

**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.

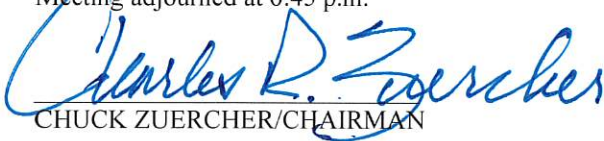
Commissioner Kimberly Cook seconded the motion.

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