeals hearing officer shall be compensated for their work for the County.

B. Powers And Duties: The ~~Board of Adjustment~~ Appeals Hearing Officer shall have the following powers and duties:

1. To hear and decide appeals from final administrative decisions applying the ~~Wasatch County~~ Land Use and Development Code, ~~or the Building and Engineering Department~~ Code, including appeals from: a) building permit denials, approvals, or final administrative decisions, ~~based on a failure to comply with~~ applying the Land Use and Development Code or Building and Engineering Code; and b) ~~administrative decisions related to subdivision plats~~ enforcement actions under the Land Use and Development Code or the Building and Engineering Code; and

2. To hear and decide variances from the terms of the provisions of the ~~Wasatch County~~ Land Use and Development Code, in accordance with the requirements of state law; and

3. To hear and decide appeals from land use decisions applying the Land Use and Development Code; administrative decisions applying the Land Use and Development Code or the Engineering Department Code, and enforcement actions under the Land Use and Development Code or the Engineering Department Code, and

~~3.4. To hear and decide~~ appeals of an approval or denial of an exception application under the Engineering ~~Department~~ Code.

- 42 4.5. Exception: The ~~board appeals hearing officer~~ shall not review any decision of the
43 Wasatch County ~~council~~Council.
- 44 C. Term Of Office: ~~Each regular member of the board shall~~An appeals hearing officer may be
45 appointed for up to a five (5) year term. ~~The term of one regular member shall expire each year.~~
46 ~~Each alternate member of the board shall be appointed for a two (2) year term.~~
- 47 D. Removal And Vacancies: The county manager, with the advice and consent of the county
48 legislative body, may remove ~~any member of the board~~ an appeals hearing officer for cause if
49 written charges are filed against the ~~member appeals hearing officer~~ with the manager. The
50 manager shall provide the charged ~~member appeals hearing officer~~ with a ~~public~~ hearing if the
51 ~~member appeals hearing officer~~ requests such a hearing. ~~The manager, with the advice and~~
52 ~~consent of the county legislative body, shall fill any vacancy on the board. The person appointed~~
53 ~~to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.~~
- 54 E. Effective Date Of Decisions: Decisions of the ~~board appeals hearing officer~~ become effective
55 upon the date the ~~board appeals hearing officer~~ ~~approves and the chair~~ makes a determination and
56 signs a written order setting forth the findings and decision of the ~~board appeals hearing officer~~.
- 57 F. ~~Board Of Adjustment Procedures:~~
- 58 1.F. Meetings: The ~~board appeals hearing officer~~ shall meet ~~at the call of the chair and any other time~~
59 ~~the board deems~~ necessary and appropriate. The ~~board appeals hearing officer~~ shall maintain
60 ~~minutes and records of its proceedings in coordination with applicable county departments that~~
61 ~~respectively administer the Land Use and Development Code the Building Code, or the~~
62 ~~Engineering Code, in accordance with the requirements of state law. A court reporter shall~~
63 ~~contemporaneously transcribe proceedings before the board.~~
- 64 2. ~~Quorum: Four (4) members of the board of adjustment shall constitute a quorum. The~~
65 ~~vote of a majority of the members of the board present at a meeting at which a quorum is~~
66 ~~present is necessary to reverse any order, requirement, decision or determination of any~~
67 ~~commission, administrative official or agency, or to decide in favor of the appellant.~~
- 68 3. ~~Chairperson: The board of adjustment shall elect a chair and vice chair to serve for a~~
69 ~~period of one year.~~
- 70 4.1. Rules, Regulations And Bylaws: The ~~hearing officer~~~~board~~ may make and enforce such
71 rules, regulations and bylaws for the government of ~~themselves~~~~itself~~, the preservation of
72 order, and the transaction of its business as may be necessary. Rules, regulations and
73 bylaws adopted by the ~~hearing officer~~~~board~~ shall not take effect until they are submitted
74 to and approved by the county legislative body. ~~Notwithstanding the forgoing, the~~
75 ~~hearing officers are~~ is authorized and empowered to preside at hearings, and implement
76 such orders and directions as necessary to facilitate, administer and conduct the hearings
77 and issue orders in accordance with Wasatch County Code, Utah Code, and rules,
78 regulations, or bylaws adopted by the county legislative body. Failure to follow the
79 lawful orders and directions of the hearing officer may serve as a basis for denying a
80 claim, or for other measures under applicable law.
- 81 G. Appeals To The ~~Board Of Adjustment~~Appeals Hearing Officer Or Panel:
- 82 1. Appeals From Land Use ~~Administrative~~ Decisions: The applicant or ~~any other person or~~
83 ~~entity~~ adversely affected ~~party by an administrative decision applying the Wasatch~~
84 ~~County Land Use and Development Code~~ may appeal a land use that decision or final
85 administrative decision applying the Land Use and Development Code by alleging that
86 there is an error in any order, requirement, decision or determination made by a county
87 official. Appeals of ~~administrative land use~~ decisions, final administrative decisions, or

enforcement actions applying Land Use and Development Code shall be filed in the office of the Planning Department within ~~thirty-ten~~ (3010) days of the date the county official issues the administrative decision. The person or entity making the appeal has the burden of proving that an error has been made.

~~2. Appeals From A Land Use Decision: The applicant or any other person or entity directly adversely affected by the approval or denial of a land use application may appeal the decision to the board of adjustment. Appeals from the approval or denial of a land use decision shall be filed in the office of the planning department within thirty (30) days of the date the land use authority made the land use decision. The person or entity making the appeal has the burden of proving that an error has been made.~~

2. Appeals From Administrative Decisions Applying the Building or Engineering Department Code: The applicant or any other person or entity adversely affected by an final administrative decision applying the Building or Engineering Department Code may appeal that decision by alleging that there is an error in an order, requirement, decision or determination made by a county official. Appeals of administrative decisions or enforcement actions applying the Building or Engineering Department Code shall be filed in the office of the County Manager within ten (10) days of the date the county official issues the administrative decision. If the code provides for an appeal to the County Manager, this must be completed before appealing to the Board of Adjustment applicable appeal body. The person or entity making the appeal has the burden of proving that an error has been made.

3. Appeals of Subdivision Improvement Plans and Certain Road Widths:

a. For Subdivision Land Use Applications (UCA 17-27a-604.2(2023, as amended)), in which the county failed to respond to within 20 business days from the fourth or final review of a new revision in a complete review cycle of subdivision improvement plans, the dispute or failure to respond may be appealed to a panel of qualified experts in accordance with UCA 17-27a-507(2023, as amended), if, within thirty (30) days of the submission of the new revision in the complete review cycle, a request to assemble a panel of qualified experts is received. In the alternative, an appeal to a hearing officer in accordance with applicable rules may be used to appeal such a dispute or failure to respond. In the event that issues of both the subdivision ordinance review (UCA 17-27a-604.2(2023, as amended)) and subdivision improvement plans are disputed by an applicant or an adversely affected party, the county recommends an appellant utilize the process for appealing final decisions applying the Land Use and Development Code or the Engineering Code to a hearing officer for all issues. If the appellant chooses to appeal to both a panel of qualified experts and to a hearing officer, the two appeals may run concurrently, but in no such event shall a decision by an appeal authority in a land use decision grant a variance or exception to requirements pertaining to civil engineering plans associated with required infrastructure and county-controlled utilities, and similarly, in no such event shall a decision by the panel of qualified experts grant a variance or exception to land use and development code requirements. A final decision of the hearing officer or panel of qualified experts may only be appealed to the district court.

b. For either land use applications or engineering permit applications for which a paved road width in excess of 32 feet is required by the County, and for which the applicant or an adversely affected party claims a different pavement width is required, the decision may be appealed to a panel of qualified experts within ten

(10) days of the final decision in accordance with UCA 17-27a-507(2023, as amended), or may be appealed to a hearing officer in accordance with applicable rules. The *panel of qualified experts* shall have no authority to issue variances from the standards of the Land Use and Development Code, or to change standards of the code that are not the actual pavement width. A final decision of the hearing officer or *panel of qualified experts* may only be appealed to the district court.

a-c. The code, rules, policies and procedures applicable development appeals before a hearing officer under this subsection shall also apply as the code, rules, policies, and procedures applicable to hearing before a *panel of qualified experts*, to the extent the matter is not specifically addressed in this subsection or is not compatible with Utah Code.

3.4. Appeals of Permit Applications and Exception Applications by the Engineering Department or Building Department: The applicant or ~~any other person or entity directly~~ adversely affected ~~party may appeal by~~ the approval or denial of a permit or an exception issued by the Engineering Department or Building Departments may appeal the decision to the ~~Board of Adjustment~~ Appeals Hearing Officer. Appeals from the approval or denial of permit or exception applications shall be filed in the office of the Engineering respective Department within ten (10) days of the date the department issued or denied the permit or exception. The person or entity making the appeal has the burden of proving that an error has been made.

a.5. Unlawful Appeals: A person may not appeal to the Appeals Hearing Officer, and the ~~board of adjustment~~ Appeals Hearing Officer shall not consider, any amendments to the Wasatch County Code, zoning map, or General Plan. A person may not use an appeal to the ~~board of adjustment~~ Appeals Hearing Officer to waive or modify the terms or requirements of the Wasatch County Code, except for a variance from the ~~Wasatch County~~ Land Use and Development Code or an appeal of an approval or denial of an exception application under the Engineering Department Code. If a variance or exception is desired, these must be applied for and considered separately from an appeal.

H.6. Contents of Appeals: Appeals shall state the administrative order, requirement, decision or determination from which the person or entity appeals, and shall specify the grounds for the appeal and circumstances related thereto. The appeal shall include copies of any documentary evidence or written arguments that will be presented to the ~~Board of Adjustment~~ Appeals Hearing Officer. Depending on the code being appealed the application will be sent to the Engineering Department, ~~the Building or Department, or~~ the Planning Department to determine if the application is complete. A written appeal failing to specify grounds of appeal should be summarily dismissed by the ~~Board of Adjustment~~ Appeals Hearing Officer, with or without prejudice. The brief should address all issues to be brought before the ~~Board of Adjustment~~ Appeals Hearing Officer. Any new issues not addressed in the brief, that are put forth at the hearing, shall typically be ignored by the ~~Board of Adjustment~~ Appeals Hearing Officer, but if the ~~Board of Adjustment~~ Appeals Hearing Officer desires to consider the information or issues, the ~~Board Appeals Hearing Officer~~ may continue the matter to allow for adequate time for the County to respond to the new issues.

I.7. Determination Of Hearing Date: ~~Within five (5) business days of a~~ After receipt of a complete notice of appeal, including fees paid, and as soon as is reasonably possible to find a time the Appeals Hearing Officer ~~quorum~~ can meet, the applicant will be informed of a date for the hearing before the ~~Board of Adjustment~~ Appeals Hearing Officer, ~~which~~

The hearing date shall be no sooner than thirty (30) days thereafter, and no later than seventy five (75) days thereafter, unless waived by the applicant and the director of the applicable department. The Planning Department shall coordinate the meeting time with the ~~Board of Adjustment members~~ Appeals Hearing Officer, and will provide notice to the parties, and, for appeals to a panel of qualified experts (UCA 17-27a-507(2023, as amended), will assist the director of the affected department in complying with the Open and Public Meetings Act noticing requirements. For Engineering Department Code and Building Code appeal issues, the scheduling and noticing of the meeting will be the only involvement of the Planning Department in the appeal.

~~J.8.~~ Record Sent To ~~Board Of Adjustment~~ Appeals Hearing Officer: At least seven (7) days prior to the hearing, ~~T~~the official responsible for the administrative decision, land use application, permit, or exception application being appealed shall refer to the ~~Board of Adjustment~~ Appeals Hearing Officer or all papers documents constituting the record upon which the action appealed from was taken, ~~at least Eight (8) days prior to the hearing, along with briefing or evidence the official would like to have considered.~~ A copy of the record, briefing, and evidence shall also be provided to the appellant by mailing or emailing the record at least ~~Eight Seven (87)~~ days prior to the hearing.

~~9.~~ ~~Board of Adjustment~~ Appeals Hearing Setup: The department responsible for the decision, land use application, permit, or exception application being appealed shall be responsible to provide and present any staff reports ~~and to prepare and present including details of the decision being appealed and analysis of the appeal being made any power points or other presentations that are made to the Board of Adjustment~~ Appeals Hearing Officer, and for ensuring the logistics and technical requirements of holding the public meeting as required are done, including but not limited to, ~~and for noticing for the meeting, opening and closing the building, meeting setup, preparing and sending out any decisions and minutes. The engineering department will prepare and present staff reports, minutes, open the building, or set up, or close the building for Engineering Department Code appeals before the Board of Adjustment, as required. Then planning department will prepare and present staff reports, minutes, open the building, or set up, or close the building for Land Use Development Code appeals before the Board of Adjustment, as required.~~

~~4-10.~~ Appeal Stays Action: An appeal to the Appeals Hearing Officer stays all proceedings unless the applicable department or the appellant certifies and demonstrates to the Appeals Hearing Officer that a stay would cause imminent peril to life or property, or irreparable harm. The Appeals Hearing Officer shall determine whether to stay proceedings.

~~K.H.~~ Actions of ~~Board of Adjustment~~ Appeals Hearing Officer: In exercising its powers, the ~~Board of Adjustment~~ Appeals Hearing Officer may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made, if the ~~Board of Adjustment~~ Appeals Hearing Officer determines the ~~appellant proved the County~~ ~~re was an error~~ ~~erred~~.

~~L.I.~~ Jurisdiction: The ~~Board of Adjustment~~ Appeals Hearing Officer only has jurisdiction over final decisions interpreting or applying the provisions of the Land Use and Development Code, and the ~~Building or Engineering Department~~ Code by a county official (other than a member of the legislative body). The ~~Board of Adjustment~~ Appeals Hearing Officer does not have jurisdiction to hear refusals or denials of requests or demands that the county initiate or advance enforcement actions. The ~~Board of Adjustment~~ Appeals Hearing Officer does not have jurisdiction to grant

variances or exceptions from the Building Safety Department Code, and may only overturn exception applications approvals or denials to the Engineering Department code if it finds the engineering coordinator ~~erroneously~~ in approving or denying an exception application. The director of the department which is responsible for the decision, land use application, or permit at issue shall make the determination as to whether or not the ~~Board of Adjustment~~Appeals Hearing Officer has jurisdiction over the matter being appealed to the ~~board~~appeals hearing officer. If they determine the ~~Board of Adjustment~~Appeals Hearing Officer does not have jurisdiction, they shall send a written decision to the applicant explaining the determination. The director's decision as to the ~~Board of Adjustment~~Appeals Hearing Officer's jurisdiction may be appealed in accordance with this section, with another application fee. In such a case, the appeal shall be forwarded directly to the ~~Board of Adjustment~~Appeals Hearing Officer without determination by the director regarding jurisdiction. The ~~Board Officer~~ shall first consider the jurisdiction issue, and then, if the ~~Board Officer~~ determines it does have jurisdiction, shall separately consider the merits of the appeal, preferably in a separate meeting.

~~M.J. _____~~ Appeal To District Court: In order to appeal the final decision of the Appeals Hearing Officer, the~~Any person- applicant, an adversely affected party, or the County must file a petition for review with the district court within 30 days after the decision is final in accordance with UCA 17-27a-801(2023, as amended). The Appeals Hearing Officer may make a final decision by written order, or through a report of action, at their discretion.~~aggrieved by any decision of the Board of Adjustment of appeals or variances may petition the district court for review of the decision within 30 days of the decision, or in accordance with the requirements of state law, whichever is greater.

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2.02.08: PLANNING COMMISSION

A. Establishment And Membership: There is hereby established a countywide planning commission, consisting of seven (7) regular members. ~~Six (6) of the regular m~~Members of the commission shall be appointed by the county manager, with the advice and consent of the county legislative body. The remaining member of the commission shall be a member of the county legislative body and shall be appointed by majority vote of the county legislative body.

1. Regular Members: Regular members of the planning commission shall be qualified electors of Wasatch County.

2. Alternate Members: The county manager may, in his or her discretion, appoint whatever alternate members of the planning commission the manager deems appropriate, with the advice and consent of the county legislative body. An alternate member of the commission may serve as a regular member when a regular member is unable to do so due to absence, illness, conflict of interest, or any other cause. Alternate members must be qualified electors of Wasatch County. The chair of the commission shall select an alternate member to serve. No more than two (2) alternate members of the commission may sit as regular members at any meeting of the commission at one time.

3. Compensation: The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on regular meetings actually attended.

B. Powers And Duties: The planning commission shall have the following powers and duties:

1. The planning commission shall exercise all powers and duties authorized by state law. In addition, the commission shall approve, recommend, or deny land use applications as outlined in the authority provisions of Chapter 16.01.05.

~~a. Approve or deny applications for conditional use permits;~~

~~b. Make determinations regarding the existence, expansion or modification of noneonforming uses;~~

~~c. Interpret the zoning maps; and~~

~~d. Decide disputed questions of lot lines, district boundary lines, or similar questions as they arise in the administration of the zoning regulations.~~

- C. Term Of Office: Except for the member of the commission who is a member of the county legislative body, each regular member of the planning commission shall be appointed for a three (3) year term. ~~The member of the county legislative body appointed to the commission shall be appointed for a two (2) year term.~~ Alternate members of the commission shall be appointed for two (2) year terms. The terms of two (2) regular members shall expire each year.

- D. Removal And Vacancies: The county manager may, with the advice and consent of the county legislative body, remove any member of the planning commission ~~for cause if written charges are filed against the member with the manager. The manager shall provide the charged member with a public hearing if the member requests such a hearing.~~ The manager, with the advice and consent of the county legislative body, shall fill any vacancy on the commission. The person appointed to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.

- E. Planning Commission Procedures:

1. Meetings: The planning commission shall meet at the call of the chair and any other time the commission deems necessary and appropriate. The commission shall maintain minutes and records of its proceedings in accordance with the requirements of state law.
2. Quorum: Four (4) members of the planning commission shall constitute a quorum. The vote of four (4) commission members shall be required to render any decision or take any action.
3. Chairperson: The planning commission shall elect a chair and vice chair to serve for a period of one year.
4. Rules, Regulations And Bylaws: The planning commission shall make and enforce such rules, regulations and bylaws for the government of itself, the preservation of order, the processing of applications, and the transaction of its business as may be necessary. Rules, regulations and bylaws adopted by the planning commission shall not take effect until they are submitted to and approved by the county legislative body.

2.02.09: DANIELS TOWNSHIP PLANNING COMMISSION JSPA PLANNING COMMITTEE

[note to editor, the existing text of this section is removed in its entirety and replaced with the text edited below under 16.41 Appendix A]

~~A. Establishment And Membership:~~

- ~~1. Establishment: Pursuant to laws of Utah 1996, chapter 308, at a special election in August 1996, voters approved the creation of the Daniels Township. Pursuant to laws of Utah 1997, chapter 389, section 56, and second special session, laws of Utah 1997,~~

chapter 3, section 15, the Daniels Township was dissolved. Pursuant to Utah Code Annotated section 17-27a-306(2)(c) and Wasatch County ordinance 99-04, the Daniels Township was reconstituted as the Daniels Township planning commission.

2. ~~Membership: The Daniels Township planning commission shall consist of seven (7) regular members. Registered voters residing within the township shall elect three (3) regular members. Except as otherwise provided in this section, the county manager, with the advice and consent of the county legislative body, shall appoint four (4) regular members.~~

3. ~~Residency Requirements: All regular members shall be registered voters residing within the Daniels Township boundaries; provided, that one appointed member may reside outside the Daniels Township boundaries if that member:~~

a. ~~Owns real property within the Daniels Township; and~~

b. ~~Is a resident of Wasatch County.~~

~~If one regular member is appointed who does not reside within the Daniels Township boundaries, that member shall be appointed by vote of the other regular members and selected from a list of three (3) candidates submitted to the Daniels Township planning commission by the county legislative body.~~

4. ~~Compensation: Members of the Daniels Township planning commission shall serve without compensation, except for reimbursement for actual expenses incurred, upon presentation of proper receipts and vouchers.~~

B. ~~Powers And Duties: The Daniels Township planning commission shall exercise within its territorial boundaries all powers and duties authorized by state law.~~

C. ~~Term Of Office: Each member of the Daniels Township planning commission shall serve for a four (4) year term. Two (2) of the elected members shall be elected every four (4) years at the regular general election. The remaining elected member shall be elected every four (4) years on alternating even numbered years. The term of one appointed member shall expire every year.~~

D. ~~Removal And Vacancies: The county manager may, with the advice and consent of the county legislative body, remove any appointed member of the Daniels Township planning commission for cause if written charges are filed against the member with the manager. The manager shall provide the charged member with a public hearing if the member requests such a hearing. Elected members shall be subject to removal as provided by law. The manager, with the advice and consent of the county legislative body, shall fill any vacancy on the Daniels Township planning commission. The person appointed to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.~~

E. ~~Daniels Township Planning Commission Procedures:~~

1. ~~Meetings: The Daniels Township planning commission shall meet at the call of the chair and any other time the commission deems necessary and appropriate. The commission shall maintain minutes and records of its proceedings in accordance with the requirements of state law.~~

2. ~~Quorum: Four (4) members of the Daniels Township planning commission shall constitute a quorum. The vote of four (4) members of the commission shall be required to render any decision or to take any action.~~

3. ~~Chairperson: The Daniels Township planning commission shall select from its members a chair and vice chair to serve for a period of one year.~~

362 4. ~~Rules, Regulations And Bylaws: The Daniels Township planning commission shall make~~
363 ~~and enforce such rules, regulations and bylaws for the government of itself, the~~
364 ~~preservation of order, the processing of applications, and the transaction of its business as~~
365 ~~may be necessary. Rules, regulations and bylaws adopted by the commission shall not~~
366 ~~take effect until they are submitted to and approved by the county legislative body.~~

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368 **2.02.23: ADMINISTRATIVE LAND USE COMMITTEE**

369 A. Establishment and Membership: There is hereby established an Administrative Land Use
370 Committee (ALUC), consisting of three (3) members as follows:

- 371 1. The chair of the ALUC shall be the chair of the Wasatch County Council, or their designee
372 from the council;
373 2. The chair of the Planning Commission, or their designee from the commission; and
374 3. The chair of the JSPA PC, or their designee from the JSPA PC.
375 4. The designee(s), if any, forming the ALUC may change from meeting to meeting. If any
376 designee is not present at a meeting, another member of the applicable public body may
377 serve in their place as appointed by the chair of the applicable public body.

378 B. Compensation: The members of the ALUC shall be compensated the same for meetings of the
379 ALUC that they would be paid for serving as a member of the respective public body which
380 qualified them for service on the ALUC.

381 C. Powers and Duties: The ALUC shall be governed by the bylaws of the Wasatch County Planning
382 Commission. The ALUC shall exercise all powers and duties authorized by state law. In addition,
383 the Committee shall:

- 384 1. Fulfill any duties required under this chapter;
385 2. Act as the land use authority for land use applications authorized to the ALUC under
386 16.01.05 of this Title.

387 D. Meetings and Quorum: The ALUC shall meet from time to time as necessary to perform its duties.
388 Three (3) members of the ALUC shall constitute a quorum and the vote of two (2) ALUC members
389 shall be required to render any decision or take any action. ALUC members may appear
390 electronically at a public meeting. The committee shall maintain minutes and records of its
391 proceedings in accordance with the requirements of state law.

392 E. Non-Waiver: The approval by the ALUC of any plans, drawings or specifications for any work
393 done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of
394 any similar plan, drawing or specification subsequently or additionally submitted for approval.

395 F. Appeals: Appeals of final decisions of the ALUC shall be made in the same manner as appeals of
396 land use decisions made by the Planning Commission.

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398 **4.09.02: WASATCH COUNTY FEES**

C.	Fees Of The Wasatch County Planning And Zoning Department:	
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1.	Development fees:	
	Development Review Committee (DRC) <u>Pre-application / pre-submittal meeting</u>	\$50 100.00
	Overall Site Plan/Subdivision (Preliminary)	\$2,500.00, plus \$50.00 per lot/unit/ERU, plus costs ¹
	Site Plan (Final)	\$1,000.00, plus \$10.00 per lot/unit/ERU, plus costs ¹
	Large Scale Development <u>Subdivision</u> (Final)	\$1,500.00, plus \$20.00 per lot/unit/ERU, plus costs ¹
	Minor Development Revisions	\$500.00, plus costs ¹
	Master Plan/Physical Constraints Analysis/Density Determination	\$3,000.00, plus \$10.00 per developable acre, plus costs ¹
	Small Scale Subdivision	\$600.00, plus costs ¹
2.	Other fees:	
	Lot of Record Determination	\$130.00
	Boundary Line Adjustment	\$65.00
	Conditional Use Permit	\$700.00, plus costs ¹
	Temporary Use Permit	\$100.00, plus costs ¹
	Zoning Map Amendment	\$2,500.00, plus costs ¹
	<u>Minor Subdivision Plat Amendment</u>	<u>\$500, plus costs</u>
	Subdivision Plat Amendment/Street Vacation	\$700 1000.00, plus costs ¹
	General Plan Amendment	\$2,500.00, plus costs ¹
	Zoning Code Text (Title 16) Amendment	\$2,500.00, plus costs ¹

		Board of Adjustment Land Use Appeal (Appeals Hearing Officer)	\$1,500.00, plus costs ¹
		Variance Request	\$600.00, plus costs ¹
		Special Meeting Fee	\$800.00
		Additional Meeting Fee ²	\$100 200.00, per item on agenda
		Sign Permit Fee - Permanent	\$10.00 per sq. ft.
		Sign Permit Fee—Ladder sign	\$100.00 per year, plus costs
		...	
		Fee In Lieu- WCC 16.30.05	\$28,000 per 10 ERUAUE
		A proposal to create an agriculture protection area or an amendment to an existing agriculture protection area. <u>Agriculture Protection Area</u>	\$500.00 plus actual costs ¹ .
	3.	Small Wireless Facility Fees	
		<u>SWF</u> Conditional Use Permit	\$100 per SWF on a utility pole in the same application (max. 25); \$50 per SWF on an Authority Pole in the same application (max. 25)
		<u>SWF</u> Site Plan Approval	\$100 per SWF on a utility pole in the same application (max. 25); \$50 per SWF on an Authority Pole in the same application (max. 25)
		New Structures	\$1,000 per pole
		Franchise Fee	Negotiated per Franchise Agreement, but shall not exceed \$250 per SWF per year

		<u>Notes:</u> ¹ Definition of "costs", as used in this section: Expenses paid on behalf of the applicant which may include postage, publication, etc. If <u>substantial amounts are outside consultant review is</u> necessary, a determination will be made to set up an out of pocket expense fund to pay for consultants for outside review. Applicant will be notified in the event such a fund becomes necessary due to the size and complexity of the project. ² In the event an applicant requests to be continued from an advertised agenda, the applicant will be required to pay the \$100.00 additional meeting fee, per item, for each new agenda the applicant is advertised on.	
	...		
F.	Engineering Department:		
	...		
	<u>3.</u>	<u>Other fees:</u>	
		Exception Applications	\$400
		Appeals to County Manager	\$100
		<u>Appeal (Appeals Hearing Officer)</u>	<u>\$1,500.00, plus costs</u>
G.	Building Inspection Department:		
	...		
	2.	Other inspections and fees:	
		Plan review fee	65% of building permit fee
		Investigation fee	Same as building permit fee (to be added to building permit fee)
		Inspections outside of normal business hours	\$47.00 per hour (min. of 2 hours) or actual cost, whichever is greatest
		Re-inspection fees	\$47.00 per hour or actual cost, whichever is greatest

		Inspections for which no fee is specifically indicated	\$47.00 per hour (min. of 1/2 hour) or actual cost, whichever is greatest
		Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour (min. of 1/2 hour) or actual cost, whichever is greatest
		<u>Appeal (Appeals Hearing Officer)</u>	<u>\$1,500, plus costs</u>

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401 **14.02.04: EXCAVATION, FILL, CONSTRUCTION, SWPPP, AND EROSION**
402 **CONTROL**

403 ...

404 P. Appeals of Stop Work Orders, Notices of Violation, and Civil Fines, ~~and~~ Permit Denials, and
405 Certain Road Widths: A responsible person may appeal a stop work order, a notice of violation, a
406 civil fine, or a permit denial. The recordation of notices of violation cannot be appealed, because
407 the notice of violation must instead be appealed prior to the notice of violation being recorded.

408 1. First Appeal: The notice of appeal shall be in writing and filed with the Wasatch County
409 Manager. It shall state: "Appeal", and shall include applicable fees, the name of the
410 appellant, a description of the property or project at issue, the stop work order, notice of
411 violation, fine, or permit denial that is being appealed, the basis for which the appellant
412 claims the engineering department has wrongfully or incorrectly applied the code, and shall
413 provide all supporting evidence and arguments the appellant has supporting their claim.
414 Upon receipt of an appeal, the Wasatch County Manager or his designee will conduct an
415 informal meeting with the appellant. The Wasatch County Manager or designee will
416 provide reasonable notice to appellant of this meeting. The Wasatch County Manager or
417 designee will make a final determination within two business days of the meeting, and will
418 send by certified mail a copy of the determination to appellant. If the applicant fully
419 prevails on the appeal, and the appeal final determination is not appealed, the applicant will
420 be returned their appeal fee.

421 a. Time. Appeals must be mailed or hand delivered to the County Manager's office
422 no later than ten calendar days after notice of the stop work order, notice of
423 violation, or permit denial was provided to the appellant in the manner provided
424 for herein, or upon actual receipt of the notice, whichever is first.

425 2. Second Appeal. The second notice of appeal must be mailed or hand delivered to the Wasatch
426 County Manager's office, along with applicable fees for an appeal before the ~~Board of~~
427 Adjustment Appeals Hearing Officer, within 10 days of the notice being mailed as required.
428 The ~~Board of Adjustment Appeals Hearing Officer~~ shall conduct a hearing in accordance
429 with the Administrative Code section of the Wasatch County Code. If the applicant fully
430 prevails on the appeal, and the ~~Board of Adjustment Appeals Hearing Officer~~ decision is
431 not appealed, the applicant will be returned their appeal fees.

432 3. Appeal of Requirement For Pavement Over 32 Feet or Appeal of Subdivision Improvement
433 Plans.

a. Appeals of Land Use Applications under the Wasatch County Land Use and Development Code in which the Engineering Department is serving on the DRC shall be conducted in accordance with WCC 2.02.02, without first appealing to County Manager.

b. Pursuant to UCA 17-27-507(2023, as amended), appeals of a municipal requirement for pavement in excess of 32 feet on a residential roadway may be appealed to a panel of qualified experts as provided in WCC 2.02.02, without first appealing to the County Manager.

~~b.c.~~ Pursuant to UCA 17-27a-604.2 (2023, as amended), a Subdivision Land Use Application (UCA 17-27a-604.2 (2023, as amended)), in which the county failed to respond to within 20 business days from the fourth or final review of a new revision in a complete review cycle, of subdivision improvement plans, the dispute or failure to respond may be appealed to a panel of qualified experts in accordance with WCC 2.02.02, without first appealing to the County Manager.

...

14.02.07: GENERAL ROAD DESIGN STANDARDS

Roads shall be designed at a minimum in accordance with AASHTO design criteria and per street cross sections shown in section 14.02.08 of this chapter. The roadway design standards shall be the same for publicly owned and all privately owned roadways. The standards shall be applicable to new developments in Wasatch County:

...

N. Exceptions. Exceptions to the requirements of Sections 14.02.04 - 14.02.13 may be approved, denied, and appealed as follows:

...

1. Appeals to the ~~Board of Adjustment~~ Appeals Hearing Officer. The applicant or adversely affected party may appeal the approval or denial of the exception application by alleging that there is an error in any order, requirement, decision or determination made by the engineering coordinator. Appeals shall be filed in the office of the County Manager within ten (10) days of the date the engineering coordinator issues the administrative decision. The person or entity making the appeal has the burden of proving that an error has been made by the engineering coordinator. The application for appeal shall include an application fee ~~in the same amount as required for an appeal to the board of adjustment applications as listed in the fee table~~. The appeal shall meet the requirements of, and shall be conducted in accordance with Section 2.02.02.

2. Appeals to the District Court. An exception applicant or adversely affected party may file a petition for review of the decision of the Board of Adjustment with the district court within 30 days after the decision of the Board of Adjustment is issued.

~~2.3.~~ Appeals of final decisions applying the standards governed under this subsection are made pursuant to WCC 14.02.04, except for exception applications.

...

474 **14.02.10: APPENDIX B TO TITLE 14; DRIVEWAYS AND ENCROACHMENTS;**
475 **REQUIREMENTS AND SPECIFICATIONS**

476 ...

- 477 B. Notification Of Potential Condemnation Right Of Way Required: Except as otherwise provided in
478 subsection B1 of this section, no building or structure shall be erected, reconstructed, structurally
479 altered or enlarged, and no encroachment permit shall be issued therefor on any lot or parcel of
480 land which abuts a county road or other public street which does not conform to current county
481 width standards, unless the portion of such lot or parcel within the standard right of way width
482 has been dedicated to the county or the developer or applicant has been dedicated to the county or
483 the developer or applicant has been notified and has acknowledged that such portion may be
484 condemned for public use at some future time.

485 ...

486 5. Appeal Of Notice, Acknowledgement Of Dedications Provisions:

- 487 a. Any person may appeal any determination in connection with the administration,
488 enforcement and other provisions of this section as set forth below ~~to the Wasatch~~
489 ~~County board of adjustment~~ Appeals Hearing pursuant to the appeals section of
490 WCC 14.02.04.
- 491 b. The ~~board of adjustment~~ Appeals Hearing Officer may make modifications in the
492 requirements of this section only if the applicant proves it is necessary to prevent
493 undue hardship or an unreasonable burden under the facts of each individual case.
494 However, no such modification shall be granted less it is in conformity with the
495 spirit and intent of this section. The application shall be made utilizing the same
496 procedures and paying the same fees as required for an exception application under
497 WCC 2.02.02, except that the standards of this subsection shall apply.

498 ...

499 **16.01.05: AUTHORITY PROVISIONS**

500 It is hereby declared to be within the authority of Wasatch County to approve the subdivision and
501 development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to
502 the general plan, approve and enter into development agreements for the development of land, and approval
503 of site plans pursuant to the guidance of the Wasatch County general plan and land use code, for the orderly,
504 planned, efficient and economic development of Wasatch County. Unless otherwise designated, the
505 Wasatch County legislative body shall be the Land Use Authority for all development applications except
506 for those deferred below. Where a single project requires multiple applications, an applicant may request
507 or the County may require that the project be considered concurrently by a single land use authority or
508 legislative body for the application, in the following order of priority: Wasatch County Council, Planning
509 Commission, Administrative Land Use Committee, Administrative Staff. Non-legislative actions may
510 be deferred as follows unless the Planning Director and applicant agree that the Wasatch County Council
511 should serve as the land use authority due to compelling, countervailing public interest, or due to a proposed
512 land use regulation being considered in conjunction with the land use application:

513 A. The Planning Commission shall be the Land Use Authority for:

- 514 1. Conditional Use Permits not listed in Section 16.01.05(B), or when opposition has been
515 received within 10 days after noticing requirements under applicable law, including
516 Wasatch Code 16.23.05, have been met.

~~2.1. The following minor plat amendments:~~

- ~~a. Combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation;~~
- ~~b. a. Modification of plat title, notes, or labels so long as they were not placed on the plat due to findings or conditions adopted by the Wasatch County legislative body;~~
- ~~c. a. Plat Amendments applied for and signed by all property owners in the original subdivision and that do not increase density or significantly affect the layout of infrastructure, open space, or common areas; or~~
- ~~d. a. Changes to a building envelope consistent with Wasatch County Code.~~

3.2. Preliminary Subdivisions where the application is only for single-family dwellings, two-family dwellings, or townhomes and the project is not in the Geologic Hazards Overlay Zone. At the discretion of the Planning Director, subdivisions that also include minimal utility uses or minimal commonly owned improvements such as road improvements, or trails uses may be considered by the Planning Commission.

4.3. Final Subdivisions and Site Plans, except as defined in subsection C below.

5.4. Telecommunication facilities.

6.5. Conservation fee-in-lieu.

7.6. Condominium Plat Approval.

8.7. Small wireless facilities located in the JSPA or North Village Overlay Zone (NVOZ)

- B. Administrative staff are authorized to approve the following applications as the Land Use Authority on behalf of the Planning Commission for the following items, unless a public hearing is required or if the Planning Director determines the item should be taken to the Planning Commission to serve as the land use authority or if opposition has been received within 10 days after noticing requirements under applicable law have been met:

1. The following Conditional Use Permits if no opposition has been received after noticing requirements under applicable law have been met:

- a. Cell towers or other communication facilities if the applications are for stealth or collocation only.
- b. Utility buildings and structures.
- c. Utility lines in any zone that do not exceed thirty six (36) kV, are less than forty nine feet (49') in height from finished grade and consist of no more than 3 new poles (not replacement).
- d. Bed and breakfast uses if the application is for five (5) bedrooms or less and there will be no food service to anyone other than overnight guests.
- e. Kennels, catteries, or animal hospitals.
- f. Accessory buildings pursuant to 16.21.08.
- g. Free standing solar panel structures ~~over 300 square feet (in the aggregate).~~
- h. Retaining Walls (between 10' to 30' in height) ~~or longer than 200 and less than 800 feet in length.~~

- 558 i. Accessory Dwelling Units (ADUs) pursuant to 16.21.46
- 559 j. Small wireless facilities, ~~unless except when located in a the JSPA or NVOZ zone~~
- 560 ~~identified by 16.01.05(A)(8) or 16.21.47(C)(2)~~
- 561 k. Yurts on private property.
- 562 ~~2. Home Occupation permits.~~
- 563 ~~3. Retaining Walls (4' to 10').~~
- 564 ~~4. Commercial off-street parking reduction.~~
- 565 ~~5. Commercial Site Plan.~~
- 566 ~~6.2.~~ Small Scale Subdivisions.
- 567 ~~7.3.~~ Temporary ~~Uses~~ Use Permits.
- 568 ~~8.4.~~ Building Relocations.
- 569 ~~9.5.~~ Non-conforming use determinations.
- 570 ~~10.6.~~ Boundary Line Adjustments.
- 571 C. The Administrative Land Use Committee (ALUC) shall serve as land use authority for:
- 572 1. The following minor plat amendments:
- 573 a. Combining two or more lots, all of which are owned by the same owner, and
- 574 none of which have been dedicated for public use, common use, or a similar
- 575 designation;
- 576 b. Modification of plat title, notes, or labels so long as they were not placed on the
- 577 plat due to findings or conditions adopted by the Wasatch County legislative
- 578 body;
- 579 c. Plat Amendments applied for and signed by all property owners in the original
- 580 subdivision and that do not increase density or significantly affect the layout of
- 581 infrastructure, open space, or common areas; or
- 582 d. Changes to a building envelope consistent with Wasatch County Code.
- 583 2. Final subdivisions if the application is only for single-family dwellings, two-family
- 584 dwellings, or townhomes and the project is not in the Geologic Hazards Overlay Zone. At
- 585 the discretion of the Planning Director, final applications that also include minimal utility
- 586 uses or minimal commonly owned improvements such as road improvements or trails
- 587 may be considered by the ALUC. At the request of the applicant, the Planning
- 588 Commission may instead serve as the land use authority, in which case the authority
- 589 provisions in subsection A above shall apply. The land use authority for Final subdivision
- 590 applications in the JSPA, regardless of product type, shall be the JSPA PC.
- 591 D. The planning director, or their designee, administers the Wasatch County Land Use and
- 592 Development Code and associated State of Utah County Land Use and Development Management
- 593 Act (CLUDMA). The planning director is authorized to interpret the code, create and implement
- 594 applications, processes, expire approvals and applications, and make policies and procedures, all
- 595 in accordance with applicable law. Except in cases where more specific rules apply, administrative
- 596 and procedural decisions of the planning director or their designee are considered approved or
- 597 denied at the same time the application is approved or denied by the applicable land use authority.
- 598 The planning director is authorized to note in a written decision the manner in which their decision

is to be appealed in cases where the process for an approval or denial is not clear, or due to extraordinary circumstances in the planning director's discretion.

16.01.14: ENFORCEMENT ACTIONS

I. Appeals To Board Of Adjustment Appeals Hearing Officer Of Civil Fines Under This Section 16.01.14 Of This Title:

1. Any person receiving a civil fine pursuant to this section 16.01.14 of this title may appeal the citation to the board of adjustment Appeals Hearing Officer. No action of the board appeals hearing officer shall relieve the responsible person from complying with any of the provisions of this title.

~~The burden to prove any defense specified in E3 of this section shall be upon the person raising such defense.~~

2. Defenses: The burden to prove any defense shall be upon the person raising such defense. Only the following defenses may be raised on appeal:

a. The person charged is not the responsible person.

b. The condition described as a zoning violation is not a zoning violation.

c. The method required to correct the zoning violation is inappropriate or not the most cost effective method of effectively correcting or abating the zoning violation.

d. The time period given to correct the zoning violation is unreasonable.

e. The enforcement officer refused to approve a corrective action that met the requirements of the notice of zoning violation, voluntary correction agreement or county ordinances.

f. The requirements imposed violate the responsible person's constitutional rights.

g. Compliance would cause the responsible person to violate the law.

h. Compliance would cause an imminent and irreparable injury to persons or property.

3. Appeal Of Civil Fines Issued Pursuant To Voluntary Correction Agreement: Having waived such defenses, a responsible person who violates a voluntary correction agreement may not raise a defense asserting that a zoning violation does not exist and the specific corrective action required by the voluntary correction agreement is inappropriate.

4. Exception To The Automatic Stay: If the appellant has not shown due diligence and/or substantial progress in abating the zoning violation, or has made no attempt to correct the zoning violation, the filing of an appeal will not stop the accrual of fines. The filing of an appeal will not prevent the enforcement officer from responding to the property on reports of new zoning violations.

5. Site Visits: The board of adjustment appeals hearing officer may, with or without the parties present, visit the site of the alleged zoning violation. If one party is allowed to be present at the site visit, the other party must also be invited and allowed to be present.

6. ~~Authority Of Board Of Adjustment~~Appeals Hearing Officer: The ~~board of adjustment~~appeals hearing officer shall have the authority to affirm, vacate or modify the corrective action. If the appellant fails to attend the hearing, the ~~board~~hearing officer shall affirm the enforcement officer's decision. The ~~board~~hearing officer shall not vacate any decision of the enforcement officer unless it finds that the county has not met its burden of proof. The ~~board~~hearing officer may modify the decision of the enforcement officer's corrective action if it finds that a zoning violation exists, but that one or more of the requirements are improper or inappropriate. A requirement is improper if it is contrary to this title. A requirement is inappropriate if the ~~board~~hearing officer finds that there are better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement, the ~~board~~hearing officer shall also consider:

- a. Whether the appellant responded to the enforcement officer's attempts to contact him/her and cooperated with efforts to correct the violation;
- b. Whether the appellant has shown due diligence and/or substantial progress in correcting or abating the zoning violation;
- c. The financial ability of the appellant and the amount, if any, that the appellant has benefited financially by maintaining the zoning violation; and
- d. Any other relevant factor.

7. Factors In Determining The Appropriate Fine Amount: In determining the appropriateness of a monetary fine, the ~~board~~hearing officer shall consider the following factors:

- a. The responsible person's financial circumstances;
- b. The responsible person's physical ability to correct the zoning violation; and
- c. The responsible person's mental ability to comprehend the scope of the zoning violation and mental ability to abate the zoning violation.

8. Payment Of Fine: The ~~board of adjustment~~appeals hearing officer may, in the interest of justice and on behalf of the county, enter into an agreement for the timely or periodic payment of the applicable civil fine.

...

16.02.08: VARIANCE PROCEDURE

The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title that create unreasonable hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this title, the variance procedure is inappropriate.

A. Applications: Applications for variance from the Land Use and Development Code shall be filed with the planning office. Applications shall contain the following information:

1. A description of the requested variance, together with a designation of that section of the ~~Wasatch County Land Use and Development Code~~ from which relief is being requested;
2. A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unreasonable hardship;

- 679 3. A statement of the minimum variation of the provisions of this title that would be necessary
680 to permit the proposed use, construction, or development;
- 681 4.4. An explanation of how the applicant believes the request satisfies each standard set forth
682 in subsection E of this section;
- 683 2.5. An accurate ~~plot-site~~ plan and architectural plans, if appropriate, indicating the manner in
684 which the variance will be applied and its effect upon adjacent properties; and
- 685 3.6. A filing fee as established by ordinance.
- 686 B. Public Hearing: Upon receipt of a complete application as determined by the planning department,
687 a public hearing shall be set with the ~~board of adjustment~~Appeals Hearing Officer ~~for the next~~
688 ~~available meeting date.~~
- 689 C. Burden Of Proof: The applicant for a variance shall bear the burden of proving that all of the
690 foregoing conditions are satisfied as determined by the planning department.
- 691 D. Findings Required: The ~~board of adjustment~~Appeals Hearing Officer may authorize variances from
692 the requirements of this title, only when those variances serve the public interest, and are consistent
693 with state law. If the required findings cannot be made, the request shall be denied. In addition, the
694 board of adjustment may not grant use variances.
- 695 E. Requirements For Granting Variance: The ~~board of adjustment~~Appeals Hearing Officer may grant
696 a variance only if all of the following conditions are met:
- 697 1. Literal enforcement of this title would cause an unreasonable hardship for the applicant
698 that is not necessary to carry out the general purpose of this title;
- 699 2. There are special circumstances attached to the property that do not generally apply to other
700 properties in the same districts;
- 701 3. Granting the variance is essential to the enjoyment of a substantial property right possessed
702 by other property in the same district;
- 703 4. The variance will not substantially affect the general plan and will not be contrary to the
704 public interest; and
- 705 5. The spirit of this title is observed and substantial justice done.
- 706 F. Unreasonable Hardship: In determining whether or not enforcement of this title would cause
707 unreasonable hardship under subsection E1 of this section, the ~~board of adjustment~~Appeals Hearing
708 Officer may not find an unreasonable hardship unless the alleged hardship:
- 709 1. Is located on or associated with the property for which the variance is sought; and
- 710 2. Comes from circumstances peculiar to the property, not from conditions that are general to
711 the neighborhood.
- 712 a. In determining whether or not enforcement of this title would cause unreasonable
713 hardship under subsection E1 of this section, the ~~board of adjustment~~Appeals
714 Hearing Officer may not find an unreasonable hardship if the hardship is self-
715 imposed or economic.
- 716 b. In determining whether or not there are special circumstances attached to the
717 property under subsection E1 of this section, the ~~board of adjustment~~Appeals
718 Hearing Officer may find that special circumstances exist only if the special
719 circumstances:
- 720 (1) Relate to the hardship complained of; and

(2) Deprive the property of privileges granted to other properties in the same district.

~~G. Meeting Conditions: The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~

~~H.G. Variance Applicability: Variances run with the land.~~

~~I.H. Use Variance: The ~~board of adjustment~~ Appeals Hearing Officer and any other body may not grant use variances.~~

~~J.I. Additional Requirements: In granting a variance, the ~~board of adjustment~~ Appeals Hearing Officer may impose additional requirements or conditions on the applicant that will:~~

1. Mitigate any harmful effects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified.

16.02.07: BOUNDARY LOT LINE ADJUSTMENTS

~~A. No lot line adjustment, boundary line agreement, parcel line adjustment, or other similar method of adjusting common lot lines between lots or parcels of land shall be made in a manner that violates any applicable land use ordinance including, but not limited to, procedure for approval, dimensional standards, access requirements, etc. Any illegally modified parcel, or portion thereof, may not be developed until the infraction is corrected in a manner that conforms with current county ordinances.~~

~~A-B. Application: An application must be completed and the application fees paid. A complete application may be required to include a draft copy of the proposed plat as adjusted by the proposed ~~boundary lot~~ line adjustment. A determination of whether a new plat will be required will be made by the county recorder, depending upon the adjustments to be made to the property.~~

~~B-C. Processing: The planning staff shall review the application in accordance with Utah state statute. If complete, the ~~boundary lot~~ line adjustment may be processed.~~

16.02.09: APPEALS PROCEDURE RESERVED

~~Appeals of administrative decisions shall be made as follows:~~

~~A. Standing To Appeal: Any person or entity (including a county department or elected official) affected by an administrative decision applying this title, or a decision by the planning commission in which it is acting as the land use authority, may appeal that decision to the board of adjustment by alleging that there is an error in any order, requirement, decision or determination by an official.~~

~~B. Appeal Forum: Appeals from decisions of the Wasatch County council shall be directly to the district court in accordance with this section and state law procedures. All other appeals, including decisions by the planning commission in which it is acting as the land use authority, shall be to the board of adjustment in accordance with this section.~~

~~C. Deadline For Filing: A notice of appeal before the board of adjustment and all supporting documents shall be filed within thirty (30) calendar days of decision or action taken by the official. If the thirtieth day falls on a Saturday, Sunday or legal holiday, the next business day shall be treated as the thirtieth calendar day. The notice of appeal to the board of adjustment shall be filed~~

with the planning department. An appeal to district court of a decision of the board of adjustment or county council shall be filed within thirty (30) calendar days in accordance with Utah law after the decision is voted upon during the board of adjustment or county council meeting.

~~D. Contents: Notice of appeals shall state the administrative order, requirement, decision or determination from which the person or entity appeals, and shall specify the grounds for the appeal and circumstances related thereto. Any filings shall include copies of any documentary evidence or written arguments intended to be presented to the board of adjustment. A written appeal failing to specify grounds of appeal may be summarily dismissed by the board of adjustment, with or without prejudice. The brief should address all issues to be brought before the board of adjustment. Any new issues not addressed in the brief that are put forth at the hearing, shall be grounds to continue the matter to allow for adequate time to respond to the new issues.~~

~~E.A. Appeals To Board Of Adjustment Of Civil Fines Under Section 16.01.14 Of This Title:~~

~~1. Any person receiving a civil fine pursuant to section 16.01.14 of this title may appeal the citation to the board of adjustment. No action of the board shall relieve the responsible person from complying with any of the provisions of this title.~~

~~2.1. The burden to prove any defense specified in E3 of this section shall be upon the person raising such defense.~~

~~3.1. Defenses: Only the following defenses may be raised on appeal:~~

~~a. The person charged is not the responsible person.~~

~~b.a. The condition described as a zoning violation is not a zoning violation.~~

~~c.a. The method required to correct the zoning violation is inappropriate or not the most cost effective method of effectively correcting or abating the zoning violation.~~

~~d.a. The time period given to correct the zoning violation is unreasonable.~~

~~e.a. The enforcement officer refused to approve a corrective action that met the requirements of the notice of zoning violation, voluntary correction agreement or county ordinances.~~

~~f.a. The requirements imposed violate the responsible person's constitutional rights.~~

~~g.a. Compliance would cause the responsible person to violate the law.~~

~~h.a. Compliance would cause an imminent and irreparable injury to persons or property.~~

~~4.1. Appeal Of Civil Fines Issued Pursuant To Voluntary Correction Agreement: Having waived such defenses, a responsible person who violates a voluntary correction agreement may not raise a defense asserting that a zoning violation does not exist and the specific corrective action required by the voluntary correction agreement is inappropriate.~~

~~5.1. Exception To The Automatic Stay: If the appellant has not shown due diligence and/or substantial progress in abating the zoning violation, or has made no attempt to correct the zoning violation, the filing of an appeal will not stop the accrual of fines. The filing of an appeal will not prevent the enforcement officer from responding to the property on reports of new zoning violations.~~

~~6.1. Site Visits: The board of adjustment may, with or without the parties present, visit the site of the alleged zoning violation. If one party is allowed to be present at the site visit, the other party must also be present.~~

~~7.1. Authority Of Board Of Adjustment: The board of adjustment shall have the authority to affirm, vacate or modify the corrective action. If the appellant fails to attend the hearing, the board shall affirm the enforcement officer's decision. The board shall not vacate any decision of the enforcement officer unless it finds that the county has not met its burden of proof. The board may modify the decision of the enforcement officer's corrective action if it finds that a zoning violation exists, but that one or more of the requirements are improper or inappropriate. A requirement is improper if it is contrary to this title. A requirement is inappropriate if the board finds that there are better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement, the board shall also consider:~~

~~a. Whether the appellant responded to the enforcement officer's attempts to contact him/her and cooperated with efforts to correct the violation;~~

~~b.a. Whether the appellant has shown due diligence and/or substantial progress in correcting or abating the zoning violation;~~

~~c.a. The financial ability of the appellant and the amount, if any, that the appellant has benefited financially by maintaining the zoning violation; and~~

~~d.a. Any other relevant factor.~~

~~8.1. Factors In Determining The Appropriate Fine Amount: In determining the appropriateness of a monetary fine, the board shall consider the following factors:~~

~~a. The responsible person's financial circumstances;~~

~~b.a. The responsible person's physical ability to correct the zoning violation; and~~

~~c.a. The responsible person's mental ability to comprehend the scope of the zoning violation and mental ability to abate the zoning violation.~~

~~9.1. Payment Of Fine: The board of adjustment may, in the interest of justice and on behalf of the county, enter into an agreement for the timely or periodic payment of the applicable civil fine.~~

~~F. Determination Of Hearing Date: Within five (5) business days of receipt of a notice of appeal, or as soon as is reasonably possible to find a time a quorum can meet, the applicant will be informed of a date for the hearing before the board of adjustment, which shall be no sooner than thirty (30) days thereafter, and no later than seventy five (75) days thereafter, unless waived by the applicant and the enforcement officer.~~

~~G. Record Sent To Board Of Adjustment: The official responsible for the administrative decision being appealed shall refer to the board of adjustment all papers constituting the record upon which the action appealed from was taken, at least seven (7) days prior to the hearing.~~

~~H. Appeal Stays Action: An appeal stays all proceedings unless the planning department certifies to the board of adjustment that a stay would cause imminent peril to life or property, or irreparable harm.~~

~~I. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.~~

~~J. Actions Of Board Of Adjustment: In exercising its powers, the board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made.~~

~~K. Jurisdiction: The board of adjustment only has jurisdiction over matters involving the interpretation of the provisions of this title by a county official (other than a member of the legislative body) or the planning commission when it is acting as the land use authority. The planning director shall make the determination as to whether or not the board of adjustment has jurisdiction over the matter being appealed to the board of adjustment. The planning director's decision as to the board of adjustment's jurisdiction may be appealed in accordance with subsection C of this section. In such a case, the appeal shall be forwarded directly to the board of adjustment without determination by the planning director of jurisdiction. The Board of Adjustment does not have jurisdiction to hear refusals or denials of requests or demands that the enforcement officer initiate or advance enforcement actions.~~

...

16.02.12: CONCEPTUAL CONNECTIVITY AND ADOPTION OF LOCAL STREET PLAN

The legislative body, after recommendation from the Wasatch County planning commission, shall adopt and maintain a local street plan, which will provide long range planning for local neighborhood streets. This process is intended to ensure that property within a given area can be adequately developed and serviced. Upon recommendation by the planning commission, the local street plan shall be submitted to the legislative body for consideration and potential adoption.

A. In order to facilitate considerations related to a local street plan, the land developer shall be required to submit a Conceptual Connectivity Plan with all land use applications for development, vacation, or amendment to those development types listed in Section 16.27.04. Elements of this Conceptual Connectivity Plan shall show the ~~proposed-potential~~ street layout both on- and off-off-site, potential lots and other features both on- and off-site, including existing grades, utilities and watercourses ~~in relation to all existing, potential,~~ and all master planned streets within one-fourth (1/4) mile of the development. The plan shall be prepared at a scale of not smaller than one inch equals four hundred feet (1" = 400').

1. The Conceptual Connectivity Plan is required for the purpose of demonstrating that the proposed development will not cause detriment to the integrated development of the overall area and that adjacent properties have viable access and opportunity to comply with both the lot and the block standards of this title. The Conceptual Connectivity Plan shall be considered and approved with the respective land use application. If proposed street stubs are anticipated to inhibit the establishment of adequate block standards, or if the proposal creates constraints on the opportunities of adjoining property owners from providing integrated developments, the County may require roads within the proposed development to be adjusted.

2. The Conceptual Connectivity Plan shall not be binding upon the properties included in the plan that are not the subject of the land use application. However, should the ~~legislative body/land use authority~~ determine that a specific street layout plan is crucial to ensuring the integrated development of an area, the plan will be forwarded to the legislative body who may determine to amend or adopt the local street plan as defined in this section.

~~B. Upon recommendation by the planning commission, the local street plan shall be submitted to the legislative body for consideration and potential adoption.~~

...

16.04.01: PURPOSE

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the building code shall be construed as defined therein. Words which are not included herein or in the building code shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning. Definitions of words applicable particularly to certain chapters may be included in those chapters. All terms used in this title which are not specifically defined herein are to be given their usual and standard definition. ~~Disputes as to the definition of a term not specifically defined herein shall be referred to the board of adjustment for resolution.~~

16.04.02: DEFINITIONS OF TERMS AND WORDS

~~ACCESSORY RESIDENTIAL UNIT: A secondary dwelling unit attached to the existing single-family dwelling with accessibility between the unit and main dwelling.~~

~~BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated, and the use of which must be consistent with the permitted uses of the zone district in which it is located. In a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.~~

~~BUILDING ENVELOPE (BUILDABLE AREA): That part of a parcel of land where the construction of buildings and structures can be located typically formed by the required yards or setbacks or otherwise defined by subdivision plat or a physical constraints inventory of a property.~~

~~COMPLETION DATE: The date by which a responsible person must abate or correct a zoning violation. The completion date is set by the enforcement officer in a notice of zoning violation, by a voluntary correction agreement, by a criminal citation, or by the board of adjustment.~~ Appeals Hearing Officer or judge in a decision, ruling or order.

~~DUPLEX: A Two-Family Dwelling.~~

DWELLING: A building designed or used for residential occupancy, including one-family, two-family, multi-family and apartment structure; but shall not include boarding, rooming or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

927 DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one lot containing
928 separate living units for three (3) or more families having separate or joint entrances.

929 DWELLING, PRIMARY: A detached single family dwelling and occupied as the primary
930 residence of the owner of record.

931 DWELLING, SINGLE-FAMILY ATTACHED: A dwelling sharing a common wall or walls,
932 but each unit being located on an individual lot including twin-homes and townhomes. To
933 be an attached unit, the dwelling units must share a common wall this is materially
934 structurally necessary to each of the dwelling units.

935 DWELLING, SINGLE-FAMILY DETACHED: A ~~building~~ dwelling unit designed for and
936 occupied exclusively by one family on a separate lot and not sharing any common wall.
937 Unless context requires otherwise, a single family dwelling is assumed to be detached
938 and is therefore required to be physically detached from any other dwelling units, and is
939 on a separate lot.

940 DWELLING, TWO-FAMILY (DUPLEX): A building containing Ttwo (2) dwelling units
941 sharing a common wall or walls and located on one lot.

942 DWELLING UNIT: A single unit providing complete, independent living facilities for one or
943 more persons, including provisions for living, sleeping, eating, cooking and sanitation.

944 ...

945 INTERNAL ACCESSORY DWELLING UNIT (IADU): means an accessory ~~residential~~
946 dwelling unit created:

947 (i) within a primary dwelling;

948 (ii) within the footprint of the primary dwelling at the time the internal accessory ~~residential~~
949 dwelling unit is created; and

950 ~~(iii) with an internal connection between the IADU and the main primary dwelling; and~~

951 ~~(iviii)~~ (iii) is for the purpose of providing a long-term residential occupancy of 30 consecutive
952 days or longer. In addition, for purposes of IADU's only, a primary dwelling is defined as
953 a single family detached dwelling that is taxed as a primary residence, and is occupied by
954 the owner of record.

955 ...

956 SINGLE FAMILY DWELLING: A dwelling, single family detached, as defined herein.

957 ...

958 TWO-FAMILY DWELLING: A dwelling, two- family, as defined herein.

959 TOWNHOME: A single-family dwelling unit constructed in a group of three or more
960 attached units in which each unit extends from foundation to roof and with a yard or

public way on not less than two sides. To be an attached unit, the dwelling units must share a common wall that is materially structurally necessary to each of the dwelling units.

VARIANCE: A variation of, or deviation from, the regulations or standards adopted by ordinance, which the ~~board of adjustment~~ Appeals Hearing Officer is permitted to grant.

16.05.07: LOT AREA PER DWELLING

Not more than one single-family dwelling may be placed upon a lot or parcel of land in the preservation zone (P-160). ~~If a conditional use is obtained, a~~ Notwithstanding, an accessory ~~residential unit, guest unit or caretaker accessory~~ dwelling unit (ADU) may be permitted if in accordance with section 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

16.06.07: LOT AREA PER DWELLING

Not more than one single-family dwelling may be placed upon a lot or parcel of land in the agricultural zone (A-20), ~~unless a conditional use has been obtained for~~ Notwithstanding, an accessory ~~residential unit or caretaker accessory~~ dwelling unit (ADU), ~~as accessory uses. If a conditional use is obtained, an accessory~~ residential unit, guest unit or caretaker accessory dwelling unit (ADU) may be permitted if in accordance with section 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

16.07.07: LOT AREA PER DWELLING

Not more than one single-family dwelling may be placed upon a lot or parcel of land in the residential-agricultural zone (RA-1). ~~If a conditional use is obtained,~~ Notwithstanding, an accessory dwelling unit, ~~guest unit or caretaker accessory dwelling unit (ADU) may be permitted if~~ in accordance with section 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

16.08.07: LOT AREA PER DWELLING

Not more than one single-family dwelling or other principal use may be placed upon a lot or parcel of land in the residential-agricultural zone (RA-1). ~~If a conditional use is obtained,~~ Notwithstanding an accessory ~~residential unit, guest unit or caretaker accessory~~ dwelling unit (ADU) may be permitted if in accordance with section 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

16.09.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the mountain zone (M) only after a conditional use permit has been approved, and subject to the terms and conditions thereof.

CONDITIONAL USES IN THE MOUNTAIN ZONE (M)

Use Number	Use Classification
1519	Group transient lodging

1903	Accessory residential unit
<u>1905</u>	<u>Caretaker ADU</u>
1907	Guest ADU
4712	Telephone relay towers, microwave or other
4810	Electric utility (except 4813)
4824	Gas pressure control stations
4832	Water treatment plants
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations, NEC
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
6911	Churches, synagogues, temples, and missions

994 ...

995 **16.09.08: LOT AREA PER DWELLING**

996 Not more than one single-family dwelling may be placed upon a lot created under this chapter or parcel of
997 land in the mountain zone (M). ~~If a conditional use is obtained,~~ Notwithstanding, an accessory ~~residential~~
998 ~~unit, guest unit or caretaker accessory~~ dwelling unit (ADU) may be permitted if in accordance with section
999 16.21.46 of this title ~~may be built within the main structure or detached from the main structure.~~

1000 ...

1001 **Chapter 16.17: GEOLOGIC HAZARDS OVERLAY ZONE (GHOZ)**

1002 ...

1003 **16.17.09: REVIEW AND APPROVAL PROCEDURE**

1004 A. In order to fulfill the purposes of this chapter, county planning staff shall review any proposed
1005 subdivision or development which requires preparation of a geologic hazard report under this

chapter to determine the possible risks to the safety of persons or property from geologic hazards.

~~Appeals are to be entertained by the Wasatch County board of adjustment.~~

...

16.17.10: DISPUTE RESOLUTION PROCEDURES

...

- C. Any decision of the county may be appealed to the ~~board of adjustment~~ Appeals Hearing Officer pursuant to the appeal procedures set forth by county ordinance.

...

16.21.46: INTERNAL ACCESSORY DWELLING UNITS (IADU), CARETAKER ACCESSORY DWELLING UNITS, AND, GUEST UNITS

...

- B. General Definitions of Accessory Unit Types: These 16.21.46(B) definitions are in addition to the 16.04.~~042~~ definitions to aid in quick interpretation of this section. In the event this 16.21.46 definition conflicts with 16.04.~~042~~, 16.04.~~042~~ controls.

1. Caretaker accessory dwelling units (caretaker ADU's) are separate residential living quarters that may be attached or detached to the main dwelling unit, and located on the same lot as the main dwelling unit. The Caretaker dwelling must be for the purpose of housing an immediate family member or employee for the purpose of providing a caretaker for larger acreage properties with caretaker needs, which are managing or working on the subject property. Employment on the property shall be for a use that is legally recognized and approved by county zoning ordinance or official county approval, and is limited to farming or ranching operations, property maintenance, or security.
2. Guest ADU's are attached or detached dwellings used on a part time basis not intended to be permanent residents for guests of the main dwelling and not short or long term rentals, and is only for housing temporary guests of the primary occupant of the main residence. Guest ADU's are only allowed if they do not alter the character of the neighborhood or create unreasonable impacts to the county.
3. Internal Accessory Dwelling Units (IADU's) are units that are secondary units for housing of one additional family within the primary dwelling under the common roofline or in the basement that are deed restricted so they will not become short term rental units, ~~and in the case of lots of record, that there will be no further subdivision of the subject property.~~

- C. Internal Accessory Dwelling Units (IADU's) IADUs are only allowed in compliance with the following restrictions:

1. The application must demonstrate the proposed IADU will meet all the elements in the definition of an IADU.

- ~~1.2. IADUs shall only be permitted on~~ The lots ~~must be~~ larger than 6,000 square feet. Mobile homes are not allowed to have an IADU.

1045 ~~2.3.~~ IADUs must be within the footprint of the primary dwelling, and must share common
1046 walls. Common walls and roof lines do not include covered or enclosed walkways.

1047 ~~4.~~ IADUs are ~~N~~not allowed on any parcel or in any subdivision that is considered non-
1048 conforming for any reason or lots that are considered non-conforming lots of record,
1049 unless the nonconforming parcel or lot of record has acreage 50% greater than that
1050 required by the underlying zone, is greater than 5 acres, and a deed restriction is placed
1051 on the property that precludes further subdivision of the subject property.

1052 ~~3.5.~~ No separate meters are allowed for utilities including water, sewer, gas and power.
1053 Required utilities (water, sewer, power, gas) shall be connected through the same
1054 connections and hookups as the main dwelling unit.

1055 ~~4.6.~~ If connected to an on-site septic system, special conditions may be imposed by the
1056 Wasatch County Health department to protect the surface water and groundwater quality
1057 from increased degradation above that of a single residence on the property. This may
1058 include the use of an alternative on site system for nitrogen reduction, compliance with
1059 R317-4-4.2 method 1 for determining lot size, or other property specific requirements.
1060 The Health department may also determine to not approve the additional load on the
1061 septic system, in which case the application shall be denied.

1062 ~~5.7.~~ The same address and driveway used for the main dwelling must be used for the IADU.

1063 ~~6.8.~~ There must be at least one off-street parking stall provided in addition to the required
1064 parking for the main dwelling.

1065 ~~7.9.~~ A building permit issued by Wasatch County is required for any IADU. The IADU must
1066 fit in with the neighborhood aesthetically, and the primary dwelling must appear to be a
1067 single family detached dwelling. Impacts, if any, should not detract from the residential
1068 nature of the neighborhood.

1069 ~~8.10.~~ A Guest ADU may be converted into an IADU, if it conforms to this section, but
1070 an IADU may not also be placed in a primary dwelling which has a Guest ADU.

1071 ~~1. An IADU shall not be allowed on any parcel that is considered non-conforming~~
1072 ~~in any way even on lots that are considered lots of record, unless the nonconforming~~
1073 ~~parcel or lot of record has acreage 50% greater than that required by the underlying zone,~~
1074 ~~and is greater than 5 acres.~~

1075 ~~9.11.~~ The IADU shall not be rented for less than 30 consecutive days.

1076 ~~10.12.~~ A business license shall be obtained by the primary owner of the property, unless
1077 they sign a legal declaration which states they are not renting the IADU, and will obtain a
1078 business license if they do start renting the IADU.

1079 ~~11.13.~~ A deed restriction shall be filed by the applicant on a form provided by the
1080 county that prohibits the sale, condominiumization, subdivision, or separation of the
1081 IADU as a separate parcel of property (an illegal subdivision of property). It shall state
1082 the IADU will not be rented for periods of less than 30 consecutive days. It shall state
1083 that the owner is required to maintain a business license at any time the IADU is rented.
1084 The applicant must provide the recorded deed restriction on a form provided by the
1085 County to the planning department prior to occupancy being granted.

1086 ...

1087 **16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS**

1088 Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other
1089 applicable dimensional requirements of the zone where the lot is located. Before a building permit may be
1090 issued, nonconforming lots of record shall have access on a road built to county standards and shall comply
1091 with all other land use, zoning and development standards applicable to the particular zone the
1092 nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee
1093 a building permit.

- 1094 A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally
1095 established on or before July 28, 1972, then the owner may continue the then existing use of such
1096 building and may expand the building in any way that does not increase the degree of
1097 nonconformity. This provision does not establish the parcel as a lot of record.

1098 ...

- 1099 B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming
1100 lots of record may be granted a building right for a single family dwelling, accessory ~~residential~~
1101 dwelling units only if allowed in section 16.21.46, and accessory uses as outlined in the underlying
1102 zone. So long as all other standards applicable to that use are complied with and so long as the use
1103 is permitted in the zone, nonconforming lots of record may also be permitted utility uses under use
1104 code 4800 and agricultural uses under use code 8000. The uses outlined in this paragraph and no
1105 others are granted for nonconforming lots of record.

- 1106 ~~B.C.~~ Lot Line Adjustments: Lots of Record are not authorized to modify the boundaries of the
1107 Lot of Record without prior written authorization of the Planning Director. Any lot line adjustments
1108 recorded without written approval of the Planning Director shall be deemed illegal and shall
1109 invalidate any prior Lot of Record certificates issued for the property. Any modification to the
1110 boundaries shall only be approved if the modification does not increase the degree of
1111 nonconformity of the Lot of Record.

1112 ...

1113 **16.23.06: TRANSFERABILITY, TIME FOR PERFORMANCE, EXPIRATION,**
1114 **MODIFICATION AND REVOCATION**

1115 ...

- 1116 C. Expiration: Unless otherwise specified in the motion granting a conditional use permit, a permit
1117 that has not been utilized within twelve (12) months from the approval date, shall become null and
1118 void by operation of law. Once any portion of the conditional use permit is utilized, the conditions
1119 related thereto become immediately operative and must be strictly obeyed. Utilization shall be
1120 construed to mean pouring of concrete, or commencement of framing on construction, or
1121 commencement of the use or uses for which the permit was granted. Conditional Uses involving
1122 multiple parcels must be utilized within 12 months as described above for at least one parcel, and
1123 must be utilized for all parcels within five (5) years, or the conditional use is revoked and expired
1124 to the extent that it applied to those parcels for which it was not utilized. More specific expirations
1125 may be required as part of the conditional use approval.

- 1126 D. Modification Or Revocation Of Conditional Use Permit: The planning commission shall hold a
1127 hearing upon the question of modification or revocation of a conditional use permit granted
1128 pursuant to the provisions of this section. Notice of said hearing shall be made at the same time and

in the same manner as required to obtain the conditional use permit. A conditional use permit may be modified or revoked if the planning commission finds one or more of the following:

...

- E. Appeals: Any appeals to decisions made by the ~~planning-administrative~~ staff on conditional uses under the provisions of 16.01.05(B) must be forwarded to the planning commission. The ~~board-of adjustment~~Appeals Hearing Officer shall hear any appeals to the decision of the planning commission regarding the issuance or denial of a conditional use permit.

...

16.24.02: JURISDICTION

Application for a temporary use permit shall be made to the planning department, and shall be approved by the planning staff for any use specifically listed herein, after review by the development review committee. Any comments noted by the development review committee review shall become a condition of the approval for a temporary use permit. Appeals of planning staff decisions shall be to the ~~board-of adjustment~~Appeals Hearing Officer.

...

16.26.03: INTERPRETATION

In interpreting and applying the provisions of this chapter, the sign regulations contained herein are declared to be the maximum allowable for the purposes set forth. If the director determines that an application needs further interpretation, he may request that the planning commission review the proposal. ~~If the applicant wishes to propose or retain a sign that exceeds ordinance standards, he may apply to the board of adjustment for a variance as outlined in section 16.02.08 of this title.~~

...

16.26.05: ENFORCEMENT AND PENALTIES

...

- C. Legal Action: The director or his authorized representative shall be empowered to institute any appropriate action or proceeding in any case where any sign is illegally erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any county ordinance, by issuing notices by mail and posting of such notices upon the sign for the specified period of time as follows:

...

7. Right To Appeal: Any person who has been ordered to alter or remove any sign or has had a sign removed by the county, or any person whose application for a sign permit has been denied, may appeal to the ~~board of adjustment~~Appeals Hearing Officer by serving written notice to the director with ten (10) days of the order or denial, except in the case of a removal on the grounds of safety, the filing of such appeal shall stay the removal of such sign pending the outcome of the appeal to the ~~board of adjustment~~Appeals Hearing Officer.

1165 ...

1166 **16.26.06: NONCONFORMING SIGNS**

1167 ...

1168 E. Variances: Upon application by the sign owner or business, the ~~board of adjustment~~Appeals
1169 Hearing Officer may grant a variance, if appropriate. The variance may allow the retention,
1170 alteration, movement or expansion of a nonconforming sign.

1171 ...

1172 **16.26.14: SAFETY AND LOCATION STANDARDS**

1173 ...

1174 C. Clear View Of Intersecting Streets: No sign more than three feet (3') in height above the top of the
1175 curb (or the centerline of the street if there is no curb) shall be erected at any intersection for
1176 vehicular traffic within a triangular area formed by the intersection of straight lines extended from
1177 the back of the curb (or future curb) and a line connecting them at points sixty feet (60') from the
1178 intersection of the lines. Monument signs may be erected in the above mentioned area if they are
1179 less than three feet (3') above the curb grade to the top of the sign. The planning commission must
1180 approve any removal of landscaping in order to accomplish that objective. See section 16.26.17,
1181 "Exhibit 2, Visibility Triangle Chart" of this chapter. Any deviations from these requirements must
1182 be reviewed and approved by the planning department after conferring with other departments of
1183 the county. Decisions of the planning department may be appealed to the ~~board of~~
1184 adjustmentAppeals Hearing Officer.

1185 ...

1186 **16.27.05: GENERAL PROCEDURE FOR DEVELOPMENT APPLICATIONS**

1187 This section includes a general outline of the development review process. Additional information,
1188 including additional application requirements, may be found under the sections of the Land Use and
1189 Development Code applicable for each development type. These procedures listed herein may be
1190 modified by the Planning Director if necessary to comply with state law.

1191 A. Pre-Application: An applicant may, but is not required to, request to meet with the Development
1192 Review Committee prior to submitting a formal application for review. These items will be
1193 presentations from an applicant in order to provide an opportunity where informal feedback can
1194 be provided on the applicant's presented concept plan. Upon request, the planning staff will also
1195 show the applicant the County Website, where all the applicable standards and checklists for
1196 development applications are located.

1197 A-B. Application: In order for a development proposal to be considered by the land use
1198 authority, the applicant shall submit a complete application form for the type of development
1199 requested and pay the appropriate application fees, along with the required plans, drawings, and
1200 any documents or other items required for the development type. The applicant bears the burden
1201 of proving compliance with all requirements associated with a development application.
1202 Regardless of application type, all development applications shall conform to the following
1203 minimum requirements:

1. All plans shall be drawn to a scale not smaller than one inch equals one hundred feet (1" = 100'), unless otherwise approved by the Planning Director and not required by any member of the Development Review Committee, and shall include the project name and address, north point, scale, and date;
2. All plans shall be submitted in an approved electronic format following the checklist for the applicable development type;
3. The application shall include accurate contact information for the property owner(s), developer, and project design team. It is the responsibility of the applicant to keep all contact information current during the entire review and approval process;
4. The person submitting an application shall be the property owner, or the application shall include a signed ~~writing declaration~~ -by the property owner authorizing the applicant to submit the development application on their property;
5. All open spaces and roadways are to be considered as individual parcels and treated as such;
6. All drawings shall be as clean, legible, accurate and concise as possible while still providing the necessary information;
7. Any resubmittals shall include a ~~response sheet~~comprehensive and specific written explanation provided by the ~~developer~~applicant in response to the DRC review comments indicating how the new submittal addresses ~~any~~all applicable comments provided by the Development Review Committee or the reason why the applicant is declining to make revisions. Review of resubmittals may not begin until all comments are addressed by the applicant. Resubmittals that do not address all items from the previous review will be considered incomplete;
8. ~~Where~~If a development proposal includes land that has been illegally subdivided or the property has been modified in any manner that does not comply with the requirements of this title, the development proposal must include all necessary actions to correct the illegal subdivision or modification and must include legal, corrective actions for all parcels that were part of the land prior to the illegal subdivision or modification; and
9. For master plan applications, preliminary applications, or subdivision applications where a developer owns or controls more land than he or she wishes to develop immediately, a master plan application for the whole area shall be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.

B.C. Review For Completeness: The planning staff shall review the application to determine if the application is complete. This review shall not be a review as to the quality of the application, but only to determine if all required items have been provided.

1. If Incomplete: If the application is found to be incomplete, the planning staff will notify the developer and advise the developer of the additional items that are necessary to make the application complete. An application that does not include all items, fees, plans, and/or studies required by the provisions of this title will not be considered for any further review and the application does not satisfy any requirements for application submittal under the provisions of Section 16.01.16. Substantive review of the application may result in subsequent findings that necessary application materials were not included.
2. If Complete: If the application is found to be complete, the planning staff will notify the developer in writing of that fact, and ~~place send~~ the item ~~on the next~~for review by the development review committee agenda. The DRC may still require the applicant provide

1250 additional information necessary to determine or demonstrate compliance with applicable
1251 standards after an application is deemed complete.

1252 C.D. Development Review: The planning staff shall distribute the drawings and other
1253 appropriate documents to the development review committee and any other appropriate persons
1254 or entities for review and comment on the proposal.

- 1255 1. If Approved: If all members of the DRC recommend approval or choose to take no action
1256 on the DRC review report, the item will be placed on the next available Planning
1257 CommissionLand Use Authority agenda, if applicable.
- 1258 2. If Rejected: If changes are required, the item will not be advertised or placed on an
1259 agenda and the applicant will be responsible to make whatever modifications to the plans
1260 are necessary to resolve the comments raised by the development review committee and
1261 resubmit to the DRC for review. If the applicant demands the application be considered
1262 by the land use authority without resolving the comments, or if the application for only
1263 single-family dwellings, two-family dwellings, or townhomes and that are not in the
1264 Geologic Hazards Overlay Zone has gone through 4 review cycles which count, and the
1265 applicant has not requested or allowed an additional review cycle, the application will be
1266 forwarded to the land use authority for the next available meeting, though the planning
1267 staff will typically recommend denial of the application. The applicant shall be sent a
1268 notice that appeals of land use decisions are made in accordance with Wasatch County
1269 Code.
- 1270 3. If any such department fails to either recommend approval or give written objections to
1271 the plan within a reasonable time, the matter shall be placed on the planning
1272 commissionLand Use Authority agenda, if applicable, and shall be deemed to have a
1273 recommendation for approval by such department for purposes of the staff reports. Such
1274 department head, or its representative, shall appear at the planning commissionpublic
1275 meeting and give comments regarding the plan, which may be considered by the
1276 planning commission and/or the land use authority. Comments addressing a compelling,
1277 countervailing public interest may, in the discretion of the land use authority, be
1278 considered anytime prior to a decision by a land use authority. A modification or
1279 correction necessary to protect public health and safety or to enforce state or federal law
1280 may not be waived or deemed approved by failure of a reviewing department to make a
1281 written objection.

1282 E. Placement On Agenda: After an item is determined to be complete and has been given a
1283 recommendation for approval by the various members of the development review committee, or
1284 an applicant has demanded a land use decision, the planning staff shall issue an administrative
1285 land use decision if so authorized, or shall place the matter on the agenda for appearance before
1286 the applicable Land Use Authority. The planning staff shall then write a report to the Land Use
1287 Authority, taking into consideration the recommendations of the development review committee
1288 and propose any conditions necessary to satisfy any remaining DRC comments. If at any time
1289 issues are found that have not been satisfactorily addressed, the item may be pulled off the
1290 agenda, if allowed under Utah Code.

- 1291 4-1. If an applicant requests an item be pulled from an agenda after the item has been
1292 advertised, unless due to a request from the planning department, the applicant shall pay
1293 an additional meeting fee. Starting on the date of the applicant's request to continue the
1294 item, the application will be placed on hold and will not continue to be processed until
1295 the additional meeting fee is paid. If the applicant fails to pay the fee and demands a land
1296 use decision or for the item to be placed on an agenda, the land use application will be
1297 summarily administratively denied by the planning department.

F. Administrative Land Use Committee: On the same day a staff report for the ALUC is finalized, if applicable, the report is to be provided to the chair of the ALUC, provided to the applicant, and uploaded to the Utah Public Notice Website, with a note on how to make public comments. The chair of the ALUC, at his or her discretion, is authorized to render a decision on behalf of the ALUC without the need of a public meeting for matters where a land use application has received a positive recommendation from the DRC, no one has delivered written opposition to the planning department, and an applicant has not raised any concerns with the recommendations of the staff report within seven calendar days of the date of the report. If a public meeting is determined to be necessary by the ALUC chair, the planning department shall coordinate a meeting date and time when the ALUC quorum can be present and notify the parties, provide public notice of the meeting, and maintain minutes and records of its proceedings in accordance with the requirements of state law. For items authorized for approval by the ALUC as the land use authority as outlined in 16.01.05(C), the ALUC chair or quorum of the ALUC, as applicable, shall approve, approve with conditions, or deny the application.

~~D.G.~~ Planning Commission: For items requiring a planning commission hearing, the ~~planning commission~~ Planning Commission will hold a hearing, after proper public notice, and will allow for public comment on the matter. For items authorized for approval by the Planning Commission as the land use authority as outlined in 16.01.05(A), the Planning Commission shall approve, approve with conditions, or deny the application in a public meeting. For all ~~other~~ items requiring legislative action, the planning commission will make a recommendation for or against approval, to the county legislative body.

~~E.H.~~ County Legislative Body: After receipt of the recommendation of the planning commission, and performance of any conditions that are required to be completed before a hearing before the county legislative body, the planning staff shall publish any necessary notice and place the matter on the next available agenda for a public hearing before the county legislative body. The county legislative body shall hold a public hearing and solicit public comments on the matter. Unless continued to a later hearing, the county legislative body shall issue their decision on the matter. The decision may be to approve, approve with conditions, or to deny the application. If the county legislative body considers any substantial changes to the development that were not considered by the planning commission, the matter may be referred back to the planning commission to consider such substantial changes.

...

16.27.20: RESERVED**RETAINING WALLS**

Purpose and Intent: Retaining walls may be necessary in situations where steeper grades are present in development areas. Use of excessive retaining walls is not allowed. Developments should work with and respect the natural topography of the area. Retaining walls made of natural materials are encouraged when possible. Retaining walls shall, in accordance with this code, use native landscaping to buffer retaining walls.

A. Retaining walls that are less than 4'10' in height and less than 800' in length are considered a permitted use. Walls over 10' in cumulative height or over 800' in length shall be considered as a conditional use. Any ~~other~~ Retaining walls greater than 30' in cumulative height and/or longer than 200'800' in length requires approval from the County Council after a recommendation from the Planning Commission. Retaining walls over 4' in height and less than 10'30' in cumulative height and less than ~~or 200~~800' in length shall be reviewed by planning staff as provided for in 16.01.05.

There shall be two types of retaining walls. Stacked walls that cumulatively combined are less than 30' in height and walls over 30' in height. Each type of wall shall be regulated differently as outlined below:

1. Combined walls with a height of less than 30' shall be broken up so that no individual wall is higher than 10'. Walls shall have a minimum of a 3' break. Walls shall be made of natural materials such as stacked rock, gabion baskets, etc. Poured concrete walls shall be faced with stone. Each 3' step shall incorporate native-landscaping of sufficient size and density to break up the mass of the wall. Walls greater than 4' in height shall not be made of wood or railroad ties.
2. Walls over 30' shall be soil nailed and be Shotcrete, gunite or sprayed concrete and troweled/textured and colored to look like natural rock. Landscaping shall be incorporated at the base of the wall as approved by the Planning Commission and County Council. If possible, with a soils report review, ~~steeper~~ steeper un-retained slopes shall be used above and below the walls as much as possible. Un-retained slopes shall be landscaped with a mixture of evergreen and deciduous trees to break up the height of the wall and with groundcover sufficient to add necessary stability to the slope.
3. Options outside of those listed above shall be considered by the Planning Commission and County Council as a conditional use permit.

...

16.27.22: RIDGELINE/VIEWSHED REGULATIONS

- A. Purpose: It is the intent of this section to protect the valuable views of the ridgelines of Wasatch County by providing regulations, which will limit the building of structures on or near ridgelines that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.
- B. Applicability: These regulations apply to ~~all~~ land use applications where development is on or near ridgelines in Wasatch County for which any portion of a proposed structure protrudes above ridgelines when viewed from the designated viewing platforms as shown on the adopted viewing platform map. Any rezoning, proposed development or building permit shall be subject to compliance with these regulations, irrespective of whether specific reference to the regulations is made in this title. In the event of an overlapping or conflicting requirement of this chapter and other provisions or regulations in this code, the more restrictive provision shall apply. All proposals for development of pre-existing lots of record or platted plots that may be located within the primary or secondary ridgeline areas are subject to conditional use approval.

...

- D. Requirements And Procedures:

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3. Appeals: Appeals of the decisions of the planning staff will be made to the ~~board of adjustment~~ Appeals Hearing Officer.

...

16.27.29: ROADS AND INTERSECTIONS

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- E. Street Lengths: Cul-de-sacs shall not exceed one thousand three hundred feet (1,300') in length and shall have a turnaround with a diameter of eighty feet (80'). Dead ends or cul-de-sacs are not intended to be longer than one thousand three hundred feet (1,300') without joining with another street to create a block that allows a separate ingress and egress.

F. Retaining Walls

~~1. Retaining Walls~~

~~Purpose and Intent: Retaining walls may be necessary in situations where steeper grades are present in development areas. Use of excessive retaining walls is not allowed. Developments should work with and respect the natural topography of the area. Retaining walls made of natural materials are encouraged when possible. Retaining walls shall, in accordance with this code, use native landscaping to buffer retaining walls.~~

~~Retaining walls that are less than 4' in height are considered a permitted use. Any other Retaining walls greater than 30' in cumulative height and/or longer than 200' in length requires approval from the County Council after a recommendation from the Planning Commission. Retaining walls over 4' in height and less than 30' in cumulative height and/or 200' in length shall be reviewed by planning staff.~~

~~There shall be two types of retaining walls. Stacked walls that cumulatively combined are less than 30' in height and walls over 30' in height. Each type of wall shall be regulated differently as outlined below:~~

~~a. Combined walls with a height of less than 30' shall be broken up so that no individual wall is higher than 10'. Walls shall have a minimum of a 3' break. Walls shall be made of natural materials such as stacked rock, gabion baskets, etc. Poured concrete walls shall be faced with stone. Each 3' step shall incorporate native landscaping to break up the mass of the wall. Walls greater than 4' in height shall not be made of wood or railroad ties.~~

~~b. Walls over 30' shall be soil nailed and be Shotcrete, gunite or sprayed concrete and troweled/textured and colored to look like natural rock. Landscaping shall be incorporated at the base of the wall as approved by the Planning Commission and County Council. If possible, with a soils report review, steeper un-retained slopes shall be used above and below the walls as much as possible. Un-retained slopes shall be landscaped with a mixture of evergreen and deciduous trees to break up the height of the wall.~~

~~c. Options outside of those listed above shall be considered by the Planning Commission and County Council.~~

...

16.28.08: FLOOD DAMAGE PREVENTION

...

D. Methods Of Reducing Flood Losses: In order to accomplish its purposes, this section uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

~~5.6. Require measures that notify potential buyers of flood areas and risks.~~

E. Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

...

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its ~~before-damaged~~ pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure only before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

...

F. General Provisions:

- 1463 1. Lands To Which This Section Applies: This section shall apply to all areas of special
1464 flood hazard within the jurisdiction of unincorporated Wasatch County.
- 1465 2. Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood
1466 hazard identified by the federal emergency management agency in a scientific and
1467 engineering report entitled, "The Flood Insurance Study For Wasatch County", dated
1468 ~~September 30, 2009~~March 15, 2012, with accompanying flood insurance rate maps and
1469 flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby
1470 adopted by reference and declared to be a part of this section. Wasatch County
1471 automatically adopts all effective FEMA flood insurance studies (FIS), and all effective
1472 FEMA flood insurance rate maps (FIRMs).

1473 ...

1474 G. Administration:

- 1475 1. Designation Of The Floodplain Administrator: The Wasatch County planning director is
1476 hereby appointed the floodplain administrator to administer and implement the provisions
1477 of this section and other appropriate section of CFR (national flood insurance program
1478 regulations) pertaining to floodplain management.
- 1479 2. Duties And Responsibilities Of The Floodplain Administrator: Duties and responsibilities
1480 of the floodplain administrator shall include, but not be limited to, the following:

1481 ...

1482 3. Requirement to Submit New Technical Data:

- 1483 a. The property owner or developer shall notify FEMA by submittal of a LOMR
1484 within 6 months of project completion when an applicant had obtained a
1485 CLOMR from FEMA or when development altered a watercourse, modified
1486 floodplain boundaries, or modified BFE.
- 1487 b. The property owner or developer shall be responsible for preparing technical data
1488 to support the CLOMR or LOMR application and paying any processing or
1489 application fees to FEMA. The property owner or developer is responsible for
1490 submitting the CLOMR and LOMR to FEMA and shall provide all necessary
1491 data to FEMA if requested during the review process to ensure the CLOMR or
1492 LOMR is issued.
- 1493 c. The Floodplain Administrator shall be under no obligation to sign the
1494 Community Acknowledgement Form, which is part of the CLOMR/LOMR
1495 application, until the applicant demonstrates that the project will or has met the
1496 requirements of this ordinance and all applicable state federal, and local laws.

1497 3.4. Permit Procedures:

1498 ...

1499 4.5. Variance Procedures:

- 1500 a. The ~~board of adjustment~~Appeals Hearing Officer as established by the county
1501 ~~council~~ shall hear and render judgment on requests for variances from the

requirements of this section, following the procedural requirements of WCC 2.02.02, but applying the substantive requirements of this subsection.

- b. The ~~board of adjustment~~ Appeals Hearing Officer shall hear and render judgment on an appeal only when an appeal has been filed-it is alleged there is an error in any final requirement, final decision, or final determination made by the floodplain administrator in the enforcement or administration of this section. The burden of proving an error is on the appellant.
- c. Any ~~person or persons aggrieved~~ adversely affected party by the final decision of the ~~board of adjustment~~ Appeals Hearing Officer may appeal such decision in the courts of competent jurisdiction if they have exhausting administrative remedies in accordance with applicable law.
- d. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($1/2$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection G3b of this section have been fully considered. As the lot size increases beyond the one-half ($1/2$) acre, the technical justification required for issuing the variance increases.
- g. Upon consideration of the factors noted above and the intent of this section, the ~~board of adjustment~~ Appeals Hearing Officer may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this section, or may deny the application.

...

H. Provisions For Flood Hazard Reduction:

...

3. Standards For Subdivision Proposals:

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections B, C, and D of this section.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of subsections F3 and G3 of this section; and the provisions of this subsection H.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed developments including the placement of manufactured home parks and subdivisions which are greater than fifty (50) lots or five (5) acres, whichever

1543 is lesser, if not otherwise provided pursuant to subsection F2 or G2h of this
1544 section.

1545 d. All subdivision proposals including the placement of manufactured home parks
1546 and subdivisions shall have adequate drainage provided to reduce exposure to
1547 flood hazards.

1548 e. All subdivision proposals including the placement of manufactured home parks
1549 and subdivisions shall have public utilities and facilities such as sewer, gas,
1550 electrical and water systems located and constructed to minimize or eliminate
1551 flood damage.

1552 e.f. The plat map recorded for all subdivision proposals shall include, at a minimum,
1553 an indication of any existing zones on the Wasatch County FIRM, a plat note that
1554 describes the flood risk of the zone, and whether flood insurance is required or
1555 recommended as determined by the floodplain administrator. The floodplain
1556 administrator, in his or her sole discretion, may require additional measures be
1557 included to mitigate flood hazards.

1558 ...

1559 **16.29.10 REMOVING LAND FROM AN AGRICULTURE PROTECTION AREA**

1560 ...

1561 D. When a municipality annexes any land that is part of an agriculture protection area, the County
1562 legislative body shall, within 30 days after the land is annexed, review the feasibility of that land
1563 remaining in the agriculture protection area according to the procedures and requirements of
1564 Section 16.29.11. The planning department, in coordination with the county clerk, shall facilitate
1565 the County legislative body conducting their review by noticing any required public meetings, and
1566 preparing necessary staff reports to evaluate the feasibility.

1567 1. If appropriate, the County Planning Department shall remove the annexed land from the
1568 agriculture protection area.

1569 2. Appeals of actions of the Planning Department applying this subsection shall be made to
1570 the ~~Board of Adjustment~~Appeals Hearing Officer.

1571 ...

1572 **Chapter 16.41: APPENDIX 6, THE JORDANELLE SPECIALLY PLANNED AREA**
1573 **(JSPA)**

1574 ...

1575 **16.41.08: DESIGN APPROVAL PROCESS**

1576 ...

1577 **8.10.6 Final Site Plan Approval Design Review.** When the submittal is complete, the JSPA Planning
1578 Commission will approve or deny the application based on its conformance to the Standards and
1579 Guidelines contained in Sections 4, 5, 6, and 7 herein. If the submission is not approved by the JSPA
1580 Planning Commission, the Owner can re-submit immediately and start the process again. ~~Appeals for~~
1581 ~~JSPA Planning Commission decisions shall be made to the Wasatch County Council, who shall be~~

~~final decision authority in the appellate process, or shall refer the action back to the JSPA Planning Commission for reconsideration based on specific findings.~~

...

APPENDIX A: JSPA PLANNING COMMISSION ESTABLISHMENT

APPENDIX A: JSPA PLANNING COMMISSION ESTABLISHMENT

[note to editor, this section to be moved to 02.02.09 as noted in that section above]

A. Establishment and Membership: There is hereby established a Planning ~~Commission~~ Committee (PC) for the Jordanelle Specially Planned Area (JSPA), consisting of five (5) regular members and two alternates as follows: ~~All regular members of the committee shall be established as per section 8.1 of the Jordanelle Specially Planned Area Guidelines and Standards.~~

1. Recreational Representative (Ski, Trails, etc.).

2. Registered Landscape Architect or Resort Designer.

3. Architect with experience in multiple product types found in a resort development

4. Two (2) County Council Appointees.

5. Two (2) Alternates appointed by the County Council.

~~4.6.~~ If members with the above qualifications cannot be found after advertising for open positions, or if the County Manager or Wasatch County Council choose not to recommend or appoint persons who meet the qualifications, the County Council can fill vacancies with members they feel will best suit the needs of the PC.

B. Compensation: It is intended that the ~~design professionals that are~~ members of the PC will be compensated. This compensation will be done through an out-of-pocket account managed by the County or other means possibly including a fee schedule adopted by the County Council. Compensation shall be determined for each member prior to their appointment on the Committee, and may be changed by the County legislative body.

C. Powers and Duties: ~~The PC shall have the following powers and duties:~~ Each member of the PC will act to ensure the long term vision for the development of the JSPA. The PC may adopt its own bylaws, with approval by the County legislative body. In the event that the PC does not adopt its own bylaws, it shall be governed by the bylaws of the Wasatch County Planning Commission. The PC shall exercise all powers and duties authorized by state law. In addition, the ~~commission~~ Committee shall:

~~1. Approve or deny applications as outlined in this JSPA ordinance;~~

~~2. Make determinations regarding the existence, expansion or modification of nonconforming uses;~~

~~3. Interpret the zoning maps, and regulating maps; and~~

~~4.1. Make recommendations on interpretation of the JSPA code to the Planning Director;~~ Fulfill any duties required under this chapter;

2. Determine any matters referred to the Planning Commission in Title 16 for the JSPA overlay area; and

3. Act as the land use authority for final subdivision applications in the JSPA.

4. For land use regulations expressly only affecting the JSPA, the JSPA PC shall hold a public hearing and shall recommend approval, modify, recommend denial, decline to recommend

a change and advance the matter to the county legislative body, or continue the matter to the county legislative body, in addition to the required recommendation from the Planning Commission.

5. The PC may delegate any or all of its architectural review responsibilities to one or more of its members, acting as a subcommittee of the JSPA Planning Committee, and/or a professional design consultant(s) retained by Wasatch County or the JSPA Planning Committee. Upon such delegation, the actions of such members or consultant(s) shall make a positive or negative recommendation to the JSPA Planning Committee.

D. Term of Office: Each regular member of the PC shall be appointed for a three (3) year term. Alternate members of the PC shall be appointed for two (2) year terms. The terms of two (2) regular members shall expire each year. Members are required to re-apply when terms are up and are considered expired unless re-appointed. Member's terms shall be reviewed regularly for attendance and contributions to the purpose and intent of the DRC as well as expenses charged to the County.

6.1. Resignation from the JSPA Planning Committee: Any member of the JSPA Planning Committee may, at any time, resign from the JSPA Planning Committee upon written notice delivered to the office of the Planning Department.

E. Removal and Vacancies: The members of the PC serve at the ~~leisure-discretion~~ of the county manager and can be removed at any time with the consent of the county legislative body. The manager, with the advice and consent of the county legislative body, shall fill any vacancy on the committee. ~~the~~ The person appointed to fill the vacancy shall serve for the unexpired term of the member whose office is vacant.

~~D. JSPA Planning Commission Procedures:~~

E.F. Meetings and Quorum: The ~~DRC-PC~~ shall meet from time to time ~~at the call of the Planning Director and any other time the majority of the committee deems necessary and appropriate as necessary to properly perform its duties.~~ Four (4) members of the JSPA Planning Committee shall constitute a quorum. ~~The vote of four (4) JSPA Planning Committee members shall be required to render any decision or take any action.~~ The committee shall maintain minutes and records of its proceedings in accordance with the requirements of state law. The ~~DRC-PC~~ shall abide by the same noticing requirements as the Wasatch County Planning ~~Commission~~ Committee.

F. Quorum: ~~Three (3) members of the DRC shall constitute a quorum. The vote of three (3) committee members shall be required to render any decision or take any action.~~

~~1. Chairperson: The DRC shall elect a chair and vice chair to serve for a period of one year.~~

~~2. Rules, Regulations and Bylaws: The DRC shall make and enforce such rules, regulations and bylaws for the government of itself, the preservation of order, the processing of applications, and the transaction of its business as may be necessary. Rules, regulations and bylaws adopted by the DRC shall not take effect until they are submitted to and approved by the county legislative body. Applicable state rules and Roberts Rules of Order shall be used in conducting the meetings.~~

~~3. Bylaws may be amended from time to time by the County Council.~~

G. Non-Waiver: The approval by the PC of any plans, drawings or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any design provisions of the JRA Design Guidelines shall not constitute a waiver of the same.

H. Subjective Determinations: The PC specifically reserves the right to make subjective, as well as objective, determinations of whether the goals of the JRA Design Guidelines have been met by a particular plan being submitted. Submission to this subjective standard is required to enjoy the additional density that can only be allowed through this overlay zone.

I. Non-Liability of JSPA Planning Committee: The purpose for the PC is to review proposed improvements in the JSPA for compliance with the JRA Design Guidelines. The PC is not responsible for compliance with applicable building codes, for engineering and structural issues, or any other matter relating to the design and construction of improvements in the JSPA. Neither the PC, nor any member thereof shall be liable to any Owner or third party for any construction defects, damage to persons or property, or other loss or damage resulting from any design and construction activities within the JRA. In addition, neither the PC, nor any member thereof, shall be liable to any owner of property within the JRA, or any other person, for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawing and specifications, whether or not defective.

2. The construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications regardless of any inspections by the PC during the course of construction.

3. The development, or manner of development, of any property within the JSPA.

J. Appeals: Appeals of final decisions of the JSPA Planning Committee shall be made to the Appeals Hearing Officer in accordance with sections 2.02.02, substituting any references to the Planning Commission in those sections with the JSPA Planning Committee.