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## Mayberry Farms

### Final subdivision plat approval

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**Project:** DEV-10309 | Mayberry Farms

**Meeting Date:**

**Report Date:** 17 February 2025

**Report Author:** Doug Smith, Director

**Council Action Required:** No

**Type of Action:** Administrative

**Applicant:** Todd Cates, representing DS 23 Limited

**Address:** 2140 S 2400 E

**Acreage:** 20 acres

**Proposed Density:** 13 ERUs

**Zoning Designation:** RA-1

**Related Applications:** Preliminary approval

#### DETERMINATION ISSUE

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 13 lot subdivision on 20 acres in the Residential Agriculture (RA-1) zone. This determination is an administrative decision to be made by the Wasatch County Administrative Land Use Committee.

#### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to revisions that are not anticipated to constitute a materially substantive change. Therefore, it is recommended that the Administrative Land Use Committee APPROVE the proposed final plat based on the findings and subject to the conditions included the staff report.



## BACKGROUND

The subject property lies at the southeastern portion of the valley near Center Creek and 2400 East. The property is in the RA-1 zone and consists of 20.016 acres. The applicant is seeking to develop the property into a residential subdivision of 13 residential lots and a 0.370-acre Common Space.

The project received conditional preliminary approval from the planning commission on October 10, 2024.

## KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Road and trail connectivity with adjacent undeveloped lands.
- Compatibility with the General Plan.

## STAFF ANALYSIS

### *– LAND USE AND DENSITY –*

The RA-1 zone permits residential single family housing lots (land use 1111) at a minimum size of five acres, but with an ability to increase density to 1.3 a/u and reduce lot sizes to one acre upon meeting certain eligibility criteria. Code also permits properties between Mill Road (1200 East) and 2400 East to use variable lot sizes with lots as small as 1/3 acre. With the 1/3-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 protect environmentally sensitive areas.

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 20.016 net acres, this results in an anticipated maximum density of 15 lots, assuming all other aspects of the County Code could be met. The proposed density of the project is 1.540 acres per lot with lots ranging in size from 0.605 acres to 1.49 acres with a single 5.005-acre lot. There is a total of 13 lots in 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 2400 East collector road requires a more substantial setback of 50 feet in order to provide greater separation for the higher traffic facility.

– *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.

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 a 16,103 square foot Common Space towards the entrance of the development near 2400 East. This area includes landscaping, a detention basin, and a pickleball court. The landscaped area will need to include 33 shrubs and one tree for each 50 feet of frontage along the proposed Mayberry Lane.

– *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 will be provided by the TCSSD (Twin Creeks Special Service District), and water will be provided by Center Creek. A will serve letter from these providers will be required prior to final approval.

– *BUILDING HEIGHTS* –

Structures in the RA-1 zone are limited to 35 feet from natural grade. The height of buildings will be reviewed through individual building permits for each future lot.

– *ROADS AND ACCESS* –

The proposed development would be served through two proposed roads, Mayberry Way and Mayberry Lane, which provide access to 2400 East. County code requires blocks of 400 feet to no more than 1300 feet. 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 developments relationship to adjacent properties and the ability for connectivity standards of the code to be

met. This plan was part of the County Planning Commission review at preliminary for the Commission to decide whether the application adequately addresses the connectivity policies established in the County Code. The proposed Connectivity Plan shows that Mayberry Way, which is shown to end in a temporary cul-de-sac, can continue through the property to the South and connect to Center Creek Road. The Connectivity Plan does not propose future connections to other neighboring properties because they are already developed. See Exhibit D.

– PARKING –

Parking requirements for single family homes are easily met on lots of this size. Driveway locations and parking will be reviewed with individual lot building permits.

– TRAILS –

The current trail plan shows a required ten-foot trail along the West side of the Timpanogos Canal which passes through this development. The trail plan also requires an eight-foot trail on the West side of 2400 East. Both trails are shown on the proposed site plan. However, the site plan shows a ten-foot asphalt trail rather than an eight-foot trail along 2400 East. See Exhibit B

– GEOTECHNICAL REVIEW –

The applicant has provided a geotechnical report that has been reviewed by the county review engineer and determined that the soils stability is generally acceptable. The report and plans have not identified areas of 15-30% slope except for areas along the Timpanogos Canal. This area is included in a canal easement and is not buildable.

– 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 proposes the installation of a new livestock fence in some areas and proposes that the existing fences remain in other areas surrounding the property. See Exhibit F. Many of the existing fences do not meet the minimum requirements of Wasatch County Code for livestock fencing. The code requirement, however, is to ensure that the fencing is “suitable quality to keep farm animals out of residential properties.” As such, acknowledgement or agreement from the adjacent landowner can be used to permit fencing that does not meet the county code minimums. The applicant has provided fencing agreements signed by all neighboring properties where the applicant is proposing that the existing fence remain.

## 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 Land Use Authority to render a decision.

## RECOMMENDED MOTION

Move to Approve item Mayberry Farms consistent with the findings and subject to the conditions presented in the staff report.

### *– FINDINGS –*

1. The subject property is 20.016 acres per the applicant's survey.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. The subject property received preliminary approval from the planning commission on October 10, 20224.
4. 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.
5. The application includes connections to public sewer and public water through Center Creek SSD and Twin Creeks SSD.
6. The proposed subdivision includes 13 lots with a density of 1.540 acres per unit.
7. The public trails in the project are required to be maintained by the HOA.
8. The proposed subdivision connects to 2400 East and provides a connection for potential development to the property to the South.
9. The proposal includes a Common Space area that will include a pickleball court and landscaping.
10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
11. Final approval does not grant a variance from County Code standards as a project proceeds with further stages in the approval process.
12. 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. Improvements to 2400 East will meet all engineering requirements and include an eight-foot not the 10' trail shown on the plans.
2. The commitments made by the developer in the submittal documents shall be considered part of the approval.
3. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
4. Plat note #5 mentions that lot 10 will have a trail along the lots rear property line. This note needs to be checked to see if it is accurate.
5. Add a note to the plat that the canal trail is open to the public.

## POSSIBLE ACTIONS

The following is a list of possible motions the Administrative Land Use committee can take. If the action taken is inconsistent with the recommended findings listed in the staff report, ALUC should state new findings.

1. Approve. This action may be taken if the ALUC finds that the final plat request is compliant as proposed with Wasatch County Code and all other applicable laws.
2. Approve with Conditions. This action can be taken if the ALUC 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 ALUC needs additional information before rendering a decision, if there are issues that have not been resolved, or if the application is not complete.
4. Deny. This action can only be taken if the ALUC 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 final plat is approved, the applicant could proceed with a mylar to turn into the County for signatures.

If the requested final plat is denied, the applicant would need to address issues cited in the denial.

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 – Vicinity Plan.....                 | 7  |
| Exhibit B – Proposed Site Plan.....            | 8  |
| Exhibit C – Proposed Subdivision Plat.....     | 9  |
| Exhibit D – Conceptual Connectivity Plan ..... | 10 |
| Exhibit E – Grading Plan .....                 | 11 |
| Exhibit F – Fencing Plan.....                  | 12 |
| Exhibit G – Landscape Plan.....                | 13 |
| Exhibit H – DRC Report.....                    | 15 |

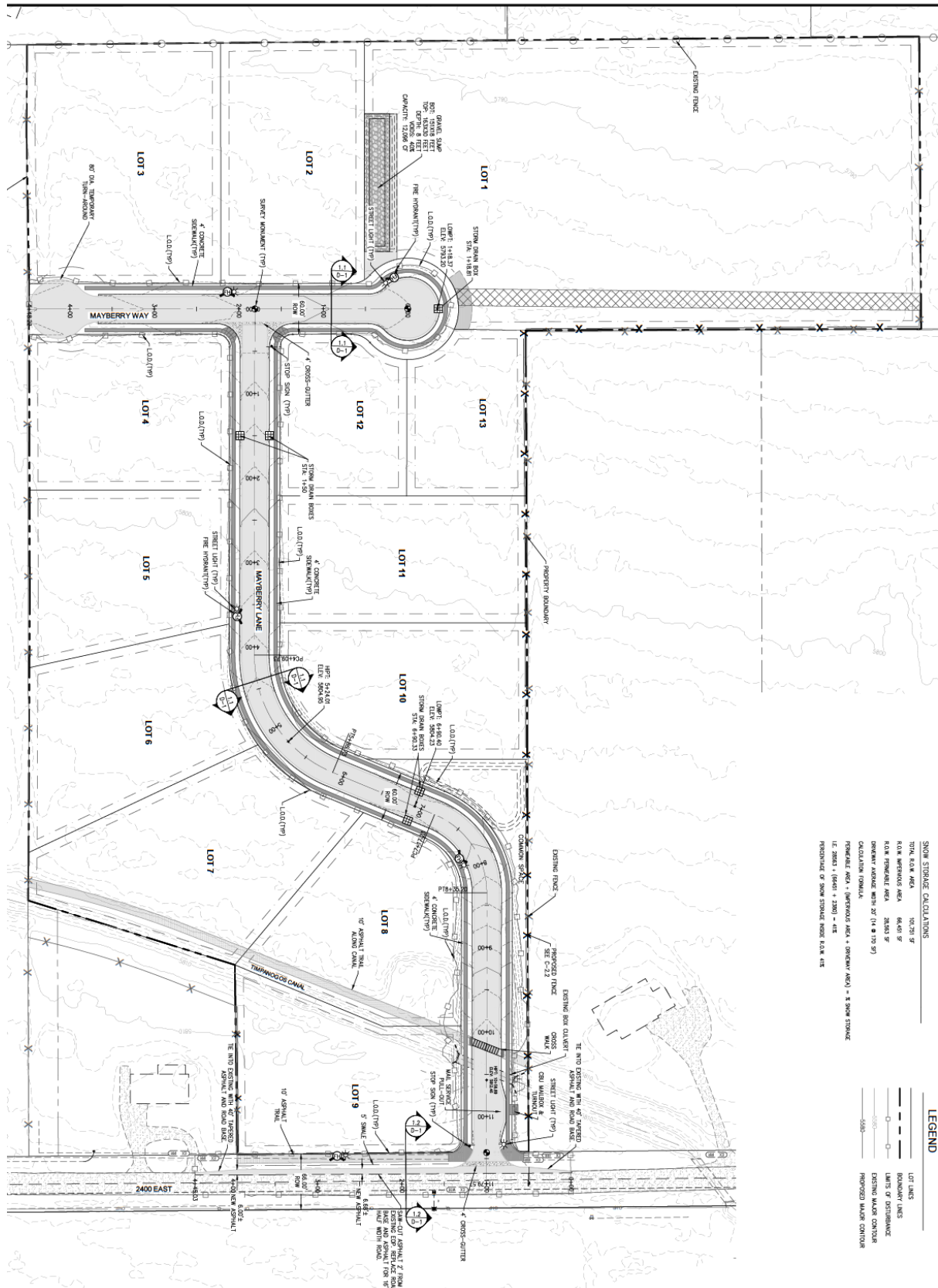
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Exhibit A – Vicinity Plan

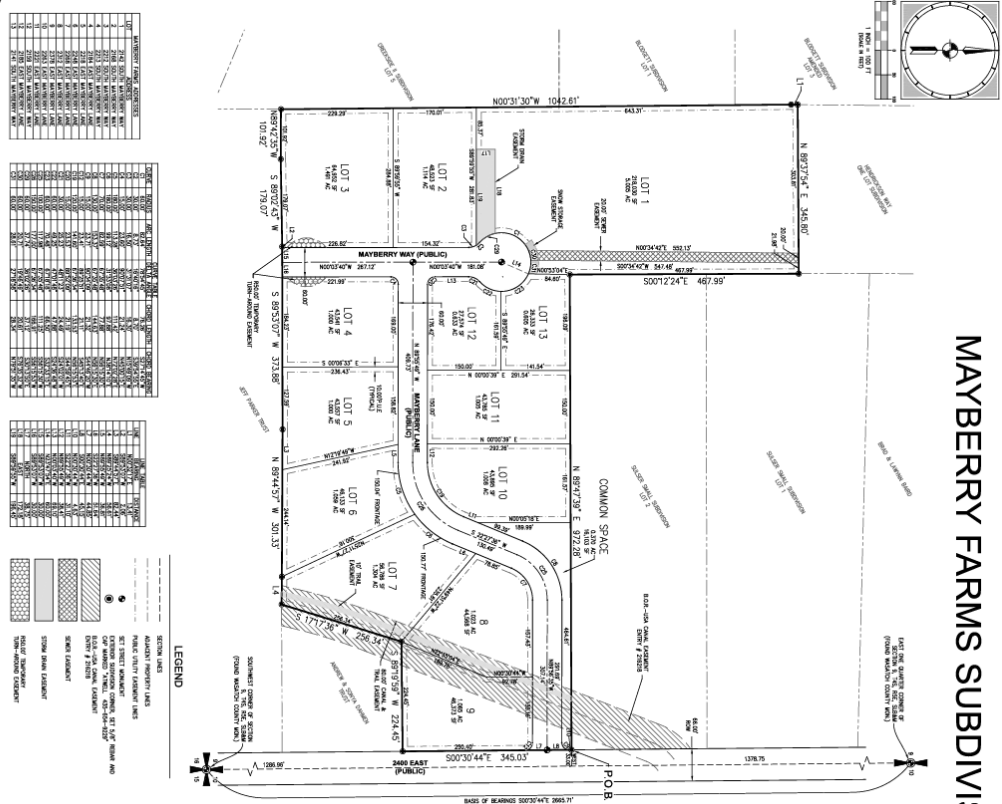
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## Exhibit B – Proposed Site Plan



## MAYBERRY FARMS SUBDIVISION PLAT



## MAYBERRY FARMS SUBDIVISION PLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SLBAM

PRELIMINARY

### PLAT NOTES

- [illegible]

## ZONING INFORMATION

- APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:
- |        |                  |
|--------|------------------|
| FRONT: | 30 FEET          |
| REAR:  | 30 FEET          |
| SIDE:  | 10 MIN. 24 TOTAL |
- CONCRETE LOTS ARE SUBJECT TO A 30 FOOT BUILDING SETBACK ON THE STREET THAT IS NOT BEING FRONTED ON ALL SETBACKS ARE SUBJECT TO NEIGHBORHOOD COUNTRY ZONE ORDINANCE REQUIREMENTS AT THE TIME A BUILDING PERMIT IS ISSUED.

PROPERTY CORNER NOTES

1. 5/8 REBAR AND PLASTIC CAP STAMPED "ATMILL 435-034-8223" TO BE SET AT ALL SUBDIVISION LOT CORNERS.
2. 117" COPPER PLUG STAMPED WP-88 165796 TO BE SET AT POINTS WHERE EXTENSION OF ONE LOT UNITS INTERSECT CENTER OF ADJACENT STREET CORER.

- NOT  
KCT  
MKT

SIGNATURE

- 1000000

| BOUNDARY DESCRIPTION |
|----------------------|
|----------------------|

[illegible]

## BASIS OF BEARINGS

THE BAYS OF BROADBENT FOR THIS SINKING IS SOUTH 02°30' 44" EAST BEHIND WICKSTEAD COAST WORKINGS AT THE EAST END QUARTERS AND SOUTH/EAST CORNER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASIN AND WICKSTEAD, IN CONFORMANCE WITH U.S. STATE PLANE 1983 CENTRAL ZONE BROADBENT.

## **SURVEYOR'S CERTIFICATE**

C. BRON (DALLAS, TEXAS) CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE CERTIFICATE NO. 354515-2201 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF TEXAS. I FURTHER CERTIFY BY AFFIRMATION OF MY OWNERSHIP THAT I HAVE MADE A SEARCH OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DISCOVERED BELOW AND HAVE SUPERSEDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STRIPS, AND EASEMENTS.

## OWNER'S DEDICATION

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND THE SEAL OF SAID COURT, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ } U.S.  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, the undersigned Notary Public, in and to the County of \_\_\_\_\_, State of \_\_\_\_\_, \_\_\_\_\_, a person known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed. The said \_\_\_\_\_ is the sole owner of the above described property.

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LEGISLATIVE BODY  
APPROVAL OF PLAT AND ACCEPTANCE OF REDICATION OF PUBLIC LANDS, STREETS AND EASEMENTS

|      |          |
|------|----------|
| DATE | ATTESTED |
|      |          |

|                      |                      |
|----------------------|----------------------|
| APPROVED AS TO FORM. | APPROVED AS TO FORM. |
|----------------------|----------------------|

|          |           |
|----------|-----------|
| DATE     | SIGNATURE |
| EDUCATOR |           |

|                                                                                                                                                                                             |                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. NAME: _____<br>2. ADDRESS: _____<br>3. CITY: _____<br>4. STATE: _____<br>5. ZIP: _____<br>6. PHONE: _____<br>7. FAX: _____<br>8. E-MAIL: _____<br>9. SIGNATURE: _____<br>10. DATE: _____ | 11. NAME: _____<br>12. ADDRESS: _____<br>13. CITY: _____<br>14. STATE: _____<br>15. ZIP: _____<br>16. PHONE: _____<br>17. FAX: _____<br>18. E-MAIL: _____<br>19. SIGNATURE: _____<br>20. DATE: _____ |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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CENTER CREEK WATER COMPANY

## RECORDED

*Exhibit D – Conceptual Connectivity Plan*

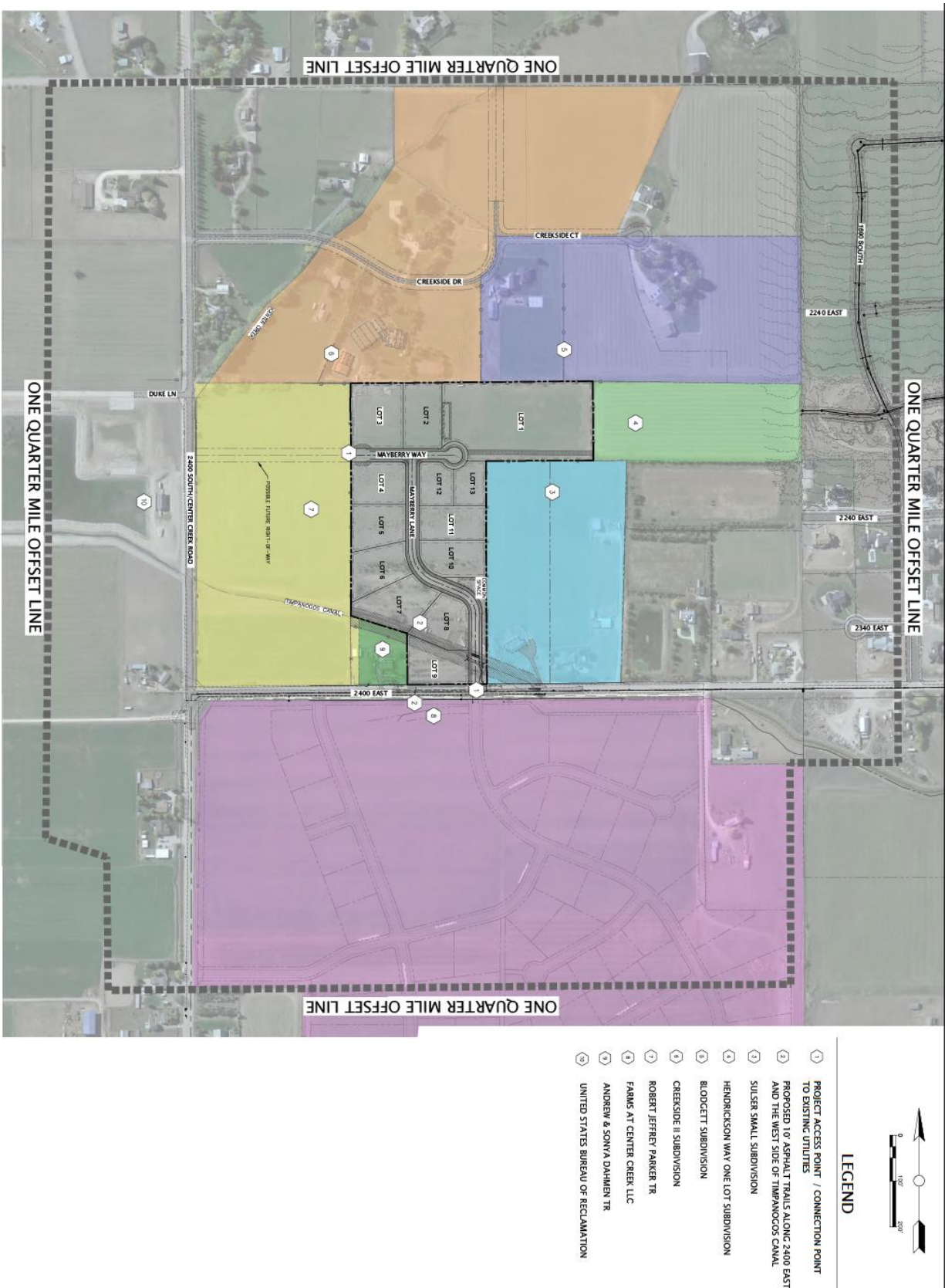
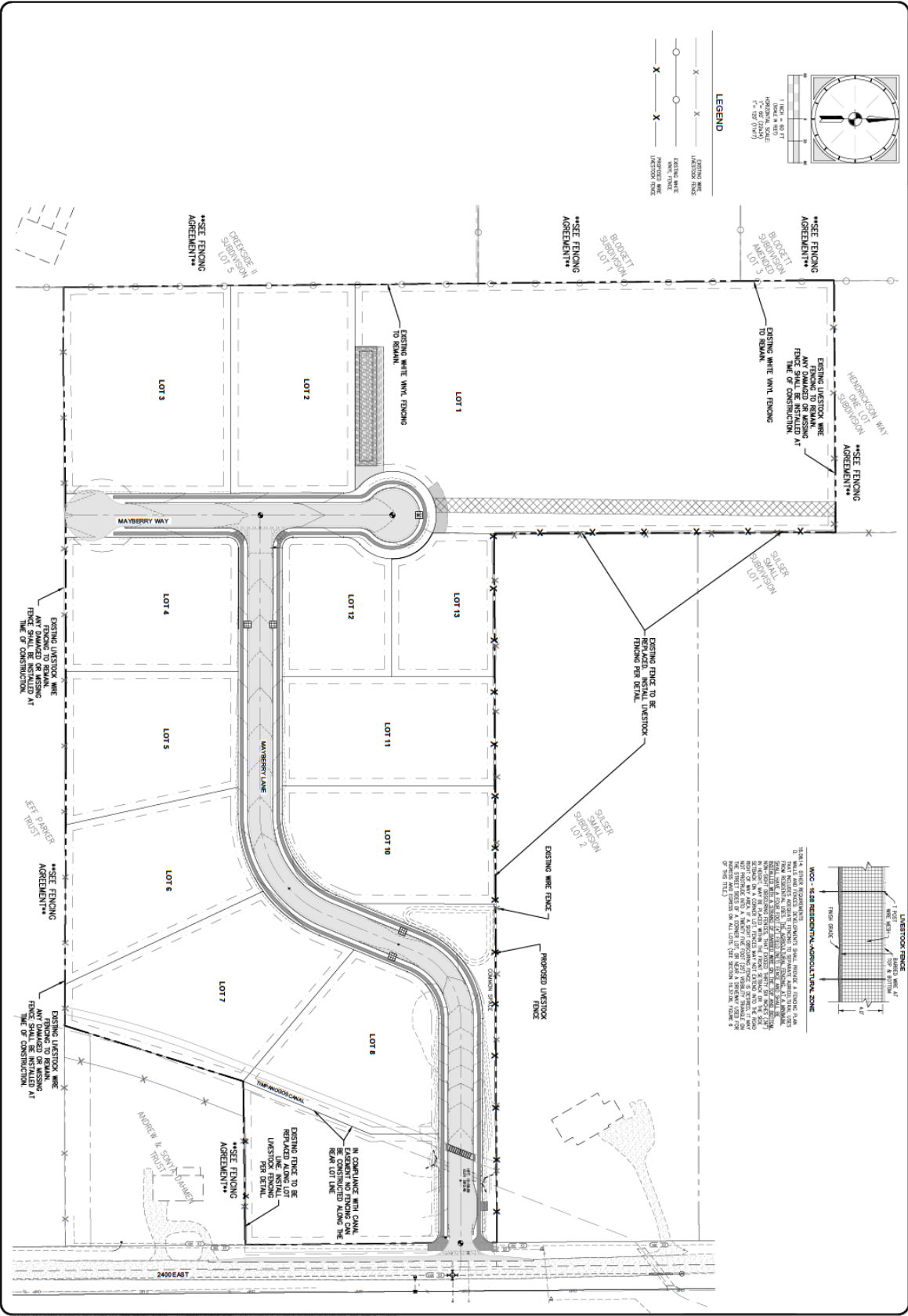


Exhibit E – Grading Plan



Exhibit F – Fencing Plan







## IRRIGATION SCHEDULE

[illegible][illegible]



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

PROJECT ID: DEV-8675  
PROJECT NAME: PRELIM - MAYBERRY FARMS SUBDIVISION  
VESTING DATE: 11/20/2023  
REVIEW CYCLE #: 5

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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           |
|-------------------------|--------------------|
| Public Works Department | Ready for Decision |
| GIS Department          | Ready for Decision |
| Planning Department     | Ready for Decision |
| Fire SSD                | Ready for Decision |
| Jordanelle SSD          | Ready for Decision |
| Engineering Department  | No Action Taken    |

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

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

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

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

## OVERALL PROJECT COMMENTS

| DRC Project Comments |                      |                                                                                                                                 |
|----------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Comment ID           | Entity               | Comment                                                                                                                         |
| DRC-JSSD1            | DRC - Jordanelle SSD | Continue plan review for sewer infrastructure and connectivity with TCSSD staff and engineer.                                   |
| DRC-PLN19            | PLN - Planners       | For your information:<br><br>The Development agreement has been sent to the County Attorney for review                          |
| DRC-PLN24            | PLN - Planners       | Include all homeowner's association ownership of open space requirements in WCC 16.21.06.B.1. a-h to the Development Agreement. |

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

| DRC - Engineering Dept |                                    |                                                                                                                   |
|------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Comment ID             | Sheet Name                         | Comment                                                                                                           |
| DRC-ENG9               | 03a - Conceptual Connectivity Plan | Does Mayberry Lane line up with proposed development across 2400 East at the Ranches of Farm Meadows development? |
| DRC-ENG16              | 09 - Drainage Plan                 | Will need to check drainage on frontage to 2400 East.                                                             |
| DRC-ENG18              | 07 - Circulation Plan              | Final plan will have to include profile information on 2400 East to verify there will be no drainage problems.    |

| DRC – Planning Dept |                       |                                                                                                                                                                                                                                                                                                               |
|---------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comment ID          | Sheet Name            | Comment                                                                                                                                                                                                                                                                                                       |
| DRC-PLN31           | 03 - Site Plan        | For your information:<br>The final plans will need post office approval for the proposed mailbox and turnout.                                                                                                                                                                                                 |
| DRC-PLN35           | 02 - Plat             | The owners dedication will be reviewed by the county attorney's office in more detail as part of the Final Plat approval                                                                                                                                                                                      |
| DRC-PLN40           | 12 - Landscaping Plan | For your information:<br>WCC 16.21.10 requires one shrub per 500 sq. ft. of landscape area. 33 shrubs will be required for the open space area. It looks like the area is short by 3 shrubs.<br><br>please add 3 shrubs and correct the table on the Final Site Plan application.                             |
| DRC-PLN41           | 12 - Landscaping Plan | For your information:<br>The final subdivision application will need to provide more detail on the street right-of-way. WCC16.21.10 requires one tree planted along the roadway for each 50' of frontage along any road. These trees will need to be shown in the park strip in front of the open space area. |

## REVIEWING ENTITY CONTACT INFORMATION

You are welcome to contact any of the Wasatch County DRC reviewing entities.

### **Affordable Housing Office**

Jeff Bradshaw - (435) 654-2053

### **Wasatch County Assessor Office**

Todd Griffin – (435) 657-3199

### **Wasatch County Civil Attorney**

Jon Woodard – (435) 657-3273

### **Wasatch County Building Department**

Quinn Davis – (435) 657-3200

### **Wasatch County Engineering Department**

Natalie Foster – (435) 657-3305

### **Wasatch County Fire Special Service Area**

Clint Neerings – (435) 940-9636

### **Wasatch County GIS Department**

Ivan Spencer – (435) 657-3194

### **Wasatch County Health Department**

Tracy Richardson – (435) 657-3252

### **Jordanelle Special Service District**

Max Covey - (435) 654-9233

### **Wasatch County Manager Office**

Tiarra Cooper - (435) 657-3180

### **North Village Special Service District**

Max Covey - (435) 654-9233

### **Wasatch County Planning Department**

Planning Department – (435) 657-3205

### **Wasatch County Public Works Department**

Brandon Cluff – (435) 654-1661

### **Wasatch County Recorder Office**

Marcy Murray – (435) 657-3210

### **Wasatch County Sheriff Office**

Jared Rigby – (435) 654-1098

### **Wasatch County Special Service Area #1 (Water)**

Steve Farrell – (435) 657-3180

### **Strawberry Lakeview and Strawberry Ranches Special Services Districts**

Max Covey - (435) 654-9233

### **Wasatch County Surveyor Office**

James Kaiserman – (435) 657-3222

### **Twin Creek Special Service District**

Max Covey - (435) 654-9233

### **Wasatch County Weed Department**

Quintin Lewis – (435) 654-1661

### **Regional Trails**

Don Taylor – [dtaylor@mountainland.org](mailto:dtaylor@mountainland.org)

### **MIDA Coordinator**

Mike Davis – [mdavis@wasatch.utah.gov](mailto:mdavis@wasatch.utah.gov)

### **Environmental Quality**

Dallen Webster – [dwebster@barr.com](mailto:dwebster@barr.com)

Phone: 801-333-8434