

**MINUTES OF THE
WASATCH COUNTY PLANNING COMMISSION
MAY 9, 2024**

PRESENT: Chair Pro Tem Scott Brubaker, Kimberly Cook, Doug Grandquis, Wendell Rigby, Doug Hronek, Daniel Lyman

EXCUSED: Commissioner Mark Hendricks, Chair Chuck Zuercher, Commissioner David Thacker

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

PRAYER: Commissioner Doug Hronek

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

Chair Pro Tem Scott Brubaker called the meeting to order at 6:20 p.m. on Thursday, May 9, 2024, and indicated that all the Commissioners are present except for Chair Chuck Zuercher, Vice Chair Mark Hendricks and Commissioner David Thacker, who were excused. 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 Pro Tem Scott Brubaker then called the first agenda item.

APPROVAL OF THE MINUTES FOR THE APRIL 11, 2024 MEETING

Motion

Commissioner Daniel Lyman made a motion to accept the minutes for the April 11, 2024 meeting as written.

Commissioner Doug Grandquis seconded the motion.

The motion carries with the following vote:

AYE: Chair Pro Tem Scott Brubaker, Daniel Lyman, Kimberly Cook, Doug Grandquis.

NAY: None.

ABSTAIN: Wendell Rigby (was not present); Doug Hronek (was excused)

Chair Pro Tem Scott Brubaker 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.”

REGULAR AGENDA

Chair Pro Tem Scott Brubaker then called the first regular agenda item.

ITEM 1 RHETT RIDING, REPRESENTING STORIED DEER VALLEY, LLC, REQUESTS FINAL SITE PLAN APPROVAL FOR THE TUHAYE ADVENTURE BARN, A PROPOSED RECREATIONAL AMENITY BUILDING FOR MEMBERS OF THE TUHAYE DEVELOPMENT THAT WILL INCLUDE MOUNTAIN BIKE RENTALS, ROCK CLIMBING, AND ACCESS TO A FUTURE POND AND BEACH AREA LOCATED AT 2069 E ADVENTURE COURT IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-8920; 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 Tuhaye is a private gated community in the Jordanelle Basin Overlay Zone. 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 paddle board. If or when those activities are introduced, the applicant will need to submit a revised conditional use request. Also, the building lighting that is there, although it exceeds IBC minimums which our code excludes IBC minimums from their lighting calculations and they didn't even include that exclusion in there they just calculated all as optional lighting and there are about half of their lighting that they are allowed. The lighting plan is compliant though.

Austin Corry indicated that the determination issue on this item is 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.

Austin Corry then indicated that based on the analysis in the staff report, Planning Staff recommends that the Planning Commission approve the Conditional Use Permit based on the findings included in the staff report and subject to the conditions that are listed in the staff report.

Austin Corry indicated that the purpose outlined in the JBOZ zone is quoted below:

- 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.

Austin Corry then presented the key issues to consider.

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

Austin Corry then went through the proposed 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.

Austin Corry then went through the proposed 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.

Austin Corry then went through the comments made by the DRC.

JORDANELLE SSD comments:

- Continued plan review with JSSD staff and District Engineer necessary for final approval of construction drawings.

FIRE SSD comments:

- Hydrant needs to be a maximum of 400 feet from structure.
- Verify emergency vehicle turn around prior to permit submission.

PLANNING comments:

- 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.
- Note that your reference of Wasatch County Code for height restrictions is inaccurate. I am 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.

SURVEYOR comments:

- The plot plan should show the dimensions of the Parcel.

Commission Comments

Commissioner Daniel Lyman asked about the lighting being part of the building or co-jointly with the land use part as well. Austin Corry indicated they submitted a lighting plan and the lighting plan that was submitted for this application didn't have a stamp on it so the condition is noting that. The Electrical Engineer needs to stamp the document is really what that is noting. There will be no lighting in the parking lot, they eliminated that lighting altogether. Operation will not be during dark hours and open in daylight hours. All the rest is considered optional lighting and that calculates at half of what they are allowed. The plan is compliant.

Commissioner Daniel Lyman asked about the bicycles on top of the wall, are they considered signage or considered building. Austin Corry replied they are non-habitable architectural features. Austin Corry replied they are excluded in the code from the height.

Commissioner Daniel Lyman asked if notice was sent out to people within five hundred feet and there might be one home up there now, so it is just one notice sent? Austin Corry replied that it is sent to all the property owners regardless of whether there is a home built on the lot or not. That would have been a dozen or so I would imagine.

Applicant

Rhett Riding, representative for Storied Deer Valley, the developer at Tuhaye, addressed the Wasatch County Planning Commission and indicated that he has brought a dozen projects through Planning and always have done everything the right way and I don't cut corners. We have twelve full time residents in all of Tuhaye. Right now, we have 94 active building permits inside Tuhaye. With regard to vehicles, they fly in and use rented vehicles to get here, or somebody picks them up, and they do the same when they return. We have roads built to the County's specifications. All the trails are public trails and about thirty miles of trails. The detention pond will be turned in as a retention pond. They can use the pond for recreation purposes such as canoes, etc. There will be a tubing hill. Everything is only for members and member guests and not for the outside public, except the trails. Just members can use the amenities. Rhett Riding indicated that he would like to have the Planning Commission members come and see our project and what is being done and possibly that could be arranged.

Public Comment

Chair Pro Tem Scott Brubaker then opened the meeting up for public comment and there was none so the public comment period was closed.

Motion

Commissioner Doug Grandquis made a motion to recommend approval for Item No. 1, Storied Deer Valley LLC, for the Tuhaye Adventure Barn for the Final Site Plan/Conditional Use Permit consistent with staff findings and subject to the conditions as outlined.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Pro Tem Scott Brubaker, Daniel Lyman, Wendell Rigby, Kimberly Cook, Doug Hronek, Doug Grandquis.

NAY: None.

ITEM 2 CONSIDERATION OF A PROPOSED AMENDMENT TO WASATCH COUNTY CODE 16.19, AIRPORT OVERLAY ZONE, IN ORDER TO MODIFY COUNTY CODE TO COMPLY WITH THE UTAH STATE LEGISLATURE HOUSE BILL 206 (2023) REQUIREMENTS. **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 MAY 15, 2024.* (AUSTIN CORRY)

Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that 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.

Austin Corry indicated that the determination issue on this item is 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.

Austin Corry then indicated that, based on the analysis and findings in the 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 that have been included in the planning staff report.

Austin Corry also went over the purpose and intent of the proposal: 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 here:

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.*

The proposal in front of you is to basically strike the language where it is being repeated and just reference the federal regulation codes.

Austin Corry then went through the proposed 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 CFR 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.

Commission Comments

Commissioner Daniel Lyman asked a question regarding 16.19.02 if that changed it from the definition to the boundary? Does that mean that CFR Chapter defines the boundaries for our airport? Austin Corry replied that was a clean-up item because the definition didn't clearly state where our overlay zone really was but that is how we were applying it and if it falls in any of these surfaces that we were defining, it is in the overlay zone. Commissioner Daniel Lyman asked if that will change from what we see on the map? Austin Corry replied no, so the map will remain the same. Basically, what it did is it struck all the various definitions of the surfaces and it just said, if it is on those surfaces it is in the overlay zone and the surfaces are described in that CFR 77.

Commissioner Wendell Rigby asked, are we assuming that you coordinated with Heber City, and the airport department and they understand what we are doing? Austin Corry replied that he did not coordinate with them. Nothing here changes anything as far as the airport operations and how we are regulating the airport overlay zone right now. It is literally just striking the stuff where we were quoting CFR 77 and just saying that we are just going to follow CFR 77 which the airport has to do as well. Primarily what that 14 CFR 77 does is it talks about landing zones and approach angles and height restrictions if you are going to develop in the zone. We don't have a whole lot in the County that is even in that area anymore. When the overlay zone was originally created Daniel wasn't incorporated as a township. It is really making no change other than making sure that we are compliant with the state code requirement.

Public Comment

Chair Pro Tem Scott Brubaker then opened the hearing up for public comment and there was none so the public comment period was closed.

Motion

Commissioner Doug Grandquis made a motion that we go ahead and recommend to the Wasatch County Council adoption of the Airport Overlay Zone Code Text Amendment consistent with the staff analysis along with the proposed findings.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Pro Tem Scott Brubaker, Kimberly Cook, Daniel Lyman, Doug Hronek, Doug Grandquis, Wendell Rigby

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 Pro Tem Scott Brubaker, Kimberly Cook, Daniel Lyman, Doug Hronek, Doug Grandquis, Wendell Rigby

NAY: None

Meeting adjourned at 7:30 p.m.

SCOTT BRUBAKER/CHAIR PRO TEM

DRAFT



Item 1 – Crossings Phase 1 Lot C Plat Amendment

Project: DEV-8218 | Crossings Phase 1 Lot C
Meeting Date: 13 June 2024
Report Date: 3 June 2024
Report Author: Austin Corry, Assistant Director
Council Action Required: Yes
Type of Action: Administrative

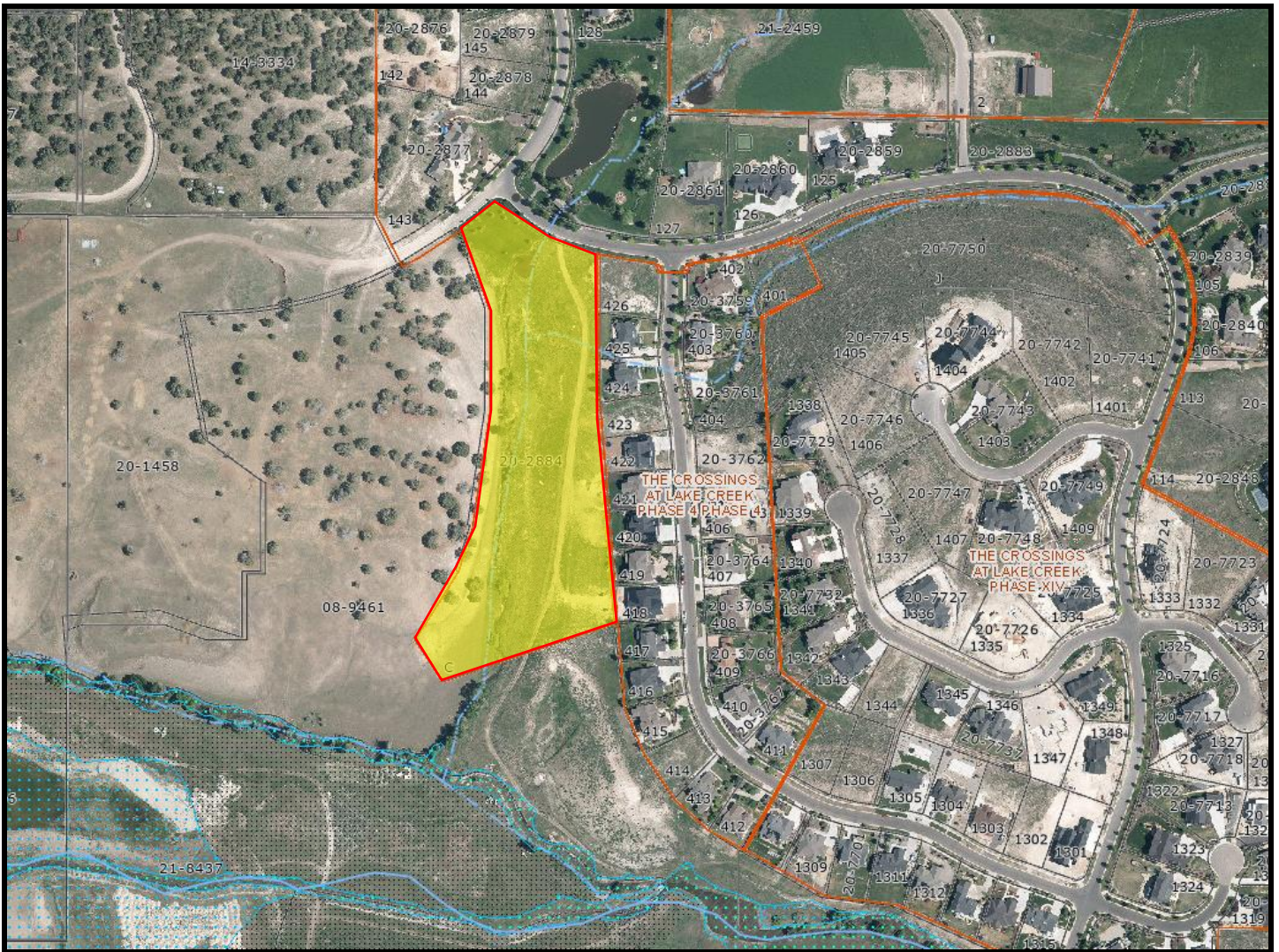
Applicant: Crossings at Lake Creek I, LLC
Address: 340 S. Lindsay Hill Rd.
Existing Land Use: Open Space
Existing Plat: 47 ERUs on 78.98 ac
Proposed Amendment: Boundary of Lot C
Related Applications: n/a

DETERMINATION ISSUE

Whether or not the proposed amendment meets the standards for ‘good cause’ as required by Utah Code Annotated §17-27a-609 and other applicable ordinances governing the land use in Wasatch County. This determination is an administrative decision to be made by the Wasatch County Council.

RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws. Therefore, it is recommended that the Planning Commission RECOMMEND APPROVAL of the proposed Plat Amendment based on the findings and subject to the conditions as presented in the staff report.



BACKGROUND

The applicant is in the process of seeking final approval to develop phase 11 of the The Crossings at Lake Creek master development. In the course of making application, the DRC identified that the applicant was attempting to plat new lots over area that is currently recorded as open space Lot C in The Crossings at Lake Creek Phase I that was recorded by plat in March 2005. The project has a lengthy history of multiple phases, development agreements, and a settlement agreement. Relevant to this particular request would be the requirements for open space and recreational amenity improvements recorded in the development agreement. The applicant is seeking to amend lot C of the plat in order to adjust the boundaries in a way that removes the portion of the lot where the proposed Phase 11 overlaps and to add to the Lot C areas of un-platted ground shown for a future unbuilt phase of the project. The result would be an open space lot that is the same acreage as the current lot, but in a slightly different configuration.

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. Wasatch County Code 16.01.05 identifies who the land use authority is depending on the scope of the proposed amendment. Since the proposal does not qualify as a Minor Plat Amendment under the definitions specified in Wasatch County Code, the request is required to be heard by the County Council. At the time of this report, no objections have been received in response to the notices sent.

PURPOSE AND INTENT

The subject property was originally developed under the 1997 land use code that permitted performance developments in the RA-1 zone that accommodated bonus densities and variable lot sizing in exchange for performance criteria such as open space and recreational amenities. While a plat amendment would typically not fall under the vested rights entitlement of the overall master development, the consideration of the context would be important when analyzing whether or not good cause exists to grant the amendment. The purpose outlined in the RA-1 zone is quoted (in part) below:

16.08.01: PURPOSE

- A. The purpose of this section is to encourage rural densities in accordance with the general plan. Subdivision design should preserve natural or prominent features of the site first, and laying out the lots after the portions of the site worth preserving are addressed. The residential-agricultural zone (RA-1) is established to preserve the high quality of life for the citizens of Wasatch County by allowing residential development near the incorporated areas, while maintaining the rural atmosphere of Wasatch County.*
- B. The specific intent in establishing this residential-agricultural zone (RA-1) is to promote the protection of natural resource areas, prominent features of the site, farmland and other large areas of open land, while permitting residential development at low, rural densities. The intent of the code is to increase lot sizes as development moves away from incorporated areas and maintain, as much as possible, the rural character of the County. Specific objectives are as follows:*
 - 1. Provide a place in the county where residential dwellings may be constructed as a transition from population centers to more rural agricultural uses.*
 - ...*
 - 5. To maintain and protect Wasatch County's rural character by providing options to preserve important landscape elements, including those areas containing unique and environmentally sensitive natural features, such as stream corridors, wetlands, groundwater, floodplains, ridgelines, geologic hazard areas, steep slopes and natural areas by allowing options for preserving them.*
 - 6. To promote a rural feeling along county roads by requiring larger setbacks and allowing cluster options and the possibility of open space along roads in specified areas.*
 - 7. To provide the option in specified areas for the development of varied lot sizes in clustered, single-family, low density residential uses, allowing the potential for large areas of permanently protected open space.*
 - ...*
 - 9. To promote active and passive recreational use of open space by residents of a cluster development or by the public.*
 - 10. To provide opportunities for open space and or regional trails in existing developments.*

...

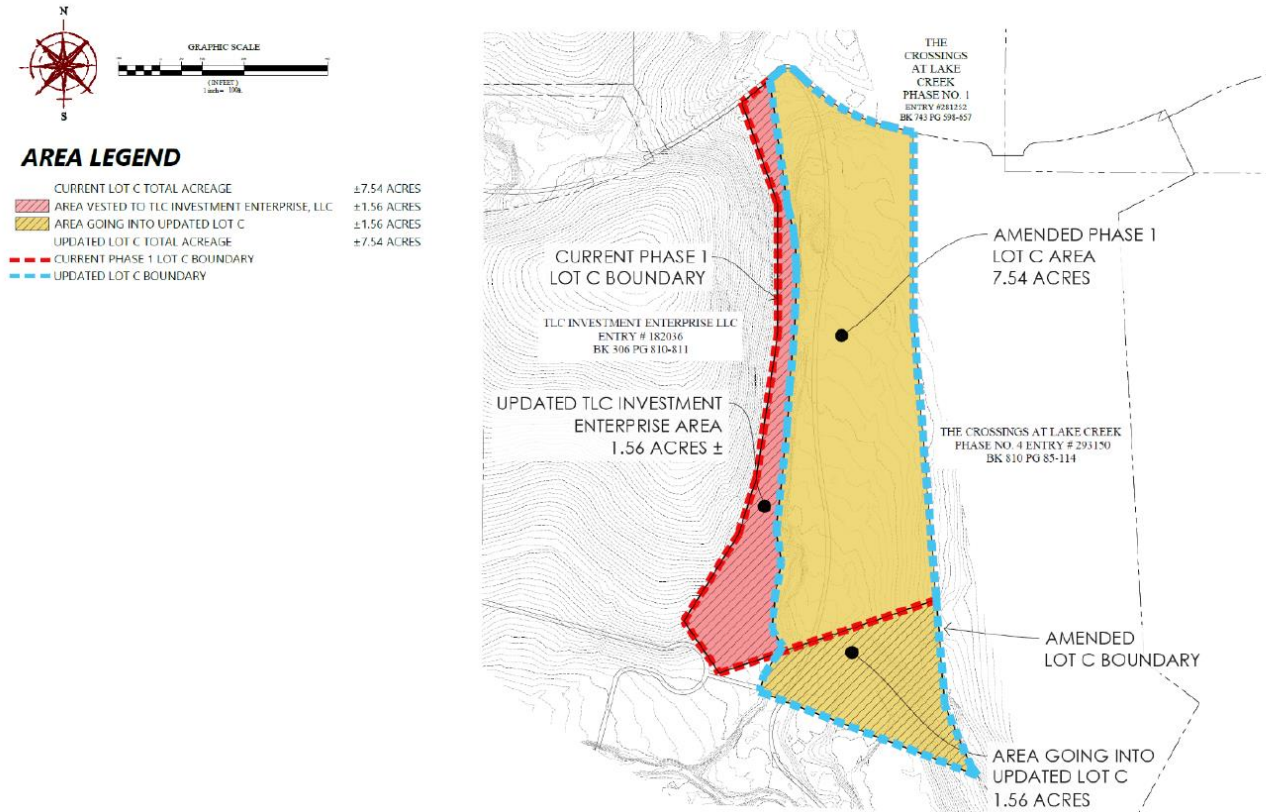
KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with recorded development agreements.
- Compliance with UCA §17-27a-609, and including WCC 16.04.02 definition of good cause.

STAFF ANALYSIS

– LAND USE AND DENSITY –

The proposed amendment does not include any requests that would affect the density of the platted Phase 1 subdivision. The amendment would adjust the configuration of an open space parcel but maintain the same acreage as currently platted. This reconfiguration would allow the area removed from the boundary to be utilized in a future phase of the master development. The applicant has made an application for phase 11 that would use this area, but that proposal is still in the review stages of the process awaiting a resubmittal from the applicant to address code compliance issues with the proposal.



THE CROSSINGS AT LAKE CREEK - AMENDED PHASE 1 LOT C EXHIBIT COMPARISON

HEBER CITY, WASATCH COUNTY
7/25/2023
20-0412

Note: This plan is for illustrative purposes only. Boundaries may be based on parcels obtained through public GIS data. It is recommended that a survey be performed to determine actual boundary size and dimensions as well as other potential boundary conflicts.



– RECREATIONAL TRAIL AMENITY –

The original development plat, recorded in 2005, included a commitment from the developer to construct an asphalt trail running north/south through the parcel. To date, this trail has not been constructed. As part of this proposal, the applicant would be subject to bonding and reinforcing their commitment to construct the trail.

– GOOD CAUSE –

UCA §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. Wasatch County Code 16.04.02 has defined “good cause” as follows:

16.04.02: DEFINITIONS

...

GOOD CAUSE: 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.

...

The Development Review Committee has reviewed the plat amendment and finds the proposal is ready for the Council to determine if “good cause” exists as required by State Law. It is believed that the modifications to the boundaries are insignificant and do not contradict the current development requirements. The construction of the missing trail amenity is a positive benefit to resolve the existing issue of incomplete infrastructure.

– PUBLIC RIGHT-OF-WAY OR EASEMENTS –

The proposal does not impact any public street or right-of-way access.

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 Planning Commission review and recommendation.

RECOMMENDED MOTION

Move to forward a Recommendation for Approval to the County Council for Item 1 consistent with the findings and subject to the conditions presented in the staff report.

– FINDINGS –

1. The subject property is a 7.54 acre open space lot part of The Crossings at Lake Creek master development.
2. The development agreement requires that the applicant provide 20% open space for the project.
3. The proposed boundary adjustment reconfigures the 7.54 acre open space lot, but maintains the same acreage.

4. The application includes a portion of the trail plan consistent with the development agreement for a public trail connecting throughout the master development.
5. Good cause for the amendment exists to resolve the completion of the trail committed to in 2005 with no other significant alteration to the open space acreage currently provided.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.
8. The proposal is consistent with Utah Code §17-27a-609.

– *CONDITIONS* –

1. The trail improvements shall be completed or bonded for prior to plat recording. If bonded, the construction of the trail shall be completed in accordance with the bond agreement timelines.
2. The trail plans presented for the engineering construction permit shall include all areas of the trail, including the crossing of the stream, in compliance with County code.
3. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.

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 Preliminary Plan request is compliant as proposed with Wasatch County Code and all other applicable laws.
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. ****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. Recommendation for Denial. This action can only be taken if the Planning Commission finds that the proposal does not meet the ordinance or that the application is insufficient to comply with applicable law.

NEXT STEPS

If the requested plat amendment is approved, the applicant will need to satisfy any conditions, if applicable, and can deliver a mylar plat to the planning office for recording. Actions must be taken to further pursue the approval with reasonable diligence as outlined in Wasatch County Code 16.01.16.

If the requested plat amendment is denied, there is no further action required. If the applicant desires to request an alternative plan for approval, it will need to be made as a new application.

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

EXHIBITS

Exhibit A – Letter of Request.....8

Exhibit B – Existing Subdivision Plat13

Exhibit C – Proposed Amended Plat.....14

Exhibit D – Site Plan.....15

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Exhibit A – Letter of Request

August 16, 2023

To whom it may concern,

We would like to submit for a plat amendment for **The Crossings at Lake Creek Phase 1**, more specifically, "**Lot C**" of the open space contained within the Phase 1 boundary. This amendment has been contemplated and discussed with the planning staff and the Crossings HOA Board since shortly after the phase was recorded in March 2005. Until recently, this hasn't been a pressing issue to resolve. Lot C borders the Phase 1 boundary line, as such a plat amendment was deemed the best option by us and the planning staff. The intent to realign the boundary was also captured in an HOA Board Resolution ("Exhibit A") when all other open space parcels were transferred over to the HOA. We feel that this resolution and as Declarant for the project we aren't subjected to the 500' rule as we have and will continue to work directly with the HOA Management Board. All land involved is owned by related entities which the Declarant controls or has agreements in place that allow for this.

When the Lot C boundary was initially drawn, it did not take into account the detention basin that was required for Phase 1, 4, 13 and 14. Ideally this detention basin should have been within the boundaries of Lot C but that wasn't the case due to the physical constraints and elevations. This basin was built completely outside of the plat boundaries. Additionally, the eastern border of Lot C, which is mostly straight lines, never took into account the topography or the Lindsay Spring/Pole Ditch flowline. This plat amendment looks to fix that by adjusting the shape of Lot C to follow the topographical contours more appropriately and also to include as much of the detention basin as possible while keeping the size the same (+/-7.54 acres total size). **The Amended Lot C will have the same use, size, and water allocation as on the Phase 1 recorded plat, only the shape will change.**

The current allocated water is as follows and will remain the same following the amendment. As such, we don't expect to need additional water board approval or a water action report. All the irrigation usage is monitored by Twin Creeks and Lake Creek Irrigation and the irrigation system and usage is managed by The Crossings HOA as part of SSA-1.

Phase	Lot Number	Lot Size (sq ft)	Lot Size (ac)	Irrigated Area (sf)	Irrigated Area (ac)	Irr. Water Allocated (af)
1	OS-C	328,378	7.54	224,918	5.16	15.49

*per Phase 1 recorded plat

Please see the following exhibits

- A. HOA Board Resolution
- B. CURRENT Phase 1 Plat
- C. CURRENT Phase 1 Lot C Detail
- D. Amended Lot C
- E. Current and Amended Lot C Comparison

Thank you,

The Crossings at Lake Creek Development Team

Tracey, Logan and Cole Cannon including The Crossings at Lake Creek I, LLC, TLC Investment Enterprises, LLC, Cloverstone Funding, LLC, Cannon Development Co. LLC.

RESOLUTION AND TRANSFER AGREEMENT

regarding

THE CROSSINGS AT LAKE CREEK HOME OWNERS ASSOCIATION, INC.

Tracey Cannon (the "**Declarant**") and the CROSSINGS AT LAKE CREEK HOME OWNERS ASSOCIATION, INC. (the "**HOA**"), being signed by all the board members of the HOA, do by this resolution ("**Resolution**") consent to take the following actions and adopt the following resolutions on this ~~day of April 2024~~ **6th day of May 2021** (the "**Effective Date**").

WHEREAS, the Declarant has built the open space known as Parcels A, B, C, D, E, F, G, H, I, J, K, and L (the "**Open Space**");

WHEREAS, the Declarant has permitted the HOA residents to enjoy the use of the Open Space since the time it was completed;

WHEREAS, the Open Space is delineated on the plats of the Crossings at Lake Creek;

WHEREAS, Open Space deeds were prepared and signed in 2015 but lost and not recorded;

WHEREAS, the Crossings Development Agreements require Wasatch County to sign off on the written transfer agreement;

WHEREAS, Wasatch County has approved this transfer agreement subject to: a) Developer providing executed Open Space Deeds for parcels A-L, approved by Wasatch County as compliant with the Development Agreement; b) those deeds being recorded, c) HOA releasing the County from obligations associated with the open space and the transfer of maintenance obligations and d) this Resolution and Transfer Agreement being executed; and

WHEREAS, the Declarant and the HOA desire to document ratify all the actions of the HOA board and Declarant since the Interim Period;

NOW THEREFORE, BE IT RESOLVED that the Declarant and the HOA hereby approve the following resolution:

1. The recitals above are explicitly made a part of this Resolution.
2. The HOA hereby accepts responsibility to maintain, regulate, and insure the Open Space.
3. The HOA hereby waives any claim to contribution for the amounts the HOA has incurred through the Effective Date for maintaining, regulating, and insuring the Open Space. For

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the avoidance of doubt, this waiver is for any costs the HOA has incurred from the Open Space although the deeds were not previously recorded.

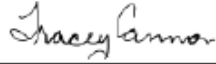
4. The Declarant hereby waives any claims it might have to rent from the HOA's use of the Open Space through the Effective Date. For the avoidance of doubt, the Declarant has no rights of reimbursement for Open Space expenses incurred through the Effective Date.
5. The HOA accepts the Open Space AS-IS with no express or implied warranties.
6. For open space parcels A-L, the HOA releases Wasatch County for all obligations related to: a) sign off on the improvements being installed per the plans, b) any maintenance bonds as the HOA is fully operational and capable of fulfilling its maintenance obligations, and c) signing off on this transfer agreement.
7. The Declarant and the HOA will work together to finalize the recordation of the deeds in collaboration with Wasatch County.
8. Prior to recordation the Declarant and the HOA will work together to finalize the updated legal description for Lot C of the Open Space to include more of the existing detention pond without changing the total existing acreage (± 7.54 acres).
9. Miscellaneous.
 - a. The HOA and the Declarant shall cooperate to file and record any documents needed to achieve the intention of this Resolution.
 - b. This Resolution may be executed in as many counterparts as necessary or convenient and counterparts, when so executed, shall be deemed an original but all such counterparts shall constitute but one and the same agreement.

Signature Page Follows

Page 2 of 3

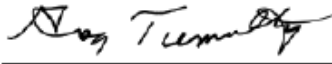
IN WITNESS WHEREOF, the Declarant and HOA approve the foregoing Resolution as of the Effective Date above.

DECLARANT:

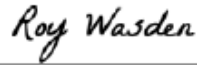


Tracey Cannon 05 / 18 / 2021

HOA BOARD MEMBERS:



By: 05 / 06 / 2021



By: 05 / 07 / 2021



By: 05 / 08 / 2021



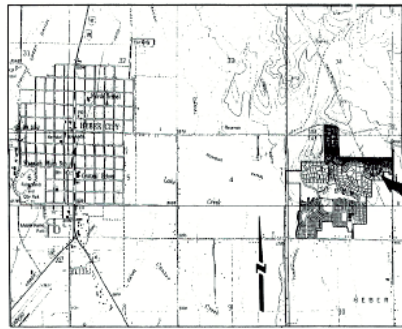
By: 05 / 17 / 2021



By: 05 / 17 / 2021

Page 3 of 3

Exhibit B – Existing Subdivision Plat



LOCATION MAP
NOT TO SCALE

PROJECT LOCATION
WASATCH COUNTY, UT

VICINITY MAP
NOT TO SCALE

THE CROSSINGS AT LAKE CREEK PHASE No.1

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH AND THE NORTH HALF OF SECTION 3, TOWNSHIP 4 SOUTH ALL IN RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN

GENERAL NOTES

1. This Plat is subject to that certain Master Declaration of Covenants, Conditions and Restrictions for The Crossings at Lake Creek, recorded _____ as Entry No. _____ in Book _____ of Page _____ in the Wasatch County Recorder's Office, as the same may be amended from time to time ("Declaration").
2. Lots 101-147 are subject to secondary irrigation requirements. The area of each Lot that can be irrigated along with the amount of water allocated to each Lot is shown on the Secondary Irrigation Table shown on Sheet 5 of 6 of this Plat.
3. The Crossings at Lake Creek Home Owners Association will hold fee title to Open Space Lots 141, 142, 143, 144, 145, 146, and 147 in a separate conveyance instrument.
4. Lot Purchasers see Sheet 6 of 6 for Notes to Purchasers.
5. Minimum front building setbacks from right-of-way lines are 30 feet except for Lots 107, 108, 109, and 117 which are 20 feet as per the Master Declaration.
6. That portion of Lot "B" east of Lot 125 and adjoining the Bluth property is subject to an access agreement dated March 10, 2004 between TLC Investment Enterprises L.L.C. and Alan W. Bluth and Mary Bluth.
7. The Ridge Line Elevations depicted on Lots 112-116 are based on the found brass cap & bench mark, with an elevation of 5863.29 feet, located at the northeast corner of Lot 118 of The Crossings at Lake Creek Phase No. 1 and the northeast corner of Lot 3 of Hidden Meadows plat as recorded in Book 318 at Pages 559-568 of the Wasatch County records. See Master Declaration and Notes to Purchasers on Sheet 6 of 6.

LENDER'S CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENTS: The undersigned T.L.C. Investment Enterprises L.L.C. and Tracey M. Cannon (Lender) is the trustee and beneficiary under that certain Deed of Trust dated August 18, 2004 and recorded in the official records of Wasatch County, Utah as Entry No. 274363, in Book 708, of Page 717, which Deed of Trust encumbers the property legally described in this Plat. Lender hereby consents to the recordation of this Plat and hereby acknowledges that said land is to be subdivided into Lots and public roads to be hereinafter known as The Crossings at Lake Creek Phase No. 1, as set forth on this Plat. Lender hereby consents to the dedication of the public roads designated hereon for the perpetual use of the public and hereby subordinates its interest in the public roads to the public forever.

DATED this 21st day of January, 2005.

Lender: T.L.C. Investment Enterprises L.L.C.

By: Tracey M. Cannon *Tracey M. Cannon*
Its General Manager

Lender: Tracey M. Cannon Individual *Tracey M. Cannon*

LENDER'S ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF Wasatch)

On this 21st day of January, A.D., 2005, there personally appeared before me, Tracey M. Cannon, who being by me duly sworn, did say that he/she is the Individual Manager of T.L.C. Investments, that said Plat was signed on behalf of said entity by authority of its bylaws or a resolution of its board of directors and said person acknowledged to me that said entity executed the same.

Tracey M. Cannon
NOTARY PUBLIC

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF Wasatch)

On this 21st day of January, 2005, there personally appeared before me, Tracey M. Cannon, who being by me duly sworn, did say that he/she is the OWNER of The Crossings at Lake Creek I, L.L.C., that said Plat was signed on behalf of said entity by authority of its operating agreement, and said person acknowledged to me that said entity executed the same.

Tracey M. Cannon
NOTARY PUBLIC

LEGEND:

- Section Corner Monument as noted
- Proposed Easement
- Street Monument to be Set
- Standard County Survey Monument to be Set or as Noted
- Set Back & Gap Stamped The North Companies At All Rear Lot Corners, Set Lead Plug Or Rivet In Top Of Corn At Extension Of Property Line At Fronts, Or As Noted
- Public Utility and Lot Drainage Easement at Front Lot Line is 10', or as noted
- Property Line
- Section Line
- Center Line
- Adjusting Property Line
- Tie Line
- Building Setbacks
- Easement Line
- Dedicated Public Roads
- Easement Area
- Open Space Lots "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z", "AA", "AB", "AC", "AD", "AE", "AF", "AG", "AH", "AI", "AJ", "AK", "AL", "AM", "AN", "AO", "AP", "AQ", "AR", "AS", "AT", "AU", "AV", "AW", "AX", "AY", "AZ", "BA", "BB", "BC", "BD", "BE", "BF", "BG", "BH", "BI", "BJ", "BK", "BL", "BM", "BN", "BO", "BP", "BQ", "BR", "BS", "BT", "BU", "BV", "BW", "BX", "BY", "BZ", "CA", "CB", "CC", "CD", "CE", "CF", "CG", "CH", "CI", "CJ", "CK", "CL", "CM", "CN", "CO", "CP", "CQ", "CR", "CS", "CT", "CU", "CV", "CW", "CX", "CY", "CZ", "DA", "DB", "DC", "DD", "DE", "DF", "DG", "DH", "DI", "DJ", "DK", "DL", "DM", "DN", "DO", "DP", "DQ", "DR", "DS", "DT", "DU", "DV", "DW", "DX", "DY", "DZ", "EA", "EB", "EC", "ED", "EE", "EF", "EG", "EH", "EI", "EJ", "EK", "EL", "EM", "EN", "EO", "EP", "EQ", "ER", "ES", "ET", "EU", "EV", "EW", "EX", "EY", "EZ", "FA", "FB", "FC", "FD", "FE", "FF", "FG", "FH", "FI", "FJ", "FK", "FL", "FM", "FN", "FO", "FP", "FQ", "FR", "FS", "FT", "FU", "FV", "FW", "FX", "FY", "FZ", "GA", "GB", "GC", "GD", "GE", "GF", "GG", "GH", "GI", "GJ", "GK", "GL", "GM", "GN", "GO", "GP", "GQ", "GR", "GS", "GT", "GU", "GV", "GW", "GX", "GY", "GZ", "HA", "HB", "HC", "HD", "HE", "HF", "HG", "HH", "HI", "HJ", "HK", "HL", "HM", "HN", "HO", "HP", "HQ", "HR", "HS", "HT", "HU", "HV", "HW", "HX", "HY", "HZ", "IA", "IB", "IC", "ID", "IE", "IF", "IG", "IH", "II", "IJ", "IK", "IL", "IM", "IN", "IO", "IP", "IQ", "IR", "IS", "IT", "IU", "IV", "IW", "IX", "IY", "IZ", "JA", "JB", "JC", "JD", "JE", "JF", "JG", "JH", "JI", "JJ", "JK", "JL", "JM", "JN", "JO", "JP", "JQ", "JR", "JS", "JT", "JU", "JV", "JW", "JX", "JY", "JZ", "KA", "KB", "KC", "KD", "KE", "KF", "KG", "KH", "KI", "KJ", "KK", "KL", "KM", "KN", "KO", "KP", "KQ", "KR", "KS", "KT", "KU", "KV", "KW", "KX", "KY", "KZ", "LA", "LB", "LC", "LD", "LE", "LF", "LG", "LH", "LI", "LJ", "LK", "LL", "LM", "LN", "LO", "LP", "LQ", "LR", "LS", "LT", "LU", "LV", "LW", "LX", "LY", "LZ", "MA", "MB", "MC", "MD", "ME", "MF", "MG", "MH", "MI", "MJ", "MK", "ML", "MM", "MN", "MO", "MP", "MQ", "MR", "MS", "MT", "MU", "MV", "MW", "MX", "MY", "MZ", "NA", "NB", "NC", "ND", "NE", "NF", "NG", "NH", "NI", "NJ", "NK", "NL", "NM", "NN", "NO", "NP", "NQ", "NR", "NS", "NT", "NU", "NV", "NW", "NX", "NY", "NZ", "OA", "OB", "OC", "OD", "OE", "OF", "OG", "OH", "OI", "OJ", "OK", "OL", "OM", "ON", "OO", "OP", "OQ", "OR", "OS", "OT", "OU", "OV", "OW", "OX", "OY", "OZ", "PA", "PB", "PC", "PD", "PE", "PF", "PG", "PH", "PI", "PJ", "PK", "PL", "PM", "PN", "PO", "PP", "PQ", "PR", "PS", "PT", "PU", "PV", "PW", "PX", "PY", "PZ", "QA", "QB", "QC", "QD", "QE", "QF", "QG", "QH", "QI", "QJ", "QK", "QL", "QM", "QN", "QO", "QP", "QQ", "QR", "QS", "QT", "QU", "QV", "QW", "QX", "QY", "QZ", "RA", "RB", "RC", "RD", "RE", "RF", "RG", "RH", "RI", "RJ", "RK", "RL", "RM", "RN", "RO", "RP", "RQ", "RR", "RS", "RT", "RU", "RV", "RW", "RX", "RY", "RZ", "SA", "SB", "SC", "SD", "SE", "SF", "SG", "SH", "SI", "SJ", "SK", "SL", "SM", "SN", "SO", "SP", "SQ", "SR", "SS", "ST", "SU", "SV", "SW", "SX", "SY", "SZ", "TA", "TB", "TC", "TD", "TE", "TF", "TG", "TH", "TI", "TJ", "TK", "TL", "TM", "TN", "TO", "TP", "TQ", "TR", "TS", "TT", "TU", "TV", "TW", "TX", "TY", "TZ", "UA", "UB", "UC", "UD", "UE", "UF", "UG", "UH", "UI", "UJ", "UK", "UL", "UM", "UN", "UO", "UP", "UQ", "UR", "US", "UT", "UU", "UV", "UW", "UX", "UY", "UZ", "VA", "VB", "VC", "VD", "VE", "VF", "VG", "VH", "VI", "VJ", "VK", "VL", "VM", "VN", "VO", "VP", "VQ", "VR", "VS", "VT", "VU", "VV", "VW", "VX", "VY", "VZ", "WA", "WB", "WC", "WD", "WE", "WF", "WG", "WH", "WI", "WJ", "WK", "WL", "WM", "WN", "WO", "WP", "WQ", "WR", "WS", "WT", "WU", "WV", "WW", "WX", "WY", "WZ", "XA", "XB", "XC", "XD", "XE", "XF", "XG", "XH", "XI", "XJ", "XK", "XL", "XM", "XN", "XO", "XP", "XQ", "XR", "XS", "XT", "XU", "XV", "XW", "XX", "XY", "XZ", "YA", "YB", "YC", "YD", "YE", "YF", "YG", "YH", "YI", "YJ", "YK", "YL", "YM", "YN", "YO", "YP", "YQ", "YR", "YS", "YT", "YU", "YV", "YW", "YX", "YY", "YZ", "ZA", "ZB", "ZC", "ZD", "ZE", "ZF", "ZG", "ZH", "ZI", "ZJ", "ZK", "ZL", "ZM", "ZN", "ZO", "ZP", "ZQ", "ZR", "ZS", "ZT", "ZU", "ZV", "ZW", "ZX", "ZY", "ZZ"

Sheet No. 4

the County

Containing 47 Lots	49.076 Acres
Containing 6 Open Space Lots ("A", "B", "C", "D", "E" & "F")	17.348 Acres
Public Road Dedication	12.560 Acres
Total Acreage:	78.984 Acres

MICHAEL DUBOIS ET AL.
BOOK 577 PAGE 731
Wasatch County Planning Commission
Approved this 30th day of March, 2005
By the Wasatch County Planning Commission
Ernie J. Ellis
CLERK, Wasatch County Planning Commission

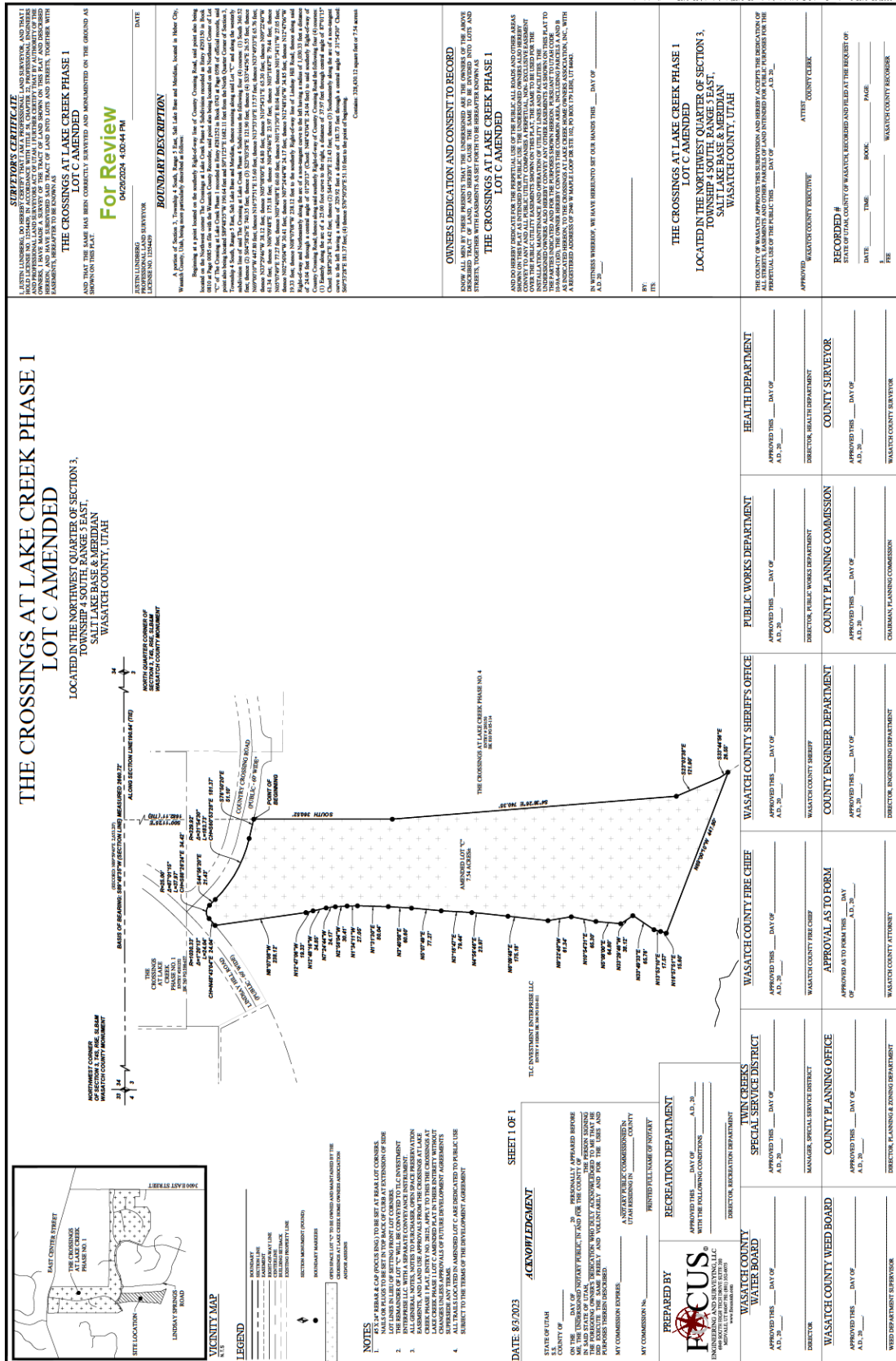
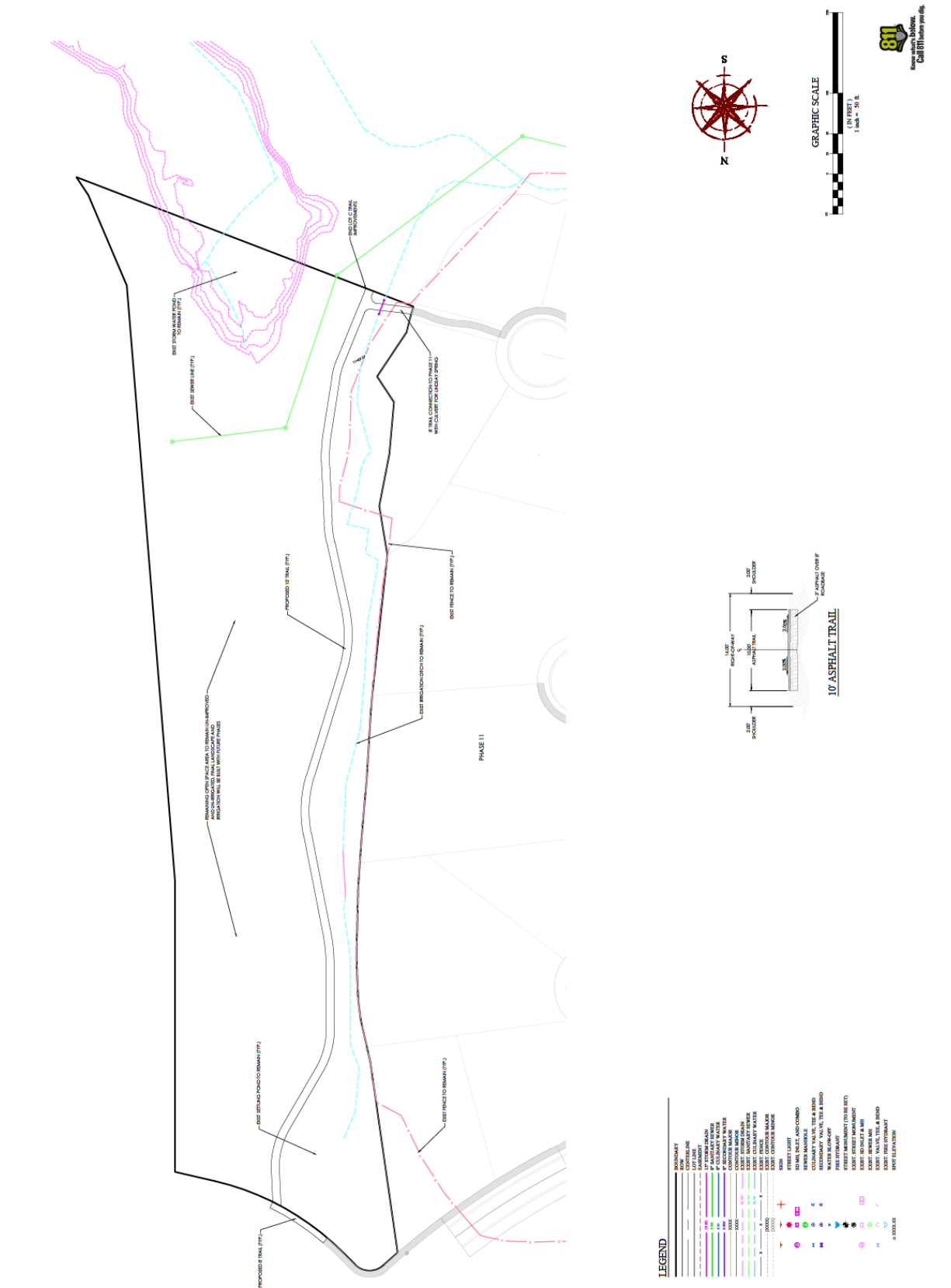


Exhibit D – Site Plan



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
MAG Regional Trail Planner	Ready for Decision
Assessor's Office	Ready for Decision
Engineering Department	Ready for Decision
Planning Department	Ready for Decision

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

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

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

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

OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
DRC-ENG2	ENG - Engineering	The trail plans need to be presented for DRC review. After review and approval, and before the mylar can be signed, a subdivision construction permit will need to be obtained and bonding put in place for the trail construction. The subdivision construction permit and bonding from the previous comment will be required prior to engineering's signature.
DRC-ENG3	ENG - Engineering	Engineer's Estimate will be reviewed further at submittal for construction permit.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Assessor Office		
Comment ID	Sheet Name	Comment
DRC-ASR1	02b - Amended Plat	Assessor recommends the lot be designated as common area instead of an open space lot to avoid the risk of a potential tax sale later down the road.

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG2		The trail plans need to be presented for DRC review. After review and approval, and before the mylar can be signed, a subdivision construction permit will need to be obtained and bonding put in place for the trail construction. The subdivision construction permit and bonding from the previous comment will be required prior to engineering's signature.
DRC-ENG3		Engineer's Estimate will be reviewed further at submittal for construction permit.

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN5	Other - Trail Plan	Bonding and construction of the trail in accordance with the trail plan will be required.
DRC-PLN6	Other - Engineers Cost Estimate	The final estimate will need to include revegetation of the disturbed areas from grading activities.
DRC-PLN7	Other - Trail Plan	Trail will need to include the weed barrier underneath per WCC standard detail.
DRC-PLN8	Other - Trail Plan	I don't see any details about the culvert and how the trail relates. The grading plan fails to show finish grade at the culvert area. The engineering permit will need to validate compliance.



Item 2 – Discussion and possible recommendation of Ordinance 24-04 a request by Rhett Riding for an amendment to Wasatch County Code §16.21.28(C)(3)(2) in order to reduce the setback distance of cellular towers from residential or commercial properties from 1,000 feet to 100 feet in the Mountain (M) zone as well as other code changes and updates proposed to be included in this code amendment (DEV-9172; Doug Smith).

Project: DEV-9172 | cell tower code amendment
Meeting Date: 13 June 2024
Report Date: 4 June 2024
Report Author: Doug Smith

Council Action Required: Yes
Type of Action: Legislative
Applicant: Rhett Riding
Affected Code Section(s): 16.21.28

DETERMINATION ISSUE

Whether or not code section 16.21.28 (Telecommunication code), should be amended with a number of changes made including updated language and requirements and clarifying language that cellular towers can be located closer to residential areas with requirements.

RECOMMENDATION

Based on the analysis and findings in this staff report, the Planning Staff is of the opinion that the code should be amended.

BACKGROUND

The applicant is proposing to amend the regulations of 16.21.28 entitled "Telecommunication". The applicant's intent is to allow cell towers to be located closer than 1,000 feet to residential property lines. The code was originally adopted in 2003 and has had a few amendments since that time. The intent of the code is to locate cell towers and antenna facilities as discreetly as possible. To do this the code has a hierarchy of location priorities.

16.21.28 (C) states the following:

Location; Priority of Antenna Site Locations: CMRS telecommunications antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall create stealth facilities and make a good faith effort to locate antennas on sites in the following order of priority (paraphrased):

1. At the same location where another facility is located.
2. Lawfully existing buildings or structures in a P-160 in a non-residential area or a mountain zone at least 1,000 feet from a residential area or in a commercial area.
3. Monopoles in the P-160 in a non-residential area, M (Mountain) zones 1,000 feet from a residential area or in a commercial zone or residential zone on property used for a multi-family dwelling.
4. Co-location is required.

The existing code language and other language in the code is confusing and contradictory. Although the amendment proposed by the applicant would have been easy to fix it was determined that there should be additional changes made to the code. The intent to have a hierarchy of acceptable locations is still a priority.

Writing ordinances is difficult. A planner is not an expert on telecommunications standards. It is almost impossible to consider all the potential proposals that could arise that may or may not be covered by this ordinance.

CODE AMENDMENT 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 telecommunication section of the code and the proposed language are similar. Below is the existing purpose language of the telecommunication section of the code.

16.21.28 Purpose: The purposes of this section are:

- a. To regulate telecommunications services, CMRS antennas and support structures, and related electronic equipment and equipment structures;
 - b. To provide for the orderly establishment of CMRS telecommunications facilities in the county;
 - c. To minimize the number of antenna support structures by encouraging the collocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting support structures;
 - d. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications CMRS facilities;
-

-
- e. To comply with the telecommunications act of 1996 by establishing regulations that:
1. Do not unreasonably discriminate among providers of functionally equivalent services;
 2. Do not prohibit or have the effect of prohibiting the provision of telecommunications CMRS services;
 3. Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the federal communication commission regulations concerning such emissions.
-

KEY ISSUES TO CONSIDER

- Is it appropriate to allow cell towers closer than 1,000 feet to a residential property line?
- The code is contradictory and requires 1,000 feet from a residential area in several sections and a setback of 115% of the height of the tower to a residential property line in another.
- Should lesser setbacks be allowed so that cell tower locations are more flexible?
- Is the premise of the code to have a hierarchy of locations and options still appropriate?
- None of the codes in the neighboring areas require a setback of 1,000 feet to residential areas. The next closest is 200' or 300% of tower height.
- Can the updates be considered to be a benefit to the health, safety and welfare of residents and visitors?

STAFF ANALYSIS

-CODE INCONSISTENCIES- As Mentioned there are inconsistencies with the regulations regarding setback from residential areas and or property lines as you can see from the below code sections.

C. Location; Priority of Antenna Site Locations: CMRS telecommunications antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall create stealth facilities and make a good faith effort to locate antennas on sites in the following order of priority:

1. *At the same location where another CMRS facility is already located; or*
2. *Lawfully existing buildings, structures and antenna support structures; provided, that the buildings, structures or support structures are either:*
 - a. *Located in the P-160 (preservation) zone in a nonresidential area; or*
 - b. *Located in the M (mountain) zone at least one thousand feet (1,000') from any residential area or commercial area on property that is being used for nonresidential and noncommercial uses; or*

- c. *Located in a commercial zone or a residential zone on property that is being used for a residential building and is at least thirty five feet (35') in height.*
3. *Monopoles and guyed towers constructed on public or private property; provided, that the property is:*
 - a. *Located in the P-160 (preservation) zone in a nonresidential area; or*
 - b. *Located in the M (mountain) zone at least one thousand feet (1,000') from any residential area or commercial area on property that is being used for nonresidential and noncommercial uses; or*
 - c. *Located in a commercial zone or a residential zone on property that is being used for a multi-family residential building having eight (8) or more dwelling units and which is at least thirty five feet (35') in height.*

D, 4 Monopoles with No Platform or with a platform:

- a. *The maximum height of the monopole or monopole antenna shall be sixty feet (60'), although the approving body may grant up to one hundred feet (100') if the location is not obtrusively visible from residential, commercial and any resort areas of the county, and the applicant has demonstrated to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow collocation, and the applicant has taken all reasonable steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed three feet (3') in width.*
- b. *Monopoles shall be set back a minimum of one hundred fifteen percent (115%) of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.*

Staff is proposing to use the above regulation in the code that requires a monopole to be setback 115% of the height of the tower. This is more in line with what is typical of codes in the surrounding areas.

The proposed code language is attached as exhibit A. In short, the proposed code amendments address the following:

1. Changes references throughout the code section from CMRS facilities to Wireless Telecommunication Facilities.
2. Deletes redundant definitions.
3. Adds that small wireless facilities are referred to in a separate code.
4. Deletes some of the application requirements.
5. Deletes requirement for a distance of 1,000 feet from a residential or commercial area.
6. Deletes regulations for monopoles with platforms and without platforms and just refers to monopoles and their regulations.
7. Clarifies the zones where antenna structures are allowed to be located and what type of structures.

The proposed code follows the general intent of the existing code in that new facilities shall be located in the following order of priority as a conditional use:

1. Co-locate where there are existing facilities (structures or poles).
2. Locate on existing buildings or structures in the P-160, M (Mountain), I (industrial), HS (Highway Services), zones.
3. Locate on existing accessory structures, not including dwellings, on lots of 5-acres or more.
4. Locate on multi-family housing and hotels.
5. Locate on water tanks and other public infrastructure in residential zones.

6. New Monopoles in the P-160, M, HS, or I Zones.

- *GENERAL PLAN* - The General Plan does not specifically mention cell towers. The only section that might be considered to have impacts relating to cell towers, is to the language in the General Plan to “preserve ridgelines”. In some situations, it is preferable to locate cell towers on a ridgeline to provide better coverage. This is contrary to the code intent to preserve ridgelines as much as possible.

GOAL: Preserve the rural character of Wasatch County.

1.1.2 POLICY: Promote preservation of views and ridgelines from development as viewed from prominent locations by prohibiting structures from encroaching above the ridgeline.

It may be difficult to balance cell reception with aesthetics and what if anything is compromised. We have allowed towers on ridgelines.

-*HIGHLIGHTS OF CODES IN NEIGHBORING COMMUNITIES* - Below are highlights from codes in neighboring communities:

City/County and name of code section	Setbacks from residential zone/area	Cell tower heights	Separation requirements from other towers	Co-location requirements?	Other notes:
Midway City – Wireless Telecommunications	200’ or 300% of tower height whichever is greater. Commercial zoning setbacks apply.	Up to 40’ without a special use permit. Maximum of 60’ unless approved to be higher by CC.	Yes. Up to 2,000 feet depending on height.	Yes	All towers must do a stealth design. Requires an inventory of all other cell towers owned by the applicant within a 1-mile radius.
Park City – Telecommunication Facilities	Setbacks of underlying zone for main structures.	Heights per underlying zone except for roof mounted up to 10’ above flat roof with setback =/+ the height of antenna.	No. however, a study required to show other sites and the inability of the applicant to use those sites whether towers or buildings. Somewhat similar to our priority of sites.	Encouraged	Conditional use permit for all facilities but limited in some zones and historic areas. Allows for 10’ roof mounted antennas on flat roofs if setback a minimum of 10’
Summit County – Wireless Communications	115% of tower height to property line.	No more than 50’ higher than height limits in the zone. Requires co-location.	No. However independent review is intended to address this.	Yes. by signed agreement	Very brief code with little regulation. Requires current FCC license. May

					require independent review. Same language inserted in our code.
Heber City – Telecommunication Facilities	115% of height of pole to any residential lot line.	35'	Yes. 2000'	Yes	It looks like the Wasatch County code was used as their template
Wasatch County – Telecommunication	1,000 feet from residential area.	60' but up to 100' if not visible from residential/commercial/resort areas.	Yes 2,000 unless shown that closer ins necessary	Yes	Refers throughout the code to CMRS facilities (Commercial Mobile Radio Service) Other codes do not.

– HEALTH CONSIDERATIONS – The following is provided from an FCC cell site:

Normal ground-level exposure is much less than the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC.

When cellular and PCS antennas are mounted on rooftops, RF emissions could exceed higher than desirable guideline levels on the rooftop itself, even though rooftop antennas usually operate at lower power levels than free-standing power antennas. Such levels might become an issue for maintenance or other personnel working on the rooftop. Exposures exceeding the guidelines levels, however, are only likely to be encountered very close to, and directly in front of, the antennas. In such cases, precautions such as time limits can avoid exposure in excess of the guidelines. Individuals living or working within the building are not at risk.

– IMPACTS OF THE CHANGE –

The code will eliminate the 1,000-foot requirement for a cell tower to be located from a residential property line. The code also clarifies specific zones where antenna support structures can be located. The updates do provide for greater flexibility while still intending to decrease the impacts of the needed cell tower coverage in the County.

DEVELOPMENT REVIEW COMMITTEE

The proposal was reviewed by the Development Review Committee (DRC) and there were no comments regarding the proposed amendments from other departments/reviewers.

RECOMMENDED MOTION

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

FINDINGS

1. The proposed amendment eliminates the conflicts in the code between the different setback requirements for monopoles and distances from residential property lines and areas.
2. The code continues with the intent to establish a hierarchy of location priorities.
3. The intent of the code is to allow telecommunication facilities to be located as unobtrusively as possible.
4. The proposed code better clarifies the zones where specific telecommunication sites can be located.
5. The proposed amendment is consistent with the purpose and objectives statement for telecommunications outlined in Section 16.21.28(A, 1)
6. The proposal does allow more flexibility with the location of antenna structures by allowing them to be closer to residential property lines.
7. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

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 proposed code amendments are consistent and compatible with the General Plan.
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.

NEXT STEPS

If the requested code text amendment is approved, the applicant could proceed with a conditional use application for the proposed cell tower.

EXHIBITS

Exhibit A – Proposed Code Text Amendment	8
Exhibit B – Pictures of antenna structures in the County ..	15
Exhibit C – DRC Report	17

EXHIBIT A – PROPOSED AMENDMENT

16.21.28: WIRELESS TELECOMMUNICATION FACILITIES

A. General Provisions:

1. ~~Purpose:~~ The purposes of this section ~~are~~ **is** to:

- a. ~~To regulate~~ **Regulate** wireless telecommunications services, ~~CMRS~~ antennas and support structures, and related electronic equipment and equipment structures to the extent permitted by the state of Utah and Federal law;
- b. ~~To provide~~ **Provide** for the orderly establishment of wireless ~~CMRS~~ telecommunications facilities in the county;
- c. ~~To minimize~~ **Minimize** the number of antenna support structures by encouraging the collocation of multiple antennas on a single structure, and by encouraging the location of antennas on preexisting support structures;
- d. ~~To establish~~ **Establish** siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of wireless telecommunications CMRS facilities;
- e. ~~To allow~~ **Allow** for appropriate service levels while mitigating the visual impacts of telecommunication facilities.
- f. ~~To comply~~ **Comply** with the telecommunications act of 1996 by establishing regulations that:
 - (1) Do not unreasonably discriminate among providers of functionally equivalent services;
 - (2) Do not prohibit or have the effect of prohibiting the provision of wireless telecommunications CMRS facilities and services;
 - (3) Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the federal communication commission regulations concerning such emissions.

2. Definitions: The following words shall have the described meaning when used in this section, unless a contrary meaning is apparent from the context of the word:

ANTENNA: A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

ANTENNA SUPPORT STRUCTURES: Any structure that can be used for the purpose of supporting an antenna.

~~CMRS ANTENNA: An antenna used in connection with the provision of CMRS telecommunications.~~

WIRELESS TELECOMMUNICATION ~~CMRS~~ FACILITIES: Facilities for the provision of transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

~~CMRS OR COMMERCIAL MOBILE RADIO SERVICE: Low power wireless telecommunications service, including, but not limited to, cellular, enhanced specialized~~

~~mobile radio (ESMR), paging, personal communications systems (PCS) and point to point microwave.~~

~~COUNTY: Wasatch County, Utah.~~

~~COUNTY OWNED PROPERTY: Real property that is owned, leased or controlled by the county.~~

COLLOCATION: The location of an antenna on an existing structure, tower or building that is already being used or considered for antenna facilities of another.

GUYED TOWER: A tower that supports an antenna or antennas and requires guywires or other stabilizers for support.

LATTICE TOWER: A self-supporting three (3) or four (4) sided, open steel frame structure used to support telecommunications equipment.

MONOPOLE: A single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.

~~MONOPOLE ANTENNA WITH NO PLATFORM: A monopole with antennas and antenna support structure not exceeding two feet (2') in width or ten feet (10') in height.~~

~~MONOPOLE ANTENNA WITH PLATFORM: A monopole with antennas and antenna support structure exceeding two feet (2') in width, but not exceeding fifteen feet (15') in width or eight feet (8') in height.~~

~~PRIVATE PROPERTY: Any real property not owned by the county, even if the property is owned by another public or governmental entity.~~

ROOF MOUNTED ANTENNA: An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building.

STEALTH FACILITIES: ~~CMRS telecommunications~~ Facilities which have been designed to be compatible with the natural setting and surrounding structures, and which camouflage or conceal the presence of antennas and/or towers. This term includes, but is not limited to, clock towers, church steeples, light poles, flagpoles, signs, electrical transmission facilities, ~~falseaux trees~~ and water tanks.

~~TOWER: A freestanding structure, such as a monopole tower, lattice tower or guyed tower, that is used as a support structure for antenna.~~

WALL MOUNTED ANTENNA: An antenna or series of individual antennas mounted on the vertical wall of a building or structure.

WHIP ANTENNA: An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.

3. Applicability: This section applies to all wireless CMRS telecommunications facilities except for the following. ~~This section shall not apply to the following~~ types of communications devices, that although they may be regulated by other county ordinances and policies:

a. Small wireless facilities, although a conditional use, are regulated in 16.21.47.

~~a.b.~~ Amateur Radio: Any tower or antenna owned and operated by an amateur radio operator licensed by the federal communications commission.

~~b.c.~~ Satellite: Any device designed for over the air reception of television broadcast signals, multichannel, multipoint distribution service or direct satellite service.

~~e.d.~~ Cable: Any cable television head end or hub towers and antennas used solely for cable television services.

B. Application Requirements: Any person desiring to develop, construct or establish a CMRS wireless telecommunications facility in the county shall submit an application for a Conditional Use Permit and Site Plan in compliance with Section 16.23.04. ~~The county shall not consider the application until all of the required information has been included.~~ In addition to the requirements of the Conditional Use Permit application requirements, an application for wireless telecommunication services shall also include the following:

~~1. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance;~~

~~2.1.~~ A map showing the site and the nearest all wireless telecommunications facility sites, with detailed descriptions of those facilities, within a two five (52) mile radius of the proposed site, whether they belong to the applicant or to another;

~~3.2.~~ Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna;

~~4. A written commitment to comply with applicable federal communications commission radio frequency emission regulations, so that there will be no interference with existing television or radio transmissions;~~

~~5. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description, if applicable, of why the applicant cannot obtain coverage using existing buildings or structures within the two (2) mile radius and a description of the telecommunication facility type and distances between the applicant's proposed and any existing wireless telecommunication CMRS facilities, whether the nearest belongs to the applicant or another;~~

~~6. If the applicant desires to locate antennas on a site other than the highest priority site (as described herein below) the applicant shall provide the following information to the county:~~

~~a. The identity and location of any higher priority sites located within the desired service area;~~

~~b. The reason why the higher priority sites were rejected.~~

~~7.3.~~ A copy of a liability insurance policy naming Wasatch County as an additional insured in an amount to be determined by the planning department after reviewing the particular facility being requested and any safety hazards associated therewith. An A detailed explanation of how the applicant will comply with applicable requirements of subsection C below regarding Location; Priority Of Antenna Site Locations; subsection D below regarding Types Of Antennas And Standards; subsection E below regarding Additional Considerations; subsection F below regarding Safety; and subsection G-F below regarding Site Requirements. The county may, require the applicant to submit an impact study from a qualified, third-party radio frequency engineer or the County may hire a

third-party engineer, to ensure that the proposed telecommunications facility accomplishes the required, "order of priority" of location requirements as stated in this title.

C. ~~Location~~; Priority ~~Of~~ Antenna Site Locations: Wireless CMRS telecommunications facilities antennas shall be located as unobtrusively as is reasonably possible.

Any new wireless telecommunication facility, or addition or alteration to an existing facility shall and make a good faith effort to locate antennas on sites in the following order of priority:

~~8.1. Co-locate on~~ At the same ~~facility location~~ where another lawfully existing wireless telecommunication CMRS facility is already located.; or

~~9.2. Lawfully existing buildings, structures and antenna support structures; provided, that the buildings, structures or support structures are either:~~

- a. Located in the P-160 (preservation) zone not including dwellings in a nonresidential area; or
- b. Located in the M (mountain) zone not including dwellings at least one thousand feet (1,000') from any residential area or commercial area on property that is being used for nonresidential and noncommercial uses; or
- c. Located in an Industrial, Highway Services, or commercial zone or a residential zone on; and/or
- d. Residential zones Located on existing residential accessory structures, not including dwellings, on lots of five (5) acres or larger in a residential zone; or; not including dwellings, except for
- e. Located on multi-story family housing and hotels in compliance with this section; and/or
- f. Water tanks and other public infrastructure structures in residential zones. are not required to be on 5 acres or more; and property that is being used for a residential building and is at least thirty five feet (35') in height.

~~e. Additions or alterations zone made to structures must be done in compliance with this section.~~

~~10.3. Monopoles and guyed towers proposed constructed on public or private property; provided, that the property is in the Preservation (P-160), or Mountain (M) zone, Highway Services (HS) zone or the Industrial (I) zone.;~~

~~a. Located in the P-160 (preservation) zone in a nonresidential area; or~~

~~b. Located in the M (mountain) zone, at least one thousand feet (1,000') from any residential area or commercial area on property that is being used for nonresidential and noncommercial uses; or~~

~~c. Located in a commercial zone or a residential zone on property that is being used for a multi-family residential building having eight (8) or more dwelling units and which is at least thirty five feet (35') in height.~~

~~11. Collocation Required: Owners of CMRS facilities within the county shall design or construct their facilities within the county so as to allow for collocation where practicable. Any conditional use permit for any facilities may be conditioned upon the agreement of the applicant to allow collocation of other provider's facilities on such terms as are common in the industry.~~

~~C.D.~~ Types of Antennas and Standards: ~~Types Of Antennas And Standards:~~ CMRS facilities are characterized by the type or location of the antenna structure. There are ~~four~~ five (54) general types of antenna structures allowed by this section ~~as a conditional use: wall mounted antennas; roof mounted antennas; stealth facilities and; monopoles, with a platform; and monopoles without a platform.~~ The minimum standards are as follows:

1. Wall Mounted Antennas:

- a. Wall mounted antennas may not extend above the roofline of the building or extend more than four feet (4') horizontally from the face of the building.
- b. The antennas, equipment and supporting structures shall be painted to match the color of the background against which they are most commonly seen. Antennas and the supporting structures on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.
- c. The total area for wall mounted antennas and supporting structures on any one building shall not exceed the lesser of fifty (50) square feet or four percent (4%) of each exterior wall of the building.

2. Roof Mounted Antennas on multi-story buildings with flat roofs:

- a. The maximum height of a roof mounted antenna shall be ~~ten~~ twelve-feet (120') above the roofline of the building.
- b. Roof mounted antennas shall be located at least ~~ten~~ five-feet (10'5") from the exterior wall of the building or whatever setback is deemed necessary so the antenna is not visible from any public or private right of way.
- c. ~~Roof mounted antennas may be mounted on top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.~~
- d.c. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

~~3. Area Limitation For Wall And Roof Mounted Antennas: Buildings may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of fifty (50) square feet or four percent (4%) of each exterior wall of the building.~~

~~4.3. Monopoles With No Platform:~~

- a. The maximum height of the monopole or monopole antenna shall be sixty feet (60'), although the approving body may grant a total height of up to one hundred feet (100') if the location is not obtrusively visible from residential, commercial and any ~~part of the JSPA area resort areas~~ of the county, and the applicant has demonstrated to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow collocation, and the applicant has taken all reasonable steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed three feet (3') in width.
- b. Monopoles shall be set back a minimum of one hundred fifteen percent (115%) of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

- c. Monopoles, antennas and related support structures ~~may be required to~~ shall be painted a neutral color or a color to match the background against which they are most commonly seen.
- d. ~~Owners of CMRS wireless facilities within the county shall design or construct their facilities~~ Facilities shall be designed within the county so as to allow for collocation where practicable. Any conditional use permit for any facilities may have a be conditioned upon the agreement of the applicant to allow collocation of other provider's facilities on such terms as are common in the industry.
- e. ~~Monopoles and towers shall be located at least two thousand feet (2,000') from each other, except upon a showing of necessity by the applicant, or upon a finding by the county that a closer distance would adequately protect the health, safety and welfare of the community and/or the shorter distance will be more visibly screened in a particular instance.~~
- f. ~~Monopoles shall not be allowed on ridgelines unless it can be shown that the impacts of the proposal can be mitigated through either a stealth proposal or showing that the distance to the antenna structure is such that it will not be visibly conspicuous.~~

5. ~~Monopoles With Platform:~~

- a. ~~The maximum height of the monopole or monopole antenna shall be sixty feet (60'); although the approving body may allow an antenna or antenna support structure up to one hundred feet (100') in height if the location is not obtrusively visible from residential, commercial and any resort areas of the county, and the applicant has demonstrated to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow collocation, and the applicant has taken all reasonable steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure, including the monopole shall not exceed twelve feet (12') in width, or one hundred twenty feet (120') in height.~~
- b. ~~Monopoles shall be set back a minimum of one hundred fifteen percent (115%) of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.~~
- c. ~~Monopoles, antennas and related support structures shall be painted a neutral color or a color to match the background against which they are most commonly seen.~~
- d. ~~Monopoles and towers shall be located at least two thousand feet (2,000') from each other, except upon a showing of necessity by the applicant, or upon a finding by the county that a closer distance would adequately protect the health, safety and welfare of the community and/or the shorter distance will be more visibly screened in a particular instance.~~
- e. ~~Monopoles shall be located as unobtrusively as possible.~~

6.4. ~~Stealth Facilities:~~ The height ~~and location~~ of a stealth facility shall be limited to the maximum height ~~for primary structures~~ allowed in the zone, unless specially approved ~~for a greater height~~ by the planning commission.

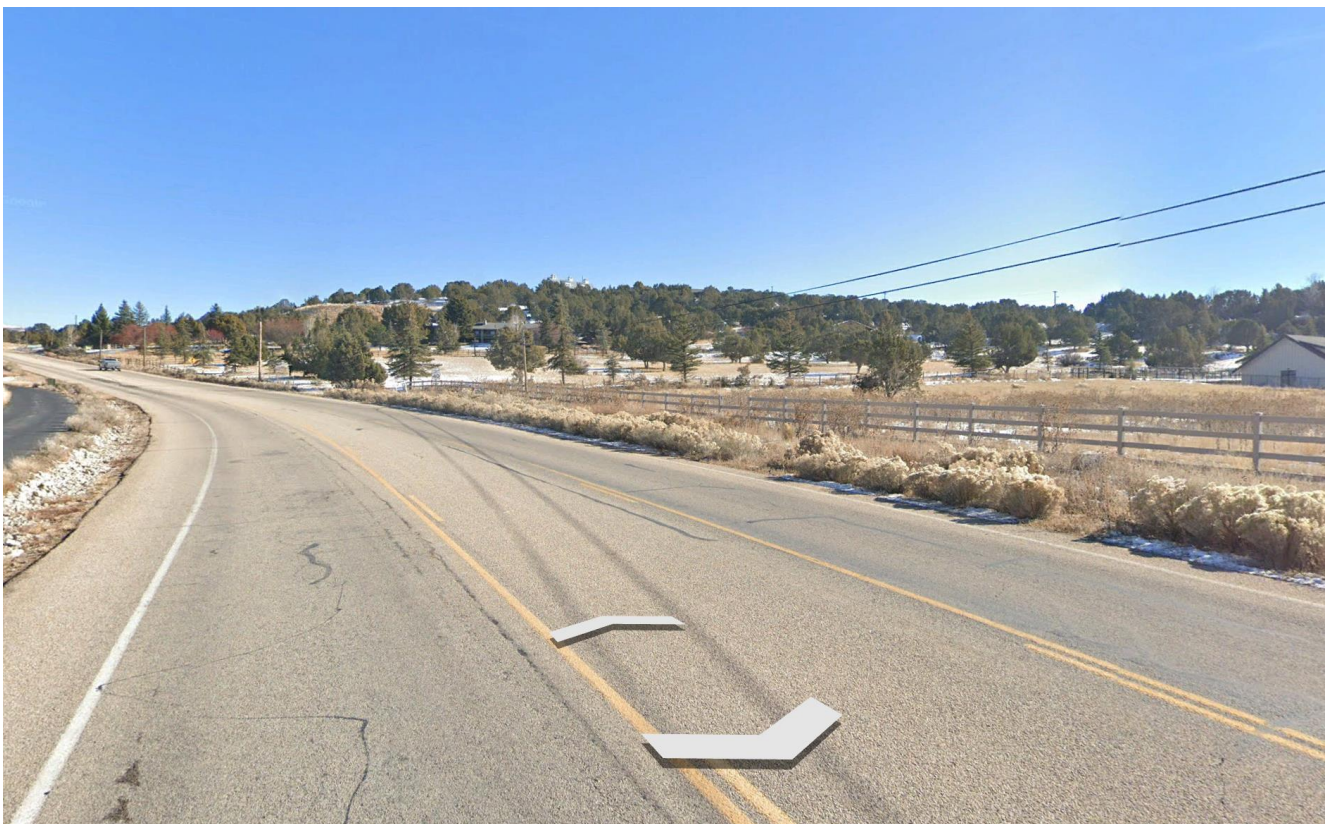
D-E. ~~Additional Considerations:~~ The planning commission shall also consider the following:

1. Height, mass and design of buildings and structures in the vicinity of the facility;
2. Whether the facility is located relative to existing vegetation, topography and structures in a manner that optimizes the visual screening;
3. The willingness of the applicant to collocate its facility on the facility of another, or to allow others to collocate on applicant's facility on such terms and conditions as are common in the industry.

E-F. ~~Safety:~~

- 289 1. Regulations: All operators of CMRS facilities shall comply with the rules and regulations
290 of the federal communications commission (FCC) and the federal aviation administration
291 (FAA) regulations at all times. Failure to comply with the applicable regulations shall be
292 grounds for revoking the conditional use permit approval.
- 293 2. Licenses And Permits: Applicant will submit copies of all licenses and permits required
294 by other agencies and shall maintain such licenses and permits in good standing and shall
295 provide evidence of renewal thereof upon request by the county.
- 296 3. All facilities shall be protected against unauthorized climbing by removing the climbing
297 pegs from the lower twenty feet (20') of the facility.
- 298 4. All facilities shall be fenced in accordance with the condition outlined in the conditional
299 use permit, unless such requirement is determined to be unnecessary in a particular
300 instance.
- 301 5. Monopoles and towers shall comply with the airport overlay zone requirements and the
302 FAA requirements for height and lighting. If security lighting is used, it shall not be
303 allowed to trespass into any residential areas.
- 304 **F.G.** Abandonment: The county may require the removal of all facilities if the facility has been
305 inoperative or out of service for more than twelve (12) consecutive months.
- 306 1. Notice: Notice to remove shall be given in writing by certified mail addressed to the
307 operator's last known address, or by personal service.
- 308 2. Failure to remove the facilities after proper notice has been given is a violation of the
309 terms of this section. The county may initiate criminal and/or civil legal proceedings and
310 may seek a civil injunction requiring the removal of any structures. If the owner does not
311 remove the facilities with the time period allowed in the notice, the county may remove
312 the facilities and the owner shall be responsible for the costs thereof, and failure to
313 remove the facilities after receiving notice to do so automatically transfers ownership of
314 the facilities on the site to the county.
- 315 **G.H.** Site Requirements:
- 316 1. No outside storage or solid waste receptacles shall be permitted on the site.
- 317 2. All electronic and other related equipment and appurtenances necessary for the operation
318 of any CMRS facility shall, whenever practicable, be located within or on a lawfully
319 preexisting structure. When a new structure is required, the structure will be harmonious
320 with and blend with the natural features and buildings surrounding such structure.
- 321 3. The county requires a minimum of one parking space for facilities to allow for service of
322 the facility.
- 323 4. The CMRS facilities shall be maintained in a safe, neat and attractive manner.
- 324 5. All sites with a CMRS facility shall be landscaped in accordance with zone requirements
325 where the facility is located.

Exhibit B – Pictures of antenna structures in the County







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

PROJECT ID: DEV-9172
PROJECT NAME: TEXT AM - CELL TOWER CODE TEXT
CHANGE
VESTING DATE: 4/4/2024
REVIEW CYCLE #: 1

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
Public Works Department	Ready for Decision
Fire SSD	Ready for Decision
Engineering Department	Ready for Decision
Building Department	Ready for Decision
Jordanelle SSD	Ready for Decision
Planning Department	No Action Taken
Manager's office	Ready for Decision
Health Department	Ready for Decision
Recorder's Office	Ready for Decision
Sheriff's Office	No Action Taken
DRC - SSA 1 Water	No Action Taken
Planning Department	Ready for Decision

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

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

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

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

OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
C-PLN-App-3	PLN - County Planning Approval	Many codes do not allow them in residential zones however admittedly that is in cities that are much more compact then Wasatch County. One allows location in a residential zone only after a technical necessity exception and conditional use.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY



Item 3 – Bradley Gygi, representing the Church of Jesus Christ of Latter-day Saints, requests an amendment to a 2001 Master Plan and Density Determination for the Heber Valley Youth Camp in order to modify the uses and density allocations originally approved. The modifications are primarily to remove four lodges and dining halls and replace the density with additional cabins, RV hookups, and caretaker dwellings. The project is located at approximately 6401 East 1200 South in the Mountain (M) zone.

Project: DEV-8823 LDS youth camp amendment	Applicant: LDS Church
Meeting Date: 13 June 2024	Acreage: 5,703 acres
Report Date: 4 June 2024	Proposed Density: 7,609 weekly camper capacity
Report Author: Doug Smith, Planner	Zoning Designation: M (Mountain)
Council Action Required: Yes	Related Applications: Master Plan, Density, preliminary, site plan
Type of Action: Legislative	

DETERMINATION ISSUE

Whether the LDS Church master plan for the youth camp and the development agreement (referred to as a density determination) should be amended to allow for a different mix of uses while maintaining the same density.

RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws. It is recommended that the Planning Commission forward a POSITIVE RECOMMENDATION for the updates to the master plan and development agreement based on the findings and subject to the conditions included the staff report.

BACKGROUND

This proposal is for an amendment to the Master Plan and development agreement, referred to as a density determination in 2001, for the LDS youth camp. The camp was granted a rezone, master plan, density determination, preliminary approvals and final site plan approvals in and around 2000-2001. The camp is located south of the Timber Lakes development. Individual camps are accessed from an asphalt road that starts at the east end of 1200 South and runs up the mountain. The camp is in the M (Mountain) zone and contains 5,703 acres. The density determination is recorded as entry #235213. The approval process that the project went through was somewhat vague. It appears that after master plan and density approval an overall preliminary was granted that seemed to be more centered on infrastructure. After the preliminary infrastructure plan was approved there were final site plans approved for the first phase which included 8 camps as well as administration buildings and cabins for service missionaries.

Going forward, assuming that the master plan amendment and density determination is granted, the project would need to get final site plan approvals for each specific camp or multiple camps with a onetime site plan approval from the planning commission.

As mentioned, the camp has 8 completed camp areas. The 8 camps have a total capacity of 2,414 with additional capacity for the service missionary couples running the camp. At total buildout the density allowed for the entire camp is 7,609 weekly campers, according to the recorded development agreement. The 7,609 total includes staff with a total of 13 camps. However, the 2002 overall drawings show 16 camps. The applicant is requesting 16 camps as part of this amendment. I am not sure if the development agreement that states 13 camps was incorrect or if something got changed between the approvals and the recording of the density determination. In any event the overall density is unchanged at 7,609 weekly campers and the proposed development agreement is consistent with the original drawings that shows 16 camps.

All the considerations for traffic, sewer water capacities and other impacts were considered with the overall master plan that was approved and the density determination recorded in 2001.

KEY ISSUES TO CONSIDER

- The density remains the same as what was initially approved and recorded in the 2002 density determination.
- The amendment proposes changing some of the uses and re-arranging some of the densities to better fit actual needs after over 20 years of operation and experience.
- The development agreement amendment proposes 16 camps not 13 that is stated in the existing development agreement.
- Is the new mix of density proposed i.e., more RV hookups, caretaker cabins and deletion of the dining halls and lodges acceptable?
- The traffic volumes and sewer/water capacities remain the same.

STAFF ANALYSIS

– DEVELOPMENT AGREEMENT CHANGES –

As mentioned, there is a recorded density determination which outlines the various types of camping areas and densities. The recorded density determination has the following listed improvements with the densities listed below:

Recorded Density Determination:

- 13 super camps (capacity of 5,850 per week)

- 4 Day use camps (400 person capacity)
- 8 rustic camping areas (240 persons)
- 4 lodges for meeting and dining halls (1000 capacity)
- 4 caretaker dwellings (14 people estimated)
- 4 caretaker dwellings (105 estimated)

Total capacity 7,609 per week

Proposed Density Determination/development agreement:

- 16 super camps (6,555 persons per week)
- 4 day use camps (400 persons per week)
- 8 rustic camping areas (240 persons per week)
- 16 caretakers' dwellings (64 persons)
- 2 RV parks with up to 30 hook ups each (210 people estimated*)
- 40 RV hookups dispersed near camp areas (140 people estimated*)

Total capacity 7,609 per week

*Note that the occupant requirement for each RV hookup is 3.5 persons, as compared to 1 for a typical camper. In reality there will not be more than 2 persons per RV hookup for a total of 175 persons in the RV areas.

Along with the above noted changes the applicant is also asking for an amendment to the density determination for the staff to have the ability to allow changes to the configuration and numbers of building types and amenities listed as well as RV hookups and caretaker dwellings. This would still require maximum occupancy to remain at 7,609. This language will need to be clarified by staff, including the attorney's office, and have a limited scope of what staff can determine to be, "minor and inconsequential changes that still comply with the approved plan".

– SEWER & WATER –

The camp has a sewer treatment plant as well as an on-site water system.

– ROADS AND ACCESS –

All of the major asphalt roads and alignments remain the same. Some of the internal camp roads which are compacted road base may change but will be part of the site plan approvals for each camp. The church and County are working together to improve emergency access through the upper end of the camp out to Lake Creek Road.

– STORM WATER –

Nothing changes with the storm water management on the site. There was an environmental and engineering review done as part of the sign off for the master plan and density determination amendment.

DEVELOPMENT REVIEW COMMITTEE

The development review committee has approved the proposal to move forward for review by the planning commission and County Council. The report is attached as an exhibit.

RECOMMENDED MOTION

Move to forward a Recommendation for Approval to the County Council for item 3 consistent with the findings and subject to the conditions presented in the staff report.

– FINDINGS –

1. The proposal was granted a master plan and density determination in 2001.
2. The density determination is recorded as entry #235213
3. Approvals for infrastructure and the first phase of camps were approved in 2001.
4. The subject property is 5,703 acres in the M (Mountain) zone.
5. The acreage remains the same.
6. The approved master plan and density determination allows for 7,609 weekly campers at build out.
7. The density remains the same with this proposal.
8. After over 20 years of operation, the church has realized that there needs to be changes to the master plan and density determination to better suit the realities of the camp.
9. Staff believes these changes comply with the original intent of the master plan.

– CONDITIONS –

1. The proposed language in the development agreement that allows for staff approved changes will need to be reviewed by the attorney's office.
2. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review departments in accordance with applicable standards.

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 Master Plan and density determination amendments are in compliance with Wasatch County Code and all other applicable laws and that the proposed density is compatible with previous approvals.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that that any issues can be resolved by conditions as outlined by staff. ****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. Recommendation for Denial. This action can be taken if the Planning Commission finds that the proposal does not meet the intent of the established policies, plans, or ordinances or if the application is insufficient to comply with applicable law.

NEXT STEPS

Camps will require a final site plan including a constraints analysis and review by the DRC committee for access, roads, setbacks, septic capacity, fire flow etc. After DRC sign off the planning commission will review the final approval of the site plan and take action on it. This is required prior to building permits or grading plans for the individual camps.

EXHIBITS

Exhibit A - Vicinity Plan.....6

Exhibit B - Original overall plan (2002).....7

Exhibit C - Updated overall plan.....8

Exhibit D - Emergency Access Plan.....9

Exhibit E - Road Improvements and Types.....10

Exhibit F - Existing and amended density.....11

Exhibit G - Property description and acreage.....12

Exhibit H - Existing development agreement densities.....13

Exhibit I- Proposed development agreement
densities.....134

Exhibit J - DRC Report.....166

Exhibit A – Vicinity Plan

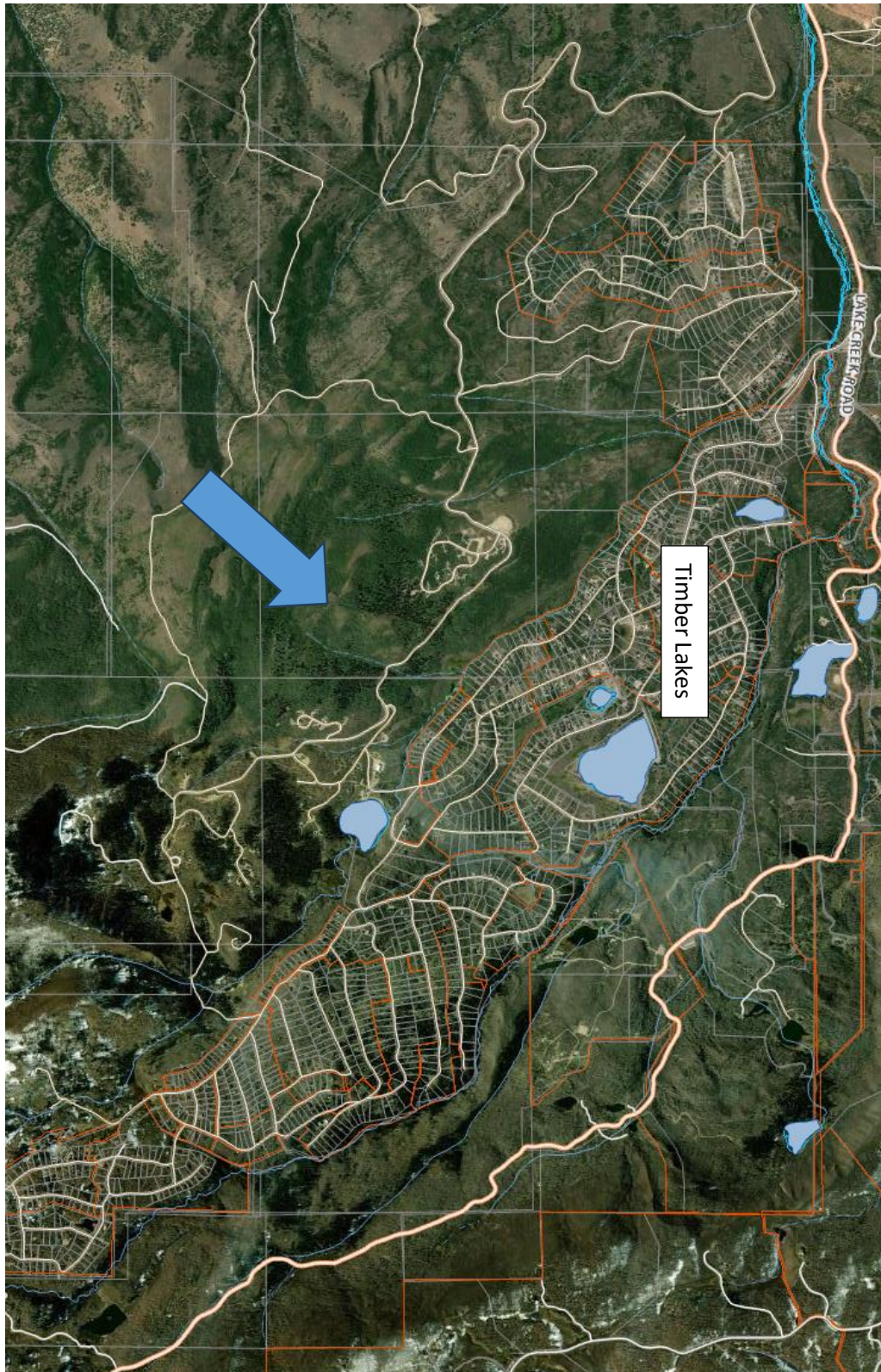


Exhibit B- Original Overall Plan (2002)

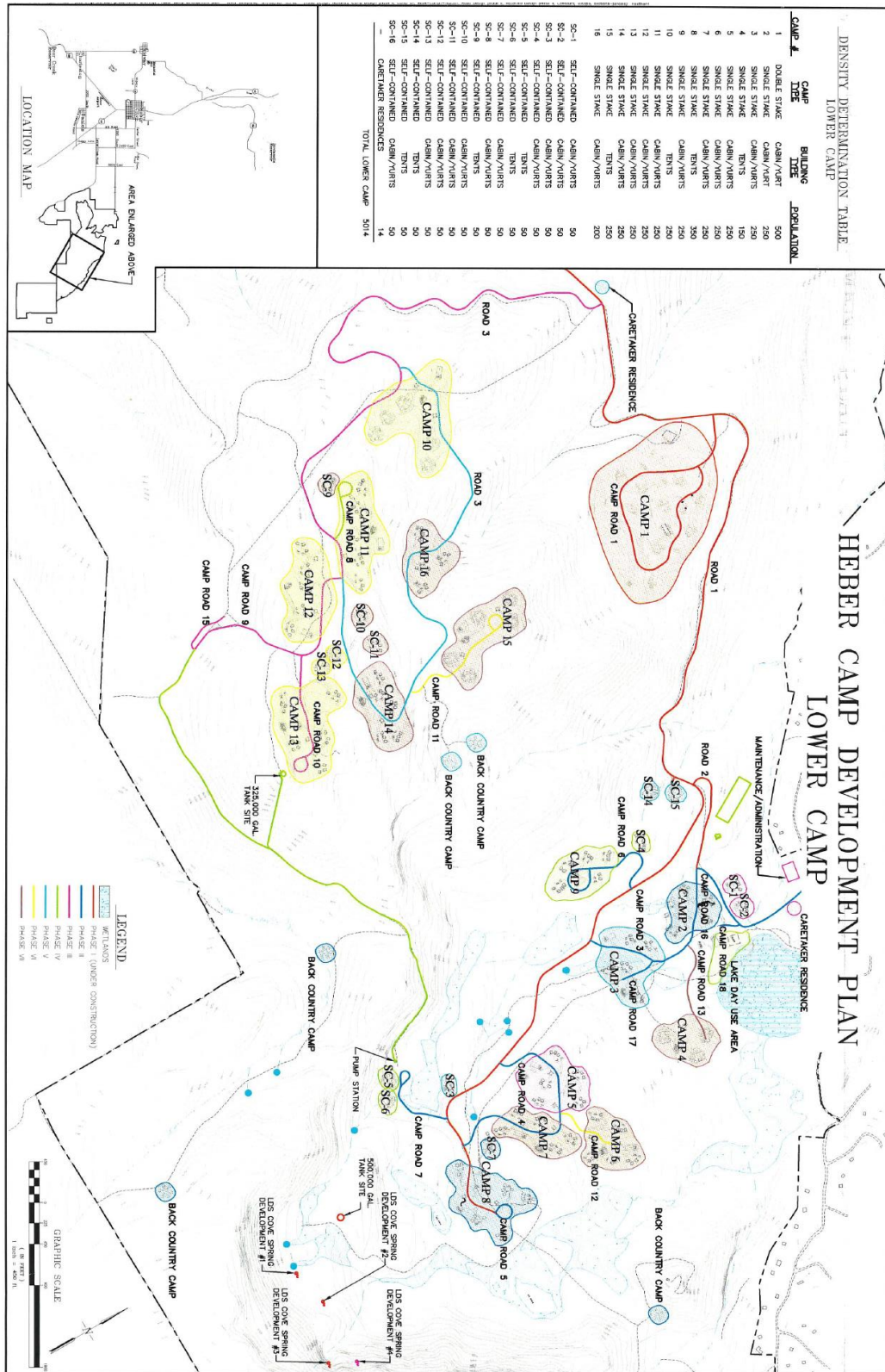


Exhibit C- Updated Overall Plan

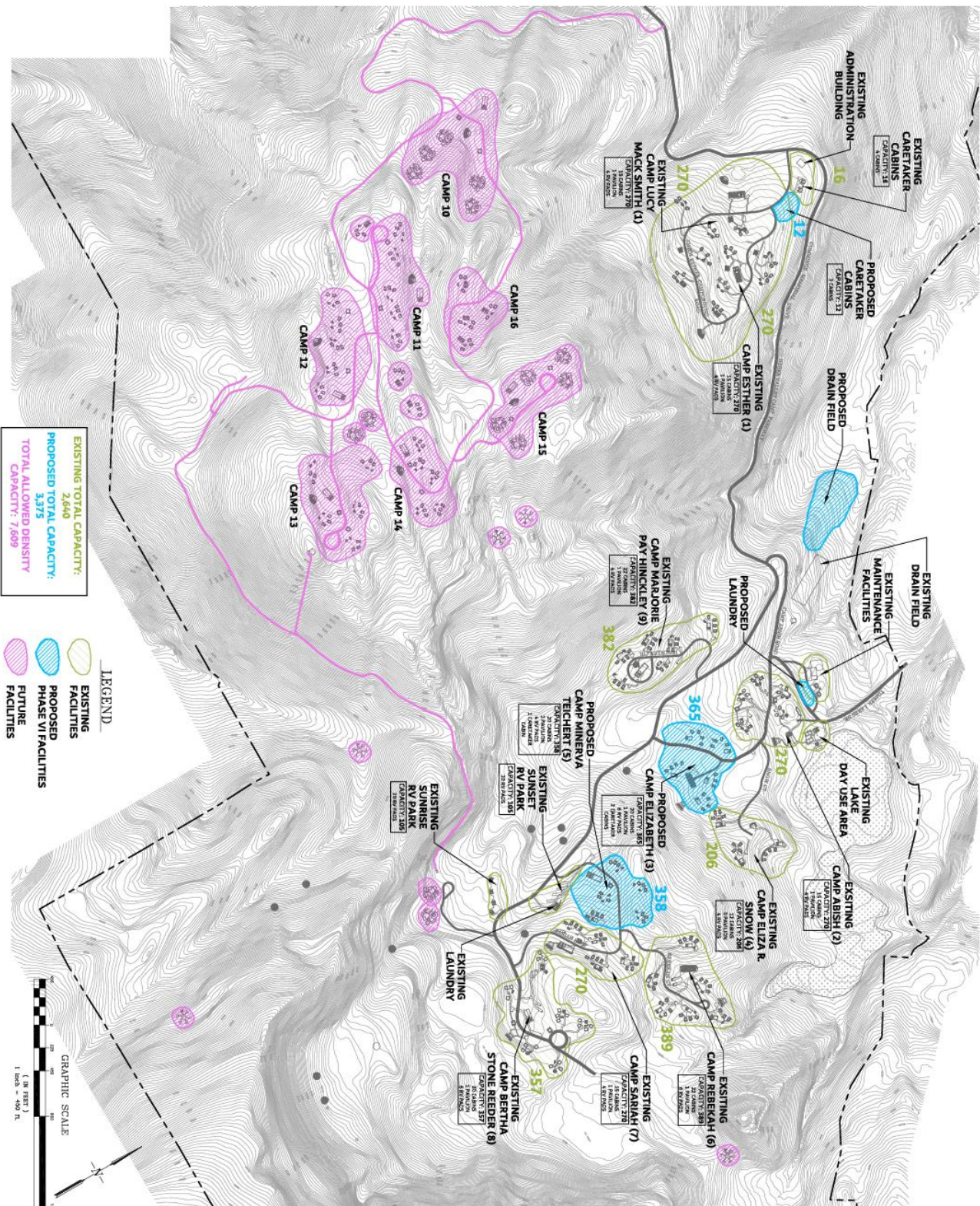


Exhibit D – Emergency Access Plan

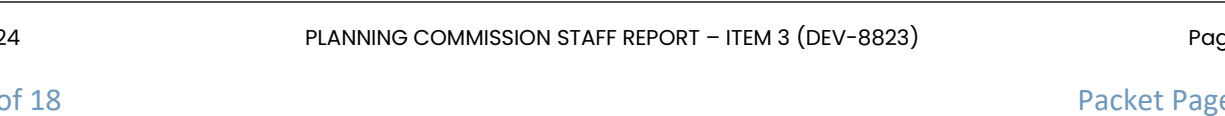
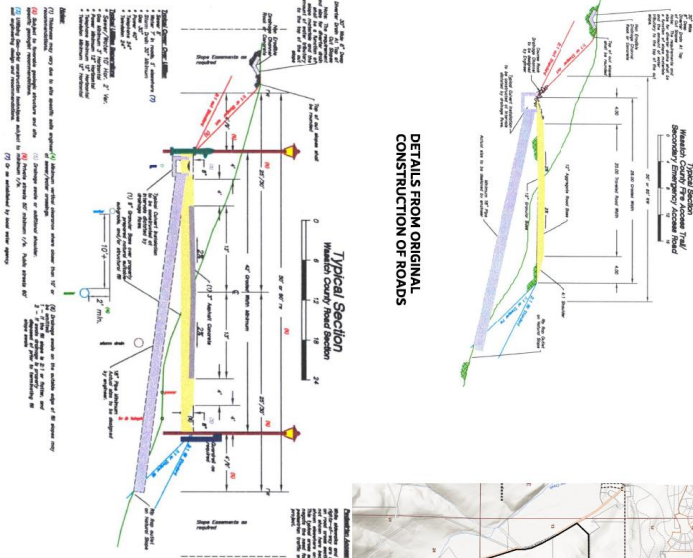


Exhibit E – Road Improvements and Types



PROPOSED AMENDED DENSITY DETERMINATION ALLOCATIONS

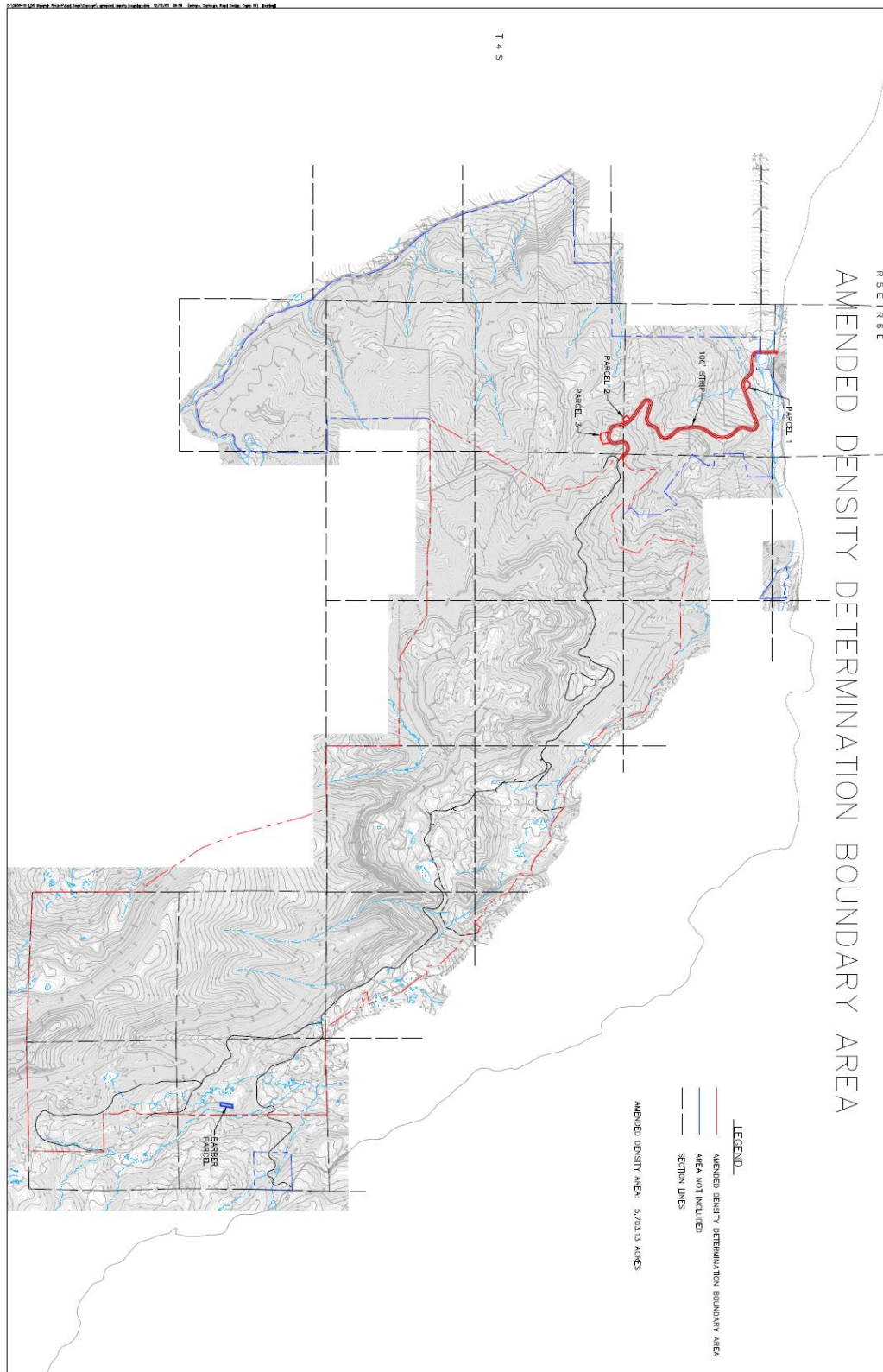
Use Type	Allocated users	Notes
16 super camps	6555	
4 day use camps	400	
8 rustic camping areas	240	
16 caretaker dwellings	64	1
2 RV parks (60 total hookups)	210	2
40 RV hookups - dispersed	140	2
Total	7609	

CURRENT DENSITY DETERMINATION ALLOCATIONS

Use Type	Allocated users	Notes
13 super camps	5850	
4 day use camps	400	
8 rustic camping areas	240	
4 lodges	1000	
4 caretaker dwellings	14	
1 RV park (30 total hookups)	105	2
0 RV hookups - dispersed	0	
Total	7609	

- 1: 4 occupants per caretaker dwelling duplex
- 2: Occupant factor of 3.5 per RV hookup to provide estimated equivalent water usage compared to campers.

Exhibit G – Property Description and Acreage



- B. Density and Unit Sizes: The density of development on the designated development site for the LDS Family/Youth Camp is limited to the following:

13 super camps (capacity 5,850 people per week) each of which include:

27 cabins

9 pavilions

9 bathrooms

9 picnic areas

9 b-b-q areas

9 campfire rings

9 amphitheaters

18 tent pads

4 day use camps (capacity estimated 400 people)

8 rustic camping areas (capacity 240 people)

“playing field areas”

4 lodges for meeting and dining halls (capacity 1000 people)

4 caretaker dwellings for full-time residences(14 people estimated)

1 RV park with 30 hook-ups (105 people estimated)

The camp will have a maximum weekly capacity of 7,609 visitors.

AGREEMENT

A. Amendment to Section III.B. Section III.B. of the Order of Density Determination shall be entirely removed and replaced with the following language:

B. Density and Unit Sizes: The density of development on the designated development site for the LDS Family / Youth Camp is limited to the following:

16 super camps (total of capacity 6,555 people per week), each of which include the following types of facilities which may vary slightly as phases are approved and constructed to support approximately 400-480 people per super camp:

- bunk cabins
- pavilion with commercial kitchen and staff bunks (250-480 people)
- pavilions and eating shelters
- bathrooms
- campfire rings
- amphitheaters
- tent pads
- picnic areas
- b-b-q areas

4 day use camps (capacity estimated 400 people)

8 rustic camping areas (capacity 240 people)

“playing field areas,” including challenge courses

16 caretaker dwellings for full-time residences (64 people estimated)

RV hook-ups:

- 2 RV parks with up to 30 hook-ups each (210 people estimated)
- 40 RV hook-ups dispersed near camp areas (140 people estimated)

Maintenance and support structures, including:

- Equipment and tool storage
- 2 laundry facility buildings for volunteer staff
- Sewer treatment structures

The camp will have a maximum weekly capacity of 7,609 visitors.

Adjustments to density categories may be proposed by the applicant and approved by staff administratively for each phase of construction with the following limitations:

1. Maximum weekly capacity shall be limited to 7,609 people, including semi-permanent volunteer staff, campers, and adult campers.

2. Super camp amenities shall conform to the general categories in the description above but may be in various configurations and numbers of building types and amenities listed.
3. Super camps and day use camps may also include adjacent RV hook-ups and/or caretaker dwellings, not to exceed the total number of RV hook-ups and caretaker dwellings listed above.

B. Amendment to Section III.C. Section III.C. of the Order of Density Determination shall be entirely removed and replaced with the following language:

- C. M Zone Compliance: Development may occur in accordance with the uses and densities shown in paragraph #B above, and if the project is built in accordance with the densities, and in conformity with other terms and condition of this Order of Density Determination, the intent and specific requirements of the Development Code as it pertains to the M Mountain zone will have been satisfied.

Density and Unit Sizes: The density of development on the designated development site for the LDS Family / Youth Camp is limited to the following:

C. Effectiveness. Except as modified hereby, the Order of Density Determination shall remain in full force and effect. On or after the effective date of this First Amendment, each reference in the Order of Density Determination to “this Agreement,” “hereunder,” “hereof,” “herein” or words of like import shall mean and be a reference to the Order of Density Determination as amended by this First Amendment.

~ Signature pages follow ~

Exhibit J – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-8823
PROJECT NAME: MP - HEBER VALLEY CAMP
VESTING DATE: 1/16/2024
REVIEW CYCLE #: 5

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
Manager's office	Ready for Decision
Building Department	Ready for Decision
County Surveyor	Ready for Decision
Weed Department	Ready for Decision
Health Department	Ready for Decision
GIS Department	Ready for Decision
Fire SSD	Ready for Decision
Environmental Quality	Ready for Decision
Planning Department	Ready for Decision
Engineering Department	Ready for Decision
Public Works Department	Ready for Decision
Sheriff's Office	Ready for Decision
Recorder's Office	Ready for Decision
Assessor'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
C-PLN-App-1	PLN - County Planning Approval	Condition of approval: I have searched the archived boxes of items submitted. It appears that a MP was approved and preliminary and finals were granted but the preliminary and finals , as far as i can tell, were only review of infrastructure. I cannot find anything as far as a site plan approval for placement of buildings in a "super camp" site or any other development area. The process moving forward, assuming the master plan addendum is approved, is a site plan for the expansion of the RV area and future camps. This would be a final site plan approved by the planning commission only however constraints, setbacks, access and all items required on the site plan application would need to be shown and reviewed. This would also apply to future buildings/camps that would need to be done prior to building permits. If there are portions of the master plan that have not had a preliminary and final for roads and infrastructure that would have to be done before a site plan could be approved in those areas. I'm referring to the southwest portion (in pink) of the land use intensity map.
C-PLN-App-6	PLN - County Planning Approval	I have looked through the updated land use intensity map and understand the proposed areas of development however I thought one of the biggest needs was the RV camp for missionaries. I do not see that on the land use intensity map along with RV pad sites. Are those included in the super-camp areas?
C-PLN-App-7	PLN - County Planning Approval	Condition of approval: There is language in the amended density determination that gives staff the ability to make administrative changes to the densities as long as the total density is maintained and a few other criteria. While I agree with allowing for flexibility this will need to be reviewed further with the County attorney. Where the master plan and amended DA is a legislative decision by the county council the major aspects of the approval should be maintained and not modified by staff.
C-PLN-App-8	PLN - County Planning Approval	Condition of approval: Constraints have not been submitted with this application. Final site plan will need to address and constraints at the individual development sites.
DRC-HLT1	DRC - Health Dept	Based on the percolation tests and site assessments, it doesn't appear that the proposed wastewater disposal area will meet setback requirements to a spring... specifically Zone 2 and Zone 4.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG1	004 Geotechnical Reports Heber Valley Camp	Condition of Approval: Upon application for site plan approvals for new improvements/construction, respond to the geotechnical review comments from AGEC in their January 22, 2024 letter.