

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

PRESENT: Chair Pro Tem Scott Brubaker, Kimberly Cook, Doug Grandquis, Wendell Rigby, Doug Hronek, Daniel Lyman
EXCUSED: Commissioner Mark Hendricks, Chair Chuck Zuercher, Commissioner David Thacker
STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney; Rick Tatton, Court Reporter (*via Zoom*)
PRAYER: Commissioner Doug Hronek
PLEDGE OF ALLEGIANCE: Led by Commissioner Kimberly Cook and repeated by everyone.

Chair Pro Tem Scott Brubaker called the meeting to order at 6:20 p.m. on Thursday, May 9, 2024, and indicated that all the Commissioners are present except for Chair Chuck Zuercher, Vice Chair Mark Hendricks and Commissioner David Thacker, who were excused. The record should also show that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Pro Tem Scott Brubaker then called the first agenda item.

APPROVAL OF THE MINUTES FOR THE APRIL 11, 2024 MEETING

Motion

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

Commissioner Doug Grandquis seconded the motion.

The motion carries with the following vote:

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

NAY: None.

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

Chair Pro Tem Scott Brubaker then read the following:

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

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

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

REGULAR AGENDA

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



ITEM 1 RHETT RIDING, REPRESENTING STORIED DEER VALLEY, LLC, REQUESTS FINAL SITE PLAN APPROVAL FOR THE TUHAYE ADVENTURE BARN, A PROPOSED RECREATIONAL AMENITY BUILDING FOR MEMBERS OF THE TUHAYE DEVELOPMENT THAT WILL INCLUDE MOUNTAIN BIKE RENTALS, ROCK CLIMBING, AND ACCESS TO A FUTURE POND AND BEACH AREA LOCATED AT 2069 E ADVENTURE COURT IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-8920; AUSTIN CORRY)

Staff

Austin Corry, the Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that Tuhaye is a private gated community in the Jordanelle Basin Overlay Zone. The applicant is seeking to use the property for a private recreation center called the Adventure Camp Barn that would include offices, bicycle workshops, bike storage, restrooms, and an outdoor climbing wall. Parking is provided across the street in common area with the exception of an ADA stall provided directly adjacent to the center. Patrons are limited to residents of the club and their guests and operation is limited to daytime use only. It is anticipated that other services or activities would be introduced to the site later on with the potential creation of a lake for kayaking and paddle board. If or when those activities are introduced, the applicant will need to submit a revised conditional use request. Also, the building lighting that is there, although it exceeds IBC minimums which our code excludes IBC minimums from their lighting calculations and they didn't even include that exclusion in there they just calculated all as optional lighting and there are about half of their lighting that they are allowed. The lighting plan is compliant though.

Austin Corry indicated that the determination issue on this item is whether the application meets the standards required by Wasatch County Code 16.23 for a conditional use permit to be granted to allow a private recreation center to be located on the subject property. This conditional use permit and site plan review is an administrative decision made by the Planning Commission per the authority provisions of WCC 16.01.05.

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

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

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

Austin Corry then presented the key issues to consider.

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

Austin Corry then went through the proposed findings:

1. The proposal is for an amenity building for the Talisker Club as part of the Tuhaye master development.
2. The amenity building and parking lot were anticipated in the overall master plan and in the most recent final subdivision approvals previously granted for the project, subject to final site plan compliance.
3. The Planning Commission hereby incorporates and adopts the findings of the staff analysis regarding compliance with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
4. Notice has been sent to neighboring property owners within 500 feet of the property.
5. There are no known zoning violations on the property at this time.
6. The Development Review Committee has reviewed the project and has provided a favorable recommendation.

Austin Corry then went through the proposed conditions:



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

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

JORDANELLE SSD comments:

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

FIRE SSD comments:

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

PLANNING comments:

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

SURVEYOR comments:

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

Commission Comments

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

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

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

Applicant

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

Public Comment

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



Motion

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

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

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

NAY: None.

ITEM 2 CONSIDERATION OF A PROPOSED AMENDMENT TO WASATCH COUNTY CODE 16.19, AIRPORT OVERLAY ZONE, IN ORDER TO MODIFY COUNTY CODE TO COMPLY WITH THE UTAH STATE LEGISLATURE HOUSE BILL 206 (2023) REQUIREMENTS. **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON MAY 15, 2024. (AUSTIN CORRY)*

Staff

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

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

Austin Corry then indicated that, based on the analysis and findings in the staff report, Planning Staff is of the opinion that referencing federal code requirements is a benefit to ensuring thorough reviews for compliance with applicable laws. Therefore, it is recommended that the Planning Commission forward a positive recommendation of the proposed code text amendment based on the findings that have been included in the planning staff report.

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

16.19.01: PURPOSE

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

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

Austin Corry then went through the proposed findings:

1. The Utah State Legislature enacted HB206 in 2023 affecting Utah Code 17-27a-501 and 72-10-403, Airport zoning regulations.



2. HB206 requires the County to, by December 31, 2024, adopt regulations that require compliance with 14 CFR 77.
3. County code currently complies with 14 CFR 77, but referencing the code offers ability to reduce language and ensure compliance should 14 CFR 77 be amended.
4. The County sees no prevailing public interest that would suggest the amendment as proposed would harm the health, general welfare, and safety of the inhabitants of Wasatch County.

Commission Comments

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

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

Public Comment

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

Motion

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

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

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

NAY: None

ADJOURNMENT

Motion

Commissioner Doug Grandquis made a motion to adjourn.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

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

NAY: None



Meeting adjourned at 7:30 p.m.



SCOTT BRUBAKER/CHAIR PRO TEM