

**MINUTES OF THE
WASATCH COUNTY PLANNING COMMISSION
APRIL 11, 2024**

PRESENT: Chair Chuck Zuercher, Doug Grandquis, Kimberly Cook, David Thacker, Scott Brubaker (*via Zoom*)
EXCUSED: Commissioner Doug Hronek, Commissioner Mark Hendricks
STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Rick Tatton, Court Reporter (*via Zoom*)
PRAYER: No Prayer was given.
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, April 11, 2024, and indicated that all the Commissioners are present except Commissioner Doug Hronek and Commissioner Mark Hendricks, who are excused. Also, Scott Brubaker is attending remotely via Zoom. The record should also show that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Chuck Zuercher then called the first agenda item.

APPROVAL OF THE MINUTES FOR THE MARCH 14, 2024 MEETING

Motion

Commissioner David Thacker made a motion to approve the minutes as they are written for March 14, 2024.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, David Thacker, 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. I will take separate motions for each item.

ITEM 1 CODY JENSEN REQUESTS A MINOR PLAT AMENDMENT TO TIMBERLAKES NO. 2 SUBDIVISION IN ORDER TO ADJUST THE BOUNDARY LINES BETWEEN LOTS 242 AND 243 LOCATED AT 1417 AND 1445 CEDAR BARK LANE IN THE MOUNTAIN (M) ZONE. (DEV-8204; ANDERS BAKE)

Motion

Commissioner Doug Grandquis made a motion to approve Item No. 1 on the consent agenda consistent with the findings and subject to the conditions as presented.

Commissioner Scott Brubaker seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, David Thacker, Doug Grandquis, Scott Brubaker

NAY: None

ITEM 2 BLAYDE MCINTIRE, REPRESENTING PCL DEVELOPMENT LLC, REQUESTS A MINOR PLAT AMENDMENT TO INDI RIDGE IN ORDER TO ADJUST BUILDING PAD LOCATIONS AND SHAPES FOR MODIFIED FLOORPLANS FOR 34 TWINHOMES AND 3 SINGLE UNITS ON A 21.27 ACRE PUD DEVELOPMENT IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-9022; AUSTIN CORRY)

Motion

Commissioner Doug Grandquis made a motion to approve Item 2 on the Consent Agenda in light of the findings and subject to the conditions as presented.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, David Thacker, Doug Grandquis, Scott Brubaker

NAY: None

REGULAR AGENDA

Chair Chuck Zuercher then called the first regular agenda item which will be Item No. 3.

ITEM 3 RECOMMENDATION ON ORDINANCE 24-03 REGARDING DELETING THE CODE LANGUAGE IN 16.21.40 THAT CURRENTLY ALLOWS HELIPADS IN THE COUNTY. **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 APRIL 17, 2024.* (DOUG SMITH)

Staff

Doug Smith, the Wasatch County Planning Director, addressed the Wasatch County Planning Commission and indicated that based on the analysis, findings in the staff report, discussion with the Planning Commission and County Council, the Planning staff is of the opinion that the regulating language portion of the code entitled, "Helipads for private use", should be deleted so that helipads would not be allowed in any area of the County except as expressly stated in the proposed code language. The Planning staff believes that deletion of the ordinance is in the best interest of the general welfare of the County. Therefore, it is recommended that the Planning Commission forward a positive recommendation of the proposed code text amendment to delete the language in code section 16.21.40 based on the findings included in the staff report.

Doug Smith then went through the dates of discussions and motions regarding the Helipad ordinance:

- 2008 the initial helipad ordinance was adopted.
- February 24, 2023 application to allow helipads in the P-160 zone on non-conforming lots.
- April 13, 2023 the Planning Commission made a recommendation to the County Council to consider allowing helipads only on conforming P-160 lots.
- August 16, 2023 the County Council denies the ordinance request that would have allowed helipads on non-conforming P-160 lots and remands the helipad discussion back to the Planning Commission to determine if there should be helipads allowed at all in the County.
- February 8, 2024 discussion item with the Planning Commission and a consensus that helipads should not be allowed in any zone.

The only zone in the County where it was discussed to allow helipads was in the P-160 zone. Because of this Doug Smith indicated that the purpose of the preservation zone (P-160) is to establish areas in Wasatch County where development may be limited due to the remoteness of services, topography and other sensitive environmental issues. Furthermore, the specific intent in establishing the preservation zone (P-160) is for the following purposes:

1. Protect the present and future water supply of the county and surrounding counties;
2. Protect natural features and sensitive environmental areas;
3. Protect the county grazing and forestry land;
4. Avoid excessive costs for public services which result from excessive scattering of residential dwellings in remote areas;
5. Prevent excessive soil erosion and water pollution;
6. Promote the raising and keeping of domestic and wild animals and fowl in keeping with optimum intensity of use, consistent with recognized range management practices;
7. Prevent the necessity of having to pay excessive taxes on grazing lands;
8. Preserve and protect recreational opportunities;
9. Allow residential development on a limited basis when services are not readily available but are appropriately addressed by the developer to the satisfaction of the county; and
10. Residents of the proposed development would have essential services provided at a level that would not impact their health, safety and welfare, and to provide these services would not be fiscally irresponsible for the county.

Doug Smith then went through key issues to consider:

- Should there be consideration for the allowance of helipads in the P-160 zone?
- Allowing helipads in a P-160 zone creates the noise of the helicopter flight path. The impacts are not only the immediate surrounding neighbors but everyone along the typical flight path. Should this noise be taken into consideration?
- Would helipads be appropriate in areas outside of the valley floor in the P-160 zone on either platted 160 acre lots or acreage conforming lots of record, i.e. Strawberry area, Wolf Creek Ranch, etc.
- Most of the County is zoned P-160. Much of the lands outside of the valley floor is P-160.
- If the P-160 zone is considered for helipads there could be conforming P-160 lots adjacent to a nonconforming subdivision of smaller lots. Should there be required distances from existing platted lots or other ways of considering the impacts on the smaller lots?
- The current code allows for a helipad on a lot of 10-acres or more.

Doug then went through two sections in the Wasatch County Code in 16.01.01: Purpose of Land Use Regulations:

- D. Protect and conserve the Wasatch County property values and minimize conflicts among uses of land and structures.
- I. Protect and enhance the quality of life in general for Wasatch County residents.

Doug then went through Jon Woodard's recommendation, the Deputy Wasatch County Attorney:

- 16.21.40: Helipads for Private Use

Helipads are not allowed in any zone, unless specifically allowed as follows: Helipads for hospitals (Land Use Classification 6513), the Wasatch County Fire District (Land Use Classification 6723), Wasatch County Sheriff (Land Use Classification 6721) or the County may be permitted if the applicant is in compliance with all requirements of chapter 16.23, "Conditional Use; General Procedures", of this title.

Doug Smith then went through the proposed findings:

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:
 - a. LAND USE GOAL 1: Preserve the rural character of Wasatch County;
 - b. Protect and conserve the Wasatch County property values and minimize conflicts among uses of the land and structures;
 - c. Protect and enhance the quality of life in general for Wasatch County residents.
2. The proposed amendment is consistent with the purpose and objectives outlined in Section 16.01.01 "PURPOSE OF LAND USE REGULATIONS".
 - a. Guide the future growth and development of Wasatch County, in accordance with the Wasatch County general plan;
 - b. Protect and conserve the character and stability of Wasatch County, and to encourage the orderly development of the land;
 - c. Protect and conserve the Wasatch County property values and minimize conflicts among uses of the land and structures;
 - d. Fully exercise all of the powers granted to the County by the provisions of Utah Code Annotated section 17-27a-101 et seq., the county land use, development and management act, and all other powers granted by statute or by common law for the regulation of land uses and improvements;
 - e. Protect and enhance the quality of life in general for Wasatch County residents
3. The Wasatch County Council, as the legislative body, had broad discretion for amendments to the Wasatch County Code.

Commission Comments

Commissioner Kimberly Cook commented about the noise issue.

Commissioner David Thacker commented about being able to pull some type of a temporary portable landing space for a helicopter not having a specific like permanent Helipad and is there anything in the code that restricts a use of such as the landing of a helicopter in instances such as this. Doug Smith indicated that on a continual basis yes.

Commissioner Scott Brubaker indicated noise is a real issue with helicopters being permitted to land in any specific area and technology could change the amount of noise a helicopter makes. Doug Smith replied that he could see possibly in the future as technology improves it may not be as big of an issue and could see someone coming in and proposing to allow helicopters in certain zones on certain acreages.

Commissioner Doug Grandquis indicated a concern with livestock being disturbed by noise made by a helicopter and the landing. It would affect the agricultural nature of Wasatch County.

Public Comment

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

Motion

Commissioner Doug Grandquis made a motion to recommend to the Wasatch County Council approval of Item 3, 16.21.40 Helipads for private use Code Text Amendment Ordinance 24-03 in light of the findings and subject to the conditions if any and in conjunction with the Planning Staff's recommendation.

Commissioner David Thacker seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, David Thacker, Kimberly Cook, Doug Grandquis, Scott Brubaker

NAY: None

ADJOURNMENT

Motion

Commissioner Doug Grandquis made a motion to adjourn.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, Doug Grandquis, David Thacker, Scott Brubaker

NAY: None

Meeting adjourned at 6:45 p.m.

CHUCK ZUERCHER/CHAIRMAN

DRAFT



Item 1 – Tuhaye Adventure Barn Conditional Use Permit

Project: DEV-8920 | Tuhaye Adventure Barn
Meeting Date: 9 May 2024
Report Date: 1 May 2024
Report Author: Austin Corry, Assistant Director
Council Action Required: No
Type of Action: Administrative

Applicant: Rhett Riding, Storied Deer Valley
Address: 2069 Adventure Court
Parcel No(s): 21-7154
Acreage: 0.48
Zoning Designation: JBOZ (Neighborhood Commercial)
Land Use Number(s): 7424 (Recreation Center)

DETERMINATION ISSUE

Whether the application meets the standards required by Wasatch County Code 16.23 for a conditional use permit to be granted to allow a private Recreation Center to be located on the subject property. This conditional use permit and site plan review is an administrative decision made by the Planning Commission per the authority provisions of WCC 16.01.05.

RECOMMENDATION

Based on the analysis in this staff report, Planning Staff recommends that the Planning Commission APPROVE the Conditional Use Permit based on the findings included the staff report and subject to the following conditions:

1. Comments listed in the DRC review shall be resolved with the applicable review department prior to, or as part of, the building permit application.
2. The lighting plan shall be submitted with the building permit application and include the lighting engineer stamp and a statement that the lighting engineer will ensure compliance with the plans as presented.

Planning Commission Staff Report



BACKGROUND

Tuhaye is a private gated community in the Jordanelle Basin Overlay Zone. The project is continually reviewed under an amended master plan approval granted at the end of 2017. The subject property lies at the west edge of the Tuhaye master development in the Dancing Sun phase. The lot and common area were recorded in 2021 as Dancing Sun Phase 6. The subdivision approvals included anticipation for the uses being requested. The applicant is seeking to use the property for a private recreation center called the Adventure Camp Barn that would include offices, bicycle workshops, bike storage, restrooms, and an outdoor climbing wall. Parking is provided across the street in common area with the exception of an ADA stall provided directly adjacent to the center. Patrons are limited to residents of the club and their guests and operation is limited to daytime use only. It is anticipated that other services or activities would be introduced to the site later on with the potential creation of a lake for kayaking and paddleboard. If or when those activities are introduced, the applicant will need to submit a revised conditional use request.

Conditional Use Permits require notice be sent to all property owners within 500 feet. As of the writing of this report, no objections have been received related to this request. Any objections or concerns received regarding this request have been attached in the exhibits.

PURPOSE AND INTENT

The subject property is in the Jordanelle Basin Overlay Zone (JBOZ) with a Neighborhood Commercial land use district. This is the same land use as the main clubhouse complex in the facility. At the time of master plan approval for the development, the JBOZ required all amenity uses in the development to be conditional uses. The purpose outlined in the JBOZ zone is quoted below:

16.15.01: PURPOSE

The Jordanelle Basin overlay zone (JBOZ) is to implement the goals and standards established by the previously adopted Jordanelle Basin land use plan and map and accomplish the following purposes:

- A. The lands comprising the overlay zone include all the Jordanelle Basin;*
 - B. To allow for development of the lands which complies with the goals and standards of the plan;*
 - C. To preserve and protect the natural beauty of the Jordanelle Basin;*
 - D. To establish regulations by which development may take place in the JBOZ.*
-

KEY ISSUES TO CONSIDER

- Neighborhood compatibility and impact.
- Environmental constraints.
- Compliance with zoning requirements, including conditional use standards.



STAFF ANALYSIS

– COMPATABILITY OF PROPOSED USE –

The Tuhaye Master Development Agreement permits amenity uses as a conditional use subject to the Planning Commission finding that the proposed site and use are compatible with the area and that negative impacts can be adequately mitigated with the conditions imposed.

As part of a master development, the use is treated differently than it would be if the proposed use were not privately held by the residents and members directly adjacent to the use. As such, the Tuhaye master development and their adopted design standards provide some of the regulatory mechanisms to review the project.

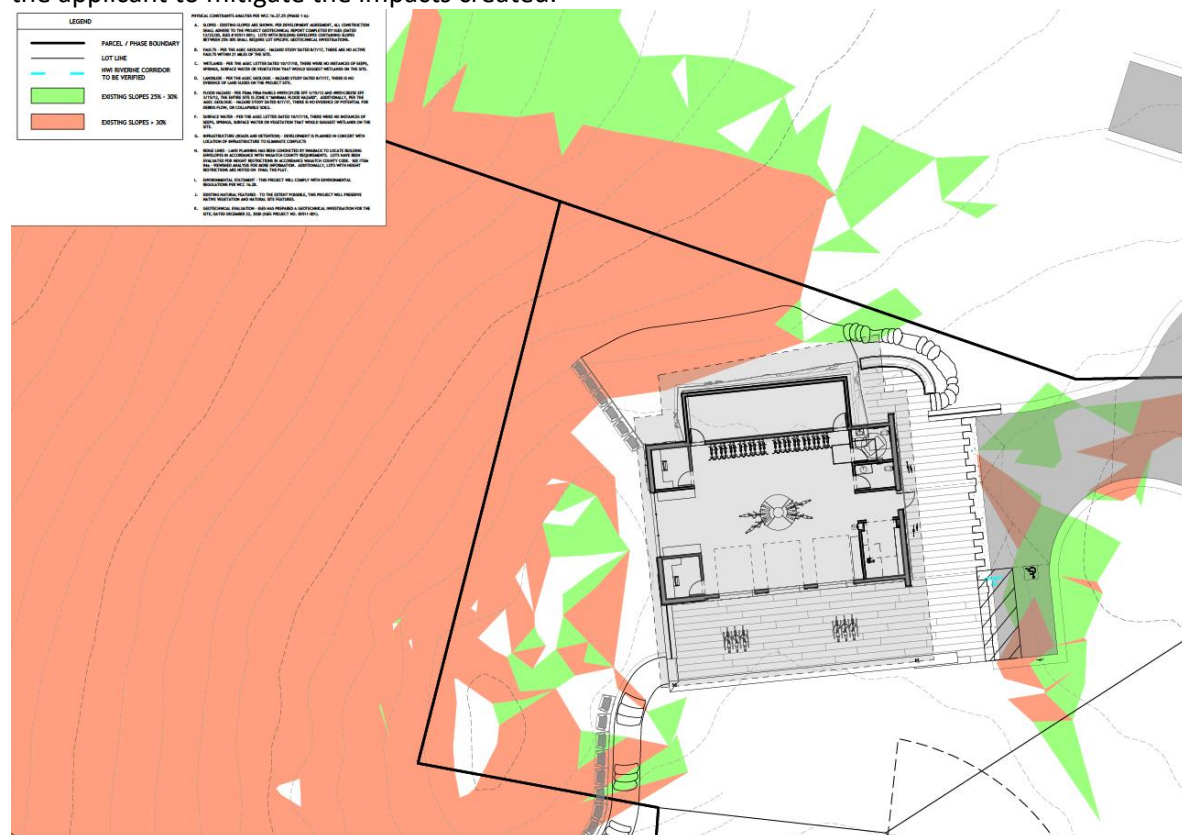
– SITE PLAN –

The site is located on lot A-1 and surrounding open space areas. Tuhaye includes an extensive trail network and access to this amenity is made directly to that network. Parking for vehicular access is across the street except for one ADA stall near the building. The proposed building complies with the required setbacks.

– ENVIRONMENTAL CONSTRAINTS ANALYSIS –

The applicant’s submitted documents cite two main focuses of potential constraints on the site. The first are steep slope areas, which the building has been designed in a manner to avoid those areas. The second is potential ridgeline violations. The building has been kept at a lower than maximum height standard and the modeling provided by the applicant proports there will be no breach of the ridgeline as designed.

If a full and complete representation has not been produced by the developer, or if any evidence later discovered indicates that such representation has not been accurately made, 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 require the applicant to mitigate the impacts created.



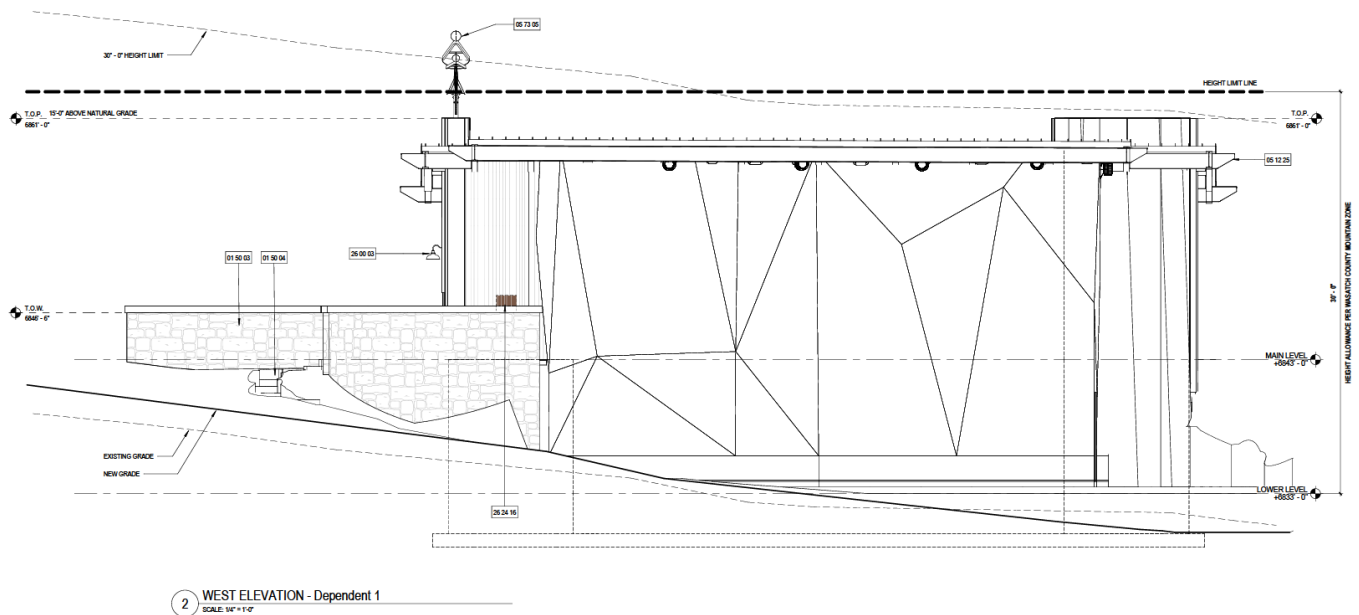
– LIGHTING PLAN –

Exterior lighting for non-residential projects are required to meet stringent lighting regulations found in WCC 16.21.16 in an effort to provide safe and adequate lighting while still protecting the night sky and astronomical amenities of the county. The parking area will not be lit and hours of operation are during daylight periods, limited the need for external lighting at the building. While code does permit IBC minimum required lighting to be exempt from calculations of the maximum lumens per acre, the applicant is exceeding the IBC minimums with the proposed lighting. As such, the proposed building egress lighting is required to be included in the calculation. At 0.49 acres, the site permits up to 12,250 lumens on the site. The proposed lighting totals 5,100 lumens.

Lighting styles are full cut-off with use of an LED module directed downward inside a physical shade. Lighting temperature is at the maximum 3000k. The building permit plans will need to include the lighting engineers stamp and statement to ensure that final construction will comply as indicated by the lighting engineer.

– BUILDING HEIGHTS –

Structures in the JBOZ are limited to 35 feet. Heights are measured from the existing grade immediately surrounding the structure to the peak of the roof. In this instance, viewshed regulation restrict the height further because exceeding 30 feet in one area would violate the county ridgeline ordinance. Regardless, the building height has been kept minimal and in compliance with the height or viewshed restrictions.



– LANDSCAPE PLAN –

General landscape requirements in WCC 16.21.10 require that a plan be submitted for site plans such as this proposal. The plans primarily use native vegetation and reseeding of disturbed areas. Trees and shrubs selected for planting are native or adaptive plant species and follow the guidelines required by code. The landscape area between the parking lot and the adjacent residence utilizes existing oak to provide a landscape buffer, although the existing oak does not cover the entire area. New gamble oak will be planted at the western edge to complete the area. The adjacent land owner has reviewed this plan and provided consent that the proposed plantings and existing oak to remain are acceptable buffering to the parking area. (see exhibits)

– PARKING –

Although the use is a recreation complex, the limited membership aspect of serving as a private amenity was used to calculate the parking requirements. Per WCC 16.33, the use as proposed would require 17 parking stalls. Parking requirements are met using one ADA stall next to the building and a 20 stall parking lot across the street. WCC allows a parking area to be on an adjacent lot so long as the parking is “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.” In this instance, the street is a private dead-end street in a gated community. It is staff’s interpretation that the crossing of the private street is not strictly precluded by WCC 16.33.07. To mitigate potential safety impacts, the applicant has been required to provide signage and a crosswalk.

– CONDITIONAL USE PROCEDURE –

Wasatch County Code 16.23.07(F) outlines the findings that are required in order for the Land Use Authority to approve a conditional use permit. The required findings are as follows (Applicant and Staff analysis responses are 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;*

Applicant Response: This application complies with all Title 16.23.07 requirements and has been through a planning review for code compliance. Lot coverage, openspace and setback requirements have been met.

Staff Response: DRC review of the project has identified minor conditions that could be imposed to satisfy an approval. With these conditions, it is believed that the requirements of WCC will be satisfied.

- B. *The business shall maintain a business license, if required;*

Applicant Response: The Adventure Barn does not require a business license.

Staff Response: Staff concurs with the applicant as the proposal serves only the residents and resident’s guests as an ancillary use to the master development.

- C. *The use will be compatible with surrounding structures in use, location, scale, mass, design and circulation;*

Applicant Response: The project is compatible with surrounding buildings and it has been designed to be in compliance with the Tuhaye Design Guidelines for Single Family Detached Homes dated December, 2023.

Staff Response: Since county staff would not review the project under the private design guidelines for a community, it is anticipated that the HOA has or will verify the accuracy of the compatibility claim for the Tuhaye Design Guidelines. The scale and massing of the structure is very similar to a single-family home. Surrounding the site are single-family homes and open space parcels. The recreational nature of the development, including the open spaces and trail network, lend itself to this use.

D. *The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;*
Applicant Response: The visual or safety impacts can be adequately mitigated. A Viewshed Analysis dated March 26, 2021 is included in the CUP application and a Visual Impact Report is included with the second submission of the CUP application. Safety impacts are mitigated by restricting the use of the building to Talisker Club residents only.

Staff Response: Staff concurs that the private club restriction reduces many of the concerns otherwise related to higher-use and public nature amenities. It would be anticipated that the familiarity with the area and use would contribute to the understanding and acceptance of the residents. The addition of a clearly delineated crosswalk and signage to remind patrons of the nature of the vehicular/pedestrian conflict area is appropriate to mitigate the auto/pedestrian conflict area.

Further, the efforts of the applicant to preserve native vegetation in the area is in line with the anticipated landscaping for the area. As such, it is suggested that the Planning Commission consider the preservation of native scrub oak to satisfy the landscape buffer requirements for the parking area. Additional native plantings are planned by the applicant to satisfy landscape requirements and the neighboring property owner has provided a letter of agreement to the plan.

E. *The use is consistent with the Wasatch County general plan;*
Applicant Response: The use is consistent with the Wasatch County General Plan. More specifically, the Adventure Barn is consistent with the following Land Use policies:

- a. 1.1.2: Promote preservation of views and ridgelines from development as viewed from prominent locations by prohibiting structures from encroaching above the ridgelines.
- b. 1.17: Preserve the views of the night sky and reduce the health impacts of artificial light by providing dark sky compliant lighting only.

In addition, the Adventure Barn meets the following Transportation Goal: Develop; a connected multi-modal transportation infrastructure that is compatible with the mountain and rural characteristics of Wasatch County.

Staff Response: Staff concurs with the notes cited by the applicant. Further review of Chapter three of the General Plan specifically highlights goals and policies intended to guide and direct decisions for the future growth in the County. Objective 11.1 encourages the development of “recreational opportunities that will enhance the quality of life in Wasatch County...” Other areas of the General Plan continue to further support development of the recreational amenity rich area in which we live. Localized community amenities that provide opportunities for residents without extensive travel distances also encourage reduced transportation demands.

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

Applicant Response: The effects of any future expansion will be mitigated through sensitive landscaping, grading and architectural design.

Staff Response: The nature of the development is that an amended site plan and conditional use permit will be necessary for the applicant to expand the use in any manner. Further expansion will be reviewed at the time, if any, that the applicant proposes to expand.

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;*

Applicant Response: All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent collector streets, the environmental factors have been adequately mitigated. A detailed lighting analysis is included with the second submission of the CUP application. Lighting complies with the new lighting code (16.21.16).

Staff Response: The proposed use is consistent with the character of the surrounding development as it attempts to utilize native vegetation wherever possible and limited lighting and operation hours. In reviewing the nature of the use as a private amenity, ancillary to the development as a whole, staff believes that the preservation of native vegetation and compliance with the Tuhaye Design Guidelines within the community should be considered. Additional analysis for these aspects were provided in the full staff analysis of this report.

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;*

Applicant Response: The use will not place an unreasonable financial burden on the County because this is a private development that will be constructed, operated and maintained by Storied Deer Valley, Ilc.

Staff Response: Staff concurs with the applicant.

I. *The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County; and*

Applicant Response: The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County.

Staff Response: With the conditions and mitigating factors proposed by staff, it is anticipated that the use will not adversely affect the health, safety or welfare considerations.

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

Applicant Response: A Building Permit will be obtained prior to construction and the design will conform to the International Building Code (IBC 2021).

Staff Response: Building code compliance will occur during the building permit review. The building department has not raised concerns during the CUP review by the DRC.

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 forwarded the item for the Appeals Hearing Officer to render a decision.

RECOMMENDED MOTION

Move to Approve item 1 consistent with the findings and subject to the conditions presented in the staff report.

– FINDINGS –

1. The proposal is for an Amenity building for the Talisker Club as part of the Tuhaye master development.
2. The amenity building and parking lot were anticipated in the overall master plan and in the most recent final subdivision approvals previously granted for the project, subject to final site plan compliance.

3. The Planning Commission hereby incorporates and adopts the findings of the staff analysis regarding compliance with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
4. Notice has been sent to neighboring property owners within 500 feet of the property.
5. There are no known zoning violations on the property at this time.
6. The Development Review Committee has reviewed the project and has provided a favorable recommendation.

– *CONDITIONS* –

1. Comments listed in the DRC review shall be resolved with the applicable review department prior to, or as part of, the building permit application.
2. The lighting plan shall be submitted with the building permit application and include the lighting engineer stamp and a statement that the lighting engineer will ensure compliance with the plans as presented.

POSSIBLE ACTIONS

The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the recommended findings listed in the 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 laws.
2. Approve with Conditions. This action can be taken if the Planning Commission feels that impacts of the Conditional Use request can be mitigated through conditions to be compliant with applicable laws. ****This action would be consistent with the staff analysis.****
3. Continue. This action can be taken if the Planning Commission needs additional information before rendering a decision, if there are issues that have not been resolved, or if the application is not complete.
4. Deny. This action can only 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.

NEXT STEPS

If the requested conditional use permit is approved, the applicant will be required to comply with the conditions of approval and could proceed with any engineering and building permits necessary. Failure to adhere to the conditions of approval will subject the conditional use permit to revocation under the provisions of WCC 16.23.06.

If the requested conditional use permit is denied, the applicant would not be allowed to operate a horse boarding facility at this site.

Any person adversely affected by a final decision made by the Planning Commission can be appealed under the provisions outlined in Wasatch County Code 2.02.02.

EXHIBITS

Exhibit A – Applicant Request 11
Exhibit B – Subdivision Plat 13
Exhibit C – Site Plan 14
Exhibit D – Viewshed Analysis 15
Exhibit E – Landscape Plans 16
Exhibit F – Lighting Plan 19
Exhibit G – Architectural Plans 20
Exhibit H – DRC Report 22

Exhibit A – Applicant Request

PROJECT ID: DEV-8920
PROJECT NAME: FINAL SITE: ADVENTURE BARN
VESTING DATE: 2/14/2024
REVIEW CYCLE: #1

Comment ID: DRC-PLN9:

Detailed description of the project including lot size(s), building size(s), and reason for the Conditional Use Permit and including a statement of justification from the applicant regarding the criteria of approval noted in 16.23.07, and any additional criteria associated with specific conditional uses.

Description of the Project (to be inserted into Original CUP Application Document and so noted in Response Letter).

PROJECT DESCRIPTION

PARCEL NUMBER: A1
ONER: TALISKER CLUB 2.0 LLC
COUNTY: WASATCH COUNTY
CITY: KAMAS
ZONING CLASSIFICATION: MOUNTAIN ZONE
DISTRICT: 15
SUBDIVISION: TUHAY MOON DANCE PHASE 2
BUILDING SIZE: 2,346 SQUARE FEET
PARCEL SIZE: 0.48 ACRES
CLIMATE ZONE: 6B
ADDRESS: 2069 W ADVENTURE COURT, KAMAS, UT 84036

The Adventure Camp Barn at Tuhaye is a private recreational amenity for Talisker Club residents. It is designed to include offices, bicycle workshop, bike storage, restrooms, and an outdoor climbing wall. A small (16 spaces) parking area is available off-site and one ADA space is provided on-site. The proposed development will be a visually appealing, mountain architectural style building that is consistent with the character of other buildings located within the area. The building will be constructed with high quality, durable materials, including stone, wood and metal, and will be designed for bicyclists, hikers and rock climbers to use for storage, bike repair and wall climbing. Landscaping will be in keeping with the adjacent landscape character.

Title 16.23.07 of the Wasatch County Code defines the criteria for approving the CUP. The criteria are addressed below.

1. This application complies with all Title 16.23.07 requirements and has been through a planning review for code compliance. Lot coverage, openspace and setback requirements have been met.
2. The Adventure Barn does not require a business license.
3. The project is compatible with surrounding buildings and it has been designed to be in compliance with the Tuhaye Design Guidelines for Single Family Detached Homes dated December, 2023.
4. The visual or safety impacts can be adequately mitigated. A Viewshed Analysis dated March 26, 2021 is included in the CUP application and a Visual Impact Report is included with the second

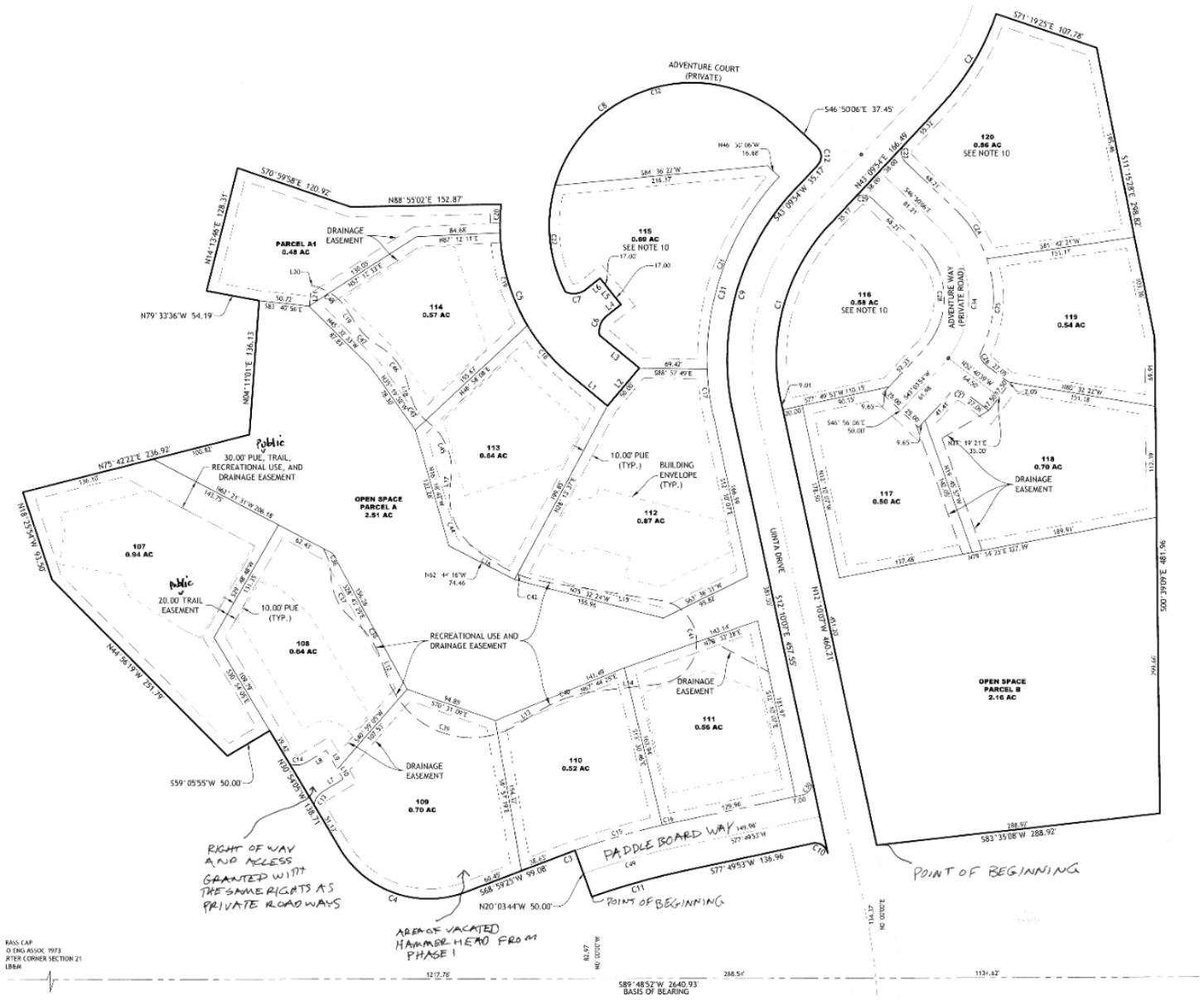
submission of the CUP application. Safety impacts are mitigated by restricting the use of the building to Talisker Club residents only.

5. The use is consistent with the Wasatch County General Plan. More specifically, the Adventure Barn is consistent with the following Land Use policies:
 - a. 1.1.2: Promote preservation of views and ridgelines from development as viewed from prominent locations by prohibiting structures from encroaching above the ridgeline.
 - b. 1.17: Preserve the views of the night sky and reduce the health impacts of artificial light by providing dark sky compliant lighting only.

In addition, the Adventure Barn meets the following Transportation Goal: Develop; a connected multi-modal transportation infrastructure that is compatible with the mountain and rural characteristics of Wasatch County.

6. The effects of any future expansion will be mitigated through sensitive landscaping, grading and architectural design.
7. All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent collector streets, the environmental factors have been adequately mitigated. A detailed lighting analysis is included with the second submission of the CUP application. Lighting complies with the new lighting code (16.21.16).
8. The use will not place an unreasonable financial burden on the County because this is a private development that will be constructed, operated and maintained by Storied Deer Valley, llc.
9. The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County.
10. A Building Permit will be obtained prior to construction and the design will conform to the International Building Code (IBC 2021).

Exhibit B – Subdivision Plat



BASE: CAP
 © ENG ASSOC 1973
 PETER CORNER SECTION 21
 LBR&K

Exhibit D – Viewshed Analysis

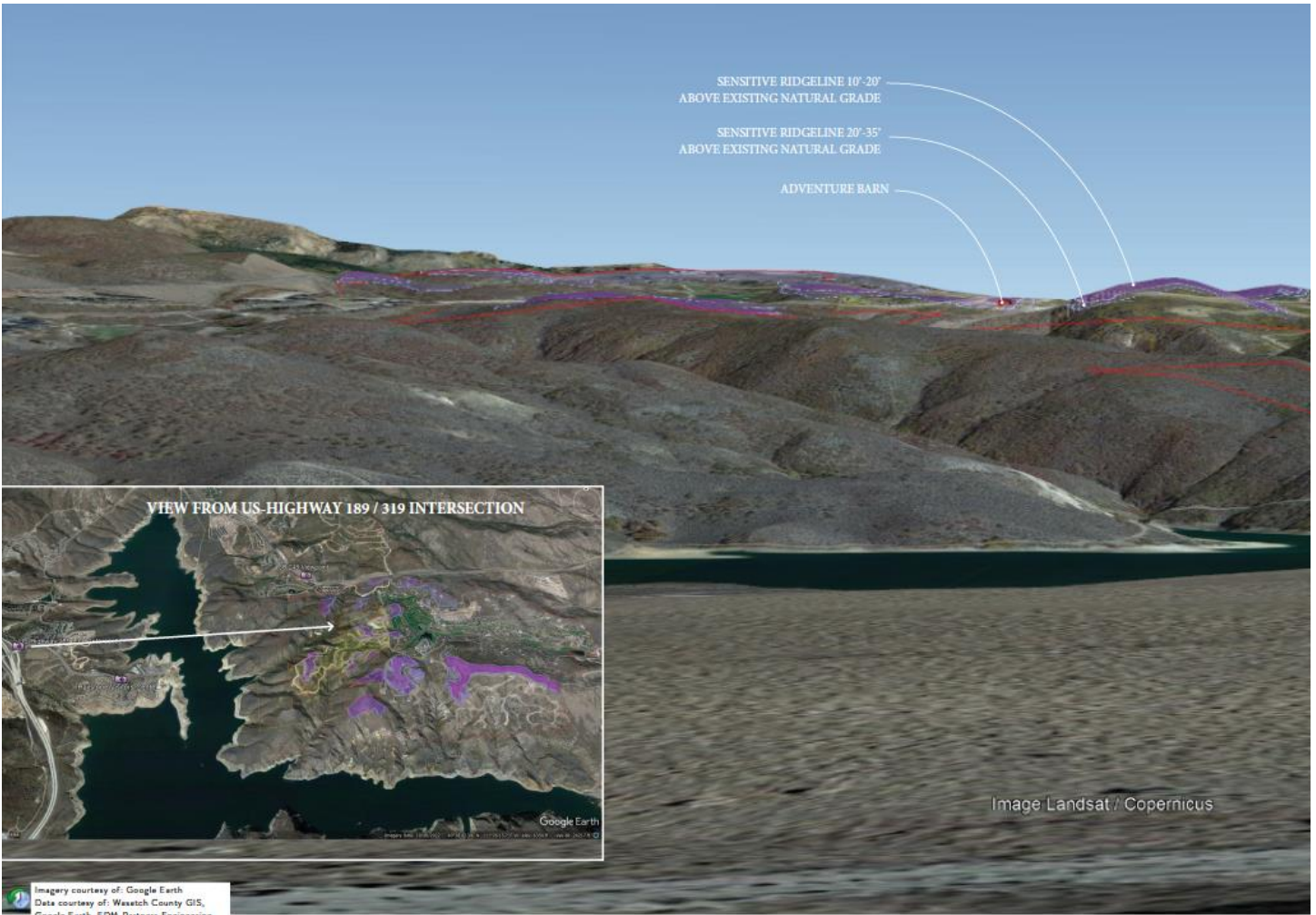


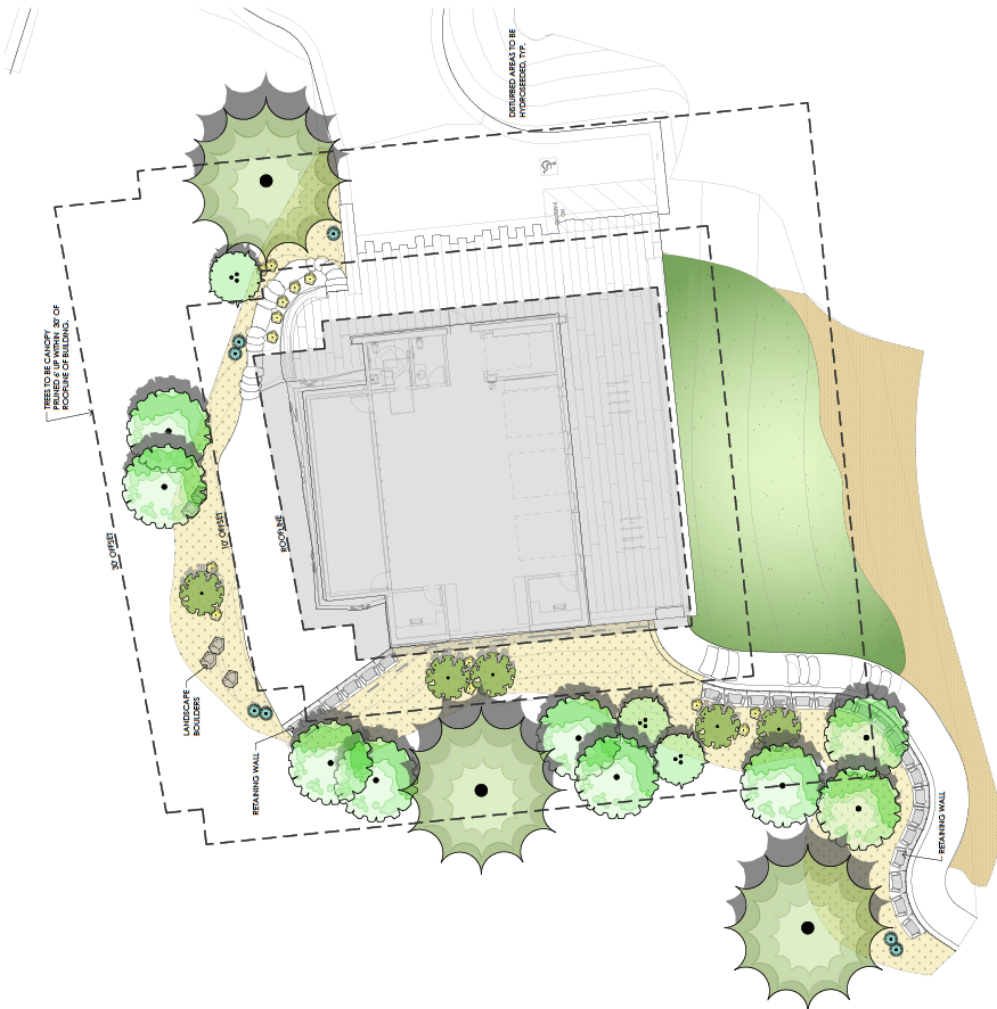
Exhibit E – Landscape Plans

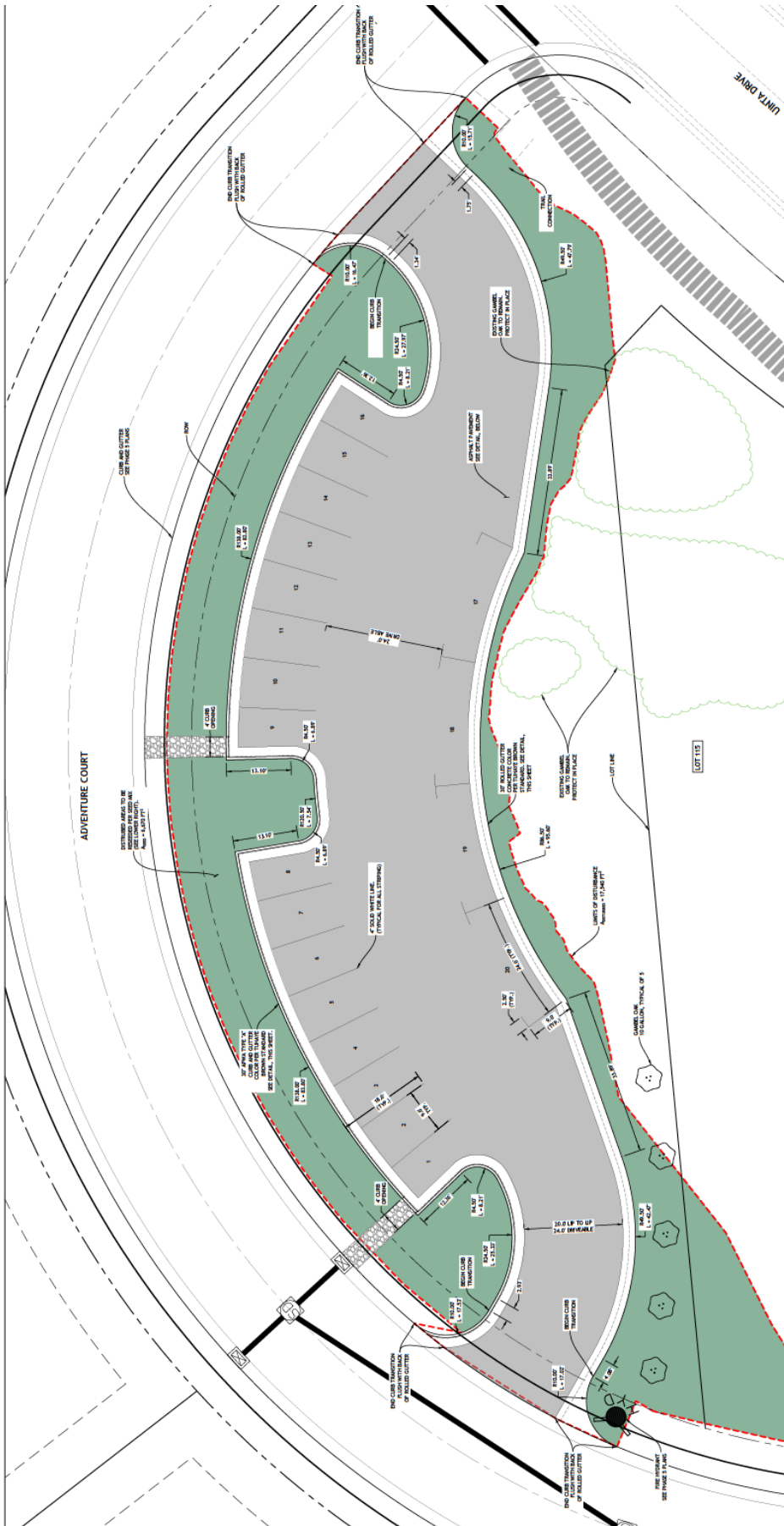
PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL / COMMON NAME	CAL	SIZE	QTY
	ACE GLA	ACE QUERCUS	2 CAL	9'	9
	JUN SCO	JUNIPERUS SCOPULORUM	-	4-8 TALL	3
	PRN BKN	PRUNUS BENTHAMIANA	-	8-12 TALL	3
	COF ALL	CORNUS SPICATA	5 GAL	5'	5
	HEL BEM	HELIOPSIS SCABERRIMA	1 GAL		
	ACH ALP	ACHILLEA MILLEFOLIUM	1 GAL		
	ABE GSA	IMPORTED BEACH SAND	-	1,111 SF	
	HAT FLR	NATIVE GRASS AND WILDFLOWER SEED MIX	SEED MIX	2,455 SF	
	POA PR2	POA PRATIENSIS	500	1.91 SF	

PLANTING NOTES

1. THE BASE INFORMATION FOR THE DRAWING WAS OBTAINED FROM CHESA, THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE DRAWING INFORMATION FIELD CONDITIONS PRIOR TO BEGINNING ANY WORK AND IMMEDIATELY NOTIFYING THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES.
2. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND MARKING THE LOCATION OF ALL UTILITIES WITHIN THE LIMITS OF WORK PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION INFORMATION FROM THE LOCAL UTILITY COMPANIES. ALL UTILITIES SHALL BE PROTECTED AND DAMAGED UTILITIES WILL BE REPAIRED AND/OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.
3. ALL PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN NURSERY ASSOCIATION, INC.
4. ALL PLANTS TO BE MAILED AND BURLAPED OR CONTAINER GROWN, UNLESS OTHERWISE NOTED ON THE PLANT LIST.
5. INSTALL 4" TOPSOIL IN LAWN AREAS AND 12" IN ALL PLANT BEDS. USE HIGH QUALITY IMPORTED TOPSOIL IF ON-SITE TOPSOIL IS NOT SUITABLE.
6. QUANTITIES INDICATED IN THE PLANT SCHEDULE ARE FOR CONVENIENCE ONLY. THE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL QUANTITIES AND SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING DESIGN SHOWN ON THE PLANS REGARDLESS OF QUANTITIES INDICATED.
7. ALL PLANTS SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
 - PROTECT ALL DETURBED AREAS WITH THE NATIVE SEED MIX, WHERE OTHER PLANTING IS NOT SHOWN.
8. OVERSEE ALL DETURBED AREAS WITH THE NATIVE SEED MIX, WHERE OTHER PLANTING IS NOT SHOWN.
9. NATIVE SEED MIX AREAS TO BE TEMPORARILY PROTECTED WITH PERMANENT UNDERGROUND PPM16 HEAD BRIGADON SYSTEM, TP.
10. ALL PLANTS SHALL BE MAILED AND BURLAPED OR CONTAINER GROWN, UNLESS OTHERWISE NOTED ON THE PLANT LIST.
11. LANDSCAPING SHOULD HAVE AN IRRIGATION SYSTEM WITH A PRESSURE LABELED SHARP BRIGADON CONTROLLER WITH EMPOBATION/TRANSPIRATION OR MOISTURE SENSOR MODULE. SYSTEM SHALL ALSO INCLUDE BACKFLOW PREVENTOR, FLOW SENSOR, AND MASTER VALVE.
12. SPRAY HEADS AND DRIP BARRIERS SHALL BE INSTALLED WITH CHECK VALVES AS NECESSARY TO PREVENT LOW HEAD DRAINAGE.
13. PLANTING BEDS ADJACENT TO WALKS SHALL RECEIVE 2" OF BARK OR STONE MULCH.
14. ALL GRASSES SHALL SLICE AWAY FROM HOME AT 28" MIN.
15. CONTRACTOR IS REQUIRED TO VERIFY CONSTRUCTION MEET ALL LOCAL CODES AND COMMUNITY REQUIREMENTS. CONTRACTOR IS REQUIRED TO VERIFY CONSTRUCTION MEET ALL LOCAL CODES AND COMMUNITY REQUIREMENTS.
16. VERIFY E-ANT UTILITY TRENCHING.



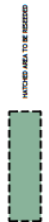


- EROSION CONTROL AND SEDIMENTATION BEST MANAGEMENT PRACTICES (BMPs)**
1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
 2. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 3. EROSION CONTROL MEASURES SHALL BE REMOVED OR MODIFIED AS NECESSARY TO COMPLETE CONSTRUCTION.
 4. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT EROSION AND SEDIMENTATION.
 5. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT EROSION AND SEDIMENTATION.

PERMANENT SEEDING MIX FOR EROSION CONTROL

SPECIES	APPLICATION RATE (LBS. PLS/ACRE)
WESTERN WHEATGRASS	3
BLUEBLANCH WHEATGRASS	5
CREST BARNARD	1
SANFON	2
ARROWLEAF BALDWINROOT	0.5
MOUNTAIN SAGEBRUSH	2
ANTELOPE HINTERBUSH	2
TOTAL	15.5

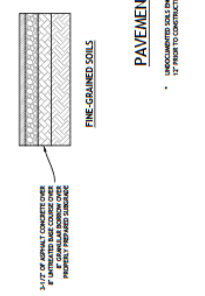
* FINE LINE SEED



GAME OAK (EROSION CONTROL) - MULTIPLE INSTALLATIONS

PARKING LOT QUANTITIES:
 PARKING STALLS: 20 STALLS
 ASPHALT: 9,181 SF
 ROLLED CURB: 200 LF
 4" CONCRETE: 3.6 CY
 4" CORNER: 270 LF

PAVEMENT SECTION DETAIL
 UNCOMPACTED SOIL ENCASEMENT SHALL BE REMOVED TO MINIMUM DEPTH OF 12" TO EXPOSE SUBGRADE TO PREPARE FOR FINISH GRADE.



From: Jeffrey Puposar <jeff@lplresidentialhomes.com>
Sent: Wednesday, March 27, 2024 2:34 PM
To: Rhett Riding
Cc: Austin Cory; Chad Tharp
Subject: Re: Parking Lot Landscaping
Attachments: image003.jpg

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Rhett.

We are fine w this plan, as presented.

Jeff P.

On Wed, Mar 27, 2024, 1:12 PM Rhett Riding <rriding@taliskerclub.com> wrote:

Hello Austin,

I just met with Chad and marked up the landscape plan with what they would like us to do. I've added 5 10gal Clumped Gamble Oak bushes. Chad will reply to this email shortly.

RHETT RIDING, CONSTRUCTION MANAGER

TALISKER CLUB | STORIED DEER VALLEY, LLC

Empire Pass | Tuhaye | Main Street | Outpost

Talisker Club | Empire Pass | Tuhaye

10105 N. Tuhaye Park Drive | Kamas, UT 84036

435.671.9518 cell

StoriedLiving.com | TaliskerClub.com | rriding@taliskerclub.com

Exhibit H – DRC Report



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

PROJECT ID: DEV-8920
PROJECT NAME: FINAL SITE - ADVENTURE BARN
VESTING DATE: 2/14/2024
REVIEW CYCLE #: 3

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
County Surveyor	Ready for Decision
Planning Department	Ready for Decision
Public Works Department	Ready for Decision
Health Department	Ready for Decision
MAG Regional Trail Planner	Ready for Decision
GIS Department	Ready for Decision
Weed Department	Ready for Decision
Engineering Department	Ready for Decision
Sheriff's Office	Ready for Decision
Fire SSD	Ready for Decision
Building Department	Ready for Decision
Recorder's Office	Ready for Decision
Jordanelle SSD	Ready for Decision
Assessor's Office	No Action Taken
Manager's office	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.

OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
DRC-JSSD1	DRC - Jordanelle SSD	Continued plan review with JSSD staff and District engineer necessary for final approval of construction drawings.
FIRE-App-1	SSD - Fire SSD Approval	Hydrant needs to be a maximum of 400 feet from structure
FIRE-App-2	SSD - Fire SSD Approval	Verify emergency vehicle turn around prior to permit submission

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN13	SP-2 Architectural Drawings	There are a number of duplicate sheets included in this submittal. Only the architectural items were reviewed. If there are discrepancies between site plan or lighting plan documents that are provided in the other submittal items, the plans provided elsewhere are considered the ones that were reviewed.
DRC-PLN14	SP-2 Architectural Drawings	Note that your reference of Wasatch County code for height restrictions is inaccurate. I'm not sure where you got the code that you've cited, but it is not a Wasatch County Code. Title 10 in WCC is "Water and Wastewater". Zoning regulations are in Title 16. That said, the building appears to comply with the county code of 35 feet height.

DRC - Surveyor Office		
Comment ID	Sheet Name	Comment
DRC-SUR1	SP-1 Site Plan	The Plot Plan should show the dimensions of the Parcel.



Item 2 – Airport Overlay Zone Amendment Code Text Amendment

Project: DEV-n/a | AOZ Amendment
Meeting Date: 9 May 2024
Report Date: 1 May 2024
Report Author: Austin Corry, Assistant Director

Council Action Required: Yes
Type of Action: Legislative
Applicant: Planning Department
Affected Code Section(s): 16.19

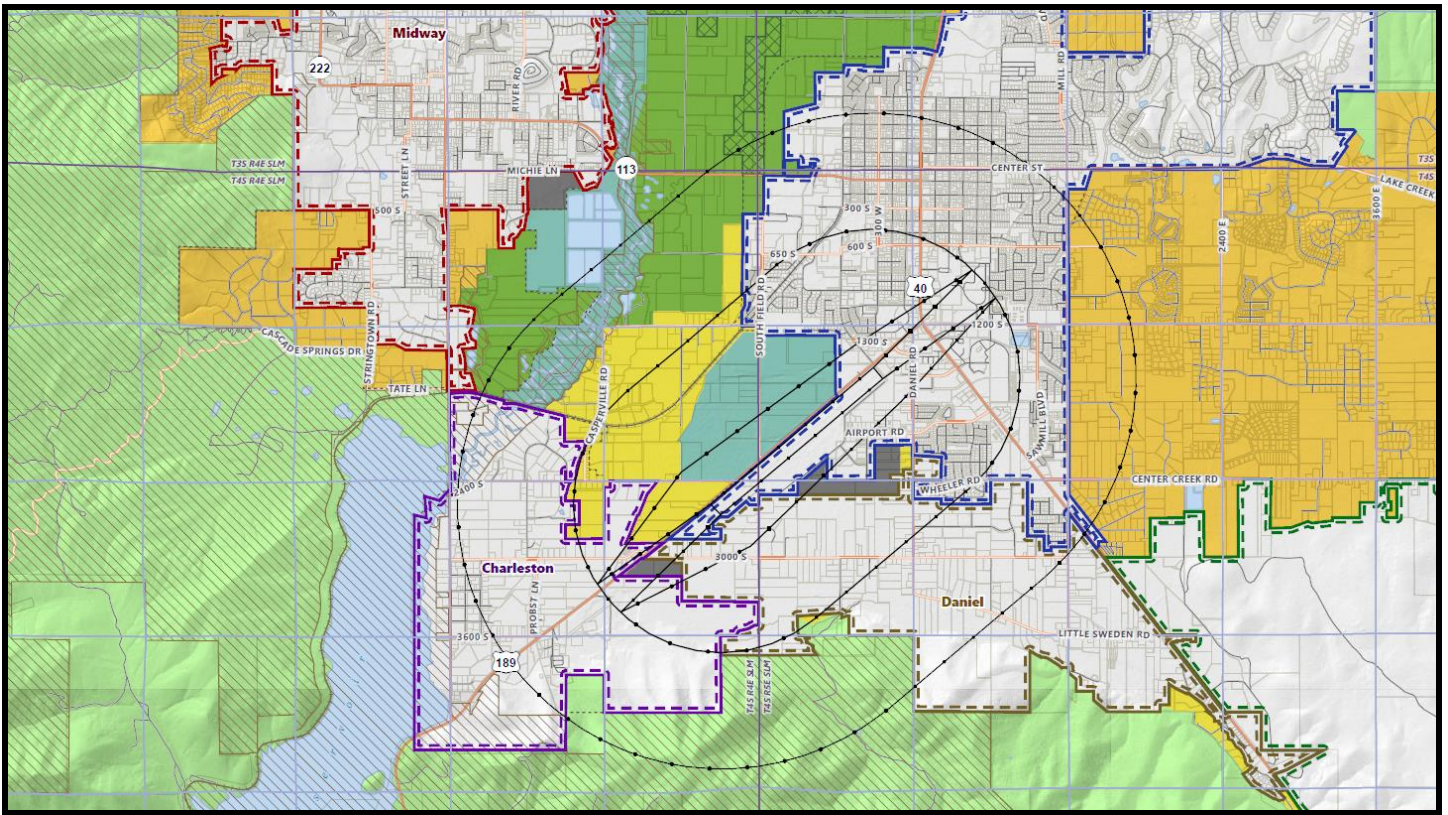
DETERMINATION ISSUE

Whether or not code sections 16.19 (Airport Overlay Zone) should be amended to comply with House Bill 206 from the Utah legislative session. This determination is a legislative decision to be made by the Wasatch County Council after receiving a recommendation from the Planning Commission.

RECOMMENDATION

Based on the analysis and findings in this staff report, Planning Staff is of the opinion that referencing federal code requirements is a benefit to ensuring thorough reviews for compliance with applicable laws. Therefore, it is recommended that the Planning Commission forward a POSITIVE RECOMMENDATION of the proposed code text amendment based on the findings included the staff report.

Planning Commission Staff Report



BACKGROUND

In 2023, the Utah State Legislature enacted House Bill 206 which requires the county to reference the Code of Federal Regulations (CFR) regarding airport overlay regulations. These are regulations specifically intended to address impacts of airport operations and also to protect airport operations from complaints that arise from encroaching development. The county first adopted an Airport Overlay Zone (AOZ) in 2002. Since adoption, the primary land area in the AOZ has been incorporated into Heber, Daniel, and Charleston jurisdictions. The largest black oval in the image above represents the outer boundaries of the existing AOZ.

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 AOZ is quoted below:

16.19.01: PURPOSE

- A. *The purpose of establishing the airport overlay zone (AOZ) is to establish regulations for any future airport development that may be constructed in the county, and to see that said development is constructed in locations that will harmonize with the surrounding area with respect to topography siting, noise and hazards. The airport overlay zone (AOZ) is to ensure safety in the operation of the airport.*
-

RECOMMENDED MOTION

Move to forward a Recommendation for Approval to the County Council for item 2 consistent with the findings presented in the staff report.

– FINDINGS –

1. The Utah State Legislature enacted HB206 in 2023 affecting Utah Code 17-27a-501 and 72-10-403, Airport zoning regulations.
2. HB206 requires the County to, by December 31, 2024, adopt regulations that require compliance with 14 C.F.R. 77.
3. County code currently complies with 14 CFR 77, but referencing the code offers ability to reduce language and ensure compliance should 14 CFR 77 be amended.
4. The County sees no prevailing public interest that would suggest the amendment as proposed would harm the health, general welfare, and safety of the inhabitants of Wasatch County.

POSSIBLE ACTIONS

The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the recommended findings listed in the 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. ****This action would be consistent with the staff analysis.****
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved through conditions or modifications to the proposed text.
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

Exhibit A – Proposed Code Text Amendment4

Exhibit A – Proposed Code Text Amendment

ORDINANCE NO. 24-05

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTER 16.19 TO UPDATE THE AIRPORT OVERLAY ZONE TO COMPLY WITH RECENT STATE CODE CHANGES.

RECITALS

WHEREAS, the Utah State Legislature enacted House Bill 206 (2023), affecting Utah Code section 17-27a-501, Enactment of land use regulation and section 72-10-403, Airport zoning regulations; and

WHEREAS, said HB206 requires the County to, by December 31, 2024, adopt regulations that require compliance with 14 C.F.R. 77; and

WHEREAS, the County Legislative Body has determined that the existing county code 16.19 can be reduced by referencing the required code of federal regulations; 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 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 _____, 2024.

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 _____, 2024.

Joey Granger
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this ____ day of _____, 2024.

Notary Public

Residing in:
My commission expires:

EXHIBIT A – PROPOSED AMENDMENT

1 **Chapter 16.19: AIRPORT OVERLAY ZONE (AOZ)**

2 **16.19.01: PURPOSE**

3 The purpose of establishing the airport overlay zone (AOZ) is to establish regulations for any ~~future~~
4 ~~development near the~~ airport ~~development~~ that may be constructed in the county, and to see that said
5 development is constructed in locations and at heights that will harmonize with the surrounding area with
6 respect to topography, siting, noise and hazards. The airport overlay zone (AOZ) is to ensure safety in the
7 operation of the airport.

8 **16.19.02: AIRPORT OVERLAY ZONES ~~DEFINITIONS BOUNDARY~~**

9 For the purpose of this chapter, ~~any surfaces defined under 14 C.F.R 77 (Code of Federal Regulations),~~
10 ~~and those shown on the official Wasatch County Zoning Map shall be considered the Airport Overlay~~
11 ~~Zone.:~~

12 ~~AIRPORT APPROACH ZONE: An area at each end of an airport landing strip or takeoff strip,~~
13 ~~broadening from a width of one thousand feet (1,000') at the end of the strip to a width of four thousand~~
14 ~~feet (4,000') at a distance of seven thousand five hundred feet (7,500') from the end of such strip, its~~
15 ~~centerline being a continuation of the centerline of the strip.~~

16
17 ~~AIRPORT TRANSITION ZONE: A triangular area adjacent to each side of an airport approach zone~~
18 ~~located with reference thereto as follows: one corner of the transition zone shall be identical with the~~
19 ~~corner of the approach zone nearest to the landing strip; a second corner shall be located at the end of a~~
20 ~~line, the line extending from the end of the landing strip to a point one thousand five hundred fifty feet~~
21 ~~(1,550') from the centerline of the landing strip and at right angles thereto; a third corner shall be located~~
22 ~~at a point along the approach zone boundary line, which point is seven thousand five hundred feet (7,500')~~
23 ~~distant from the first corner above mentioned.~~

24
25 ~~AIRPORT TURNING ZONE: A circular area surrounding an airport encompassing all of the land lying~~
26 ~~within a radius of two (2) miles distance from the landing strip of an airport, except that area covered by~~
27 ~~the airport, the transition zones and the approach zones.~~

28 **16.19.03: AIRPORT REGULATIONS**

29 ~~1. All proposed development within the Airport Overlay Zone shall conform with 14 C.F.R. Part 77.~~
30 ~~1.2. Height Limits Near Airports: No building, utility line, or structure shall be erected and no tree or~~
31 ~~other natural feature shall be permitted to grow or develop which is higher than the limitations~~
32 ~~established under 14 C.F.R. 77.~~

33 ~~1. In any airport approach zone, no building, utility line or structure shall be erected and no~~
34 ~~tree or other natural feature shall be permitted to grow or develop which is more than one~~
35 ~~foot (1') in height for each fifty feet (50') the building is distant from the end of the~~
36 ~~landing or takeoff strip.~~

37 ~~2. In any airport transition zone, no building, utility line or structure shall be erected and no~~
38 ~~tree or other natural feature shall be permitted to grow or develop which is more than one~~
39 ~~foot (1') in height for each seven feet (7') the building or structure is distant from the~~
40 ~~inside airport approach zone boundary.~~

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~~3. In any airport turning zone, no building, utility line or structure shall be erected and no tree or other natural feature shall be permitted to grow or develop to a height greater than one hundred fifty feet (150').~~

4.1. At least part of the land covered by the airport approach zone within one thousand feet (1,000') from end of runway must be owned by the same person or corporation which owns or controls the operation of the airport, or else an easement covering the land must be owned by the same person or corporation which will prevent the construction of buildings and structures or the growing of trees or other natural feature over the above prescribed height limits.

~~2.3.~~ Use Restrictions: Notwithstanding any other provision of this title, no uses may be made of land within the county which will create electrical interference with radio communication between airports and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of airports or otherwise endanger the landing or taking off of aircraft.

4. Airport Overlay Uses: Other than single-family residential housing, All any other permitted or conditional uses in the underlying zone, but within the airport overlay zone (AOZ) ~~are~~ shall be considered conditional uses. Uses not listed as permitted or conditional uses in the underlying zone shall be prohibited.

5. Any subdivision plats recorded that include property within the airport overlay zone shall include a notice indicating that the subdivision is within the airport overlay zone and alert future buyers to the associated impacts of the airport.

~~3.6.~~ The county may, as a condition of granting a building permit, subdivision plat, or a requested zone change within 5,000 feet of a legally established airport runway, require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an aviation easement.