

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

PRESENT: Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Scott Brubaker, Doug Hronek, Kimberly Cook
EXCUSED: Commissioner David Thacker
STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Rick Tatton, Court Reporter (*via Zoom*).
PRAYER: Commissioner Mark Hendricks
PLEDGE OF ALLEGIANCE: Commissioner Kimberly Cook

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday July 11, 2024 and indicated that all the Commissioners are present except Commissioner David Thacker. The record should also show that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25, North Main, Heber City, Utah 84032. Chair Chuck Zuercher then called the first agenda item.

APPROVAL OF THE MINUTES FOR THE JUNE 13, 2024 MEETING.

Motion

Commissioner Douglas Grandquis made a motion to approve the June 13, 2024 Planning Commission minutes as they are written.

Commissioner Doug Hronek seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, Mark Hendricks, Scott Brubaker, Doug Grandquis, Doug Hronek.

NAY: None.

Chair Chuck Zuercher then read the following:

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

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

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

CONSENT AGENDA

Chair Chuck Zuercher indicated that we have one matter on the consent agenda this evening. All the matters on the consent agenda are considered accepted unless somebody from the audience or Planning Commission members would like to hear the matter. All of these matters will be handled with one motion.

ITEM 1 MARIA QUINTERO, REPRESENTING RENAISSANCE BRIGHTON LLC, REQUESTS A CONDITIONAL USE PERMIT FOR A 20 FOOT TALL RETAINING WALL CONSTRUCTED USING VERTI-BLOCK CONCRETE WALL BLOCK STAINED IN EARTH TONES TO BE LOCATED AT 1574 PUMA WAY IN THE MOUNTAIN (M) ZONE. (DEV-9341; AUSTIN CORRY)

Public Comment

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

Motion

Commissioner Doug Grandquis made a motion to approve Item No. 1, Renaissance Brighton LLC Conditional Use Permit, consistent with staff findings and analysis.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, Mark Hendricks, Doug Hronek, Scott Brubaker, Doug Grandquis.

NAY: None.

REGULAR AGENDA

ITEM 2 FARMS AT CENTER CREEK, LLC REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR RANCHES AT FARM MEADOWS, A PROPOSED DEVELOPMENT CONSISTING OF 102 RESIDENTIAL SINGLE-FAMILY BUILDING LOTS AND INCLUDING THE DONATION OF 12.5 ACRES OF PROPERTY FOR A COUNTY REGIONAL PARK AND 12.7 ACRES TO THE SCHOOL DISTRICT ON A TOTAL OF 133.39 ACRES LOCATED AT 2400 E 2400 S 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 JULY 17, 2024.* (DEV-8670; AUSTIN CORRY)

Staff

Austin Corry, the Wasatch County Assistant Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the subject property is 133 acres at the northeast corner of 2400 East 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.

There is a mapped riverine under the terminology of the Army Corp of Engineers. The applicant believes that is no longer actually in existence. The applicant has indicated that the Army Corp of Engineers agrees with them that it shouldn't be on the map, but there is a process they have to go through to actually remove it from the map. The 12.4 acre park site also serves as the detention basin, or retention basin in this case, for the development. Under the regional park donation section of our Code there is a requirement that you can't exceed five percent on any of your grading in any of the areas unless it is accepted by the County. That is a discretionary decision that you can make a recommendation on whether you are comfortable with the way that they are

grading that or not. Now, staff has pointed out to the applicant and we are further recommending that if you would like to approve this that one of the conditions that is in here specifically talks about still modifying that grading in a way to accommodate future parking. The provision that allows this to come into play is found in 16.27.34 of the code and with that section of code there is also a map that identifies areas where the County foresees there being a need for regional parks. This site fits that criteria and there are certain other criteria that have to be done in order for the County to even consider this:

- a. Shall be a minimum of ten contiguous acres in a regular square or rectangular shape. – Complies
- b. Shall have less than a five percent slope over the property or as determined by the County. – Applicant is requesting exception. See recommended conditions.
- c. Shall be adjacent to arterial, collector or other major roads and not accessible through local roads internal to the subdivision. -- Complies.
- 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 Zone). – Complies
- e. All water necessary for the park shall be provided as determined by the County. – Complies
- 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. – Can Comply
- 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. – PC and CC should consider after public hearing.
- 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. – Complies
- i. All necessary improvements in front of the park within the County right-of-way shall be completed. – Plans Comply
- 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. – Park donation will be unimproved
- k. Fencing shall be provided on any lots that abut the dedicated park area, including for un-improved park dedications. – No lots directly abut the park.
- 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. – Prelim. Plat Complies
- 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 are met. – All sections are met subject to Council's discretion.

Austin Corry indicated that where it talked about improved and unimproved donations, as you go later on in this section of the code, it talks about potential bonus densities that the County can consider in exchange for the donation of the park but in this particular request the applicant is not asking for any bonus density at all.

Austin Corry went over the trail plan that is part of this, as well as a fencing plan that is required as part of their proposal to follow the County standard minimum which is a four foot field fence with barbed wire top and bottom. Also, the School District wrote a letter noting that they are aware of and are talking with the applicant about the donation of that school property. The School District openly acknowledges that they are not intending to sell that in any way and that it will get used for the development of a school site and not as land banking and financing for the district.

Austin Corry then indicated that the key issues to consider are:

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

Austin then went through the proposed 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.

Austin Corry then went through the proposed 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.

Austin Corry then went through the DRC Comments:

ENGINEERING comments:

- A more detailed drainage plan for the entire area will be required with the first subsequent phase application for final.
- A more detailed drainage report will be required for the entire area with the first application for final.
- 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.
- 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.
- 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.

- For final could we put the street lights locations in the P&P drawings?

GIS DEPARTMENT comments:

- -Please work with us to get road names figures out. E-mail 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 will want to have 10 names to review.
- 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.
- -The intersection of Sunnysbrook 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.
- -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.

PLANNING comments:

- Please provide your draft development agreement in Word format. DA is to be coordinated with Jon Woodard in the Attorney's office.
- 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.
- 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.
- Please verify that the overhead utilities are being placed underground. 16.27.27.
- Final plans will need to include irrigation specifications and details as well.
- 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.
- Response to PLN15 states as updated agreement was attached. The only file in the submittal is still the one from October.
- Response to PLN30 acknowledges the comment but doesn't resolve it. Final plans will need to clearly show the utility lines being placed underground.
- Response to PLN34 states "Construction Plans state, irrigation 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.

PUBLIC WORKS comments:

- Please, add some information on how the snow storage requirements will be met.
- Pages 21 and 23 need to replace Mike Davis with Dustin Grabau.
- 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 systems will be installed according to Heber Light and Power standards for underground, etc. If that is easier than adding underground conduit and j box details.
- I found the detail. The detail shows the pole, pole base, 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.

SURVEYOR comments:

- -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 subdivisions leave no land between them. The most simple way is to call out in your legal description along the existing subdivision.
- -Phase 3
 - #1 – See comment about north boundary cited in #2 plat review.
- -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 within 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.
- -#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 backyard. 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 with in your legal. However is the title company aware the McPhee's are using property in your title and outside your fence lines? Have McPhees 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?

Austin Corry then indicated that the recommendation is that based on the analysis in the 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 in the staff report.

Commission Comments

Commissioner Hronek replied that it seems to me that there is already work under way in this project and we are here with the preliminary approval, but there is work being done on 2400 South and on 2400 East and we are right now at the preliminary approval stage. Is that typically the way that is done? Austin Corry replied that they do have permits through the engineering department for right-of-way improvements only. Primarily, the main permit that was granted was for the crossing of the canal. The Timpanogos canal traverses the very northwest corner of this property and then it crosses 2400 East. Timing wise, one of the things that they were needing to do is that they had to replace the box culverts in that canal. Well, come April 15 to October 15, that canal is full of water and they can't touch that so engineering did work with them and that particular crossing is a permit done through Central Utah and they granted them a permit to go in and work on the roads to get that culvert replaced before the April 15 timeline so that wouldn't delay them. It does not grant them any variances or hardships to the code if they can't comply.

Commissioner Hronek also indicated that he had another question and that is, has anybody made the determination that eleven acres is a big enough piece of property to put a school on? It seems awful small to me. Austin Corry replied that yes, the School District has acknowledged that.

Commissioner Doug Grandquis indicated that what caught my attention is looking at that vacant agriculture land and putting development on it. We need to take a good look at that because eventually there won't be any more agriculture because development is put on it and the County needs to take a good look at that in the future because once the agriculture ground is gone there is no more, there is no more open space that is still being used for agriculture. What is being done in this area conflicts with the General Plan and we are not preserving agricultural land and I am concerned about the direction the County is going. Austin Corry replied that I don't want to get into the weeds right now for larger General Plan amendments, but I want to say that I do want to get into the weeds eventually. About a month or two ago I brought forward a handful of items that I see that we really need to address in the County that have been ignored for about twenty years and, Commissioner Doug Grandquis, you just hit the number one issue that I have identified in the east valley and I will bring forward at some future date. Please keep voicing those opinions and my intent is, in that long term planning goal, is that we do get a stronger vision and stronger idea. We need to decide on what the growth policies are and then get everything to actually align rather than a question of are we doing this or not doing this. I agree with you. Commissioner Mark Hendricks replied that this is the way that the county is going.

Applicant

Mike Olsen, the manager of this property, addressed the Wasatch County Planning Commission and indicated that we have been working on this project for many years and it is literally a thirteen year project. There have been water district issues, Army Corp issues, canal issues. With regards to the park, we don't care one way or another if the County takes the land we are designating as a park. We don't care either way. The School District came to us and asked for ten acres on the corner to build a school there. The School District does not have the funding right now for a school to be built there right now but will be needed. With regard to the park the County doesn't have the money to do any of the improvement or have anything to do with the park, but I said that we don't care with the park either way, but we will keep it the way it is and we are fine with that. If the County gets their funding to do something and wants it that is great the ground will be given to you and that will be put into our development agreement that if the County comes to us at a future date and wants it, we will give it to them at no cost. We will take a look at how many parking places would be needed for people to park at the park. We have been farming that property with George Holmes since 2011. He will farm the site that the school district has until the School District decides to use the property. Also a road has been put in to help with the farming of the ground. The reason that road is where it is so George Holmes can get equipment down there. We will continue to farm that piece at the bottom and the school site until those sites are ready. We will put it in the HOA until that time. All the work in the canal is completed. We have completed all of the sewer and water along 2400 East and all the sewer and water on 2400 South. Then the road was rebuilt. We got the residents that were on septic to sewer and we ran the laterals to the homes because we don't want to tear the road up again. We also included the trail system along 2400 East. This ground is owned by a family who is in the development building business and our intent is to develop and build phase per phase. George Holmes will continue to farm all of the property. We look forward to approval and in starting Phase I some time as quick as we can get in there. We will look into the depth of the basin and make sure that is corrected because it is not thirty feet deep.

Commissioner Mark Hendricks replied that you have done a lot to be accommodating.

Commissioner Scott Brubaker replied that it seems like they are trying to be good neighbors and not fly by night and come in and make a profit and head out and leave weeds. It fits with what we have to deal with the way the code is written. The staff has adequately reviewed it and we should pass it on to the Wasatch County Council with the conditions and findings of the Planning Staff.

Public Comment

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

Motion

Commissioner Mark Hendricks made a motion that we forward this to the County Council with our recommendation for approval in light of the findings and subject to the conditions outlined in the staff report.

Commissioner Kimberly Cook seconded the motion

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, Doug Hronek, Mark Hendricks, Scott Brubaker.

NAY: Doug Grandquis. I voted Nay because the developer should be congratulated and it sounds like he has done his work, but I want to send a message to the County Council that we ought to be concerned with the issue of agricultural preservation in this County and not wait for another decade until there is nothing to preserve.

ITEM 3

CONSIDERATION AND RECOMMENDATION OF AN UPDATE TO THE WASATCH COUNTY TRAILS MASTER PLAN (GENERAL PLAN MAP 22, NON-MOTORIZED TRANSPORTATION), TO IMPROVE THE READABILITY OF THE MAP AND TO REFLECT MORE CURRENT AS-BUILT CONDITIONS OF EXISTING TRAILS THAT HAVE BEEN BUILT SINCE THE MAP WAS LAST ADOPTED. **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 JULY 17, 2024.* (AUSTIN CORRY)

Staff

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that this matter that is before you this evening is regarding our current Trails Master Plan that is in the published General Plan. This proposal is just to update that plan. The majority of it is to improve the readability, and one of the main changes that it makes is it makes a distinction between what is proposed and what is actually built.

The only other significant change that is there is that on the valley floor area, running along the collector roads, is our current plan calls out ten foot asphalt trails. We have been working with engineering on the existing right-of-way cross sections and in order to actually fit things the widest trail that we can accommodate without asking for more right-of-way than we currently are is eight feet and so we are recommending that we change our trails master plan to an eight foot trail instead of a ten foot trail in order to prevent us from having to widen our rights-of-way.

Austin Corry then went through the 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?

Austin Corry then went through the proposed findings:

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan.
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.

Public Comment

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

Motion

Commissioner Doug Grandquis made a motion to recommend to the County Council approval of Item No. 3, the Master Trail Plan General Plan Amendment, consistent with staff findings and analysis.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Scott Brubaker, Kimberly Cook, Doug Hronek, Doug Grandquis.

NAY: None.

ITEM 4 A PROPOSED ORDINANCE (24-07) TO AMEND WASATCH COUNTY CODE TITLE 16 AND ADD A PROVISION FOR HIGH TUNNEL GREENHOUSES. IF THE ORDINANCE IS APPROVED THE CODE WOULD ALLOW HIGH TUNNEL GREENHOUSES SIMILAR TO HOW THEY ARE REGULATED IN UTAH STATE CODE 10-9A-525 FOR MUNICIPALITIES. **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 JULY 17, 2024.* (DOUG SMITH)

Staff

Doug Smith, the Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the 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 applies to municipalities. There is no High Tunnel code for Counties exempting high tunnels from all code requirements as there is for municipalities. 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 if this is not addressed at the next legislative session there will most likely be a bill regarding high tunnels in Counties similar to the code for municipalities.

Doug Smith indicated that he added this Subsection 2 to our Accessory Buildings Code Section essentially saying that High Tunnel 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 facade 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 foot setback from any road if no dwelling on the site.

Doug Smith indicated that 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.

Doug Smith then went through the 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?

Doug Smith then went through the proposed findings.

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:
 - a. 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.

The determination to be made is 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.

The recommendation from the Wasatch County Planning Department is that, based on the analysis and findings in the 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 in the staff report.

Commission Comments

Commissioner Mark Hendricks indicated that the only question that I had when I first read this was there is nothing on square footage or height. You can just go so high with this kind of temporary flexible structure and if it gets out of hand somebody will complain. I have seen these things go hundreds of feet and I didn't even know they were called high tunnels. There is no concern about what that does visually. Doug Smith replied that the idea was the high tunnel clearly from the State's intent should be regulated even less than barns and didn't want to put too much regulation in there and be much better if it was a State code. Commissioner Mark Hendricks indicated that he doesn't have any real problem with this.

Commissioner Scott Brubaker indicated that let's pass this the way it is and if the State tells us something else we will just have to change it then, but at least we get something going so the people can build what they need now.

Public Comment

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

Ed Clyde, resident of Wasatch County, addressed the Wasatch County Planning Commission and indicated that he runs about one hundred head of Black Angus cattle. They are not greenhouses, but these greenhouse tunnels give the residents of Wasatch County another month without frost touching our produce. They are referred to as a high tunnel. There are fifteen in the valley with eleven more that have applied to this date that I know of. I am on the Conservation District Board. This is not a structure, not a parking spot and not a building. I think these should be agriculture exempt. There should be no setbacks and be able to put that tunnel on your property and you can put the garden aside of it and you can grow vegetables. This is a great idea. Doug Smith indicated that the reason that the one high tunnel that Ed Clyde was referring to was red tagged is because the only thing we really had to process it under was Ag. Exempt, which still had the setback requirements. Ed Clyde replied that I should be able to put that high tunnel on my property. We should go with what the State and NCRS rules are on these high tunnels.

Allan Sulser, Wasatch County resident, addressed the Wasatch County Planning Commission and indicated that high tunnels have been around for probably thirty years at least that I am aware of. The best thing about high tunnel is that you can extend your growing season both on the front end and on the back end. It is valuable and NCRS will subsidize high tunnels and is for the local landowner. They help the average gardener extend the season and hope that you will vote to approve it.

Arisha Franco, resident of Wasatch County, addressed the Wasatch County Planning Commission and indicated that high tunnels are great because of the many things that you can grow in a high tunnel. The high tunnel gives you more time with regard to the growing season. A high tunnel is just a customized garden tool and not necessarily a structure but it is a huge support for people who want to remain in agriculture. These structures are essential and would recommend that you vote for these high tunnels.

Commissioner Doug Hronek asked Ed Clyde, are you in favor of what has been written in the plan that Doug Smith has prepared or are there issues within that suggested verbiage that you are taking exception to or would like to see changed? I just need some clarity. Ed Clyde replied that he doesn't want to see a whole bunch of restrictions on where it goes. The way the State puts it out I think that is enough and think that is what we need. Doug Smith replied that the reason he wrote it with some setback requirements mainly in the front yard and has to be behind the rear of the yard because in the County we have urban and we have rural. If we don't have any setbacks that could happen and have high tunnels placed without setbacks in various places that tunnels should not be placed. High tunnels are only exempted in municipalities unless this code is adopted. This has more stipulations than the municipal state code.

Chair Chuck Zuercher then closed the public comment period.

Motion

Commissioner Scott Brubaker made a motion that we recommend approval of Item No. 4, High Tunnel Greenhouse code text amendment Ordinance 24-07, to the County Council subject to the determinations and

subject to the findings.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Doug Hronek, Kimberly Cook, Scott Brubaker.

NAY: None.

ADJOURNMENT

Motion

Chair Chuck Zuercher made a motion to adjourn.

Commissioner Mark Hendricks seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Scott Brubaker, Doug Grandquis, Doug Hronek, Kimberly Cook.

NAY: None.

Meeting adjourned at 8:00 p.m.



CHUCK ZUERCHER/ CHAIR