

## Agenda Item: Approval of Minutes from June 13, 2024 Meeting

### MINUTES OF THE WASATCH COUNTY PLANNING COMMISSION JUNE 13, 2024

PRESENT: Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Scott Brubaker, David Thacker, Doug Hronek, Daniel Lyman

EXCUSED: Commissioner Kimberly Cook

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

PRAYER: Commissioner Mark Hendricks

PLEDGE OF ALLEGIANCE: Led by Commissioner Doug Hronek and repeated by everyone

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday June 13, 2024, and indicated that all the Commissioners are present except Commissioner Kimberly Cook, who is 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 Chuck Zuercher then called the first agenda item.

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#### APPROVAL OF THE MINUTES FOR THE MAY 9, 2024 MEETING

##### **Motion**

**Commissioner Scott Brubaker made a motion to approve the minutes for the May 9, 2024 meeting as written.**

**Commissioner Doug Grandquis seconded the motion.**

**The motion carries with the following vote:**

**AYE: Chair Chuck Zuercher, Scott Brubaker, Daniel Lyman, David Thacker, Doug Grandquis, Doug Hronek, Mark Hendricks.**

**NAY: None.**

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Chair Chuck Zuercher then read the following:

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

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

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

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#### REGULAR AGENDA

Chair Chuck Zuercher then called the first item on the agenda.

**ITEM 1 THE CROSSINGS AT LAKE CREEK I, LLC REQUESTS A PLAT AMENDMENT TO THE CROSSINGS AT LAKE CREEK PHASE NO. 1, IN ORDER TO AMEND THE BOUNDARIES OF LOT C, A DESIGNATED OPEN SPACE LOT, THAT WOULD ADJUST THE LOCATION OF THE PARCEL BUT MAINTAIN THE SAME SIZE FOR THE PARCEL AND TO INCLUDE THE REQUIRED TRAIL IMPROVEMENTS THAT HAVE NOT YET BEEN COMPLETED. THE PARCEL IS LOCATED AT APPROXIMATELY 340 S LINDSAY HILL ROAD IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. \*IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LAND USE AUTHORITY, AT A PUBLIC HEARING ON JUNE 26, 2024. (DEV-8218; AUSTIN CORRY)**

**Staff**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that the determination issue is 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.

Doug Smith also indicated that the applicant is in the process of seeking final approval to develop phase 11 of The Crossings at Lake Creek master planned 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. The open space is Lot C in The Crossings at Lake Creek Phase 1 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 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 the staff report was written, no objections had been received in response to the notices sent.

Doug Smith then went through the 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.

Good Cause under 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: 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.

Doug Smith indicated that the 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.

PLANNING comments:

- Bonding and construction of the trail in accordance with the trail plan will be required.

- The final estimate will need to include revegetation of the disturbed areas from grading activities.
- Trail will need to include the weed barrier underneath per WCC standard detail.
- 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.

**ASSESSOR comments:**

- 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.

**ENGINEERING comments:**

- 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.
- Engineer's Estimate will be reviewed further at submittal for construction permit.

Doug Smith then went through the proposed 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 percent 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.

Doug Smith then went through the proposed 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.

**Additional conditions added by the Planning Commission:**

4. **There be no interference with the creek and riparian areas unless approval from the proper jurisdiction is obtained.**
5. **The declarant covenants to either complete the trail or file a performance bond prior to Dec. 31, 2024.**
6. **Open space parcel C will be transferred on or before December 31, 2024.**

Doug Smith then indicated that recommendation of the Wasatch County Planning Department is that based on the analysis in the 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.

**Applicant**

Logan Cannon, via Zoom, addressed the Wasatch County Planning Commission and indicated that Lot C is the only lot that we have not deeded over to the HOA. We have always had this purpose and plan to realign the boundary of lot C. After we have completed our trail and the improvements then we will actually deed the parcel over to the HOA as our agreement is with all the other open space parcels. One reason for this reconfiguration is not only to align with the phase 11 to the left or the west but also there is a detention basin that was not part of the original design of phase 1 when the plat lines were drawn but it was part of the infrastructure requirements as we got into it and tried to include more and more of that detention basin as much as we could. Other

than that, we are not changing the use and not changing anything besides the boundary. The water allocations, everything stays the same. We will put that trail in and are excited to do that and it will connect to phase 11 initially and as the phase three goes it, it will bridge the Lake Creek Channel over to the clubhouse and this was always part of the original plan of open space as well.

### **Public Comment**

Chair Chuck Zuercher then opened the meeting up for public comment.

Norm Henderson, I live just to the east of the parcel that we are talking about here. This land should have been transferred over to the HOA and we have heard what the HOA's opinion of it is from the chair of the HOA Jason Haddock. The issue is the creek because it is a pretty important feature of Lot C. The stream has been altered and a new channel made and filled in the original stream channel. I would suggest as part of the approval process that they finally develop that plan and incorporate the trail system in there and the trail described. Doug Smith indicated that there is a master trail plan for the whole development. Norm Henderson also indicated that a stream alteration permit should be secured for the moving of that stream. Logan Cannon clarified that the stream issue I agree with Norm Henderson to keep that stream in the bounds of Lot C and is one hundred percent in Lot C still and the trail to utilize the creek is important. Also, the stream alteration permit is new to me and we will obtain that permit.

Kenneth Acklin, I live in one of the lots that is affected by this proposal. One of the things I don't understand is the reason for good cause seems to be so they could facilitate the walking path. I am concerned about the width being proposed of the walking trail. Good cause was noted that the expansion needs to happen so the walking path could go in and was part of the original plan? Is there a time stamp that goes on the bond for how long it takes? Doug Smith indicated that any bond that is applied for has a certain amount of time it has to be done. Kenneth Acklin asked that the path go in prior and be completed and not bonded. We have been waiting for twelve years for these amenities to go in. That would be my concern, is that the walking path is completed prior to allowing expansion.

Jodi Riml, resident in the Crossings, addressed the Wasatch County Planning Commission and indicated that there has been a lot of dumping into the open space of gravel and rocks. Also, there is a dirt road there that is being used by construction companies and I would like to see that road is landscaped before they are approved with the new plat. I would like to see that the trail be put in like has been promised for twenty years ago. There are a lot of animals that live in this open space which is a big environmental impact. The open space should be conveyed to the HOA and I wonder why Lot C was not conveyed to the HOA as well. Whatever the developer is proposing we would like to see that in writing and not just a promise that is going to be done. Doug Smith indicated that the open space is turned over to the HOA at some point and that point is usually when the improvements are in and the HOA agrees to take over maintenance and accept those improvements. In a perfect world the trail would be put in, the landscaping would be done as per what the applicant and the HOA wants to maintain, etc. and then it is accepted by the HOA and turned over to them. Logan Cannon replied that we have given the HOA a lot of control that is outside of our control as declarant and right now we are working on doing all the amenities. We need to have a building permit to actually put the trail in. When that permit is granted and get the final approval we can go to bid and get my contractors to put that trail in.

Jon Woodard, Assistant Wasatch County Attorney, indicated that Wasatch County was not the cause of years of delay on the property being transferred to the HOA. In this case the HOA said that we sign off on that and won't hold the County responsible for those things.

Commissioner Mark Hendricks indicated that he has a concern if there are expectations about doing certain things such as cleaning up piles of gravel or dirt roads. It should be noted in the agreement that these various items will be taken care of before the HOA takes over. Jon Woodard indicated that it is a fairly complex arrangement because we had a settlement agreement from litigation back twenty years ago or more and it is not as easy to look up these things as it is in the normal development agreement because of this history of litigation and don't know the answer to that. Mark Hendricks noted that the HOA needs to know what your rights are or lack of rights to determine the condition of this before you get it. The HOA might demand that it be in a certain condition according to a contract or some settlement agreement or something or just say this is the way it is and does the HOA want it or not. The HOA needs to understand what their rights are.

Jason Haddock, from the HOA, replied that there is an agreement between the declarant and the HOA in May of 2021 that is in the staff report that addresses these points. The HOA's position is that we would like to see Lot C transferred to the HOA and would ask that be a condition of approval for any future phases. This has been platted as open space and planned to be open space for the HOA since 2005 which is nineteen years and a couple of months have gone by, we think it is time that it be transferred to the HOA. Our primary concern is that Lot C has never been transferred to the HOA. Also, that is the owners' primary concern as well. We would like to see the application that is before the Planning Commission and would like to see that go forward and would like

to see the amenities completed and transferred and these other issues really need to cause any concern or create opposition for the declarant and I am representing the HOA.

Bo Landin, resident in the Crossings, addressed the Wasatch County Planning Commission and indicated that one of my concerns is what happened to the creek. There are regulations with tampering with natural streams and wetlands. Also concerned about the retention pond for the storm water and is not managed either and looks awful. We want natural vegetation and a trail to walk on and we don't need a ten-foot trail to come into this area. I strongly oppose changing the boundaries of this area. I want to see a permit regarding the moving of the creek. Also, the trail that is being talked about when put in will be dead ended. All the trails that have been decided in the past need to be put in before any continued platting is done in any phase in the Crossings.

Chair Chuck Zuercher then closed the public comment.

### **Commission Comments**

Chair Chuck Zuercher indicated that the County approved a plan and evidently it has not been followed. There has been a changing of the creek. There is a condition of the retention pond and is in the document somewhere or it is not. Like to see the HOA get more involved in holding the declarant's feet to the fire as best you can.

Commissioner David Thacker indicated that one of the things I am struggling with right now is finding good cause based on the definition of good cause. Some of the amenities need to be taken care of and having a hard time putting good cause to the change when some of the promises haven't been upheld and wondering if there is a way that if we continue to work through this that we look at the possibility of requiring or suggesting that some of these items be taken care of ahead of this replat and then come back to the Planning Commission to discuss these items once some of those amenities have taken place. That seems like it makes sense to me and after those things are done then come back to the Planning Commission for the re-platting when good cause has taken place.

Commissioner Doug Grandquis indicated that he would agree with what has just been said because I think there are issues with good cause because not only this trail which is part of this development specifically, but it is part of the open space plan for the County as well. In other words, citizens from throughout the County will be utilizing it and I agree that those points I think need to be resolved so I would move at some point consider continuing this item until at least some of those issues can be looked and perhaps resolved. I know it is terrible for homeowners to have to live with these HOA's that are never given the authority, because a developer keeps going on about it. I live in one and been there three years until the developer sells all of the forty-five lots we have no authority. Right now, we have a management company that is making all the decisions on the HOA, so I sympathize in that point. I think there are legitimate questions that were brought up that need to be looked at. So rather than outright negative on the idea I would suggest that we continue the matter.

Commissioner Mark Hendricks indicated that he agrees with the earlier comments. It is not good cause to get somebody to do what they have been obligated to do under a contract. That is not a new good cause. I started to try and make a list of good cause. We like to work with people and nobody seemed to be terribly opposed to it and open space behind the homes, great. It would expedite in getting it deeded over to the HOA and a few other things. I think the balance is tipped as we have talked about this, in my mind, and I am having a really difficult time saying and that the motivation is clearly to reallocate land from one area to another area because it helps this other phase and that is the motivation and there is nothing wrong with that. That is perfectly legal and smart development, great. But that alone is not good cause. When you look at these other things and quite frankly Mr. Landin makes a great point, why would the HOA want to trade mature green riparian land for a detention basin. I don't know, I haven't been out there recently, and I am looking at an aerial that I can get and it looks pretty desolate in the retention basin area and it looks beautiful along the creek. That doesn't seem to mitigate in favor of good cause. It helps the developer with the plan, but it doesn't seem like it is fair to the homeowners. And, in light of the fact that the declarant still controls the HOA, there is sort of unequal bargaining power. I guess Doug Smith has said it well a moment ago and if there is a way to continue this so that we can try to move something forward that is great. I think the applicant understands what the concerns are. I have a hard time believing a reasonably sophisticated developer thinks they can divert a creek. I don't know enough about the area but that just seems odd to me, it is kind of the first thing that people worry about, ancient burial grounds and wetlands and creeks right. That is what we worry about. I think that there are some issues that make me slightly unable to force my way into finding good cause here. I would like to work it out if we can.

Jon Woodard indicated that in my time with the County probably the most threats of litigation that I have received are from this applicant. One of the constant refrains is this sort of thing that you have heard today where it is all the County's fault that we were holding off on transferring, signing off on the transfer of open space property and at the same time we don't have the trails built

and things like that. One of their chief concerns they raise again and again is we are delaying and so I am not trying to turn you away from continuing it if that is what you feel is right, but I would encourage you to look closely at the good cause and tie the decision to continue it to what good cause entails so that this is as legally defensible as it can be.

Commissioner Mark Hendricks indicated that I know I am saying and I think my two colleagues have already said, is that good cause isn't here yet and maybe it could be but other than saying no, go away. Maybe it can be reduced to a simple answer to this question. Is having the trail paved and installed a condition to transferring it to the HOA, because if it is they haven't done it. Does that impact our decision about whether to realign and change the plat? Well for me it does. That is not the County delay, and you haven't done what you were supposed to have done. I don't know if there is a documentary connection between those two things.

Jon Woodard indicated that I haven't researched that enough to know. I know this is an unusual situation because of that HOA kind of sign off letter that removes the County from a process that normally we would be involved in. Look at what the good cause definition is saying and make sure the reasons that you give for continuing it are tied to that so that we have good legal ground for not moving forward. Also, understand that you are recommending to the Council on this, so you can continue it, but once you had a recommendation one way or the other it would go to the Council.

Doug Smith indicated to the chairman that you have the applicant and Jason Haddock that would like to speak online. I know you have closed public comment.

**Chair Chuck Zuercher then reopened the public comment period.**

Jason Haddock indicated that I respect all those things that you have brought up because they are interesting and valid points. I would maybe draw your attention under the definition of good cause to providing public amenities and benefits. Currently the HOA has all of the downsides associated with Lot C. Under the 2021 agreement that is in the staff report, the HOA is required to maintain and ensure and regulate that property, but we have no ownership. From my perspective if we move forward and that can be transferred to the HOA that gives the HOA the upside of ownership and as that trail is completed then we can provide public amenities and benefits in the form of that trail and that open space, so again the HOA does not oppose this and we would like to see it go forward so the HOA can take possession of that property which was contemplated now for nineteen years.

Commissioner Hendricks, are you saying that the only change that happens from the obligations of the HOA, which I assume also has rights, is just title? You are saying that the HOA has the duty today? Jason Haddock replied that the HOA does have the duty today under that 2021 agreement. We are paying for the landscape maintenance on that right now, we ensure it right now that is our obligation under the 2021 agreement that is in the staff report. Commissioner Hendricks indicated that the HOA doesn't have the obligation to build the trail, right? Jason Haddock replied, yes that is correct. Commissioner Hendricks, so the only thing that changes is just a document recorded in a County office that says who has title. Jason Haddock replied, that is correct. The property is not owned by the HOA. Doug Smith replied, is it fair to assume that you wouldn't take ownership of that property until the trail was built and those improvements were completed? Jason Haddock replied that our preference would be sooner than later so if it could be bonded and then transferred, we would be in support of that, we would like sooner rather than later because it has been nineteen years.

Jon Woodard indicated that 17-27a-609 on plat amendments gives, well for most approvals if they meet the requirements of the code we have to approve it, but for plat amendments we do not. It has been heavily litigated. This phrase "good cause" the definition that we use is almost directly verbatim what that heavily litigated case used as part of the basis for upholding the denial of a plat amendment. So, you do have more discretion here than you do in almost any other land use application as opposed to a legislative action of anything else that you will have come in front of you. So, I would again recommend that if you don't want to recommend approval it is very beneficial to tie it to the good cause elements, but know that in as much as you have leverage by approving or disapproving this plat amendment, you do have some leverage here that you normally don't have. Everybody's goal is to move this project forward and I am not sure that holding off on approving it unless you have some very specific and reasonable things that you are looking for is going to help in the overall goal of getting this project built.

Commissioner Scott Brubaker indicated that as I review what the definition here is of good cause it is pretty clear that it says "the basis to include such things as providing public amenities and benefits and resolving existing issues in non-conformities". Now "existing issues" is a big term. You would have to have somebody tell you what that is. I sense there are some issues here tonight and it would be nice to resolve those issues as part of approving this particular action of changing the boundaries for the lot amendments. Personally, I am talking here myself, I don't see that we have solved those issues. I don't think that we talked about amenities. Why change this plat. It is complicated because we are hearing people from the homeowners and then we are hearing from the Homeowner's Association, which seems a little different. As a greedy ex-developer myself, I find it really bizarre that the homeowner's association would be so anxious to take the liability of this property as it is right now when you have leverage until it

gets resolved. That is just me talking out loud. But, as far as a member of the Planning Commission I fail to see that the request for this application fulfills the requirements of meeting good cause. I don't see enough positive benefits and mitigating negative impacts by changing this. It gives the developer, and I have been there, and I know. You can get higher density or you can get more marketable lots, or if you run it down to the stream, maybe a stream side lot. I see lots of that, but as far as cause for the public I don't see that it is there yet.

Commissioner Mark Hendricks, again I agree here, and I have no interest in sort of stopping a developer from moving forward with their rights under the law. I think that maybe we can do this exercise and we'll go through the elements here and if anybody can develop a case for good cause please pipe up. Remember, this application is to move property lines. This isn't an application about trails and things that they did in the past and this is should we move these lines around? By moving these lines does it provide public amenity and benefit?

Commissioner Doug Grandquis replied, no, not in the condition that the property has been described. A retention basin and the spraying of pesticides and we need to consider you know how that property is being used for the public interest. Wildlife is there and other amenities that come with that and not just a concrete or asphalt pathway that people can use. Whether that area is protected from other uses like vehicles, etc.

Commissioner Mark Hendricks replied, moving these lines, does it resolve existing issues and non-conformities? Commissioner Doug Grandquis replied, no. Commissioner Mark Hendricks replied, does moving these lines address, or changing the plat to be more accurate, address issues related to density? No. Doug Grandquis replied, we haven't seen what the addition of that new area to be developed and whether that increases the density of that development. Commissioner Mark Hendricks replied right, and without that application and details we can't consider it tonight. The current application and I don't think impacts density one way or the other. It is acreage for acreage and if that is all you are looking at in your density calculation. The quality of the acreage is different but that is really not a density issue. Does it promote excellent and sustainable design to approve this plat change? You might argue that it undermines it if you care about green mature riparian land versus other land. Does approving this plat amendment utilize best planning and design practices? Commissioner Doug Grandquis said we haven't seen that. Commissioner Mark Hendricks replied that we don't know. It is really driven by something that is going to happen next door and we don't have any idea about.

Commissioner Mark Hendricks asked, does it preserve the character of the neighborhood and of Wasatch County by furthering health, safety and welfare of Wasatch County if we allow this plat to be amended as applied for? Commissioner Doug Grandquis replied that there are issues of water quality with the streams and whether they are being degraded by moving the stream bed, wildlife passage through those trail areas and whether they will be affected. I don't see how even that can comply with good cause.

Commissioner Mark Hendricks indicated that this is not an exhaustive list. There may be other things that we can consider for good cause. Can anybody come up with good cause. There are other things that should be considered and weighed as good cause for us to recommend approval of this plat amendment. I can't think of anything. On that basis, I can't come up with good cause. You could say that it is neutral because it is square foot per square foot but that is mitigated negatively by the type of land. I am not getting hung up on anything related to what may have been done with gravel and dirt roads. The ten foot asphalt and that is the agreement and I think you stick with that. I think you can limit access with things put in the trail if you don't want other people without authority to use it. I don't think it is unreasonable to expect a periodic maintenance vehicle to drive on that. Those are all things, frankly, that the HOA apparently were told already is obligated to be managing. Whether the HOA has title to it or not to me is irrelevant. In fact, I intend to agree with Commissioner Scott Brubaker and I have done development as well and I don't want title right now. Anyway, that is my view on this.

Chair Chuck Zuercher replied, let's now hear from Logan Cannon.

Logan Cannon indicated that he appreciates the concerns. I feel like we are getting lost in the sideline issues. Really what the spray was, for example, that was for weeds, the weed control which is a County mandated noxious weed spray and as you said the thistles, that's very important. Also, I want to be clear, and it was spoken about taking away the riparian land and exchanging it for the detention basin. That is very not true. All of the stream and all of the riparian areas and all of the growth is still within and will always be within Lot C. The boundary pulled off the middle of the mountain. It was the middle of a steep thirty to fifty percent slope is where that line used to be in the middle of this mountain and we pulled it down to kind of a natural geological line near the base of the mountain, but it is still well off the creek. There is no exchange of good land and bad land. In fact, if anything it is more usable because it is not on this fifty percent sloped side of the mountain. Any of the creek treatments that we have done, it is irrelevant to the shape of this lot. All the water and all of the flow and everything always and will always be within Lot C. Our only obligation for this parcel is to put a trail in. It was part of the original plat that had a trail on it. It was originally intended to be

a pasture. It was just going to be a pasture for everybody but at the last minute added a trail and it is actually drawn in with a marker on the original plat. The road that we talked about it degrading, and I have no problem removing that road that is going through there. That is not supposed to be there and that has been used for construction access as they built those homes because it was much easier for everybody that backs onto those homes it was much easier and cheaper for them to utilize that road for deliveries and stuff. I one hundred percent agree that that road should not be used. That has always been the plan. As far as what we are trying to do here is and the mechanism that this creates I think the HOA and Jason Haddock, I appreciate his words and support, is that we want to make this happen. The parties involved here want to make this happen. This gives us the ability and now we have an approved plan to build the trail to. We have the ability to go get a building permit with this approval. We can move forward and actually put this amenity into this phase as part of this approval.

Logan Cannon indicated that, just to help everybody understand the normal process that we go by here is typically we will get the final approval from you. We will go get a building permit and we will install the facility or the improvements and then we will record at that point so that we are not double paying and if we have to bond it means that we are basically fronting all the money that it would cost us and then we have to go and pay it on the side. It is cheaper for us just to build it first, and record second, and then we record the new plat and then we go to the HOA and ask them if this is acceptable and we come to the agreement and deed the land over to them. That is our normal process. I know that there were the comments on that 2021 agreement in an as is condition and that was for parcels A through L, which is everything for phase one, four, thirteen, fourteen everything up and to the point of that agreement which included Lot C and it was accepted by the HOA. Everything going forward we actually improved and handed it off to them in a functioning state and where with this specific lot the only thing that is really required for us is to put the trail in.

And going back to the good cause argument, this does utilize the planning practices and goes inline better with that detention basin has always been outside of the boundary. It is on private property that is not owned by the HOA and maintained by the HOA or anything. It is owned privately and we have always wanted to include it in there into phase one or in phase 4 and as we talked about this that it would go a lot faster. This is where we are. I think by continuing this isn't going to necessarily going to fix anything but just slow us down and we have already been into this about a year trying to get to this point. This has a domino effect with the neighboring phase with the club house phase. They are all interconnected and we can't move forward on anyone without this one moving forward. This really does have a domino effect. I know that the Planning Staff has supported this, and the HOA has supported this and we are asking and committing to put that trail in and all the parties are here and we really could use the support in finalizing this and being able to actually deliver this.

Commissioner Mark Hendricks asked Logan Cannon a question. If we don't approve this plat amendment how does that prevent you from doing what you need to do to affect a transfer of Lot C to the HOA? Logan Cannon replied that it has a drastic impact on our phase 11 which also has an impact on our club house, and it would take a monumental amount of rework and it wouldn't happen any time soon. In fact, it would be a significant delay for everybody. Commissioner Mark Hendricks replied describe that impact and what is the problem? Logan Cannon indicated the western boundary of the new Lot C is the eastern boundary of phase 11. Then phase 11 connects to the club house phase and keeping our density our ratios and everything and actually even we have some other agreements in place to have a perpetual open space reservation agreement I think it is how it is phrased. I can't remember the exact legal term. We have reserved other open space in that area for future open space so that we can maintain our twenty percent. So all of this is interconnected, and it goes along with the utilizing best planning and designing practices of the good cause. We have worked with the Planning Staff to find agreements and put legal documents in place to where we maintain our twenty percent open space. Our legal descriptions are aligned where phase 11 to the east and then Lot C and then to the south there is phase 3 and phase 9 that have open space commitments included in those which also goes down to phase 6A which is the club house phase.

Commissioner Mark Hendricks replied that here is the problem. We don't have that. You have got an application that says can I trade, whatever it is, 1.56 acres for 1.56 acres right? And I am sure that you have a super rational good reason for doing it as a developer. But I don't know, is it good cause enough for us to say that the developer will have a better plan for their adjacent phases, is that good cause, it's not typically good cause. Logan Cannon indicated it is part of utilizing best planning and design practices. It is an excellent use. Commissioner Mark Hendricks said my point is this is a narrow application. Again, I am sure that you have a reason for asking for it otherwise you wouldn't waste your time and you would carry on right? We have a duty to comply with the law and the law requires us to find good cause and you have heard from seven commissioners sitting up here and we went through what the typical definition of good cause is and we are struggling and maybe we wouldn't struggle if you could give us the ammo under the best planning and design practices to show that, for one I am willing to believe you, but it would have been helpful to have a really more detailed like layover of an aerial photograph so that we would understand that the line is moving down that hillside which I can see on my aerial and I can see that it is a ledge and I can see where the green starts which is the part that is getting all the water right. I can see that, but I don't know how that lines up. If we had that exhibit that may help us to to

understand best practices or at least non-problem. When you say well the detention pond is good land and let's ignore the good land for bad land trade off and I am willing, because we don't know because we are not there and we are not geologists and riparian experts necessarily, but you have already indicated that the detention basin which you are offering now is going to be open space anyway in another phase. Logan Cannon replied that the adjacent spaces are there. Just to resolving existing issues, to us there are existing issues. From the County perspective, you may not see it this way, but we have got public utilities and the HOA is responsible to maintain that detention basin that is on private land. It should be on the HOA's land and that land needs to be conveyed to the HOA. Commissioner Mark Hendricks replied that the point is that it doesn't change. All those obligations which I am assuming are a function of written contract. It doesn't change whether we approve or disapprove, if they are under obligation they are under obligation. You are not changing anything by approving or disapproving this application. I am trying to help coach you and we are struggling, and you need to give us information and you have heard all this discussion and if I was the developer I would pull up a transcript later to make sure that I caught all the points. If you can give us more ammunition and more basis for good cause then nobody would have a problem with this. But we are having a problem because it is really will you move these lines around. I am open to being persuaded otherwise.

Commissioner Scott Brubaker replied that there is nothing holding you up from getting a permit. It is not a requisite from the County's point of view that this property will be changed. Logan Cannon indicated this still goes back to the same problem would you change my lot lines if I had that trail in right now. Commissioner Scott Brubaker replied that you just said that the County was holding you up to get a permit to build that trail. You said that you could get a permit if we made this change. You can get a permit tomorrow without this change. Logan Cannon replied that he doesn't see any value in doing it right now.

Commissioner Doug Grandquis replied that you are already committed to making this trail under the previous development agreement.

Commissioner Scott Brubaker replied that we are trying to solve problems and we are not here to just hold anybody up. We want everybody to be as happy as we can and live by the law. The law says here that you can include things such as providing amenities even if you haven't agreed to provide them in the past. You have, I guess. We are saying give a reason. I think that Commissioner Mark Hendricks is saying that look at that line and come back and throw us a bone or two that might help everybody feel better about this. Logan Cannon replied that the clarity of whether or not I have the trail doesn't seem to make a difference. The location of the border doesn't seem to make a difference. Commissioner Brubaker: I think the location of the border could make a difference. We have had lots of expressions tonight about riparian rights and riparian areas. We don't know where your property line is going to end up in relationship to the aerial photograph that shows us you have a fairly steep hill coming down and then at the base of that hill you hit the green space. Is that line above or still on the hill. Logan Cannon replied that the line is still on the hill. Commissioner Scott Brubaker asked is that in the area with a couple of cedar trees? Logan Cannon replied that it is lower on the hill we have moved it down. Right now, it is like halfway up the hill and there are some cedar trees but it is a pasture for cows. Commissioner Scott Brubaker replied that what I am saying is that would help us to understand.

Commissioner Daniel Lyman indicated my big question is what happens west of the new lines and how it relates to what is being proposed beyond, because if we start swapping it and page two of the staff report show the existing condition up the hill, the existing trees that are part of Lot C and I would tend to agree that if some of the existing concerns were already resolved there would be better cause if the trail was already in. The HOA agreement from 2021 I think you are right that some of those items are out of our hands and just trying to resolve whether there is good cause for the swap. Without additional information it is hard for me, I agree, whether additional good cause information or additional information as related to what is happening outside of just this little narrow strip and it is too narrow of an application it seems.

Doug Smith replied that good cause could be determined or helped to be determined if for example the applicant went out and staked the back of those property lines along the new alignment of Lot C? Commissioner Mark Hendricks replied that he doesn't know how long the chairman wants to take on this but, Logan, can you in very brief terms, bullet points, summarize what you believe is good cause for changing the plat? Please give us why we should recommend to the County Council that the plat should be changed. So, you are going to summarize for us, and we have talked through all the issues, so just summarize for us what we could rely on to say that we have found good cause.

Logan Cannon replied that from my perspective it is providing positive benefit and mitigating the negative impacts of having the fifty percent slope in the open space fence lines.

Commissioner Mark Hendricks replied that I am going to summarize and make my list. You are saying less fifty percent slope and less slope in Parcel C right? Logan Cannon replied yes.

Commissioner Mark Hendricks, what is next? Logan Cannon replied that we have got the boundary lines more closely aligned with the creek, so you are not criss-crossing and not having kids criss-cross the creek.

Commissioner Mark Hendricks replied, how does moving this line do that? Does the property line cross the creek anywhere? Logan Cannon replied that it had a chunk of land, a bigger chunk of land on the west of the creek. Commissioner Mark Hendricks, this is the fifty percent hillside that you are talking about. Logan Cannon said that do you see where it really kind of elbows out on the bottom left quarter of that red. Commissioner Mark Hendricks replied, yes. Logan Cannon replied that half of that is pretty steep slope. Everything north of that black dot in the red is about fifty percent slope up until the very top of that where it gets more flat up at that top. Most of that skinny part is all fifty percent slope. We pulled that boundary down and still on the hillside but only up on the hillside enough that it is kind of a buffer between private property and the HOA land and the creek.

Commissioner Mark Hendricks replied that so that is all understood now. What is the benefit? What is the good cause? Logan Cannon replied that the benefit is that it is useable land that we are trading functional land for and I guess I need to clarify, beneficial to the general public or beneficial to the HOA who is impacted by this because it is their land? Commissioner Mark Hendricks replied that I am looking to fill the basket with any good news about this. Logan Cannon replied that would be good news for me. It also aligns the property boundary with the creek primarily. There is a buffer, in fact you can see kind of behind this yellow, that there is a buffer. The creek is one hundred percent in Lot C but there is a buffer of anywhere from five to twenty feet or more between the creek and the boundary. So, it just kind of follows the creek down closer.

Commissioner Mark Hendricks replied, and the benefit of following the creek closer on a property line is what? Logan Cannon replied. the maintenance. I mean you don't have to cross the creek with equipment. I mean it is maintenance. They are all inside the boundary. Commissioner Mark Hendricks replied that so that realigned creek went east and so it is still within that parcel. Logan Cannon replied that very much within it yes. More so in it actually. That is where we have to bridge it because we have to connect it, you can actually see the cul-de-sac for the neighboring phase right there in the bottom left. There is a trail that comes out of that cul-de-sac and connects into the trail that we are building. We just build that all at once.

Commissioner Mark Hendricks replied, that is interesting but again I want a list of good causes. Logan Cannon replied, the other part is that detention basin will be removed from private property and given to the HOA and they are responsible to maintain or part of it, won't get the whole thing but will get a better part of it. Commissioner Mark Hendricks replied, are they responsible now for maintenance of the detention basin? Logan Cannon replied that yes and the County is too. Commissioner Mark Hendricks replied, does moving the property line change any of those obligations and I think the answer is no, is that right? Logan Cannon replied that it clarifies the ownerships so there are less litigation possibilities. Taking ownership does simplify and clarify responsible parties and liabilities whereas both of us will get pulled into any litigation versus the HOA owns it, operates it and does everything for it.

Commissioner Mark Hendricks replied that your cause is, by moving this property line and are you conditioning your transfer on our approval of this plat change? Logan Cannon replied, yes that is actually part of our 2021 agreement is that they will get title once we realign this.

Commissioner Mark Hendricks replied that no, no wait. Now listen really, really carefully to my question. Commissioner Mark Hendricks asked, are you as the developer conditioning your transfer of the property Lot C to the HOA on the County's approval of your plat amendment? In other words, if we don't approve it, you are not going to transfer this property? Logan Cannon replied, that is part of our agreement, yes. To the extent that it was always intended that this would get realigned, and Doug Smith has been a part of this conversation for probably fifteen years, but we always have had the intent of realigning this property.

Commissioner Mark Hendricks replied, but if that is your agreement and it is in writing all you would have to do is lay that agreement down in front of us and we have good cause. Logan Cannon replied that it is, and you have it. It is part of that. Commissioner Mark Hendricks replied that well okay, direct us to where it says if you change my plat I will then transfer the property. Logan Cannon replied that okay, go to and I don't know exactly what page it is in the staff report but it is that 2021 agreement.

Commissioner Mark Hendricks said this is either really going to be helpful or not. Logan Cannon replied that I am hoping that it is really helpful. Commissioner Hendricks, it should say something about we are going to change the plat and then we are going to transfer it once the plat has been changed. Logan Cannon added that it is, and it is in number eight. Commissioner Mark Hendricks replied that we have got it and this is really helpful. That is what the agreement seems to say. It says, and I am going to read it for the record, "Prior to recordation of 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 detention pond without changing the total existing acreage." This should have been

mentioned in the first five minutes of this discussion and we would not have wasted all this time. This for me now, to simplify Mr. Chairman to move us on., good cause exists for approving this in order to comply with an agreement between the Crossings and the HOA.

Commissioner Scott Brubaker replied, is the transfer of these open lots, were they not part of the master plan to begin with? Doug Smith replied, at some point all of this should be transferred. Commissioner Scott Brubaker replied that at some point it is required to be transferred regardless.

Commissioner Mark Hendricks replied that this is an updated clarification subsequent to those original and it is very standard. We will do open space and then we will transfer it over to the HOA under whatever set of conditions.

Commissioner Scott Brubaker, but this is between the declarant and the HOA and not between Wasatch County and the declarant right, so the original master plan is a Wasatch County approval, and this is between the HOA so are we waiving our right?

Commissioner Mark Hendricks, we are already out of it. Commissioner Scott Brubaker replied, if this is the HOA's decision and they signed this in 2021. Commissioner Mark Hendricks replied that they have already agreed to this. Logan, you have solved the problem. It wasn't working before, but you have your magic bullet in this one in my opinion. I will be quiet now.

Chair Chuck Zuercher asked for a motion.

#### **Motion**

**Commissioner Mark Hendricks made a motion that we forward Item No. 1, the application for plat amendment, to the County Council with our recommendation to approve subject to the findings and conditions in the staff report with the addition that we are finding good cause exists for this plat amendment in furtherance of the contractual agreement between the declarant and the HOA dated the sixth day of May 2021, so good cause exists because it was contemplated and agreed to by parties in interest and this furthers that objective and would like to add that as a finding.**

Jon Woodard asked Doug Smith to pull up the request of the HOA. Also, addressed to the Planning Commission, and the other thing and just want to make sure that you are not forgetting it if you want to add it, but there had been discussions of making sure proper permits for altering the stream have been and were being handled. Commissioner Mark Hendricks, yes. Jon Woodard replied that because so much of what seemed to have changed your decision was based on this agreement that talks about collaboration between the developer and the HOA and wanted to make sure that you are considering what the HOA was asking for, does that make sense? Commissioner Mark Hendricks replied that yes, I would like to **add a condition and I think it is in there the bonding and/or completion of the trail and another condition that says there will be no interference with the creek bed or adjacent wetlands, the riparian area, without approval of proper permitting from any authority with jurisdiction.**

Chair Chuck Zuercher asked Doug Smith to read it back to us.

Doug Smith replied that Commissioner Mark Hendricks made a motion to forward the item to the County Council with a recommendation to approve subject to the findings and conditions in the staff report with the condition that good cause is the furtherance of the 2021 agreement between the declarant and the HOA dated May 6, 2021. And an added condition that there will be no interference with the creek and the riparian areas unless approval from the proper jurisdiction.

Chair Chuck Zuercher replied that sounds good.

Commissioner Daniel Lyman asked, can we shorten the bond or is that the Wasatch County Code mandated time? Doug Smith replied that I think you could set a condition to stipulate timing.

Jon Woodard replied that we are in a loose area because we are trying to establish good cause in an area where you are struggling to find it. But we also have and normally the code requires either the infrastructure and improvements to be built before the plat is recorded or bond for it before it is recorded. This case is very unique because we have got such an old plat and obligations that haven't been met in so many years. I leave it up to you and I am nervous about departing from our normal practice acknowledging that we are way off from where a developer normally would have built a trail on a plat that was recorded so many years ago anyway.

Commissioner Mark Hendricks replied that Logan can you hear me? Could you be helpful here and make a commitment about a time frame for finishing this trail or do you want us to come up with one on our own? Logan Cannon replied that assuming that we can get this through and get this approved, I will take this out to bid even in the next couple of weeks here and see if I can get a bid. Let's just say that we bond for it if we don't build it by the end of the year.

Commissioner Mark Hendricks replied that is more aggressive than I was going to do. I was going to give you twelve months. Logan Cannon replied that I want to get this done. Commissioner Mark Hendricks replied that by December 31, 2024, let's add that time frame. Logan Cannon replied and then just say I'll bond for it if I have not finished it, a performance bond. Doug Smith replied that he will have to bond for it before that plat is recorded regardless. Commissioner Daniel Lyman indicated that, to Jon Woodard's point, usually they are finished before the plat is recorded. Doug Smith indicated that it is either way. Commissioner Daniel Lyman, then the bond has got to be in place before it is recorded anyway. The bond can sit there for years before the trail is done.

Commissioner Mark Hendricks replied, but not if he commits to get it done by the end of the year then bingo you go to the bond and get it done. Doug Smith replied, that means that we are revoking the bond and doing it ourselves in taking his bond. Usually, the bond does not cover what the cost estimate that they provided was and you have got inflation in the meantime too.

Logan Cannon: to clarify really quick our typical practice internally is that we don't typically do performance bonds because we build prior to recordation and do full improvements before recordation so that we don't have to performance bond. We do warranty bonds, but we don't do the performance bond for that very reason, for the reason of cash flow. In this case what I am committing to is that we will self-perform and will not bond for it until after December 31, 2024, and if we don't build it by December 31, 2024 we will performance bond for it, but I am committing that we will be done and we will have no need for a performance bond.

Commissioner Scott Brubaker replied that it makes sense to record the lot change when you get one or the other done. Commissioner Daniel Lyman asked, isn't that standard practice Jon, either one has to be done first. Jon Woodard replied, right, I guess what I hear differently is he is committing regardless of the status of recording the plat, he is going to either have the trail built or file the bond by December 31, 2024.

Commissioner Scott Brubaker replied that the question is when do we propose to the County Council that they allow this transfer and the lot recording to take place? Jon Woodard replied that we have code driving when a plat can be recorded and we don't want to alter that. Commissioner Scott Brubaker replied that I understand that, but do we have prior agreements that override? Jon Woodard replied that I am not aware of anything, but I would have to double check the agreements, but I am not aware of anything.

Logan Cannon replied that I think you are right as far as the standard code process that we follow is that we have to performance bond for anything that is not complete at recordation and so I can't record the plat amendment until that trail is complete. Doug Smith replied, which means you can't submit phase 11 either until that is complete. Logan Cannon replied that I can't record phase 11 I guess until that is done. Doug Smith replied that we wouldn't entertain it unless the boundaries align.

Commissioner Daniel Lyman replied that is standard practice and as a developer I have had to do the exact same thing and I think it should be required to be either in place or a bond in place before it is recorded which will hold up other stuff, but if it had been done earlier this wouldn't be holding it up. Commissioner Mark Hendricks replied that this gives him incentive and Logan Cannon is on board with this and get it done, before the snow flies. Logan Cannon replied that I want to get it done in the next couple of months honestly and we have got phase 11 in for approval right now.

Commissioner Mark Hendricks replied that we are going to **add a condition that the declarant covenants to either complete the trail or put a performance bond in place on or prior to December 31, 2024**. Jon Woodard replied that the reason that I had Doug Smith bring this up is because of the last sentence and I just wanted to make sure that you didn't forget what Jason Haddock for the HOA asked for. It currently is not part of the motion. It says that as a condition of approval of any future phases including phase 11 the HOA hereby requests that the County and declarant agree that Lot C will be transferred to the HOA within thirty days of final approval of this plat amendment by Wasatch County. I am reluctant to create conditions on future phases outside of the development agreement. I am less reluctant, let me show you what I am thinking. Commissioner Mark Hendricks replied that I don't think we can do that. Jon Woodard replied that No. 7 of the agreement that Logan Cannon referenced said that the declarant and HOA will work together to finalize the recordation of the deeds in collaboration with Wasatch County. What I see Jason

asking for here, and I am very uncomfortable with the way that he has asked for it here, but I am not uncomfortable with putting some kind of a time frame in as a condition of this amendment, if you want to do it.

Commissioner Mark Hendricks replied, let's go back to Logan Cannon and what time frame can you commit to transferring? Logan Cannon replied that he likes to hand off the finished product. This has to be recorded and I don't like doing performance bonds and paying for the stuff. I would again say that the commitment to hand off would be the end of the year. Ideally, I would like to do that sooner because I am interested in getting this recorded. Commissioner Mark Hendricks replied, do you want to commit to not later than December 31, 2024? Logan Cannon replied, sure. Commissioner Mark Hendricks replied, great, we are going to **add a condition, Doug, the declarant covenants to transfer Lot C to the HOA on or prior to December 31, 2024** including the trail improvements and you don't need to add that last part. Doug Smith replied that I have that the recommended approval also stipulates that the declarant covenants to either complete the trail or file a performance bond prior to December 31, 2024, also the property will be transferred by December 31, 2024 on or prior to that date.

**Commissioner Scott Brubaker seconded the motion.**

**And the motion carries with the following vote:**

**AYE: Daniel Lyman, David Thacker, Doug Hronek, Chair Chuck Zuercher, Mark Hendricks, Scott Brubaker.**  
**NAY: Doug Grandquis**

Commissioner Doug Grandquis replied that what bothers me is I am still not satisfied that we are doing it for good cause. Also, I am remembering we had discussions way back when we had other issues about HOAs and we said that we would not get involved in issues with HOAs and it certainly seems like we got involved in one tonight.

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**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. \*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 JUNE 26, 2024. (DEV-9172; DOUG SMITH)**

#### **Staff**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that the applicant has proposed to amend the regulations of 16.21.28 entitled Telecommunication. 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.

Doug Smith then went through 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 percent 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 feet or 300 percent of tower height.
- Can the updates be considered to be a benefit to the health, safety and welfare of residents and visitors?

Doug Smith then went through the DRC review comment:

PLANNING comments:

- Many codes do not allow them in residential zones, however admittedly that is in cities that are much more compact than Wasatch County. One allows location in a residential zone only after a technical necessity exception and conditional use.

Doug Smith then went through the proposed findings:

1. The proposed amendment eliminates the conflicts in the code between the different setback requirements for monopolies 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.

Doug indicated that the determination issue is 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.

Doug Smith then indicated that the recommendation of the Wasatch County Planning Staff is that, based on the analysis and findings in the staff report, the Planning Staff is of the opinion that the code should be amended. Also, if the requested code text amendment is approved, the applicant could proceed with a conditional use application for the proposed cell tower.

**Applicant**

Rhett Riding indicated that I first looked into this because in Tuhaye the cell service up there is just brutal and there are places where there is no cell service. There is a safety concern and so I asked Doug Smith to look into the matter. We found out that you can't build a cell tower unless you do a code amendment. Also, the present code was written twenty plus years ago. Doug Smith indicated that let's put fake pine trees in there then and just like a fake pine tree or in a building. We don't want to have another antenna pipe up like is right behind Chick's café. I have done different studies and we have put together a plan that will work for everybody concerned.

## **Public Comment**

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

### **Commissioner Comments**

The Wasatch County Planning Commission indicated that this is great to redo this old code.

## Motion

**Commissioner Doug Grandquis made a motion to recommend to the Wasatch County Council approval of amendments to Wasatch County Code Section 16.21.28(C)(3)(2) consistent with staff's findings and subject to the conditions and recommended modifications.**

**Commissioner David Thacker seconded the motion.**

### **The motion carries with the following vote:**

**AYE:** Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Doug Hronek, Daniel Lyman, David Thacker  
**NAY:** None.

### 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. \*IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LAND USE AUTHORITY, AT A PUBLIC HEARING ON JUNE 26, 2024. (DEV-8823; DOUG SMITH)**

**Staff**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that 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.

Doug Smith indicated that in 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 one time site plan approval from the Planning Commission. The applicant is requesting 16 camps as part of this amendment. 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.

Doug Smith then went through the 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.

Doug Smith then went through the DRC Review.

PLANNING comments:

- Condition of approval: I have searched the archived boxes of items submitted. It appears that a Master Plan 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 am referring to the southwest portion (in pink) of the land use intensity map.
- 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?

- 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.
- 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.

HEALTH comments:

- 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.

ENGINEERING comments:

- 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.

Doug Smith went through the proposed 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 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.

Doug Smith then went through the proposed 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.

Doug Smith then indicated that the determination issue is 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.

Doug Smith then indicated that the recommendation is based on the analysis in the 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 in the staff report.

**Applicant**

Brad Gygi, architect for the applicant, addressed the Wasatch County Planning Commission and indicated that Doug Smith has done a great job explaining what is taking place with this request. I have nothing further to add and is just reallocating some of the density from the weekly camper and adjust the master plan and proposing two additional camps. We understand the conditions and findings and agree to them as part of the approval. I want to mention that we are working on the second access.

Jon Woodard, the assistant Wasatch County Attorney, indicated that there are huge amounts of time being taken in getting emergency access on the back side of this put in and working on it now. It looks like it is on a path forward so that is going to work out. I'd hate to see it not in the plan, so I wonder if we could include, as a condition, that the fire access road as is currently planned is included here. There is nothing in the DRC report regarding that. Jon Woodard indicated that we have had safety concerns over the years, and we wanted to put that in and we have worked with the Church and with Timber Lakes and with all of

the property owners up there. The road is mostly built actually, the last segment is in the camp and they are actively working on that now and I just want to make sure that emergency road access that was in the original approvals is still in these because it doesn't sound like the DRC review is looking out for that issue. The emergency access plan needs to show on that.

### **Public Comment**

Chair Chuck Zuercher then opened the matter up for public comment.

Dave Richards, the Heber Valley Camp Mission Presidency, addressed the Wasatch County Planning Commission and indicated that we have quite a few more participants that come and there is a huge demand. You see an RV going up there and then later on in the fall you will see them going down so there is a minimal impact regarding traffic. We are working on a second fire access out of the youth camp. We had an emergency occur and we opened up our emergency access and everyone from Timber Lakes came through our property to get out. We are not opposed to having that emergency access to be used by the Timber Lakes residents.

### **Motion**

**Commissioner Scott Brubaker made a motion that we recommend for approval of Item No. 3 on the agenda tonight, project DEV-8823 LDS Youth Camp Amendment, in light of the findings and subject to the conditions as written in the staff report. Also, including in the conditions would be the condition that the new emergency access to Lake Creek be included in the emergency access plan.**

**Commissioner Doug Grandquis seconded the motion.**

**The motion carries with the following vote:**

**AYE: Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Doug Hronek, Daniel Lyman, David Thacker, Scott Brubaker.**

**NAY: None.**

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### **ADJOURNMENT**

### **Motion**

**Commissioner Doug Grandquis made a motion to adjourn.**

**Commissioner David Thacker seconded the motion.**

**The motion carries with the following vote:**

**AYE: Chair Chuck Zuercher, Mark Hendricks, David Thacker, Daniel Lyman, Scott Brubaker, Doug Grandquis, Doug Hronek.**

**NAY: None.**

Meeting adjourned at 9:00 p.m.

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CHUCK ZUERCHER/CHAIRMAN



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## Item 1 – Renaissance Retaining Wall Conditional Use Permit

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**Project:** DEV-9341 | Renaissance Retaining Wall  
**Meeting Date:** 11 July 2024  
**Report Date:** 3 July 2024  
**Report Author:** Austin Corry, Assistant Director  
**Council Action Required:** Yes  
**Type of Action:** Administrative

**Applicant:** Maria Quintero  
**Address:** 1574 Puma Way  
**Parcel No(s):** 07-1691  
**Acreage:** 3 acres  
**Zoning Designation:** Mountain  
**Land Use Number(s):** 1800

### DETERMINATION ISSUE

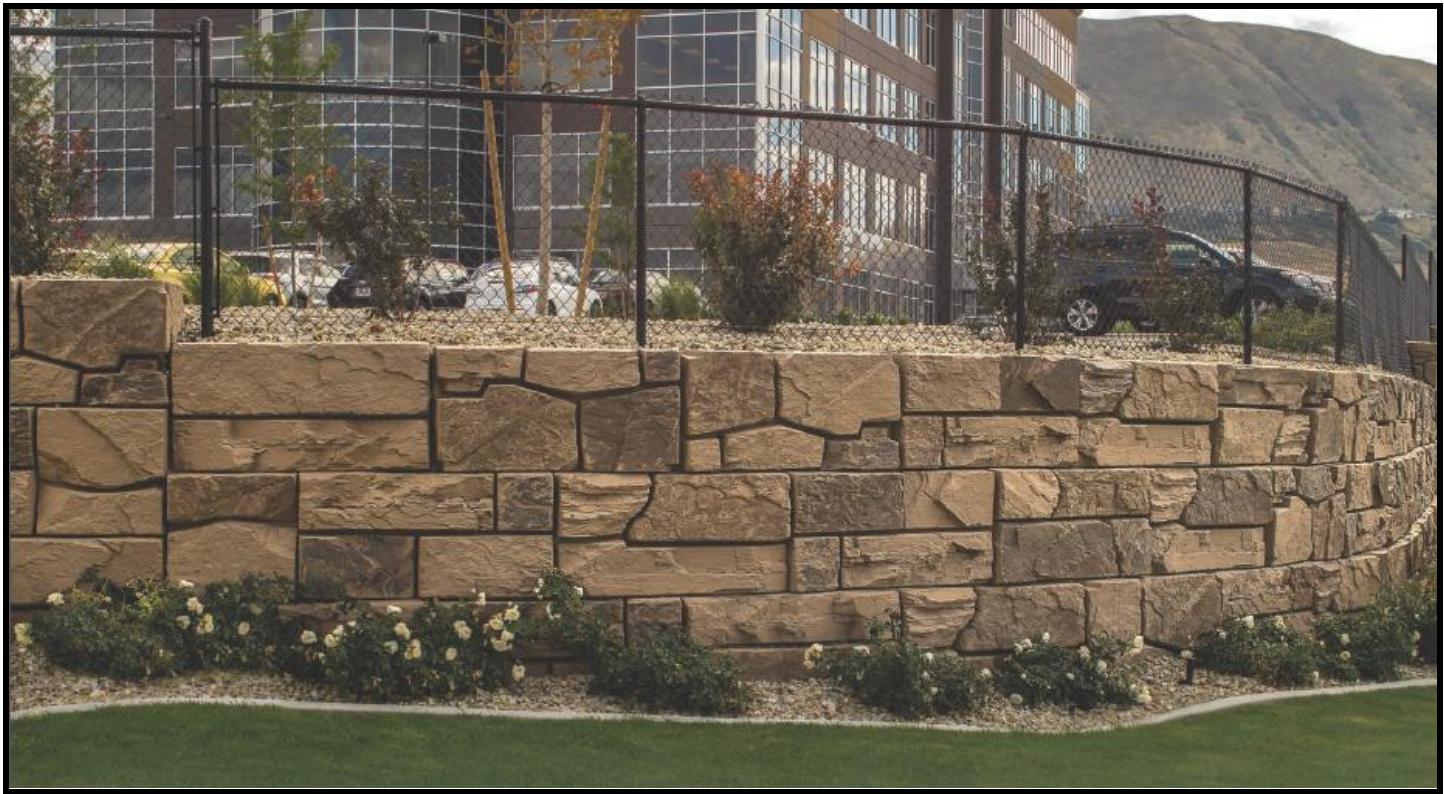
Whether the application meets the standards required by Wasatch County Code 16.23 for a conditional use permit to be granted to allow a 20 foot tall retaining wall using verti-block concrete block wall rather than the materials permitted under WCC16.27.20. This conditional use permit is an administrative decision made by the County Council after a recommendation by the Planning Commission under the requirements of 16.27.20(A)(3).

### RECOMMENDATION

Based on the analysis in this staff report, Planning Staff recommends that the Planning Commission RECOMMEND APPROVAL the Conditional Use Permit based on the findings included the staff report.

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## Planning Commission Staff Report



## BACKGROUND

The subject property lies on a 3 acre lot of record just north of Brighton Estates up Pine Canyon. The applicant is in the process of constructing a home and accessory garage. As part of the garage plans, the applicant desires to create a building site for the garage by constructing a retaining wall consisting of two 10 foot tiers for a total of 20 feet in height. Wasatch County Code gives staff the authority to approve retaining walls up to 30 feet tall, but only if they are made of specific materials (i.e. stacked rock walls or poured concrete with a stone façade). While code doesn't preclude the ability to use other materials, any material outside of the two listed are required to be determined by the County Council.

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

## KEY ISSUES TO CONSIDER

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

## STAFF ANALYSIS

### *– COMPATABILITY OF PROPOSED USE –*

Wasatch County Code 16.27.20 provides standards for retaining walls within the County. There are various categories of walls, primarily focused on the overall height and the materials used. Walls over 10 feet in height or over 800 feet in length are required to obtain a conditional use permit. If the wall exceeds 30 feet in height, or the 800 feet in length, code requires those walls to be approved by the Council. Furthermore, the walls between 10-30 feet or less than 800 feet in length are allowed to be approved by staff so long as they are stacked rock or poured concrete faced with stone. While this proposal is within the 30 foot maximum allowable by staff, the use of the verti-block concrete units is outside what the Council has permitted staff to approve. While it is an administrative action, the code provides a discretionary ability for the Council to consider materials not listed in the code.

### *– CONDITIONAL USE PROCEDURE –*

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

#### **16.23.07 GENERAL STANDARDS AND FINDINGS REQUIRED**

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

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

**Applicant Response:** no response

**Staff Response:** Review by the DRC indicates compliance with Title 16 subject to the discretionary decision allowed to the County Council.

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

**Applicant Response:** the property owner, Renaissance Brighton, LLC is a Florida limited liability company registered to do business in the State of Utah.

**Staff Response:** No business license if required for retaining walls.

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

**Applicant Response:** The use is compatible with surrounding structures in use, location, scale, mass, design and does not create any adverse impacts to circulation or other private or public improvements nearby. There are no existing improvements on any of the land parcels contiguous to the proposed location and the project will not affect these neighboring landowners.

**Staff Response:** The application includes a commitment to stain the block wall in a three color pattern of compatible earth tones. This blending and aesthetic will aid significantly in blending with the surrounding environment.

D. *The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;*  
**Applicant Response:** The visual or safety impacts caused by the proposed use are adequately mitigated. The applicant also considered the alternative of constructing retaining wall(s) on the downhill portion of the site versus the uphill portion but chose the uphill for the retaining walls at an increased expense to lessen the perceived visual impacts to the environment from the retaining walls and associated garage/barn building. Further, we plan to finish the wall with a sand/tan/brown tri-colored concrete stain to blend with the color of the soil nearby and look more like the surrounding natural environment.

**Staff Response:** Staff concurs with the applicant.

E. *The use is consistent with the Wasatch County general plan;*  
**Applicant Response:** no response

**Staff Response:** Staff was unable to find any direct policies regarding retaining walls.

F. *The effects of any future expansion in use or scale can be and will be mitigated through conditions;*  
**Applicant Response:** no response

**Staff Response:** Any expansion of the use will be required to apply for a new conditional use permit.

G. *All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise and vibrations have been adequately mitigated through conditions;*  
**Applicant Response:** Environmental factors such as drainage, erosion, and soil stability are not adversely impacted by these retaining walls and, in fact, soil stability is thought to be improved by this activity. The applicant has submitted engineering calculations, geotechnical reports and detailed drawings in connection with these applications. The pre-cast blocks are considered more sustainable and less environmentally impactful due to the quantity of trucks necessary for bringing in boulders for a rock wall (sufficient quantity of rocks are not on-site and boulders do not “pack” on the trucks as efficiently as these pre-cast blocks) or the number of concrete trucks necessary for a poured in place concrete wall. Any boulders harvested on site during the excavation for these Verti-Block retaining walls will not go unused, however, as they will be utilized to construct the two, smaller rock retaining walls at the nearby Zboril home, to be constructed under Wasatch County building permit #23-127.

**Staff Response:** Staff does not have the expertise to verify whether soil stability is improved by the use of retaining walls vs. other methods, but the application does include geotechnical studies that verify the stability of the design as proposed. It is the belief of staff that the Council's intention in encouraging use of stacked rock walls was intended to reduce impacts and burdens of imported material to the site. The Council will need to weigh in on the specific intent when local boulder material is not available on site.

*H. The use will not place an unreasonable financial burden on the county or place significant impacts on the county or surrounding properties, without adequate mitigation of those impacts;*

**Applicant Response:** All improvements will be privately owned and maintained so that this use will not place any financial burden on the county or place significant impacts on the county or surrounding properties.

**Staff Response:** There is no anticipated financial burden for the county aside from already anticipated heavy construction equipment on the public roads, which does not appear to be increased or decreased by the choice of material in this particular case.

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

**Applicant Response:** The use will not adversely affect the health, safety, or welfare of the residents and visitors of Wasatch County as these improvements are on private property with limited access.

**Staff Response:** The applicant has demonstrated a reasonable approach to mitigating the visual impacts of the wall and disturbance to the site. It does not appear that there are health, safety, or welfare concerns related to the proposal.

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

**Applicant Response:** The building permit for the retaining walls (Permit #24-134) along with the Zboril garage (Permit #23-129) and the Zboril home (Permit #23-127) will conform to the international uniform building code standards.

**Staff Response:** Staff concurs with the applicant.

#### DEVELOPMENT REVIEW COMMITTEE

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

#### RECOMMENDED MOTION

Move to Recommend Approval of item 1 consistent with the findings presented in the staff report.

#### - FINDINGS -

1. The staff analysis indicates the proposal complies with Section 16.27.20 of the current Wasatch County Code related to retaining walls subject to the discretionary approval of the Council regarding materials.
2. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
3. Notice has been sent to neighboring property owners within 500 feet of the property.
4. There are no known zoning violations on the property at this time.

## 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. Recommend Approval. This action may be taken if the Planning Commission finds that the Conditional Use request is compliant as proposed with Wasatch County Code and all other applicable laws. ***\*This action would be consistent with the staff analysis.\****
2. Recommend Approval with Conditions. This action can be taken if the Planning Commission feels that impacts of the Conditional Use request can be mitigated through conditions to be compliant with applicable laws.
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. Recommend Denial. This action can only be taken if the Planning Commission finds that the proposal does not meet the ordinance and that impacts of the proposal cannot be reasonably mitigated.

## NEXT STEPS

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

If the requested conditional use permit is denied, the applicant would not be allowed to construct the retaining walls as designed and would need to pursue other options available under the code.

Any person adversely affected by a final decision made by the County Council may be appealed to the district court in accordance with appeal procedures.

## EXHIBITS

Exhibit A – Applicant Request .....	7
Exhibit B – Site Plan.....	9
Exhibit C – Block Wall Aesthetic.....	13
Exhibit D – DRC Report.....	15

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## Exhibit A – Applicant Request

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Renaissance Brighton, LLC  
945 Lakeview Drive  
Winter Park, FL 32789  
(407)468-7642

June 24, 2024

Wasatch County Planning Department  
35 South 500 East  
Heber City UT 84032

Attn: Austin Corry

Re: Project Description for Conditional Use Permit and retaining wall Permit #: 24-134

Dear Mr. Corry:

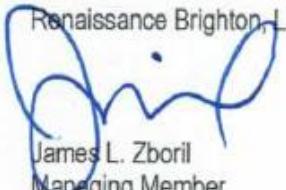
Please consider the following to address the need for a project description and to satisfy Wasatch County Code, including Section 16.23.07:

1. Project Description: The project consists of two retaining walls each approximately 8' above grade, with the upper wall face off-set from the lower wall face by approximately 7'. These walls are proposed behind (and screened by) a garage to be constructed under Wasatch County building Permit #: 23-129. The upper wall will be constructed on properly compacted backfill and geogrid placed during the construction of the lower wall to ensure stability and provide for drainage. The lower wall is 1,176 linear feet and the upper wall is 1,144 linear feet. The project intent is to use interlocking precast blocks made by Verti-block, as such product is considered superior for this application versus site constructed rock walls or a poured in place concrete wall.
2. The use is compatible with surrounding structures in use, location, scale, mass, design and does not create any adverse impacts to circulation or other private or public improvements nearby. There are no existing improvements on any of the land parcels contiguous to the proposed location and the project will not affect these neighboring landowners;
3. The visual or safety impacts caused by the proposed use are adequately mitigated. The applicant also considered the alternative of constructing retaining wall(s) on the downhill portion of the site versus the uphill portion but chose the uphill for the retaining walls at an increased expense to lessen the perceived visual impacts to the environment from the retaining walls and associated garage/barn building. Further, we plan to finish the wall with a sand/tan/brown tri-colored concrete stain to blend with the color of the soil nearby and look more like the surrounding natural environment;
4. Environmental factors such as drainage, erosion and soil stability are not adversely impacted by these retaining walls and, in fact, soil stability is thought to be improved by this activity. The applicant has submitted engineering calculations, geotechnical reports and detailed drawings in connection with these applications. The pre-cast blocks are considered more sustainable and less environmentally impactful due to the quantity of trucks necessary for bringing in boulders for a rock wall (sufficient quantity of rocks are not on-site and boulders do not "pack" on the trucks as efficiently as these pre-cast blocks) or the number of concrete trucks necessary for a poured in place concrete wall. Any boulders harvested on site during the excavation for these Verti-Block retaining walls will not go unused, however, as they will be utilized to construct the two, smaller rock retaining walls at the nearby Zboril home, to be constructed under Wasatch County building permit #: 23-127;
5. All improvements will be privately owned and maintained so that this use will not place any financial burden on the county or place significant impacts on the county or surrounding properties;
6. The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County as these improvements are on private property with limited access;

7. The building permit for the retaining walls (Permit #:24-134) along with the Zboril garage (Permit #: 23-129) and the Zboril home (Permit #: 23-127) will conform to the international uniform building code standards; and
8. Lastly, the property owner, Renaissance Brighton, LLC is a Florida limited liability company registered to do business in the State of Utah;

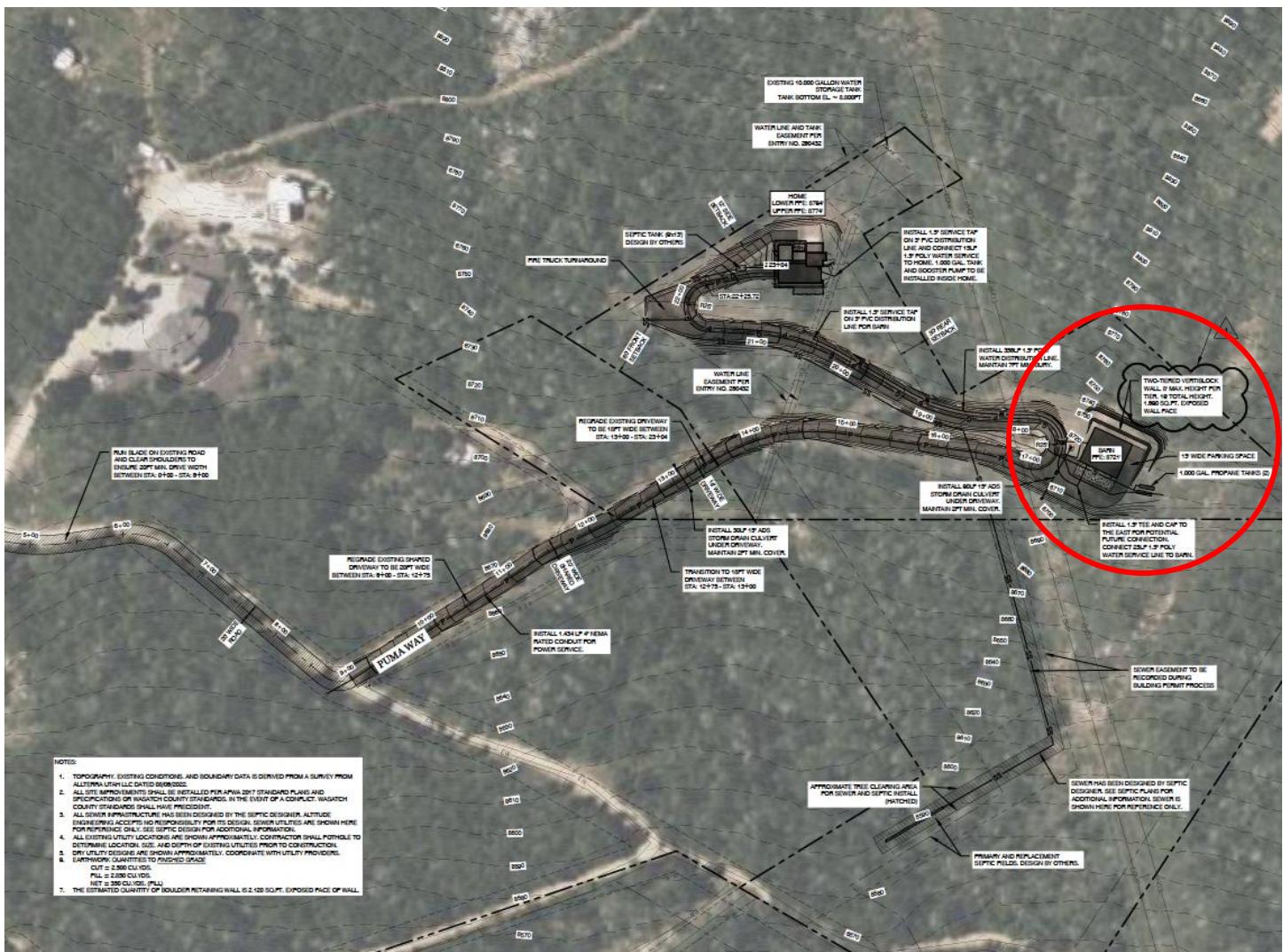
Please call me at (407)468-7642 so that I can provide any additional information necessary and/or answer any additional questions.

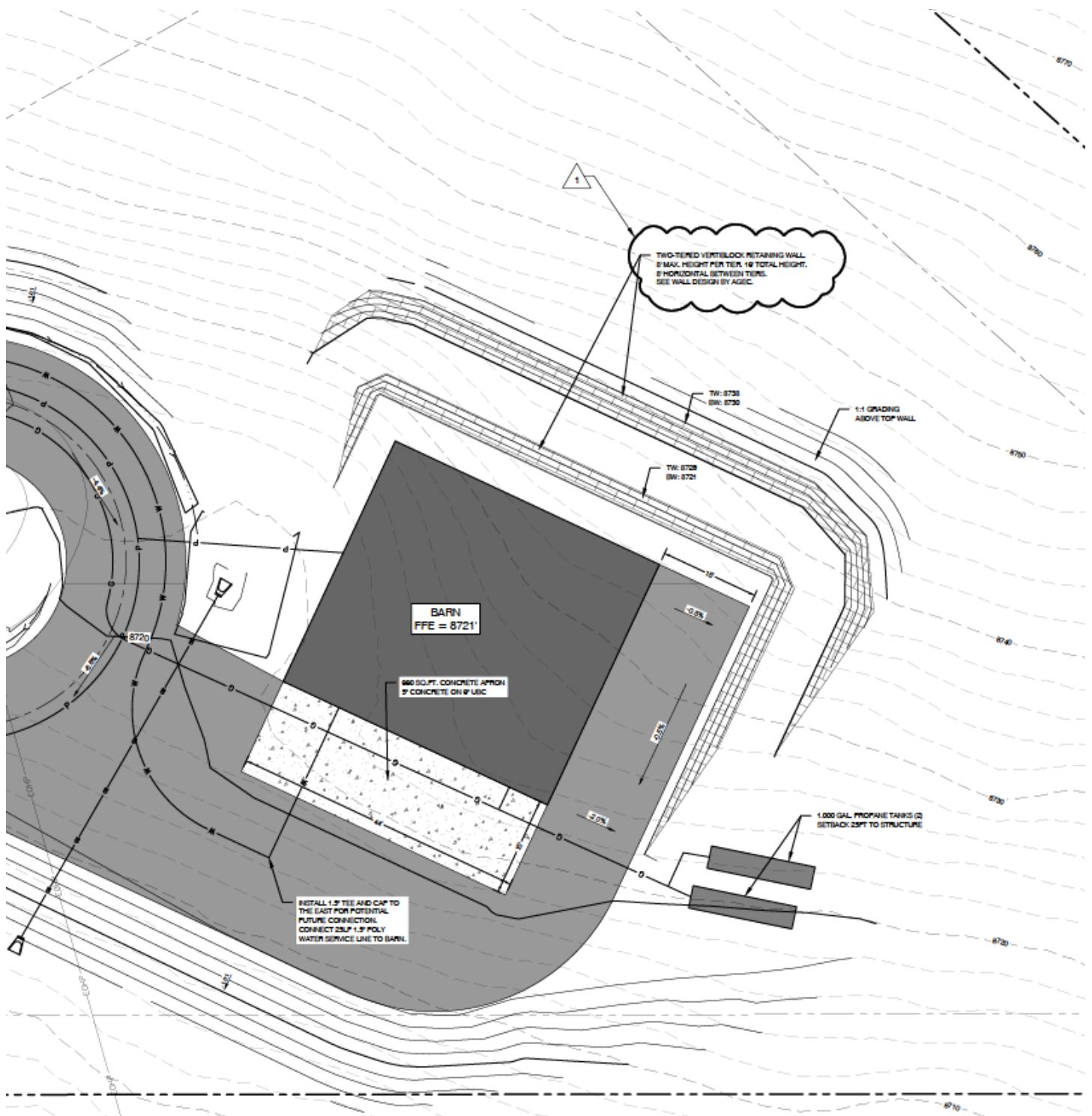
Best regards,

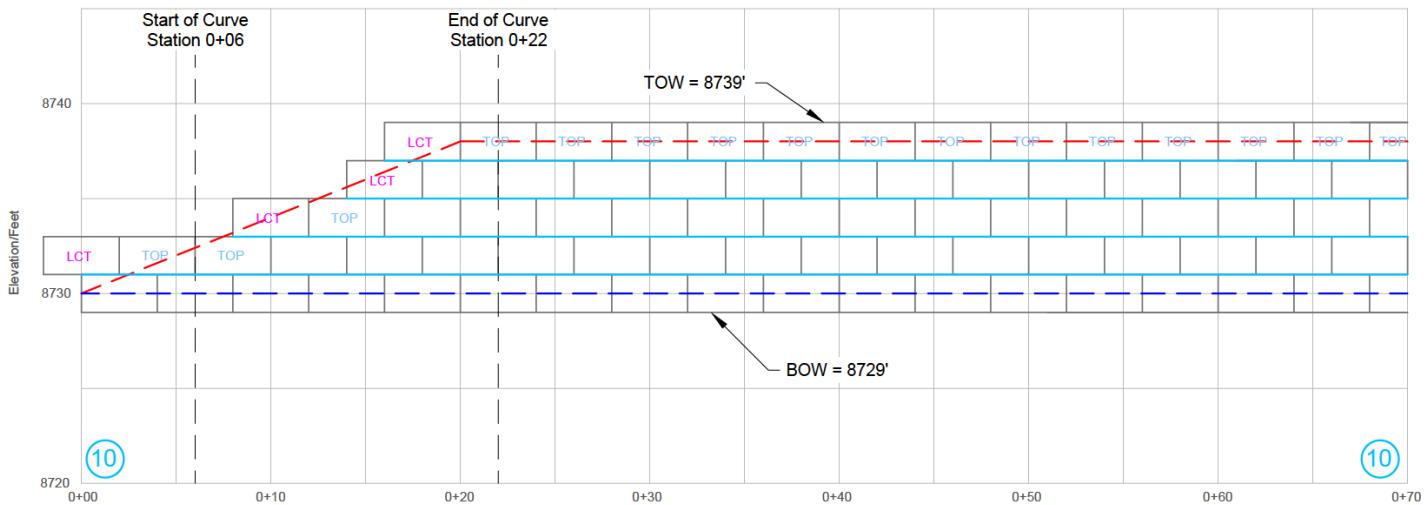
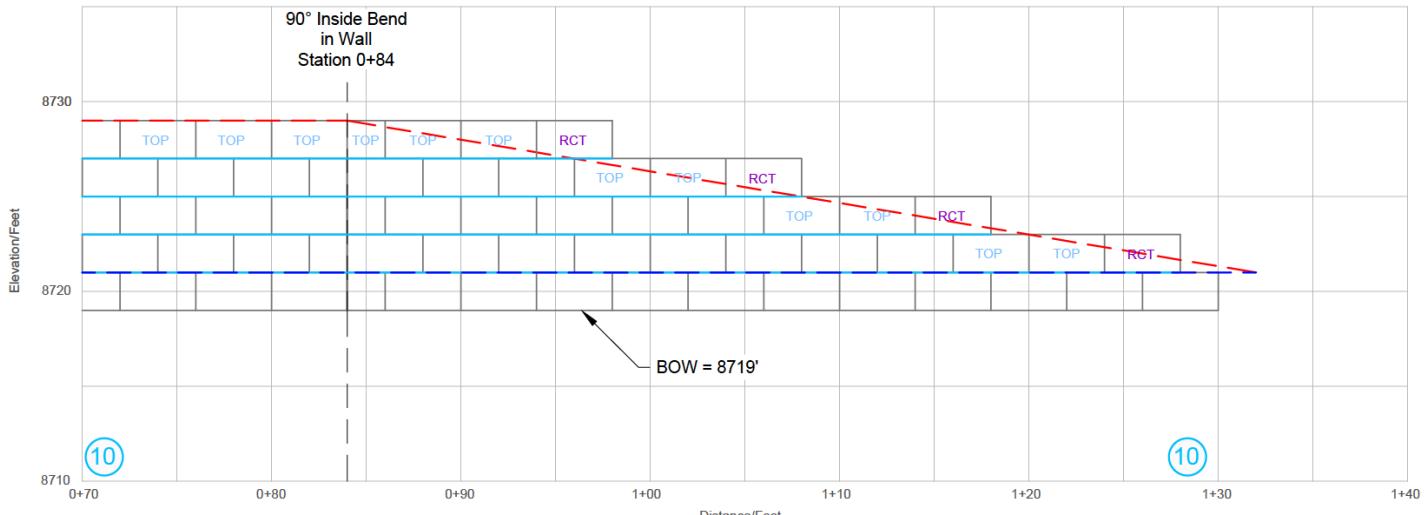
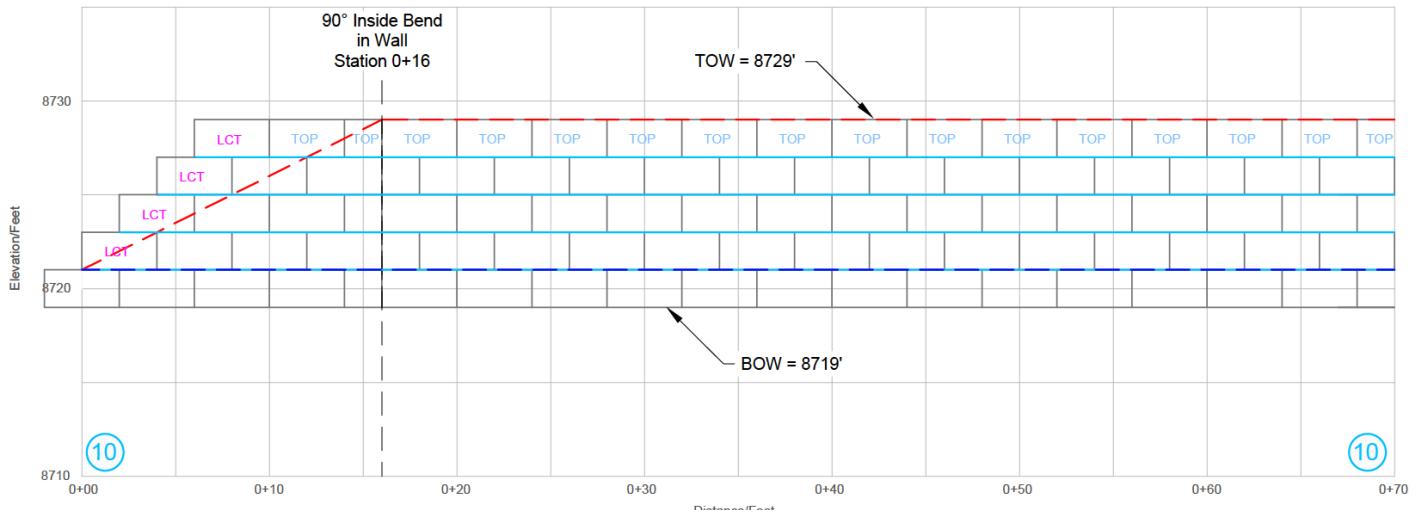
  
Renaissance Brighton, LLC  
James L. Zboril  
Managing Member

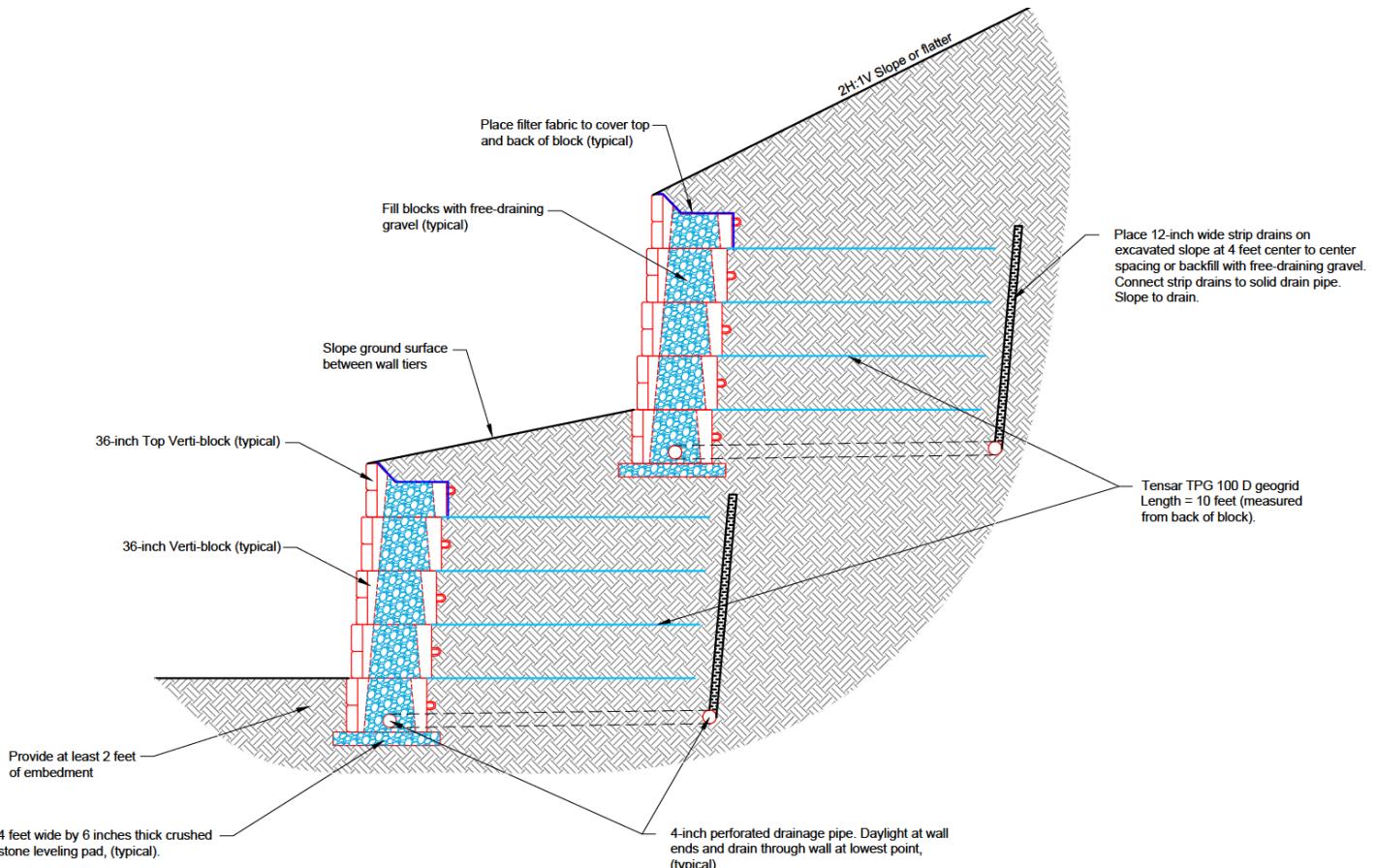
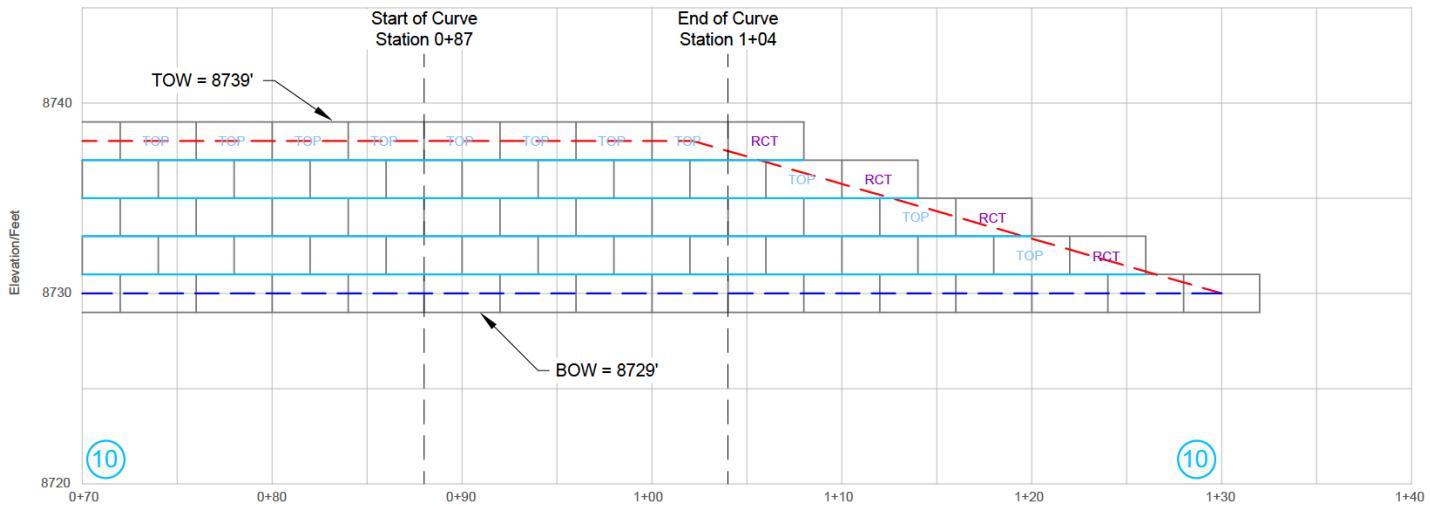
Cc: Maria Quintero, Uncommon Architects

## Exhibit B – Site Plan









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*Exhibit C – Block Wall Aesthetic*

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Renaissance Brighton, LLC  
945 Lakeview Drive  
Winter Park, FL 32789  
(407)468-7642

June 24, 2024

Wasatch County Planning Department  
35 South 500 East  
Heber City UT 84032

Attn: Austin Corry

Re: Verti-Block wall, Conditional Use Permit and retaining wall Permit#: 24-134

Dear Mr. Corry:

Please consider this additional information regarding the details on the Verti-Block wall proposed in connection with the above referenced application.

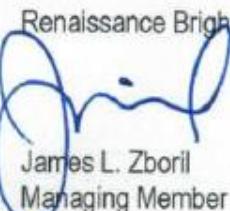
Attached is a brochure for the proposed Verti-Block product. As you can see, it has a stone design on the face. Per our plans, we anticipate 219 standard blocks, 8 top block – left corner, 55 top blocks and 8 top block – right corner. These specific blocks are shown on page 8 and 9 of the attached .pdf.

Our intent is to stain the wall sand/tan/brown in color to blend with the natural environment and color of the soil in Brighton Estates. As you and I discussed, we would be willing to use a three-color pallet to create a color diversity more akin to natural rocks. The pictures in the brochure show walls that have been finished like we plan to do – see page 2 as a representative sample of what we plan to do.

Please feel free to call me anytime at (407)468-7642 so I can provide any additional information or answer any questions.

Best regards,

Renaissance Brighton, LLC



James L. Zboril  
Managing Member

Cc: Maria Quintero, Uncommon Architects



**Nothing  
stacks up  
quite like  
Verti-Block.**

When you need a solution for retaining walls and other landscape projects, nothing stacks up quite like Verti-Block. Unique in size, shape, and flexibility of use, Verti-Block is an ideal solution for residential and commercial projects alike.

### Unique size and design

A hollow block measuring 2' x 4' x 3', Verti-Block is perfectly proportioned for the most popular types of landscaping projects, including gravity walls up to 14' high—even higher when reinforced. Its hollow design makes it affordable and easier to handle than solid blocks. Plus, Verti-Block is less labor intensive than small, hand-laid blocks and offers a more practical solution than a cast-in-place retaining wall.



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

PROJECT ID: DEV-9341  
PROJECT NAME: CUP - ZBORIL RESIDENCE - SITE WALLS  
VESTING DATE: 6/7/2024  
REVIEW CYCLE #: 2

**REVIEW CYCLE STATUS: APPROVED**

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

**When uploading revisions please name your documents exactly the same as it was previously uploaded.**

**Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.**

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

Entity	Decision
Weed Department	Approved
Fire SSD	Approved
Building Department	Approved
Health Department	Approved
Manager's office	Approved
Public Works Department	Approved
County Surveyor	Approved
Planning Department	Approved
Sheriff's Office	Approved
Recorder's Office	Approved
Engineering Department	Approved

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

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

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

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

## OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
DRC-PLN3	PLN - Planners	Since the application is not one of the listed items under staff approval, the application will be forwarded to the Council for review and consideration of the aesthetic.
FIRE-App-1	SSD - Fire SSD Approval	Emergency Vehicle Access must be maintained to a minimum width as approved.

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG1	03 - SITE PLAN	Why is the driveway narrowed near station 12+00? The shared driveway will need to meet the requirements outlined in Wasatch County code 14.02.08. This should be updated as a condition prior to issuance of permit.



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## Item 2 – Ranches at Farm Meadows Preliminary Plan

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**Project:** DEV-8670 | Ranches at Farm Meadows  
**Meeting Date:** 11 July 2024  
**Report Date:** 3 July 2024  
**Report Author:** Austin Corry, Assistant Director  
**Council Action Required:** Yes  
**Type of Action:** Administrative

**Applicant:** Farms at Center Creek, LLC  
**Address:** 2400 E 2400 Center Creek Rd  
**Acreage:** 133.31 ac  
**Proposed Density:** 102 ERUs (1.3 a/u)  
**Zoning Designation:** RA-1  
**Related Applications:** none

### DETERMINATION ISSUE

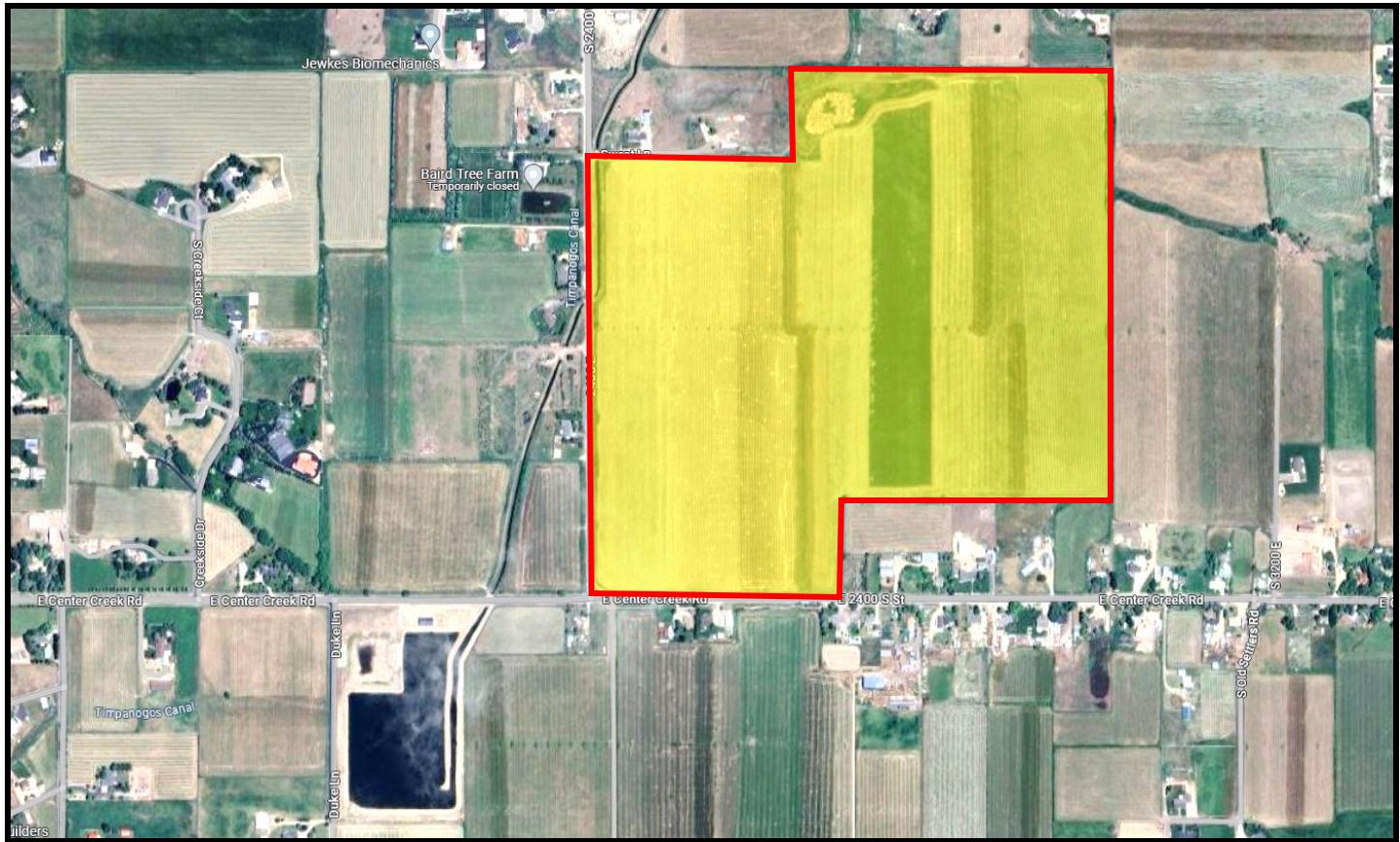
Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 102 lot subdivision on 133.38 acres in the Residential Agriculture (RA-1) zone. The decision also includes a legislative determination of whether to accept a donation for a public park. No bonus density is being requested in exchange for this dedication, but the storm water facilities would encumber the park property. This determination is a legislative decision to be made by the Wasatch County Council after receiving a recommendation from the Planning Commission.

### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to revisions or conditions that are not anticipated to constitute a materially substantive change. Therefore, it is recommended that the Planning Commission forward a POSITIVE RECOMMENDATION of the proposed preliminary plan based on the findings and subject to the conditions included the staff report.

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## Planning Commission Staff Report



## BACKGROUND

The subject property is 133 acres at the northeast corner of 2400 E and Center Creek Road approximately one mile east of the Heber City boundary at Mill Road. The land has been historically hay production. The applicant is seeking to develop the property into a residential subdivision (land use 1111) of 102 residential lots and includes a proposed donation to the County of a 12.4 acre regional park site and a donation to the local school district of an 11.8 acre site for a future school.

## PURPOSE AND INTENT

The subject property is in the RA-1 zone where the residential lots for detached single-family homes (land use 1111) and parks and trails (land use 7600) are listed as permitted uses, and while primary education facilities (land use 6810) are listed as a conditional use in the zone, public schools are primarily exempt from zoning requirements by state law. The purpose outlined in the RA-1 zone is quoted (in part) below:

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### **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.*

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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.*
2. *Facilitate the provision of essential services needed by the residents within urbanizing areas of the county, particularly sewage and culinary water service, through the instrumentality of a special service district.*
- ...
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.*
11. *To allow for the potential for developments with variable lot sizes in larger acreage development in accordance with the specified areas.*

...

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## KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Compatibility with the General Plan.
- Acceptability of an unimproved park donation to the county.

## STAFF ANALYSIS

### *– LAND USE AND DENSITY –*

The RA-1 zone permits five acre lots with an ability to increase density to 1.3 a/u and reduce lot sizes to one acre under certain conditions. Code also permits properties between 2400 East and 3600 East to use variable lot sizes with lots as small as 1/2 acre. With the 1/2 acre lot size however, the density still must remain 1.3 a/u. This is meant to accommodate developments that wish to cluster lots in favor of providing more usable open space areas, or to provide some flexibility in design where developments can have smaller and larger lots interspersed throughout the area. The applicant is using this option to provide a regional park and a public school site.

Density is calculated using the net acreage of the project, which is the gross density, minus property that falls under the physical constraints analysis. With 133.31 net acres after a road dedication at 2400 East, this results in an anticipated maximum density of 102 lots, assuming all other aspects of the County Code could be met. Density across the entire project as proposed results in the maximum permissible of 1.3 a/u if no density bonus is granted.

WCC 16.27.34 provides an option for a development to offer a donation of a regional park to the County in exchange for a density bonus. While the applicant is offering to donate a 12.4 acre park site, the applicant is not seeking any bonus density from the county in exchange for this donation. The park area would, however, still serve as a large retention facility for the storm water needs of the development.

#### **– SETBACKS –**

Setbacks in the RA-1 zone are required to be 30 feet front and rear. Corner lots are considered to have two “front” yards with each street. Side yard setbacks are 10 feet minimum with the two sides being required to be 24 feet total. The two abutting collector roads, 2400 E and Center Creek Rd, require a more substantial setback of 50 feet in order to provide greater separation for the higher traffic facility. The plat pushes the roadside trail into the property within a 20 foot open space area, which accommodates the additional setback area and also provides a larger parkstrip and snow storage area than following the standard street improvements would otherwise provide.

#### **– ENVIRONMENTAL CONSTRAINTS ANALYSIS –**

Wasatch County Code 16.27.25 requires an environmental constraints analysis to be submitted with any preliminary application which outlines the potential constraints on development activity. The documentation provided by the developer asserts that the code requirements are complied with and that the net developable acreage results in 133.31 acres.

The National Wetland Inventory indicates an emergent wetland exists at the northeast corner of the property. The applicant purports that the NWI is outdated and that they will work with the U.S. Army Corps of Engineers to obtain written agreement that the constraint does not exist. Final applications will need to provide this evidence, or if unable to obtain written approval, the project area will need to be redesigned in that corner and return through a new preliminary approval. This may result in a density reduction and cannot be considered a hardship if the applicant is unable to obtain Army Corps approval.

If a full and complete representation has not been produced by the developer with the final application, or if any evidence later discovered indicates that such representation has not been accurately made after a full inspection, or there has been any change in circumstances indicating the likelihood of a failure to be able to meet the standards of WCC 16.27.25, the County may require that certain site specific reports be prepared. Additional evidence discovered may decrease the density originally approved for the project.



– OPEN SPACE & PARKS –

The subdivision includes open space parcels surrounding the project area and one bisecting the subdivision that accommodate a trail system and account for an irrigation easement that traverses the property. More substantially however, is the proposed regional park donation of 12.4 acres noted previously. Park donation proposals can be made in one of two ways, an improved park, or an unimproved park. In each instance, Wasatch County Code 16.27.34 has certain requirements that must be fulfilled and suggests a potential bonus density that can be considered at the discretion of the County Council in exchange for the donation. While the applicant is not seeking a bonus density, the following minimum requirements would still apply. Staff has reviewed the proposal and finds that it complies with the technical requirements with the exception of the 5% slope restriction noted in subparagraph (1)(b) which gives the county discretion to accept something steeper if it is determined to be acceptable. Further analysis of the impacts this could have is provided later on in this report in the parking analysis.

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**16.27.34: REGIONAL PARKS**

*Purpose: In accordance with the County General Plan this chapter specifies the requirements for regional parks and the associated density that may be allowed if a regional park is built in accordance with Chapter 4 of the General Plan and the associated map designating potential locations for regional parks.*

*Regional parks are intended to be large enough to allow for programmed recreation as well as open space recreation for county residents. Regional parks are intended to be adjacent to major roads so they are accessible to the region while minimizing impacts as much as possible to neighboring lot owners. Regional parks may, among other things, be used for soccer, baseball/softball, rugby and other uses. Regional parks may be part of a regional storm drain detention plan.*

*1. Regional park requirements:*

- a. Shall be a minimum of 10 contiguous acres in a regular square or rectangular shape.*
- b. Shall have less than a 5% slope over the property, and at any given location on the property or as determined by the County.*
- c. Shall be adjacent to arterial, collector or other major roads and not accessible through local roads internal to the subdivision.*
- d. As per the adopted General Plan map are allowed in RA-1 (Residential Agricultural), JSPA (Jordanelle Specially Planned Area) and NVOZ (North Village Overlay one)*
- e. All water necessary for the park shall be provided as determined by the County.*
- f. The property shall be deeded to the County with the recordation of the first plat of the development or as determined through development agreement.*
- g. Location and approval of the park donation shall be in the sole discretion of the County Council after a recommendation from the Planning Commission.*
- h. Shall have a public trail plan within the development and stubbed to adjacent property lines to provide access to the park whether improved or un-improved.*
- i. All necessary improvements in front of the park within the County right-of-way shall be completed.*

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*j. Parks may be improved or un-improved as determined by the County Council and as stipulated in the definitions below and as allowed in sub-section 2.*

*k. Fencing shall be provided on any lots that abut the dedicated park area, including for unimproved park dedications.*

*l. Subdivision plats shall provide appropriate notice that impacted lots will have a park adjacent to their property line to provide notice of the associated impacts of a regional park.*

*m. It is at the sole discretion of the County Council to approve a park and the associated density if all the requirements of this section area met.*

3

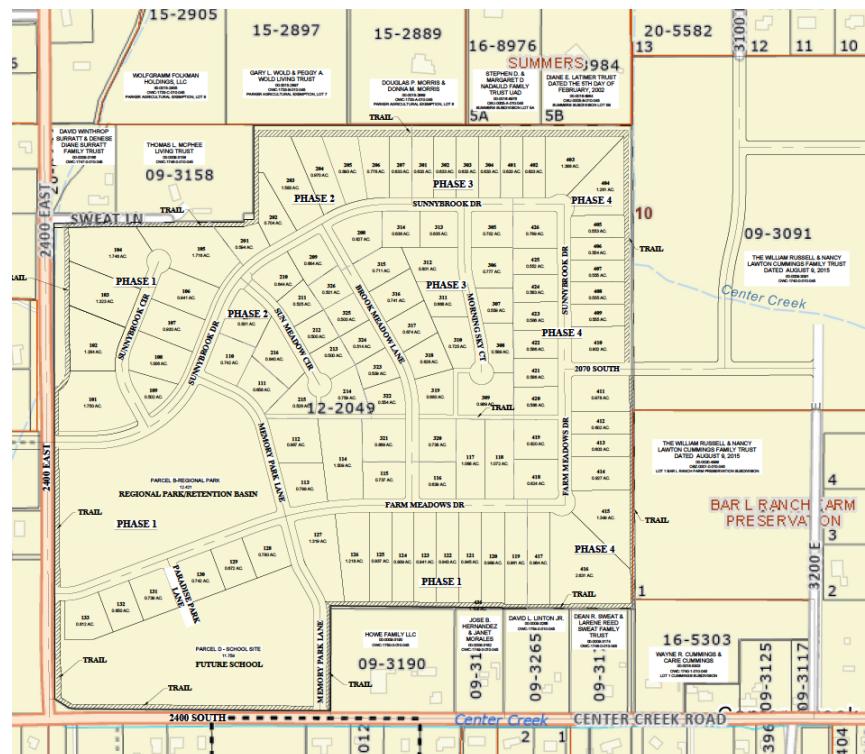
— SEWER & WATER —

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

## – ROADS AND ACCESS –

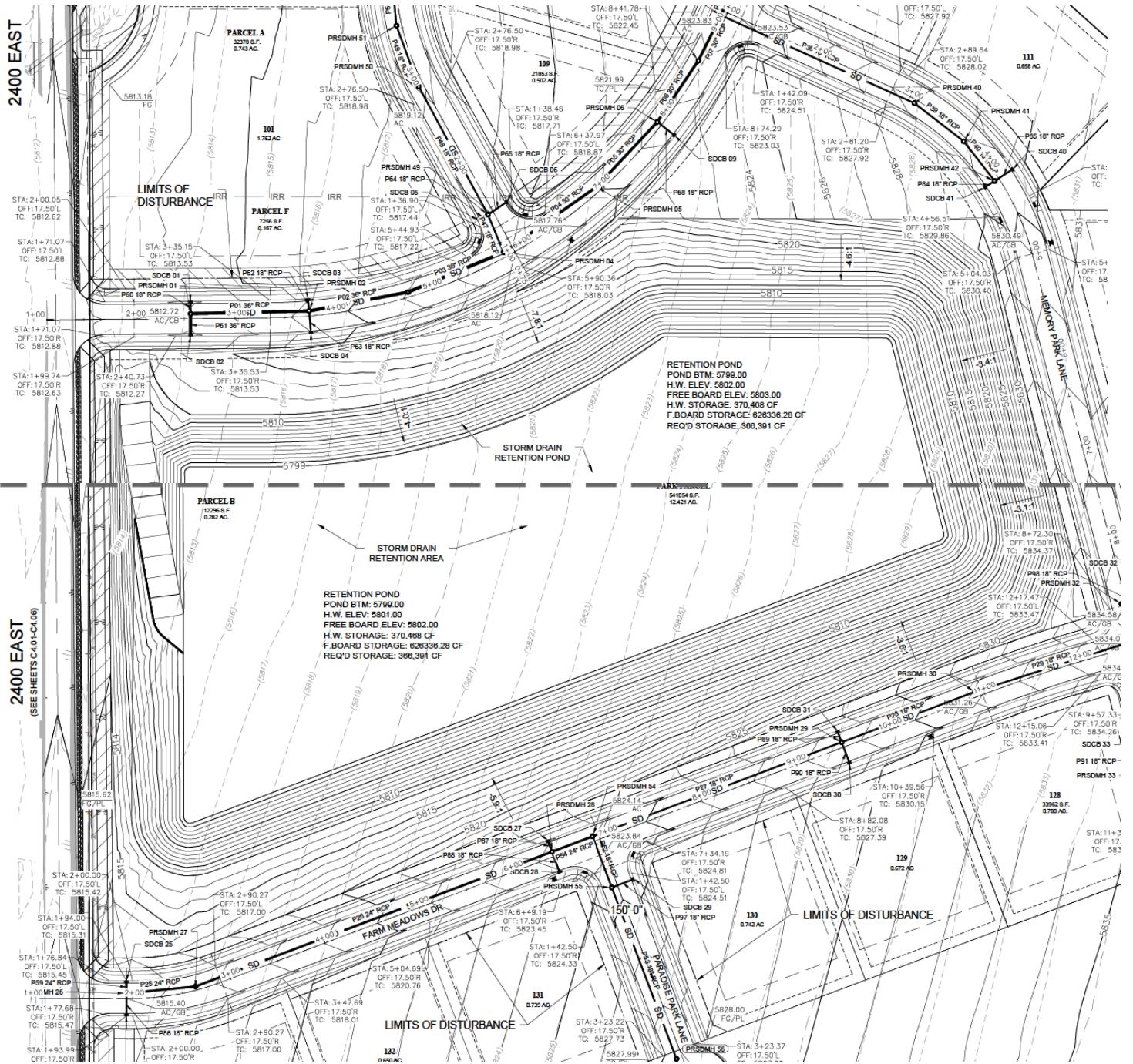
Bounded by 2400 East on the west side and 2400 South on the south side, the proposed development is designed in accordance with the General Plan and county code that requires interior roads to access the development where the lots would front local roads instead of collectors. In order to provide the County with a clear understanding of the relationship of the proposed development with the surrounding context, the County requires submission of a conceptual connectivity plan that demonstrates the development's relationship to adjacent properties and the ability for connectivity standards of the code to be met. This plan is part of the Council review at preliminary for the Council to make a determination whether the application adequately addresses the connectivity policies established in the County Code.

The application identifies a platted subdivision at the north and lots of record at the south that preclude additional connections. There is a stub located at the east property line that facilitates the required connectivity.



## – PARKING –

Parking requirements for single family homes are easily met on lots of this size. When more details come forward for the school site, parking requirements for those will be analyzed at that time. Because the park donation is an “un-improved” donation, parking lot improvements will be the responsibility of the County at the time the park is improved. The Council should consider the proposed grading plan since the park will accommodate the storm drain uses and how parking areas could be implemented before determining whether to accept the park donation. Staff has provided a potential condition of approval to ensure the two needs can co-exist with the initial grading design without burdening the county with substantial reworking of the site later on when the county improves the park. All uses should be parked adequately on site to accommodate the parking needs without needing on-street parking on either of the abutting collector roads.



**– TRAILS –**

A trail network is provided surrounding the project site within open space parcels maintained by the HOA. These trails provide a looped system as well as connections to adjacent parcels and the on-road network. Along the 2400 East right-of-way, a CUWCD canal parallels the road, making a narrow constraint in that area. Staff review believes that the trail traversing the canal can serve the function of both the right-of-way trail and the canal trail without the need to have duplicate trails for that section. Once the canal reaches the north property line, the canal begins to veer farther away from the right-of-way where the trails can be separated at that point.

**– RIGHT TO FARM REGULATIONS –**

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

*D. Obligation To Fence: The Wasatch County council recognizes the importance of agricultural pursuits within the county. As development encroaches upon agricultural uses, fencing becomes an important issue. Therefore, large scale subdivisions must provide a fencing plan at the time of preliminary application. This fencing plan shall adequately address the following: 1) existing and potential agricultural uses in the area; 2) materials that will be used in the fencing; 3) safety; 4) traffic and roads; and 5) aesthetics. If the proposed large scale subdivision is in the vicinity of existing or potential agricultural land, the proposed fencing must be reinforced so as to be of suitable quality to keep farm animals out of residential properties. The sufficiency of the proposed fencing plan will be determined, and approved or rejected, by the land use authority prior to preliminary approval.*

The application has provided a fencing plan that would provide a new four-foot agricultural field net fence with stranded barb wire surrounding the property to the North, East, and South areas with adjoining properties.

**DEVELOPMENT REVIEW COMMITTEE**

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

**RECOMMENDED MOTION**

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

**– FINDINGS –**

1. The subject property is 133.38 acres per the applicant survey. Reducing to 133.31 acres after road dedication.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. The RA-1 zone is a 5 acre minimum lot size zone, but allows a greater density of 1.3 acres per unit if certain criteria outlined in 16.08.04(C) of the Wasatch County Code are met.
4. The application includes connections to public sewer and public water through Twin Creeks SSD.

5. The application includes a proposed dedication to the County of a 12.4 acre, unimproved park site. The site would also serve as the storm water retention area for the project.
6. WCC 16.27.34 outlines requirements for donations of future regional park properties to the County and the proposal complies with the requirements, including donation of water.
7. The County Council, as the legislative body, has broad discretion as to whether or not to accept a park donation.
8. The application also includes a proposed dedication to the School District of a 11.8 acre, unimproved school site.
9. The school district has provided a letter of intent to accept the school property donation and acknowledges that the property is not intended for use as residential development and the district does not intend to sell the property for residential development.
10. The proposed subdivision is at a density of 1.3 acres per unit which is the maximum density permissible if no bonus density is given for the park dedication.
11. The trail plan provides a looped trail that surrounds the property on all sides and makes connections to adjacent properties through either proximity or through road rights-of-way
12. The proposal includes a road stub at the east property boundary into undeveloped ag land north of the Bar L Ranch Farm Preservation Subdivision.
13. The proposal includes other smaller open space area parcels that include trail connections and are to be landscaped by the developer and maintained by the proposed subdivision HOA.
14. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels which are indicated through notations on the plat.
15. A draft development agreement has been prepared with the application that includes things such as, but not limited to, the timing of improvements, dedications, water rights, and maintenance and ownership responsibilities.
16. There is a mapped riverine on the National Wetland Inventory in the northeast corner of the project area that the applicant believes is in error and has indicated they are currently working with the Army Corps of Engineers to obtain approval.
17. The applicant acknowledges the risk that phases 2-4 of the project, as shown on the applicant's phasing plan, would likely need to be reworked to adjust the road alignment if the Army Corps does not grant approval for the mapped riverine to be developed as shown.
18. Preliminary approval does not grant a variance from County Code standards as a project proceeds with further stages in the approval process. Additional information will be required at final to refine the plans to comply with applicable laws, including Wasatch County Code.
19. 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.

*– CONDITIONS –*

1. The development agreement shall be finalized and recorded prior to, or concurrently with, the first final approval for the project.
2. Applications for phases 2-4 will be required to include a letter of approval from the US Army Corps of Engineers that either the riverine on the NWI is in error, or that the applicant may modify the riverine to accommodate the proposed development. If approval is not obtained, the applicant will need to make a new preliminary application.

3. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
4. Final grading plans with phase 1 shall provide a conceptual design for sufficient area for an off-street parking area to be improved for servicing the park without the need to significantly alter the drainage plan or to provide large amounts of cut or fill. This does not require the construction of the parking area, but is to validate that the county can improve the park in a reasonable way without having to bear significant cost to maintain the stormwater retention needs for the development. County staff, in coordination with Wasatch County Parks and Recreation SSD, will review the plan and is authorized to approve the grading for the site.

## 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 preliminary plan is approved, the applicant could proceed with finalizing and executing the development agreement and then submitting application for final subdivision approval.

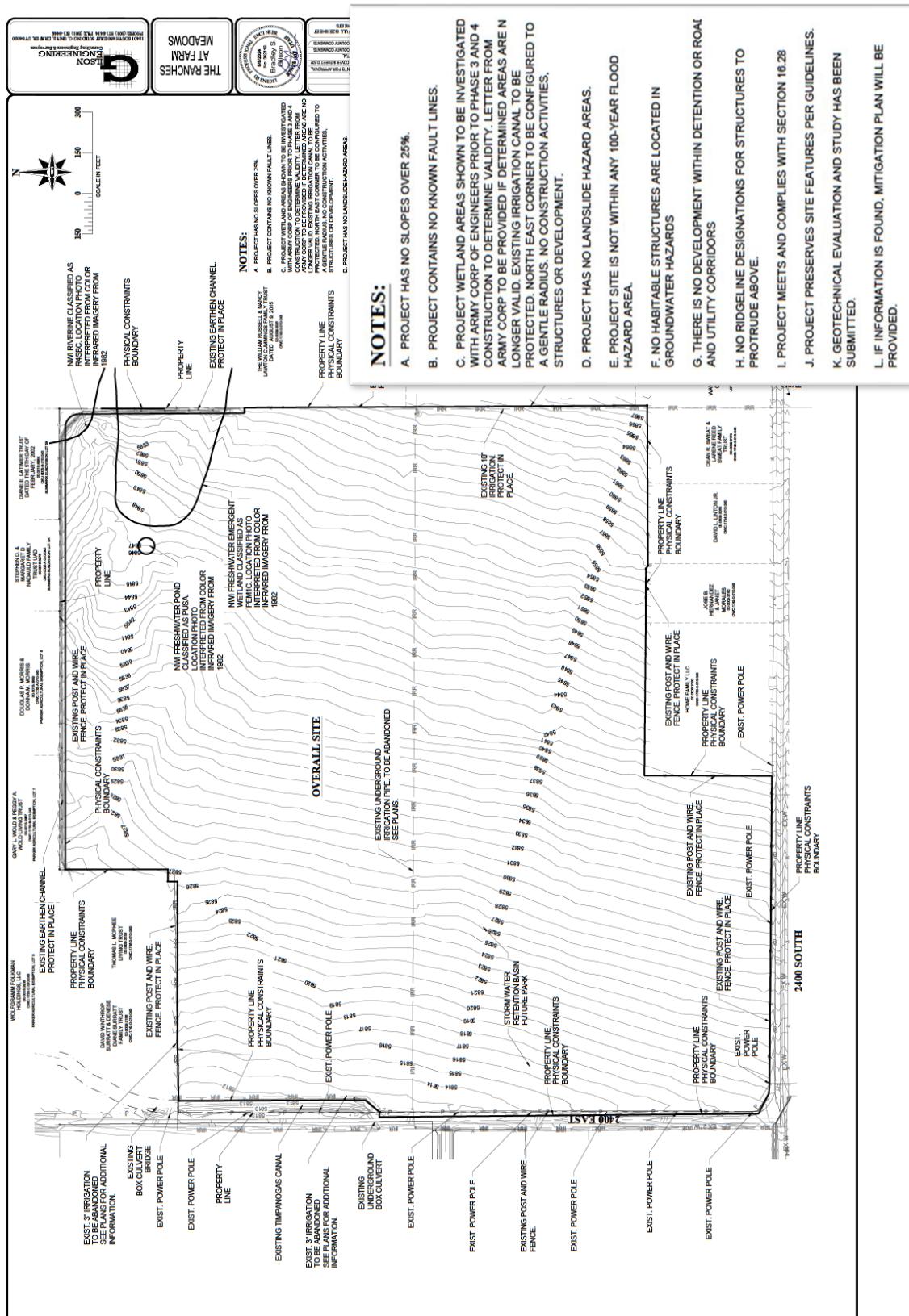
If the requested preliminary plan is denied, the applicant would not be allowed to develop the property as proposed. If the applicant desires to request an alternative plan for approval, it will need to be made as a new application.

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.

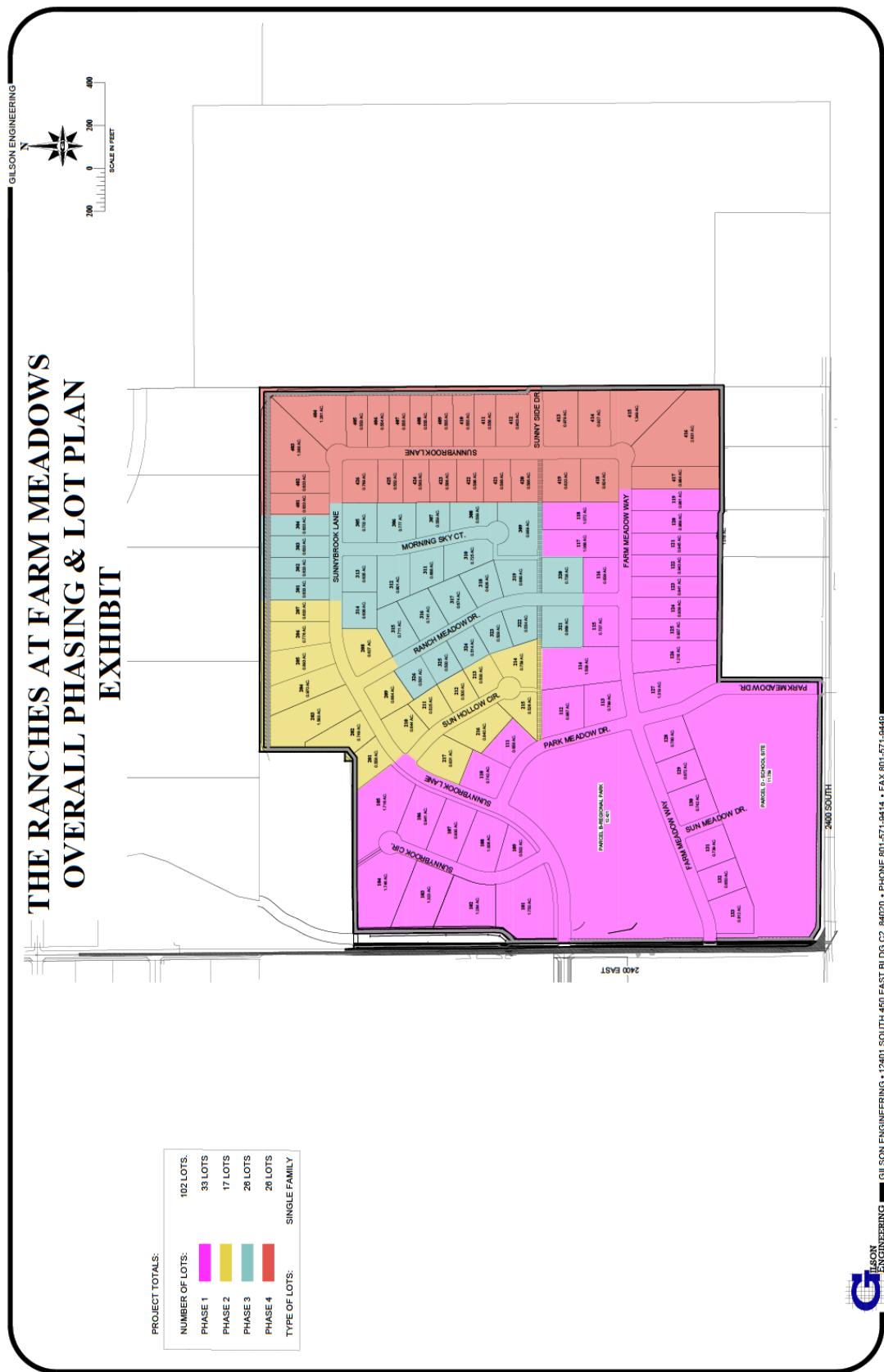
## EXHIBITS

Exhibit A – Physical Constraints Analysis .....	11
Exhibit B – Phasing Plan .....	12
Exhibit C – Proposed Subdivision Plats .....	13
Exhibit D – Grading Plan.....	17
Exhibit E – Landscape Plan .....	19
Exhibit F – Fencing Plan.....	24
Exhibit G – School District Letter.....	25
Exhibit H – DRC Report.....	26

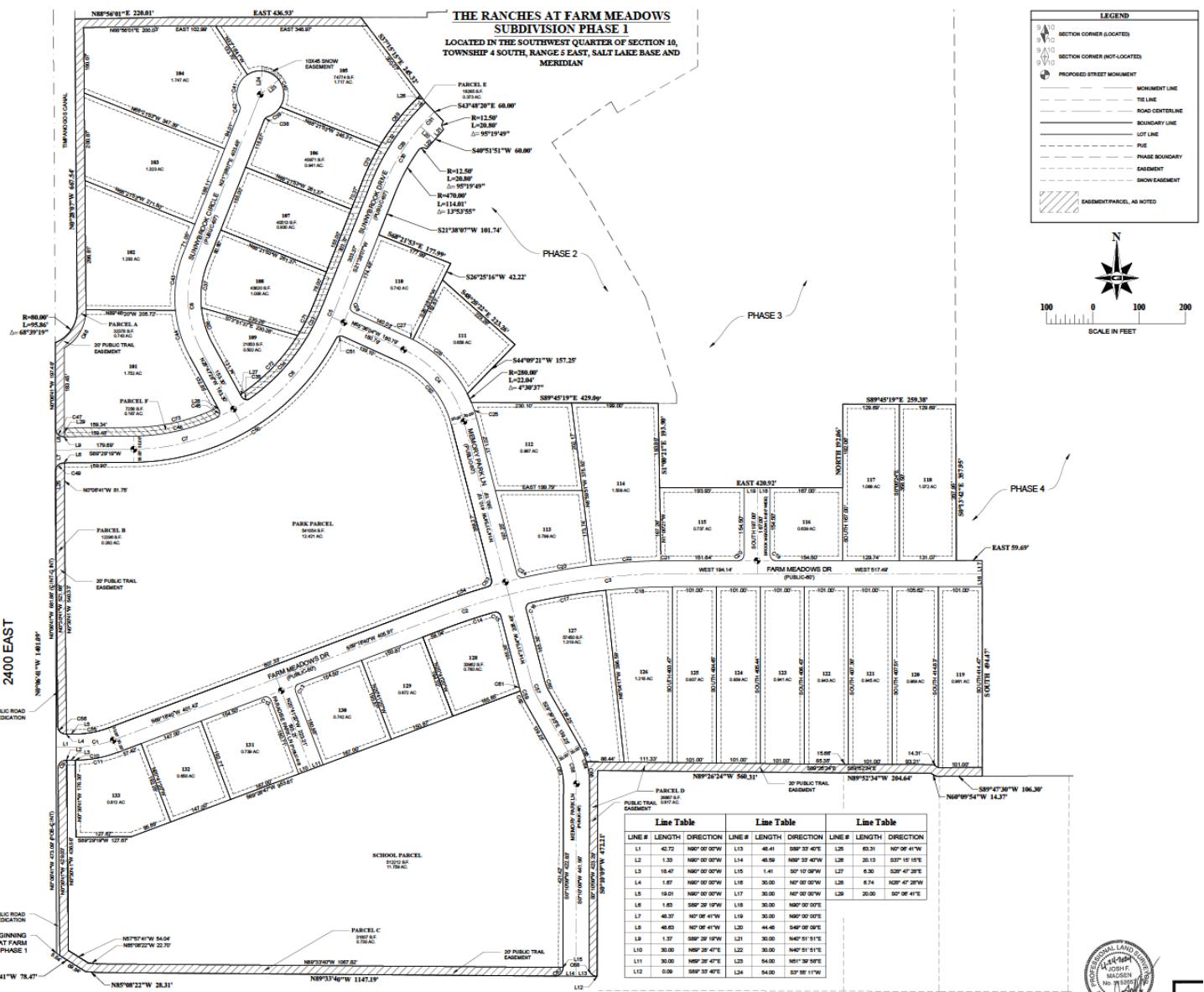
## Exhibit A – Physical Constraints Analysis



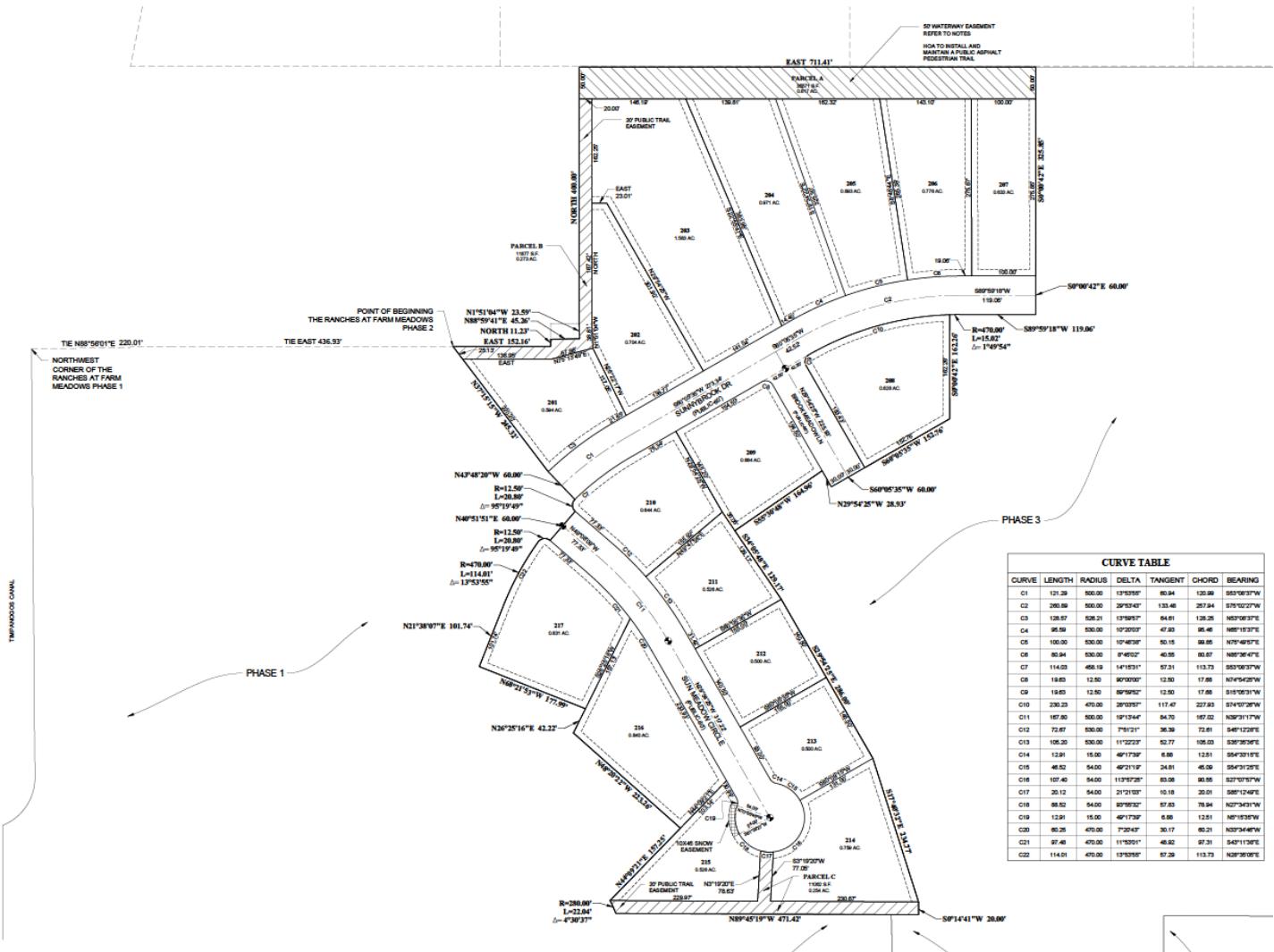
## *Exhibit B – Phasing Plan*

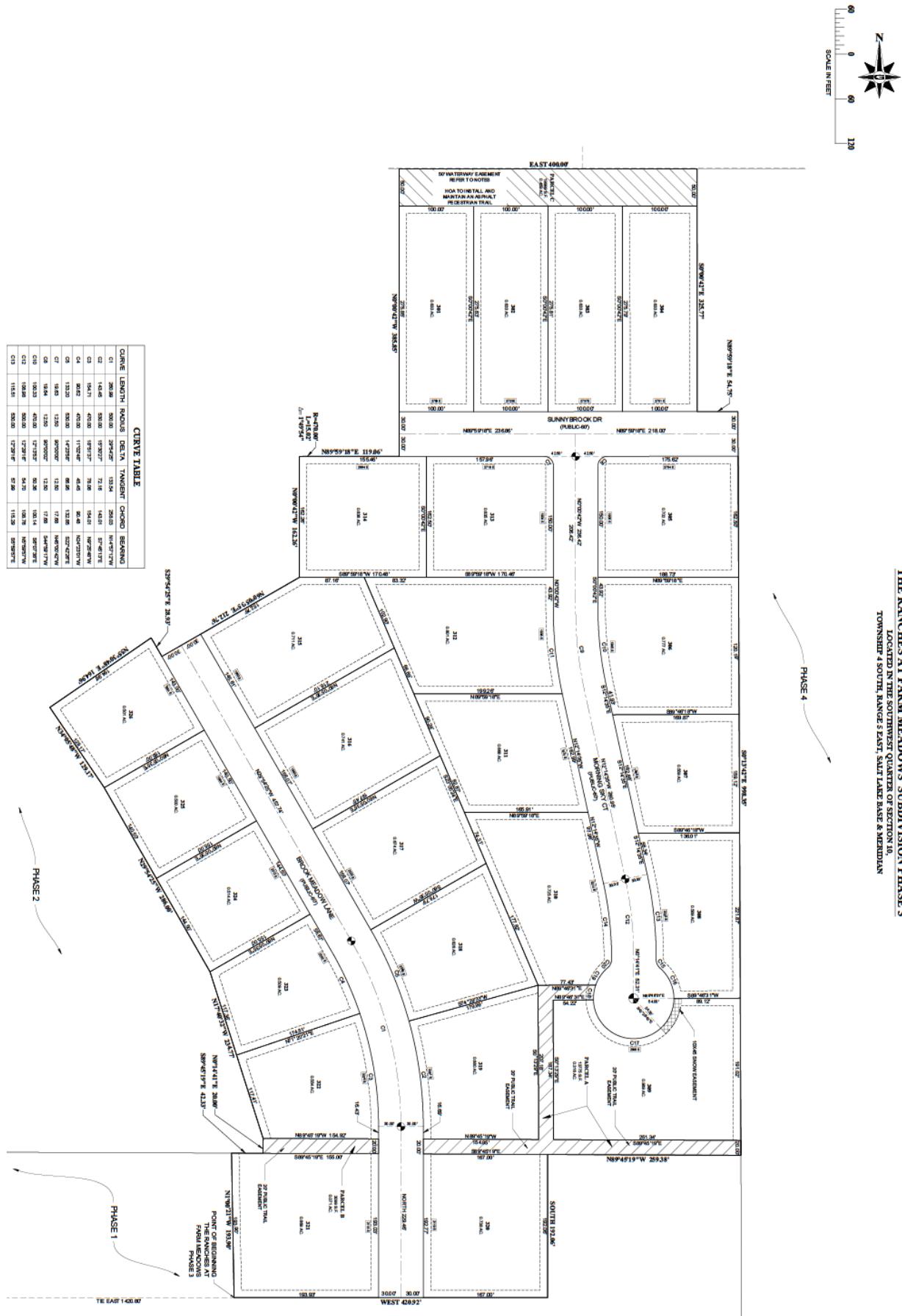


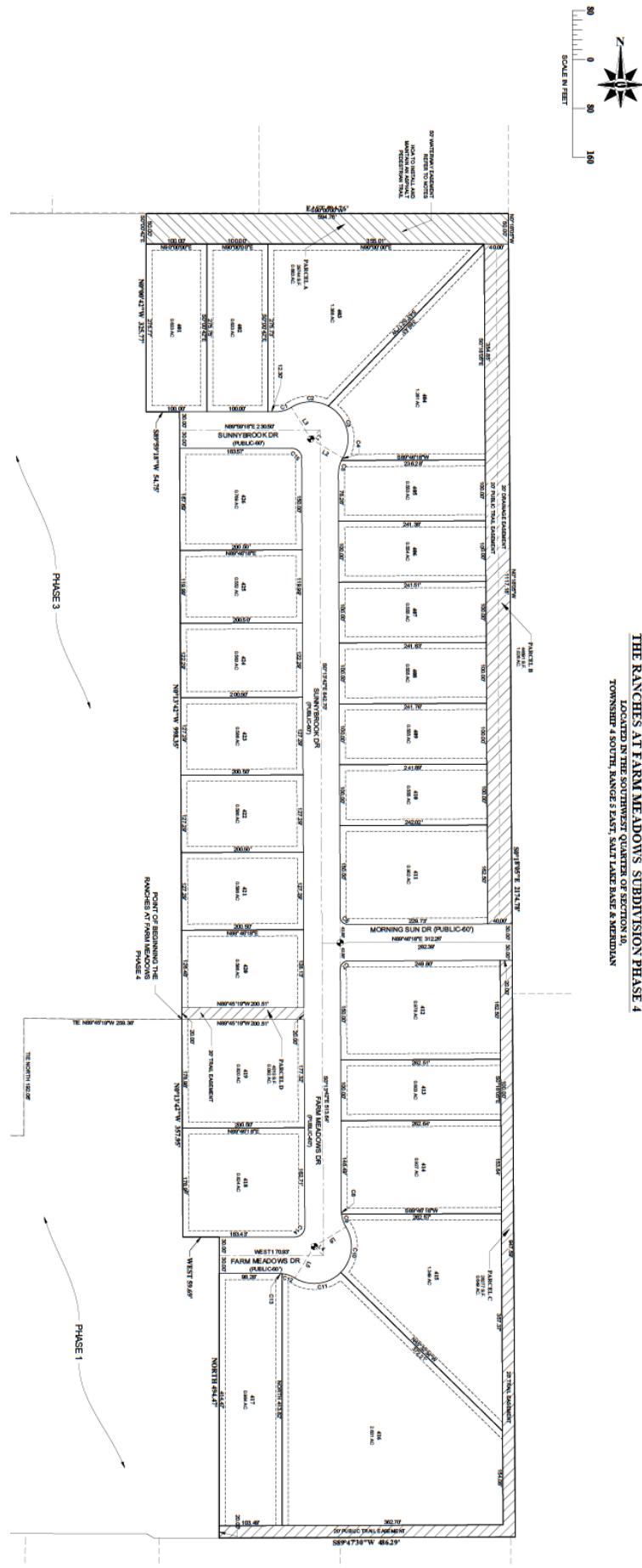
### *Exhibit C – Proposed Subdivision Plats*



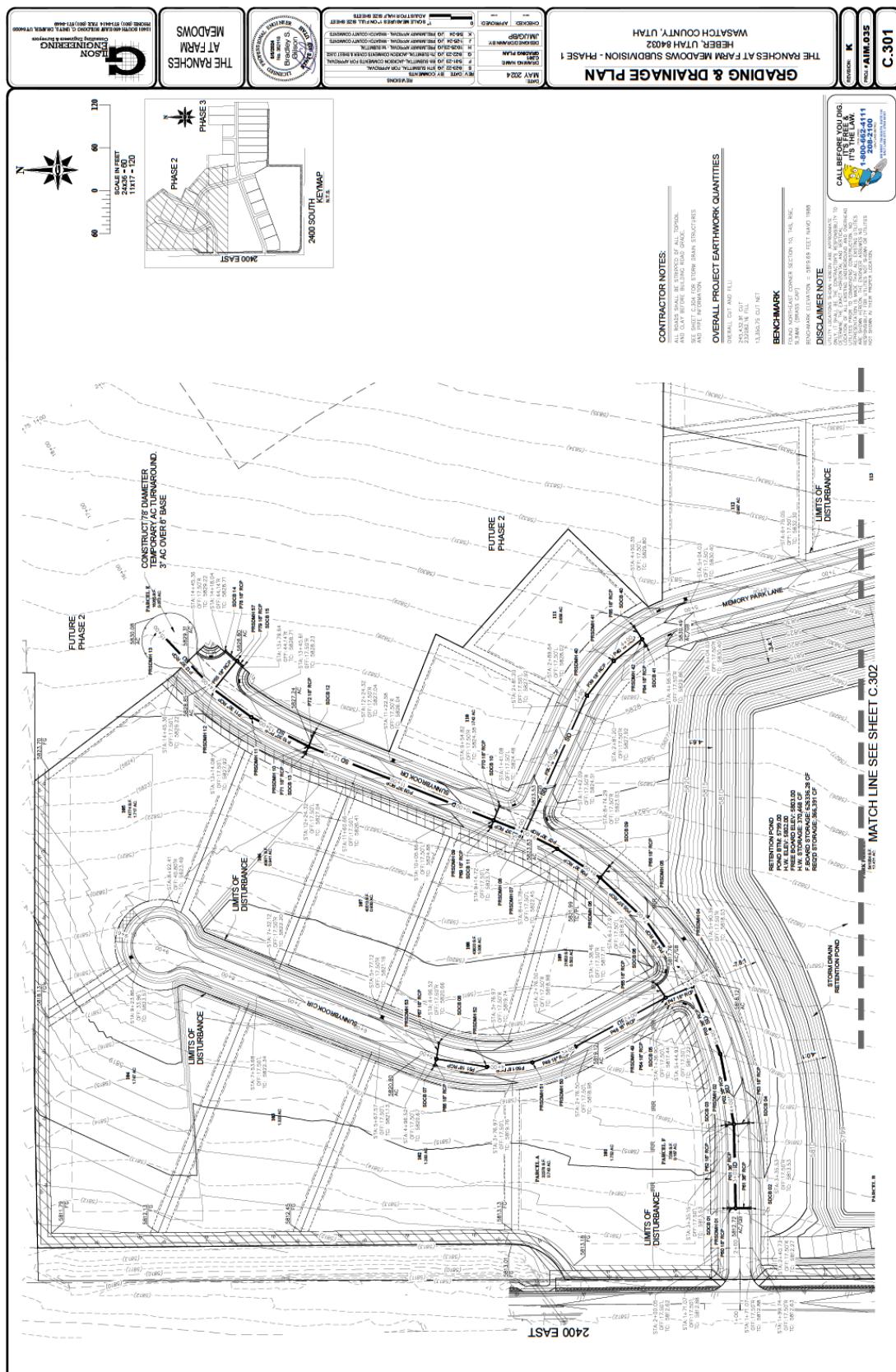
**THE RANCHES AT FARM MEADOWS SUBDIVISION PHASE 2**  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10,  
 TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN

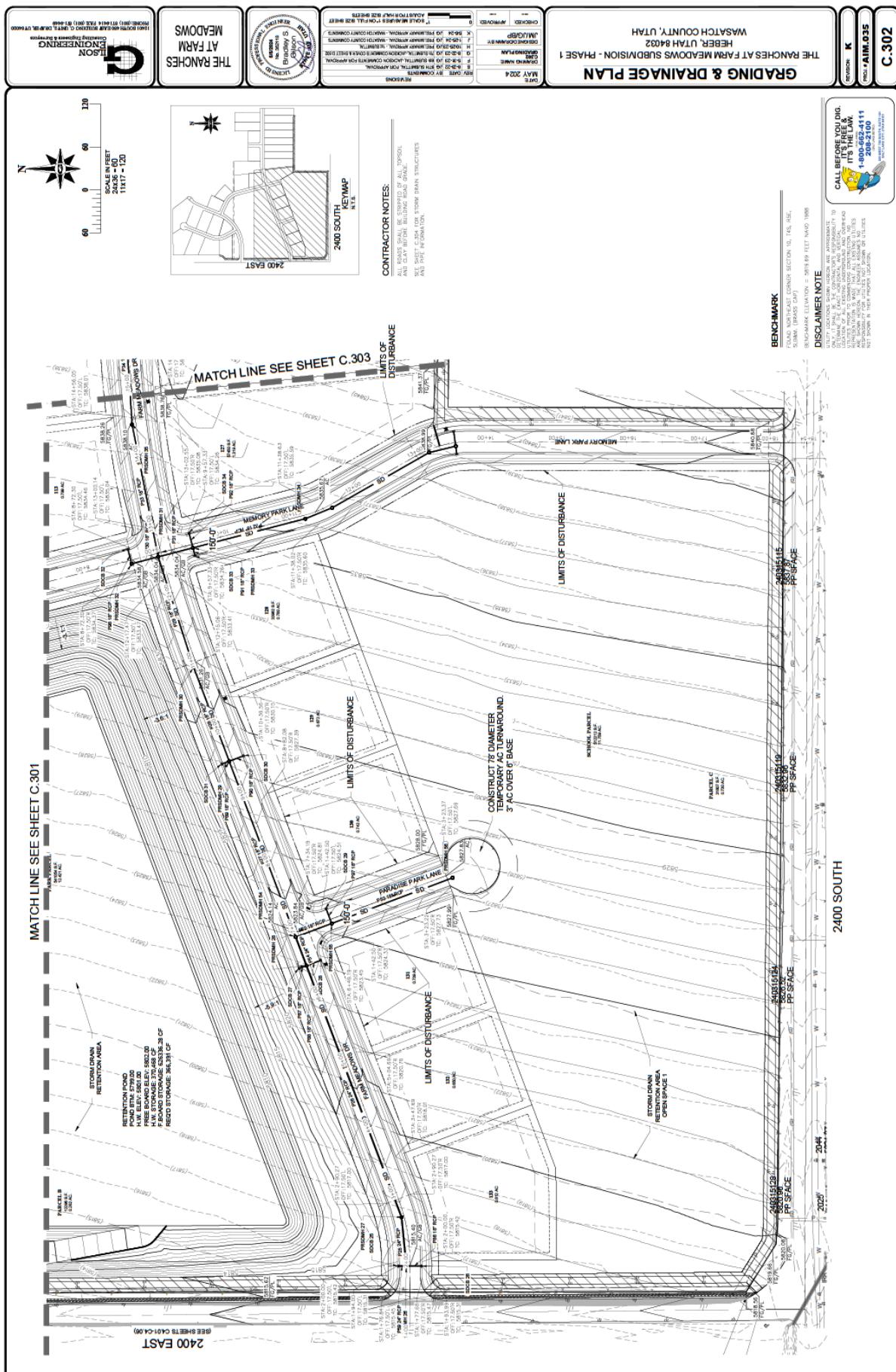






## *Exhibit D – Grading Plan*

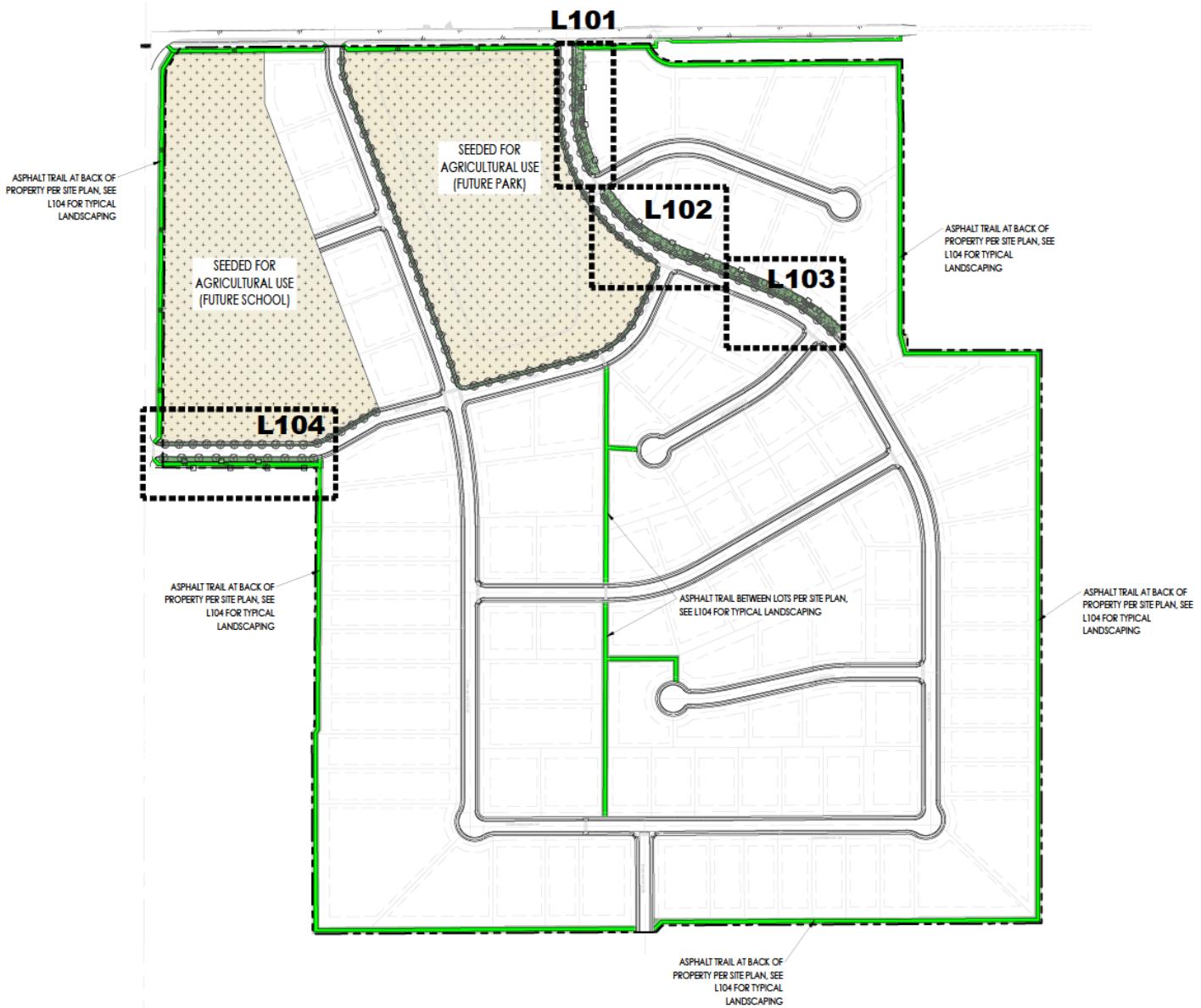




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Exhibit E – Landscape Plan

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## PLANT SCHEDULE SUNNY BROOK LN BUFFER

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
<b>TREES</b>				
	22	ACER GRANDIDENTATUM BIGTOOTH MAPLE	2" CAL.	B&B

	44	ACER TRUNCATUM X PLATANOIDES 'JFS-KW18' TM URBAN SUNSET MAPLE	2" CAL.	B&B
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<b>EVERGREEN TREES</b>				
	18	PINUS FLEXILIS 'VANDERWOLFS PYRAMID' VANDERWOLFS PYRAMID LIMBER PINE	6' HT.	B&B
	21	PINUS NIGRA AUSTRIAN PINE	6' HT.	B&B

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE
<b>SHRUBS</b>				
	AA	82	ARONIA MELANOCARPA 'AUTUMN MAGIC' AUTUMN MAGIC BLACK CHokeBERRY	5 GAL.
	JHB	137	JUNIPERUS HORIZONTALIS 'BAR HARBOR' BAR HARBOR CREEPING JUNIPER	5 GAL.
	PA3	7	POTENTILLA FRUTICOSA 'ABBOTSWOOD' ABBOTSWOOD BUSH CINQUEFOIL	5 GAL.
	PD	183	POTENTILLA FRUTICOSA FARGO/ DAKOTA SUNSPOT BUSH CINQUEFOIL	5 GAL.
	RO	105	RHUS GLABRA 'GRO-LOW' FRAGRANT SUMAC	5 GAL.
	RT	87	RHUS TRILOBATA THREE LEAF SUMAC	5 GAL.
	RR2	9	ROSA X 'RADWHITE' TM WHITE KNOCK OUT ROSE	5 GAL.
<b>GRASSES</b>				
	PH	11	PANICUM VIRGATUM 'HOT ROD' SWITCH GRASS	1 GAL.
	PAH	257	FESTUCA ALPESTRIS 'HAMELN' HAMELN FOUNTAIN GRASS	1 GAL.

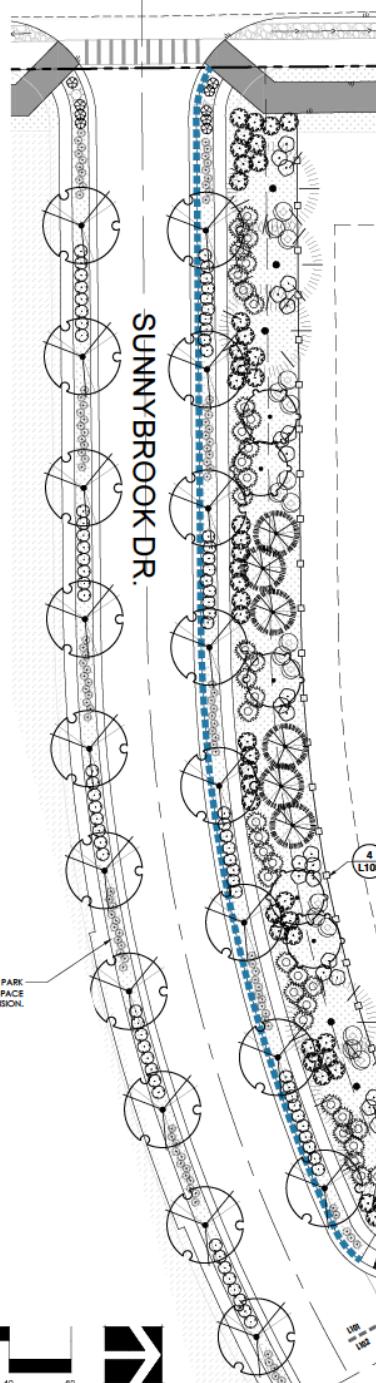
## SITE LEGEND - SUNNY BROOK LN BUFFER

SYMBOL	DESCRIPTION	QTY
	PLANTER BED WITH LANDSCAPE ROCK 2-4" SIZE, 4" DEPTH WITH WEED BARRIER FABRIC, ROCK TO BE LOCALLY SOURCED	47,154 SF
	NATURAL LANDSCAPE SEEDED	
	STREET FRONTAGE	1,215 LF

## SITE SUMMARY (SUNNY BROOK LN BUFFER) PER 16.21.10

	REQUIRED	PROVIDED
<b>LANDSCAPED AREA:</b>		
STREET TREES: (1 TREE PER 50 SF OF STREET FRONTAGE)	24	24
SITE TREES: (1 TREE PER 1,000 SF OF LANDSCAPED AREA)	32	61
SHRUBS: (1 SHRUB PER 500 SF OF LANDSCAPED AREA)	64	674
PLANT COVERAGE:	35%	35%

TYPICAL LANDSCAPING FOR PARK STRIPS IN FRONT OF OPEN SPACE THROUGHOUT SUBDIVISION.



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RANCHES AT FARM MEADOWS  
HEBER, UTAH

PROJECT NO. 23096  
DATE: 3 MAY 2024

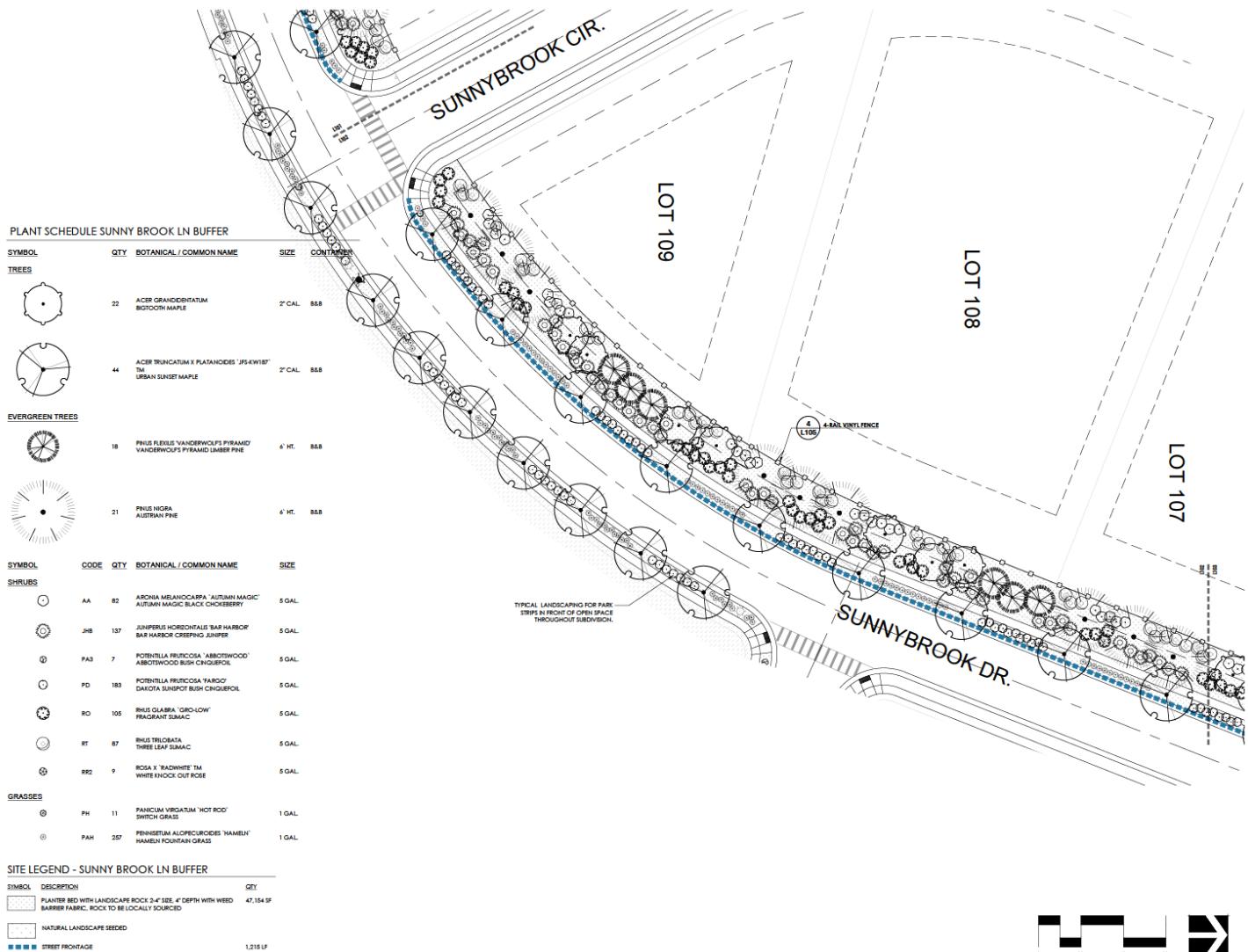
REVISIONS:

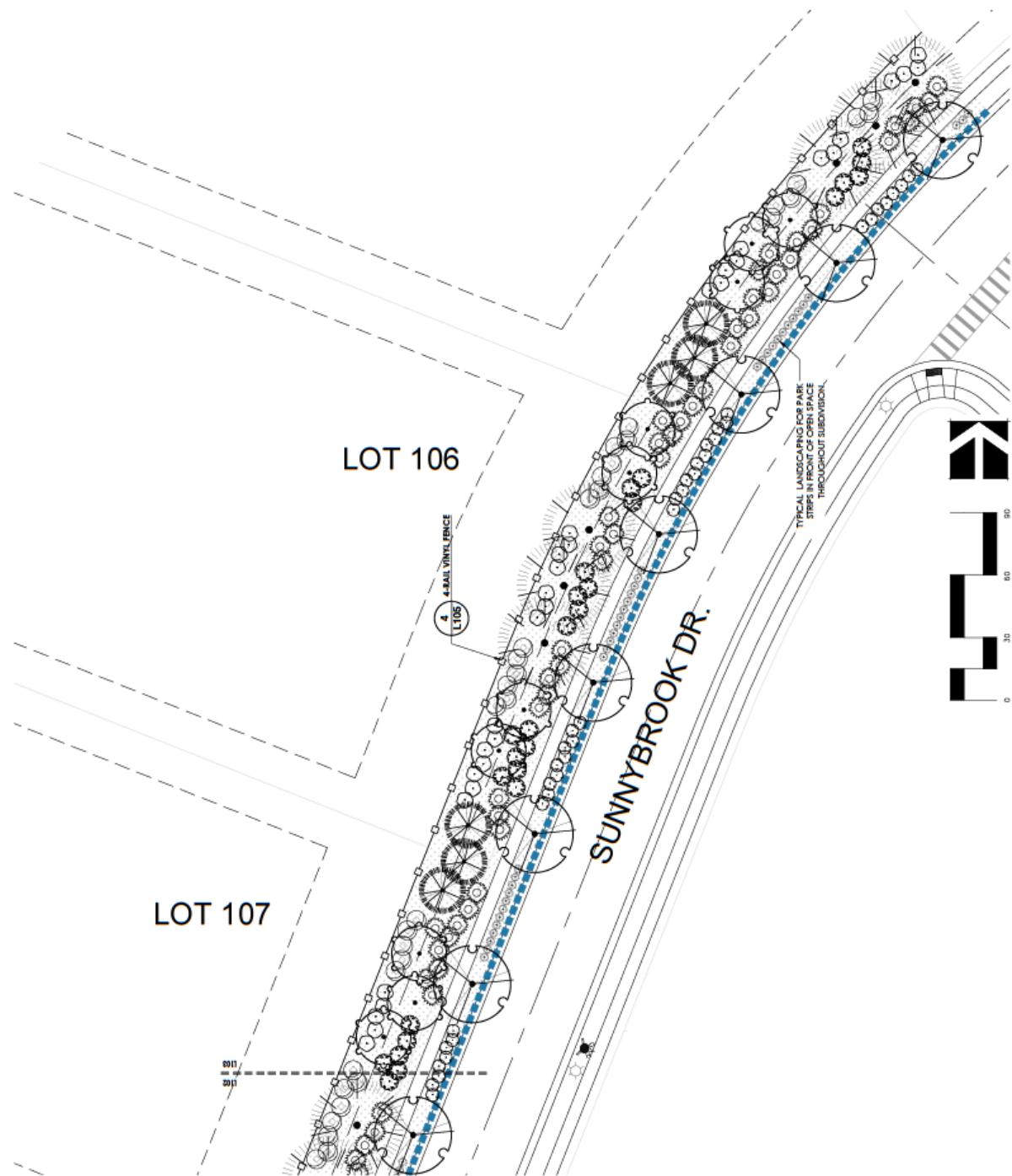
SHEET TITLE: LANDSCAPE PLAN

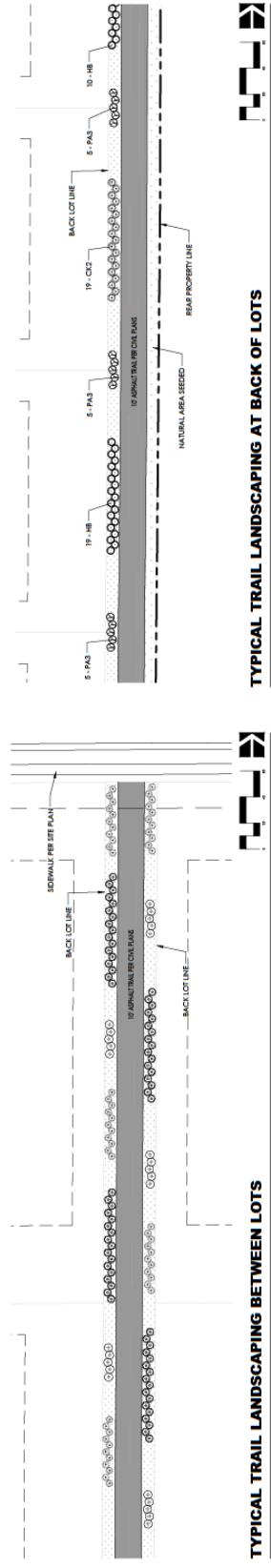
SHEET NUMBER:

L101  
LANDSCAPE

3 MAY 2024 REVIEW SET - NOT FOR CONSTRUCTION







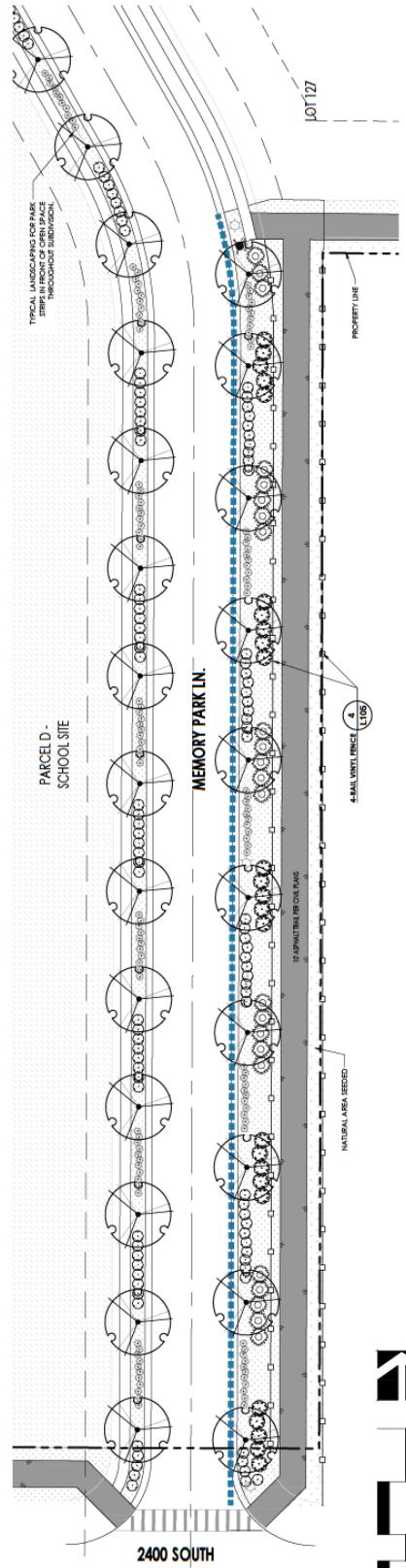
**TYPICAL TRAIL LANDSCAPING BETWEEN LOTS**

SITE SUMMARY (SOUTH ENTRY BUFFER) PER 16.21.10		
REQUIRED PROVIDED		
LANDSCAPED AREA:	8,120 SF	
STREET TREES: (1 TREE PER 100' OF STREET PROFILE)	10	10
STREET TREES: (1 TREE PER 100' OF LANDSCAPED AREA)	9	9
SHRUBS: (1 SHrub PER 800' OF LANDSCAPED AREA)	17	100
PLANT COVERAGE:	.35%	.35%

**PLANT SCHEDULE MEMORY PARK LN ENTRY**

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
TREES				
	22	ACER TRINERVIA X PLATANOIDES 'JSAKAWIB'	2'-CAL.	8.8
		URBAN SUNSET MAPLE		
SHRUBS				
	148	JUNIPERUS HORIZONTALIS 'BAR HARBOR'	5 GAL.	
	94	POTENTILLA 'PATRICIA' VARDO	5 GAL.	
		DANSA BARBARA 'BUSH CHARMER'		

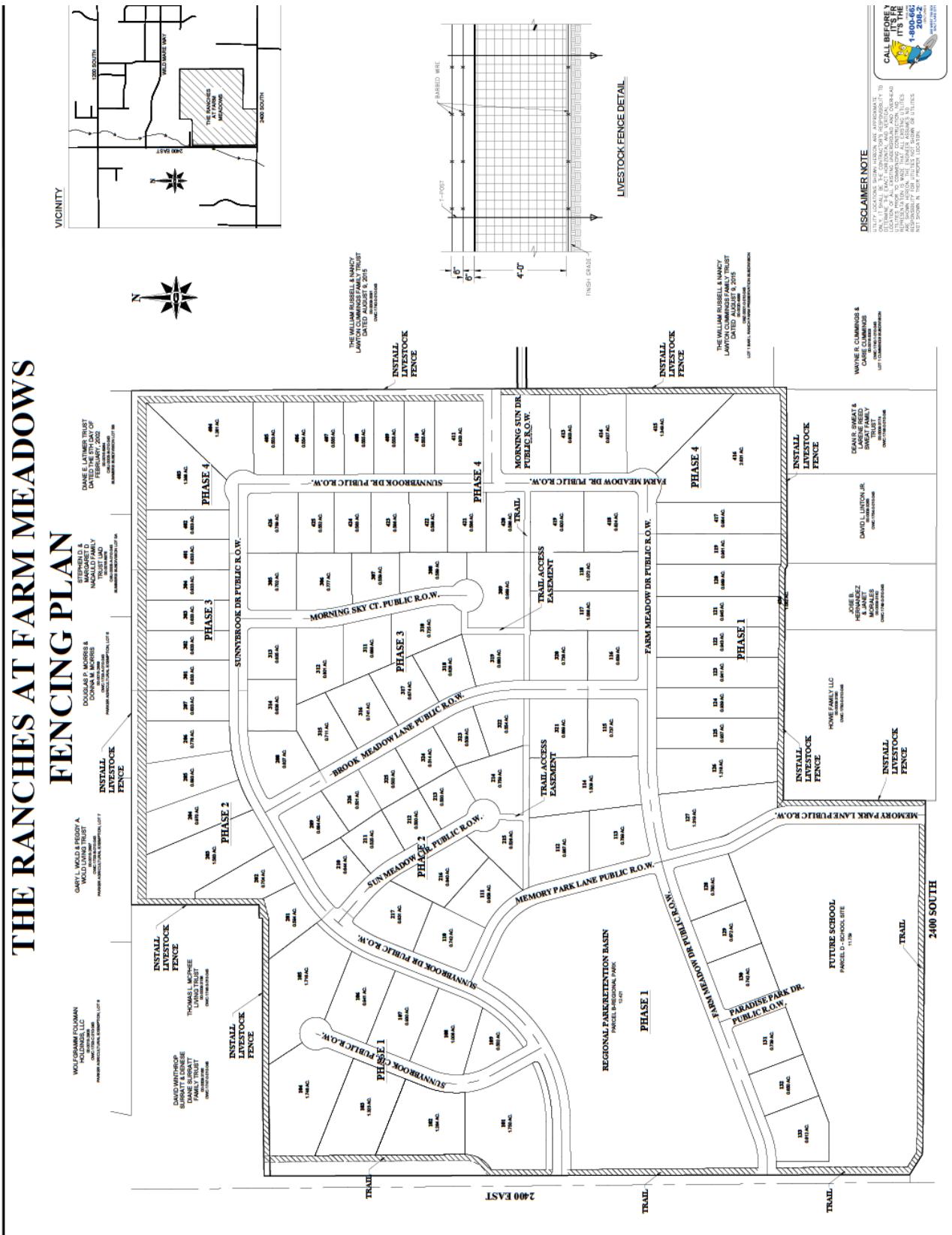
RANCHES AT FARM MEADOWS  
HEBB, UTAH  
3 MAY 2024 REVIEW SET - NOT FOR CONSTRUCTION



**TYPICAL TRAIL LANDSCAPING AT BACK OF LOTS**

3 MAY 2024 REVIEW SET - NOT FOR CONSTRUCTION  
HEBB, UTAH  
3 MAY 2024  
SHEET TITLE: LANDSCAPE PLAN  
SHEET NUMBER: L104  
LANDSCAPE

# THE RANCHES AT FARM MEADOWS FENCING PLAN



## *Exhibit F – Fencing Plan*

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Exhibit G – School District Letter

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[www.wasatch.edu](http://www.wasatch.edu)

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*Paul A. Sweat*

**BUSINESS  
ADMINISTRATOR**

*Jason Watt*

April 1, 2024

Wasatch County  
25 N Main  
Heber City, UT 84032

To Whom it May Concern:

The purpose of this letter is to acknowledge Wasatch County School District's willingness to accept a donation of real property within The Ranches at Farm Meadows development, which real property is to be used for educational purposes. This will further acknowledge that the subject real property has not been approved for residential development, and Wasatch County School District does not intend to sell the real property for future residential development.

Sincerely,

Paul A. Sweat  
Superintendent of Schools  
Wasatch County School District



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

PROJECT ID: DEV-8670  
PROJECT NAME: PRELIM - THE RANCHES AT FARM MEADOWS  
VESTING DATE: 12/4/2023  
REVIEW CYCLE #: 4

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### **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
Engineering Department	Ready for Decision
Planning Department	Ready for Decision
Environmental Quality	Ready for Decision
County Surveyor	Ready for Decision
GIS Department	Ready for Decision
Public Works Department	Ready for Decision
Recorder's Office	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-PLN15	PLN - Planners	Please provide your draft development agreement in word format. DA is to be coordinated with Jon Woodard in the Attorney's office.
DRC-PW3	DRC - Public Works Dept	Please, add some information on how the snow storage requirements will be met.

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG4	09a-Drainage Report_Ranches at Farm Meadows	A more detailed drainage plan for the entire area will be required with the first subsequent phase application for final.
DRC-ENG5	09-Drainage Plan_Ranches at Farm Meadows	A more detailed drainage report will be required for the entire area with the first application for final.
DRC-ENG8	10-Geotechnical Report_Ranches at Farm Meadows	The old Center Creek channel came through areas of this development. There could be localized anomalies within the typical soil horizons. There may be areas where additional unsuitable material will have to be removed and replaced. This could be the reason why test pit 5 is significantly different
DRC-ENG10	12-Landscape Plans	All disturbed areas including the park/detention basin, and school parcel areas at a minimum will have to be covered with topsoil and seeded. All the open space areas and the school site and the park could become huge weed problems. Nobody wants that.
DRC-ENG14	Other-Plan and Profiles	For final would you work on locating hydrants closer to intersections so the street light at the road intersection illuminates the hydrants? For example it would be better to have the hydrants for the intersections close to 2400 East in the development rather than on 2400 East. Same with the interior road intersections if the spacing works.
DRC-ENG15	Other-Plan and Profiles	For final could we put the street lights locations on the P&P drawings?

DRC - GIS Dept		
Comment ID	Sheet Name	Comment
DRC-GIS1	02a-Plats	Please work with us to get road names figured out. Email: cashcraft@wasatch.utah.gov Phone: 435-657-3327

		You can choose the names but we will review them to make sure they comply with standards. We'll want to have 10 names to review.
DRC-GIS2	02a-Plats	See previous comment on working with us to sort out road names and lot addresses. The road names provided have issues with incorrect road splitting locations, duplicates of other road names in the county, incorrect directionals, etc.
DRC-GIS3	02a-Plats	<p>The intersection of Sunnybrook Drive, Farm Meadows Drive, and Morning Sun Drive has moved compared to the plat the lots were addressed from. Please reach out to us (gis@wasatch.utah.gov) once you are ready for your final submittal and we will provide you with a corrected address list for that plat.</p> <p>Last week we also received preliminary plans for the subdivision that will connect to Morning Sun Drive. They plan to have the road immediately end at a T-intersection. With that geometry, it makes more sense to use the numerical name 2070 South for this road. If it works for you, we would like to change the road name for the final submittal.</p>

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN26	11-Utility Plan	If the park donation is approved by the Council, the final utility plans will need to coordinate with the Parks and Recreation SSD to ensure the stubbed utility locations work.
DRC-PLN27	08-Grading Plan	The Council will need to decide if the grading is acceptable on the site to be dedicated for a park. It is planning's opinion that grading the site in a way that accommodates a future parking area without affecting the needed storm water modeling would be the preferred condition.
DRC-PLN30	11-Utility Plan	Please verify that the overhead utilities are being placed underground. 16.27.27.
DRC-PLN31	12-Landscape Plans	Final plans will need to include irrigation specifications and details as well.
DRC-PLN32	05-Physical Constraints Analysis	Any final subdivision applications for phases 2-4 will need to include written resolution from the Army Corps of Engineers for the riverine areas in the NE corner of the project. If the approval isn't able to be obtained, the project may be required to decrease in density and will have to apply for new preliminary approvals. The wetlands, other platted subdivisions, including the developers own plats, can be considered hardships that would qualify the applicant to request any variances.
DRC-PLN36	Response to Comments_6-20-24 Review cycle 3	Response to PLN15 states an updated agreement was attached. The only file in the submittal is still the one from October.
DRC-PLN37	Response to Comments_6-20-24 Review cycle 3	Response to PLN30 acknowledges the comment but doesn't resolve it. Final plans will need to clearly show the utility lines being placed underground.
DRC-PLN38	Response to	Response to PLN34 states "Construction Plans state, Irrigation

	Comments_6-20-24 Review cycle 3	line to be removed through the lot after relocation of said irrigation line." Please provide a better response that shows WHERE this is stated. I do not see it on the utility plans.
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DRC - Public Works Dept		
Comment ID	Sheet Name	Comment
DRC-PW1	15- DevAgreement_Ran ches at Farm Meadows	Pages 21 & 23 need to replace Mike Davis with Dustin Grabau.
DRC-PW4	11-Utility Plan	The street lights are now shown on the plans. Great work. Construction Key Notes refers to detail 5.4 on Sheet D.505. That detail shows only the pole assembly. Please add a note to these utility plan sheets that all streetlight system will be installed according to Heber Light & Power standards for underground, etc. If that is easier than adding underground conduit and j box details.
DRC-PW5	Other-Details	I found the detail. This detail shows the pole, polebase, and fixture only and not the j box or underground conduit. Please add a note stating that all underground will meet Heber Light and Power specs. Also, we are standardizing on a pole and fixture, so we can maintain inventory and better serve our customers. Please use the following when ordering pole and fixture from Holophane: PUCL3 P10 30K MVOLT FC3 BK NF PR7E L25 SMA 14 F4J 13S CO3 BK ABG ASSY26912

DRC - Surveyor Office		
Comment ID	Sheet Name	Comment
DRC-SUR2	02a-Plats	Phase 2 Same comments on West plat boundary as phase 1. # 2 In the 35.6 and 44.49 jog site. The land is in your deed by the land however the adjacent owners are farming the parcel. # 3 We realize the two properties are tied to two different corners. # 4 To the north of your proposed subdivision is an existing subdivision. Please make sure the two subdivision leave no land between them. The most simple way is to call out in your legal description along the existing subdivision.
DRC-SUR3	02a-Plats	Phase 3 # 1 See comment about north boundary cited in # 2 plat review.
DRC-SUR4	02a-Plats	Phase 4 # 1 See previous comment on north line. # 2 The east boundary is subject to two boundary line agreements. Basically the entire length. The proposed subdivision boundary has to mirror and or callout this BLA. Again the adjoining deeds are written from different corners. #3 Pertains to all plats. There are, by my count, 16 PARCELS with in the four plats. Who owns these? Are they to be included with the OPEN Space of what?

		If they are to be conveyed to others, who? Look at Phase 1, where you call out
DRC-SUR5	01-Ranches Farm Meadow Prelim Cover	# 1 Our original comments on Item # 1 referencing the jog at the southeast corner of the adjacent Thomas Lane McPhee property. The aerial photo shows McPhee using this property in his/their back yard. We have reviewed the legal description in the title commitment letter and it mirrors your legal description telling me that they will insure the property within your legal. However is the title company aware the McPhee's are using property in your title and outside your fence lines? Have McPhee's used this land for more than 20 years? Is there a recorded document giving this property to your client? Is the jog fenced as I have assumed it is not from aerial photos.?



# WASATCH C O U N T Y

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## Item 3 – Master Trail Plan General Plan Amendment

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**Project:** Master Trail Plan

**Meeting Date:** 11 July 2024

**Report Date:** 3 July 2024

**Report Author:** Austin Corry, Assistant Director

**Council Action Required:** Yes

**Type of Action:** Legislative

**Applicant:** Wasatch County Planning

**Affected GP Section(s):** Map 22

### DETERMINATION ISSUE

Whether or not General Plan Map 22 (Non-Motorized Trails) should be amended to reflect updated trail alignments and other modifications to improve the readability and intent of the map, specifically the distinction between built and proposed trails. This determination is a legislative decision to be made by the Wasatch County Council after receiving a recommendation from the Planning Commission.

### RECOMMENDATION

Based on the analysis and findings in this staff report, Planning Staff is of the opinion that the proposed map provides clarity to the intent of the established policies of the legislative body and is in the best interest of the general welfare of the county in promoting alternative transportation and recreational opportunities. Therefore, it is recommended that the Planning Commission forward a POSITIVE RECOMMENDATION of the proposed General Plan Amendment based on the findings included the staff report.

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## Planning Commission Staff Report



## BACKGROUND

A large update to the transportation element of the General Plan was completed in 2021 which included updated policies on alternative transportation and a refreshed Wasatch County Trails Master Plan Map. The map update included in that 2021 update greatly improved the readability of the map and added clarity regarding proposed trails to be implemented in developments within the county. Since 2021, a number of the trails have been constructed and as-built locations of those trails using GPS data has been used to ensure the accuracy of the built trails. In some instances, the alignment of the trail has changed the location and potential alignments of anticipated off-site connections.

The proposed amendment primarily is intended to provide an updated map changing trails that currently show as “proposed” on the map to instead identify as “existing” and to make other modifications to the symbology used on the map in order to improve clarity for the anticipated trail standards for future improvements.

## PURPOSE AND INTENT

Utah Code Title 17-27a is the County Land Use, Development, and Management Act (CLUDMA) whereby the state grants land use authority to counties to promote the general safety and welfare of the local residents. Part of CLUDMA relates specifically to requirements of those jurisdictions to have a General Plan. Wasatch County Code 16.03 outlines the administrative procedures related to the Wasatch County General Plan.

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### **16.03.01: PURPOSE**

*The purpose of this chapter is to establish guidelines and procedures for amendment, maintenance and administration of a comprehensive, long term general plan and for the conservation and development of the unincorporated portions of Wasatch County. The plan and procedures are to be consistent with state planning statutes.*

- A. The purpose of the general plan is to set policies to guide future growth and development in a manner consistent with the goals and quality of life desired by Wasatch County citizens. The general plan is intended to be an integrated and internally consistent statement of policies to serve as a clear and useful guide for land use planning for public agencies and private citizens. The general plan forms the*

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*basis for the county zoning, subdivision and other land use regulations, and for such implementation measures as capital improvement programs, housing programs and growth management programs.*

B. *The general plan is based on community values and an understanding of existing and projected conditions and needs, all of which are subject to change. The general plan amendment process established by Utah state law and this chapter therefore enables the general plan map designations and/or written policy statements to be changed. The general plan is a policy document for the entire county and may be amended only if the amendment is in the best interest of the residents on a countywide basis. Every general plan amendment must be consistent with the rest of the general plan or appropriate changes must be made to maintain internal consistency.*

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## KEY ISSUES TO CONSIDER

- Consistency of the proposed policies with existing established policy.
- Does the proposed amendment promote the community values and quality of life desired by Wasatch County citizens?
- Is the proposed amendment in the best interest of the residents on a countywide basis?

## DEVELOPMENT REVIEW COMMITTEE

Since the proposal was staff initiated, it did not have an application typical of standard development applications that would run through formal DRC (Development Review Committee) reviews. Instead, planning staff has coordinated with numerous other departments to ensure the proposed changes are reflective of the needs and recommendations of those departments. In some instances, additional code amendments are anticipated to follow this proposed General Plan Amendment to align code with the established policies. County staff is supportive of the Council's desire to promote well connected alternative transportation and recreational opportunities for the residents and visitors.

## RECOMMENDED MOTION

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

### – FINDINGS –

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan.
2. The proposed amendment is consistent with the purpose of the General Plan outlined in Section 16.03.01.
3. The General Plan seeks to “Develop and incorporate a non-motorized trail system to provide safe transportation and recreation facilities that are compatible with the rural and mountainous environments of Wasatch County and are interconnected with the County’s active transportation infrastructure.”
4. Positive impacts of the proposed changes are increased clarity and readability of General Plan Map 22, updated trail alignments based on as-built conditions, and clear understanding of size and locations of future trails.
5. There are no known negative impacts that the proposed change would cause.

## POSSIBLE ACTIONS

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

1. Recommendation for Approval. This action may be taken if the Planning Commission finds that the General Plan and proposed amendments are consistent and compatible. ***\*This action would be consistent with the staff analysis.\****
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved through conditions or modifications to the proposed text.
3. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action may be taken if the Planning Commission finds that the proposed code amendment is not appropriate at this time and/or is not supported by the General Plan.

## NEXT STEPS

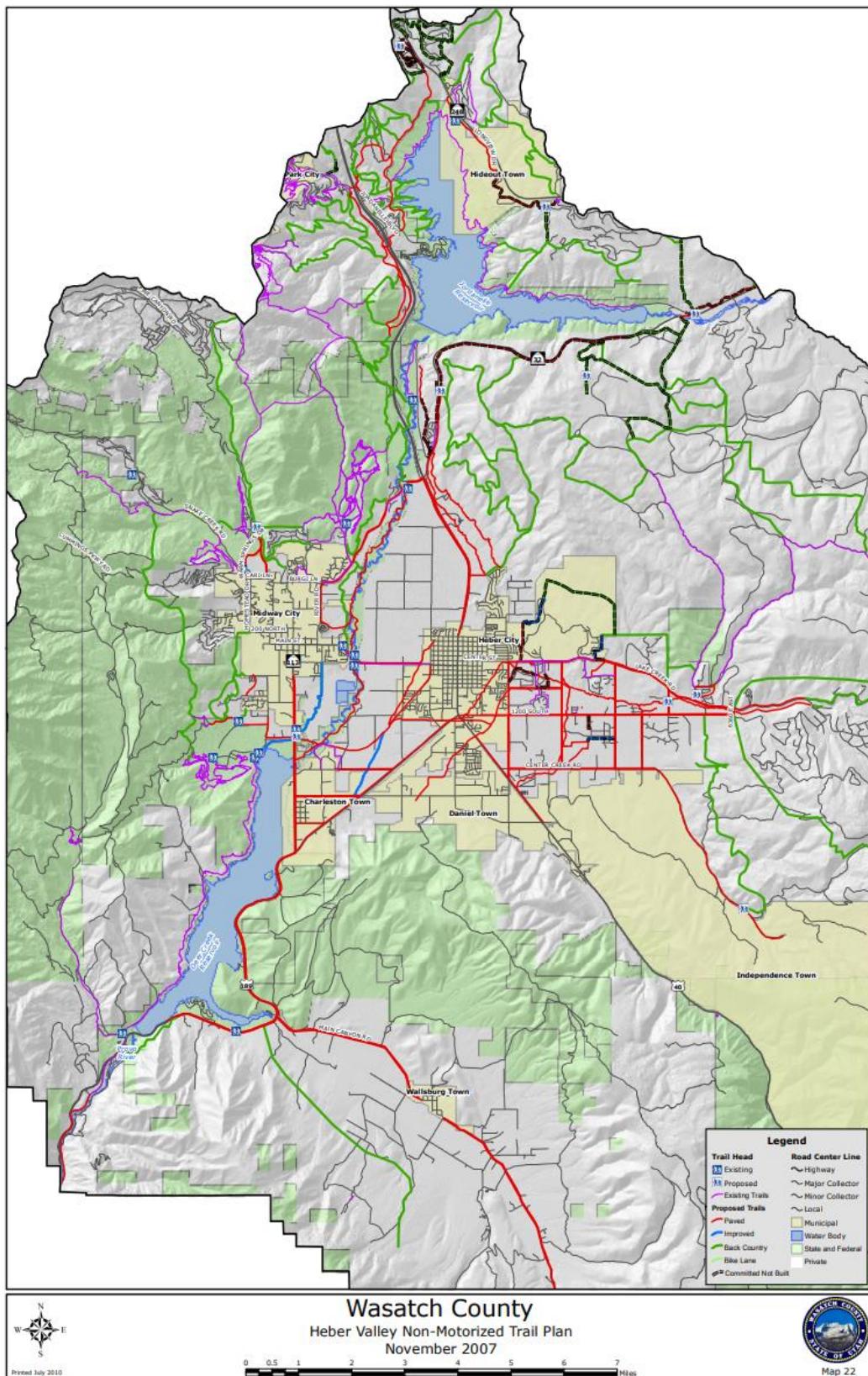
If the requested General Plan Amendment is approved, county staff will proceed with updating resources where the maps are sourced on the website and printed copies to ensure that the public and staff have clear access to the most up-to-date map.

If the requested amendment is denied, the 2021 Master Trails Plan map will remain effective.

## EXHIBITS

Exhibit A – Existing General Plan Map 22 .....	5
Exhibit B – Proposed General Plan Map 22.....	6

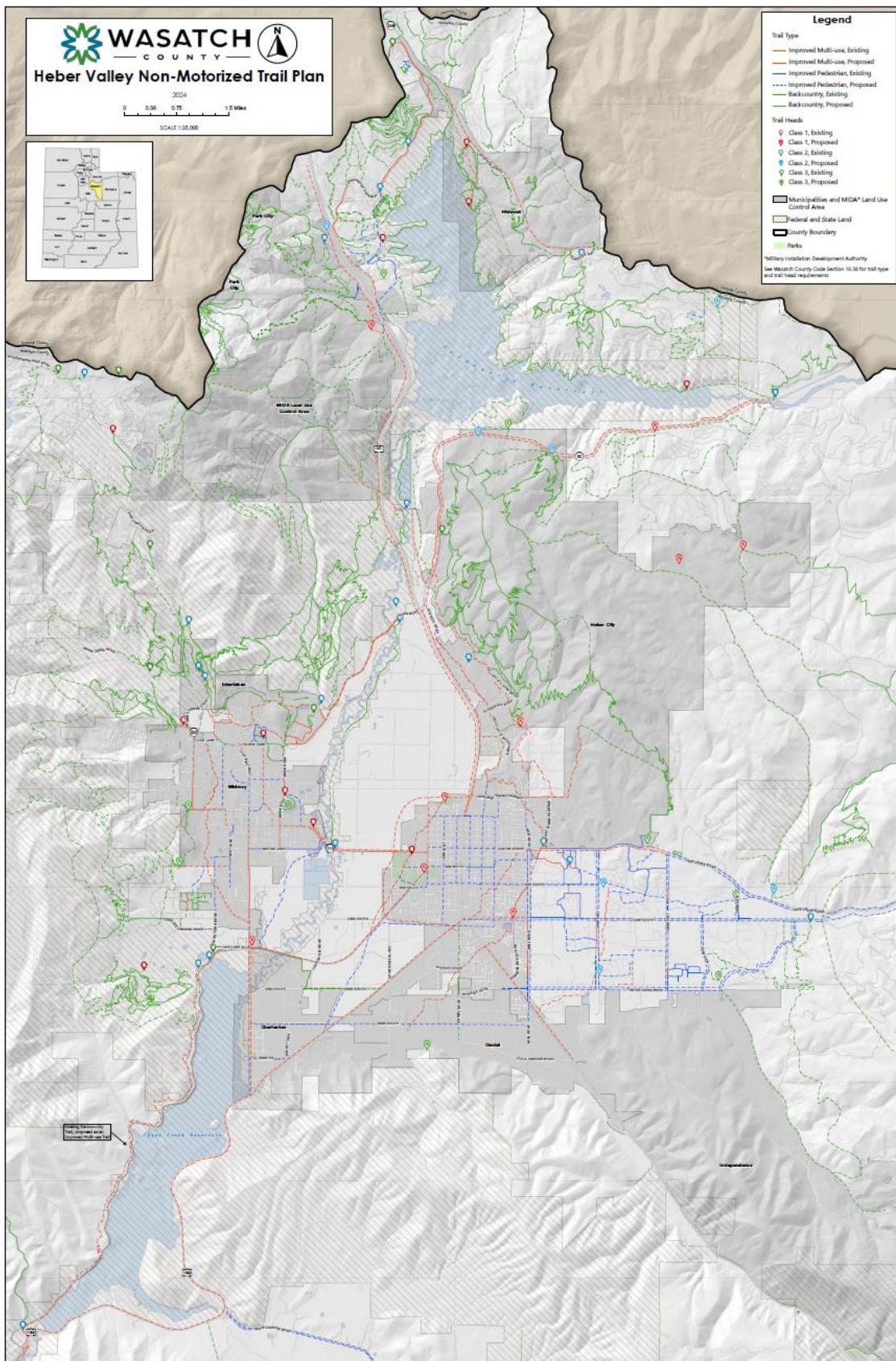
Exhibit A – Existing General Plan Map 22



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Exhibit B – Proposed General Plan Map 22

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## Item 4– High Tunnel Greenhouse Code Text Amendment (Ord. 24-07)

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**Project:** [DEV-0000] High Tunnel Greenhouse  
Amendment  
**Meeting Date:** 11 July 2024  
**Report Date:** 3 July 2024  
**Report Author:** Doug Smith, Planning Director

**Council Action Required:** Yes  
**Type of Action:** Legislative  
**Applicant:** Directed by the County Council  
**Affected Code Section(s):** 16.21.08(A)

### DETERMINATION ISSUE

Whether or not to amend code sections 16.21.08 (A, 2) entitled accessory buildings and 16.04.02 entitled definitions to add a section that would allow for High Tunnel greenhouses as an allowed use without any County regulations except for the stipulations outlined in the proposed code.

### RECOMMENDATION

Based on the analysis and findings in this staff report, Planning Staff is of the opinion that the proposed amendment to the code is in the best interest of the general welfare of the county. Therefore, it is recommended that the Planning Commission forward a POSITIVE RECOMMENDATION of the proposed code text amendment based on the findings included the staff report.

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## Planning Commission Staff Report



## BACKGROUND

This amendment is under the direction of the County Council. There are a number of High Tunnel Greenhouses in the County. These greenhouses are typically in more rural areas. Most if not all of these are constructed without a permit. After discussion regarding high tunnel greenhouses and their enforcement, we were directed to the State code. After looking into the State code and finding section 10-9a-525 it was realized that the code only applied to municipalities. There is no High Tunnel code for Counties exempting high tunnels from ALL code requirements. High Tunnels would be considered Ag. exempt if used for the purposes intended. An Ag. Exempt permit, while exempt from a building permit, inspections and fees still require a site plan review by the planning department to ensure that setbacks and height requirements are met. We have been told that the next legislative session will most likely have a bill regarding high tunnels in Counties similar to the code below for municipalities.

The state code for municipalities is as follows:

10-9a-525. High Tunnels – Exempt from municipal regulation.

- (1) As used in this section, “high Tunnel” means a structure that:
  - a. Is not a permanent structure;
  - b. Is used for keeping, storing, sale, or shelter of an agricultural commodity; and
  - c. Has a:
    - i. Metal, wood, or plastic frame;
    - ii. Plastic, woven textile, or other flexible covering; and
    - iii. Floor made of soil, crushed stone, matting, pavers, or floating concrete slab.
- (2) A municipal building code does not apply to a high tunnel.
- (3) No building permit shall be required for the construction of a high tunnel.
- (4) Any high tunnel shall maintain drainage on-site.

The proposed code is as follows (new language in red):

### **16.21.08: ACCESSORY BUILDINGS**

A. Accessory Building Permit Requirement: Accessory buildings (regardless of their use) over two hundred (200) square feet, must apply for a building permit-except as provided below:

1. Agricultural buildings which are exempt under Utah Code 15A-1-204, as amended, from receiving a building permit are also exempt from this section except they require a site plan approval from the planning department. The site plan must include the location of the structure on the property including dimension to all property lines and all existing and proposed structures on the property and adjoining properties.
2. High Tunnels Greenhouses are exempt from regulations in accordance with Utah State Code 10-9a-525 for municipalities and any other updates to state code with the following stipulations:
  - a) Building codes and land use codes do not apply.
  - b) No permit or application shall be required.
  - c) Setbacks shall be sufficient to maintain drainage on-site.
  - d) Shall be located behind the rear façade of the dwelling in the rear yard if there is a dwelling on the site.
  - e) Shall be out of any clear view area as defined by County code.
  - f) Shall have a minimum of a 30' setback from any road.

### **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 section of the code proposed to be amended is 16.21.08 entitled “accessory Buildings”. There is no purpose statement for this section. However, regulations for accessory buildings are intended to maintain setbacks for openness between property lines, regulate heights, and promote building code and fire code objectives. It is intended that these greenhouses do not have mechanical, electrical or plumbing. If they do permits will be required however those inspections would only be from the building department and would not include planning review.

### **KEY ISSUES TO CONSIDER**

- Will the approval of this code create problems in more urban areas of the County?
- Are there unforeseen issues that may be created by the adoption of this code?
- Is allowing an agricultural building, exempt from any regulations, in the best interest of the residents of Wasatch County?

### **STAFF ANALYSIS**

– GENERAL PLAN –

The first consideration in determining whether a code text amendment should be approved or denied is the language contained in the General Plan.

High tunnels may or may not be part of a larger agricultural operation. However, they are intended to be used for, as per the state code, "the keeping, storing, sale, or shelter of an agricultural commodity." Below is Goal 12 of the General Plan.

12. GOAL: Protect the rural agricultural economy of the County by establishing agricultural operations as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land.

*– IMPACTS OF THE CHANGE –*

This code section will allow high tunnels with no regulation except for the regulations outlined in the code. This could create problems with neighboring property owners with setbacks lesser than regulated buildings would allow. This could also encourage more agricultural uses.

**RECOMMENDED MOTION**

Move to forward a *Recommendation for Approval with Conditions* to the County Council for item 4 consistent with the findings and recommended modifications presented in the staff report.

*– FINDINGS –*

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:
  - a. Protect the rural agricultural economy of the County by establishing agricultural operations as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land.
2. The code currently allows buildings, that are determined to be Agricultural by the building department; to be exempt from a building permit however, they still need to have a site plan review to determine that the proposal is in compliance with height and setback requirements.
3. State code currently allows for high tunnel greenhouses with little if any regulations in municipalities.
4. Positive impacts of the proposed changes are that this may encourage agricultural uses as outlined as the intent of the High tunnel greenhouse code which is as follows: for the keeping, storing, sale, or shelter of an agricultural commodity.
5. The negative impacts of the proposed changes are that there will be no County review. The County will only get involved if there is a complaint or it is noticed by staff that a high tunnel violates the requirements proposed in the code. After a complaint or proactive inspection, it would need to be determined if the stipulations outlined in the code have been met and if not, there would be after the fact enforcement.
6. 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 General Plan and proposed amendments are consistent and compatible. **\*This action would be consistent with the staff analysis.\***
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved through conditions or modifications to the proposed text.
3. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action may be taken if the Planning Commission finds that the proposed code amendment is not appropriate at this time and/or is not supported by the General Plan.

## EXHIBITS

Exhibit A – Proposed Code Text Amendment.....6

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*Exhibit A – Proposed Code Text Amendment*

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**ORDINANCE NO. 24-07**

An ordinance amending Wasatch County Code §16.01.07(C) entitled “Building Permits Required” to permit High Tunnell greenhouses in accordance with the Utah State code for High Tunnell greenhouses in municipalities as allowed in state code section 10-9a-525.

**RECITALS**

**WHEREAS**, Wasatch County exempts uses that are considered “agricultural uses” as determined by the building department from a building permit; and

**WHEREAS**, exemptions from a building permit still requires approval for setbacks and heights; and

**WHEREAS**, High tunnel greenhouses are greenhouses that have a soft covering that is clear or opaque; and

**WHEREAS**, the state code for high tunnel greenhouses in municipalities exempts high tunnel greenhouses from any building permit or municipal building code regulations (10-9a-525); and

**WHEREAS**, the County Legislative Body has determined that the proposed request is in compliance with the General Plan; and

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

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

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

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

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

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

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

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

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

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

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

APPROVED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest:

WASATCH COUNTY COUNCIL:

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Joey Granger  
Wasatch County Clerk / Auditor

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Spencer Park, Chair  
Wasatch County Council

**VOTE**

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

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## ADOPTION OF ORDINANCE AFFIDAVIT

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

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

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

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2024.

Joey Granger  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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## Notary Public

Residing in:  
My commission expires:

## **16.04.02 DEFINITIONS OF TERMS AND WORDS**

**HIGH WATER TABLE:** A condition where the groundwater is less than six feet (6') below the ground surface.

**HIGH TUNNEL: a temporary agricultural structure made with a metal, plastic or wood frame typically of an arched fashion with a plastic, woven textile or other flexible covering.**

HOG FARM: A tract of land and the facilities for raising and feeding swine.

## **16.21.08: ACCESSORY BUILDINGS**

B. Accessory Building Permit Requirement: Accessory buildings (regardless of their use) over two hundred (200) square feet, must apply for a building permit-except as provided below:

3. Agricultural buildings which are exempt under Utah Code 15A-1-204, as amended, from receiving a building permit are also exempt from this section except they require a site plan approval from the planning department. The site plan must include the location of the structure on the property including dimension to all property lines and all existing and proposed structures on the property and adjoining properties.
4. High Tunnels Greenhouses are exempt from regulations in accordance with Utah State Code 10-9a-525 for municipalities and any other updates to state code with the following stipulations:
  - a) Building codes and land use codes do not apply.
  - b) No permit or application shall be required.
  - c) Setbacks shall be sufficient to maintain drainage on-site.
  - d) Shall be located behind the rear façade in the rear yard if there is a dwelling on the site.
  - e) Shall be out of any clear view area as defined by County code.
  - f) Shall have a minimum of a 30' setback from any road if no dwelling on the site.