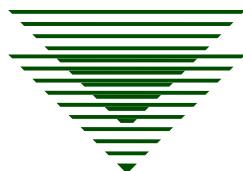


Wasatch County Planning Commission

June 8, 2023



Item #1

Agricultural Protection Area for 10.83 acres
-1035 W 1800 N LLC-

PLANNING COMMISSION RECOMMENDATION – TO COUNTY COUNCIL FOR APPROVAL



WASATCH COUNTY

Planning Commission Staff Report

Agricultural Protection Area

ITEM 1

TJ Stephens representing 1035 W 1800 N, LLC requests the creation of an Agricultural Protection Area of 10.83 acres encompassing parcel (07-9579) at 1035 West 1800 North in the Agriculture 20 (A-20) Zone. (AGPRO-7881; Nathan Rosvall) **If forwarded, the recommendations by the Planning Commission and the Agriculture Protection Area Advisory Board on this item will be considered by the County Council as the Legislative Body, at a Public Hearing on June 21, 2023.*

PROJECT SUMMARY

Property Owner: 1035 W 1800 N, LLC
Hearing Date: June 8, 2023
Related Applications: N/A
Acreage: 10.83 acres

Existing Zone: Agricultural (A-20)
Existing Land Use: Agricultural
Parcel Number: 00-0007-9579

BACKGROUND

The applicant TJ Stephens representing 1035 W 1800 N, LLC, is requesting an Agriculture Protection Area for property located in the Agriculture (A-20) Zone at 1035 West and 1800 North in the North Fields. The property contains 10.83 acres.

The proposed Agriculture Protection Area includes a barn and a single family residence on the northerly portion of the parcel. The property is a legal nonconforming Lot of Record. The agricultural use on the property includes, raising of livestock (cows, horses, goats, etc.) and the harvesting of grass for hay. The owner anticipates maintaining the existing agricultural operation and structures. The adjacent property owners currently use their properties primarily for residential and agricultural purposes.

The application is made pursuant to the recently adopted County code (16.29 Agricultural Protection Area) which is allowed by the State code §17-41-201. The intent of these codes is to protect agricultural areas from encroachment of urban development and the impacts that come with it including nuisance complaints, future road expansion, changes in zoning regulations, eminent domain etc.

Wasatch County Code §16.29.04 requires the following noticing methods: sending notice to all property owners within 1,000 feet of the requested agricultural protection area, posting notices on the Utah Public Notice Website, and posting notice at five places within or near the proposed agriculture protection area.

The process for obtaining the designation of an agricultural protection area is review and recommendation by the Agricultural Advisory Board and the Planning Commission prior to the approval by the County Council.

At the time of this report, no objections have been received in response to the notices sent.

STAFF ANALYSIS

– Section 16.29.08 Evaluation Criteria –

Wasatch County Code 16.29.08 outlines the criteria necessary for creating an Agricultural Protection Area. The agricultural advisory board, planning commission and County Council will need to ensure that all the requirements contained in the code, as listed below, are met before recommendations and approvals can be made. Below are the 8 evaluation criteria contained in the code with staff responses in **bold**:

16.29.08: EVALUATION CRITERIA

1. Whether or not the land is currently being used for agriculture production;

The County code defines agricultural production as follows: "Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.

1. **"Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.**

According to the applicant they meet the definition for Agricultural production.

The applicant was, is currently and will continue in the future by utilizing the property for raising of livestock and also harvesting grass for hay.

2. Whether or not the land is zoned for agriculture use;

The proposed area is located in the A-20 (Agriculture 20 acre minimum) zone. The primary purposes of the A-20 zone is to:

- **Avoid excessive costs for public services in areas with high physical constraints;**
- **Provide a location where the cultivation of crops and the raising and keeping of livestock and related uses can be protected and encouraged;**
- **Prevent the necessity of having to pay excessive taxes on grazing lands;**
- **Preserve the beauty of the entry corridors of Wasatch County;**
- **Protect the underground water supply from pollution; and**
- **Maintain an open rural buffer between Heber and Midway City.**

The allowed uses in the A-20 zone also include: raising of livestock, pasture and rangeland, agriculture, hay bailing and threshing services and field and seed crops etc.

3. *What the General Plan land use recommendation is for the land;*

The subject property is located in the Central Planning Area. As a matter of public policy, the Central Planning Area in the General Plan is expected to meet the following:

- **It is to be maintained in its historical land use pattern of open meadows, and river and small stream riparian habitat.**
- **The use of this area for housing and other types of development is discouraged due to the physical constraints and the higher costs of providing governmental services.**
- **This area's scenic value contributes significantly to the real value of all land within the Heber Valley area.**
- **The preservation of open space in the Central Planning Area will also provide for a desired green belt separation between Heber City and Midway.**

- The Development code should ensure that any development along state road 113 is set well back from the road and the rural character along this road is maintained.
- Avoid excessive costs for public services in areas with high physical constraints.
- Preserve the beauty of the entry corridors of Wasatch County
- Maintain an open rural buffer between Heber and Midway City.

In addition, the General Plan explicitly supports agricultural farmers and operations by stating the Wasatch Counties mission to, “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”. The General Plan also recommends adopting agricultural protections strategies.

“12.1 OBJECTIVE: Implement “Agricultural Protection and Right to Farm” strategies requiring all non-agricultural activities to develop in a manner that is compatible with nearby agricultural operations.

12.1.1 POLICY: Create an Agricultural Protection Program in the Development Code, consistent with State Law, to protect agricultural lands and practices from impacts and complaints associated with nonagricultural growth and development on nearby properties.

- a. Establish an Agricultural Protection Area Advisory Board, as required by State Law, to recommend appropriate areas to the County legislative body and to assist in identifying and promoting bonafide active agricultural operations in Wasatch County. Chapter Three Wasatch County General Plan 14 Wasatch County – State of Utah.
- b. Allow the creation of Agriculture Protection Areas so long as the area has a minimum of 20 acres in the agricultural operation and the entire area qualifies for a “greenbelt” designation.
- c. Include provisions in the Development Code that protect the rights of farmers and ranchers from complaints regarding noise, odors, length of work hours, and general operation from non-agricultural neighbors.
- d. Require protection and easements in and around developments for irrigation and other water courses, including land drainage systems.
- e. Require new development to analyze irrigation patterns as part of any development review and ensure that current patterns are continued.
- f. Require new developments to fence its perimeter if the development will have an effect on adjacent agricultural operations. Also buffers and screening between producing farms and ranches and non-agricultural users should be required.
- g. Provide mechanisms, in the form of plat notes and other appropriate means, to educate new residents of protected agricultural land and activities.” General Plan Chapter 3, Goals and Policies.

Since the proposal is to protect the current agricultural use and land use pattern, the proposal is in alignment with the General Plan land use recommendations.

4. Compatibility of uses of neighboring properties for agricultural production;
Aerial imagery of the site and the surrounding properties shows that the neighboring properties are involved in agricultural pursuits. All surrounding property is zoned A-20 and requires 20 acres for a building right or a lot of record.
5. Whether or not the land is viable for agricultural production;

The protection area is located in the agricultural (A-20) zone. The primary purpose of the A-20 zone is to provide a location where the cultivation of crops and raising of livestock is protected and encouraged. The subject property has and is currently being used for agricultural purposes by the raising of livestock and grass for hay production. The past, present, and future use of the land indicates the property is viable for agricultural production.

6. The extent and nature of existing or proposed farm improvements;
The property owner is anticipating maintaining the existing farm operations, technology, and structures which, according to the application is for the raising of livestock and other animals and harvesting grass for hay.
7. Anticipated trends in agricultural and technological conditions;
The anticipated trend in agriculture for the proposed area is that the subject property and neighboring properties continue their agricultural land uses. The Wasatch County General Plan states that Wasatch County will continue to discourage development in the central planning area due to physical constraints (such as the high water table) and maintain its historic land use pattern. The General plan would discourage any rezoning of the property to anything less than the existing density.
8. Any other criteria to be considered under this Chapter, or related to the criteria of this Chapter.
§16.29.02(D) An agriculture protection area may include within its boundaries land used for a roadway, dwelling site, park, or other nonagricultural use, if that land constitutes a minority of the total acreage within the agriculture protection area.

If the proposal is approved by the legislative body the County will need to do the following:

1. Designate the property as an Agricultural preservation area on the County zoning map.
2. Give constructive notice of the existence of the agriculture protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area, within ten days of the creation of an agriculture protection area, the County Planning Department shall file an executed document containing a legal description of the agriculture protection area with:
 1. the County Recorder; and
 2. the Planning Commission.
3. Within 10 days of the recording of the Agriculture Protection Area, the County Council Chair shall submit notification (via email at agriculture@utah.gov) to the Utah Commissioner of Agriculture and Food that the Agriculture Protection Area has been created. The notification needs to provide the following information:
 - a. The number of landowners owning land within the Agriculture Protection Area;
 - b. The total acreage of the area;
 - c. The date of approval of the area; and
 - d. The date of recording

POTENTIAL MOTION

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

Findings:

1. The request is to create an agriculture protection area to maintain the agricultural use and the rural environment.
2. The subject property is located in the Agricultural (A-20) zone at 1035 West 1800 North.
3. The parcel is 10.83 acres.
4. The property is a legal nonconforming parcel.
5. The current use of the property proposed for protection status is for the raising of livestock and grass production for hay.
6. The proposed area includes one existing barn and a single family dwelling on the parcel.
7. The existing use is compliant with the purpose and intent of the A-20 code and the goals of the General Plan for the area.
8. The property owners intend to maintain the same farming operations as is currently being utilized on the property.
9. Middle Ditch is located on the property.
10. Commonly found soils in the North Fields are; Fluventic Haplborol, Kovich and Logan.
11. Wasatch County Code §16.29.08 outlines the evaluation criteria for granting the Agriculture Protection Area, and the proposal is consistent with the evaluation criteria of the code and the current agricultural uses on the property satisfy the evaluation criteria for the preservation status.
12. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
13. No objections have been received in response to the notices sent or signs posted on the property.
14. If the agricultural protection area is approved, the approval will be in effect until its 20th calendar review year.

PROPOSED MODIFICATION(S):

Section 16.29.06 allows for the review of the proposal with the options that include accepting the proposal, rejecting the proposal or modifying the proposal.

As a modification of the proposal and recommendation to the County Council staff recommends that the applicant be required to maintain historic irrigation channels and that the irrigation company would have the right to maintain and clean the canal/ditch to ensure downstream flows.

ALTERNATIVE ACTIONS

The following is a list of possible motions the Planning Commission or Agricultural Advisory Committee can make. If the action taken is inconsistent with the potential findings listed in this staff report, the Planning Commission or agricultural advisory committee should state new findings.

1. Approval with modification(s). This action can be taken if the planning commission or the agricultural advisory committee believes that there needs to be a modification to include an addition to the recommendation. ****This action would be consistent with the staff analysis.****
2. Recommend Approval. This action may be taken if the Planning Commission or agricultural advisory committee finds that the Agriculture Protection Area is compliant as proposed with Wasatch County Code and all other applicable ordinances.

3. Continue. This action can be taken if the Planning Commission or agricultural advisory committee needs additional information before a recommendation, if there are issues that have not been resolved, or if the application is not complete.
3. Recommend Denial. This action can be taken if the Planning Commission or agricultural advisory committee finds that the proposal does not meet the intent of the ordinance.

EXHIBITS

- A. Description of Agricultural Pursuits
- B. Legal Description
- C. Proposed Limits
- D. Site Plan
- E. Notarized Declaration
- F. Lot of Record Certificate
- G. General Plan map
- H. Zoning Map
- I. Existing land use map of the General Plan
- J. Aerial photo of surrounding conditions
- K. Central Soils Map

EXHIBIT A – Description of Agricultural Pursuits

APPLICATION TO CREATE AGRICULTURAL PROTECTION AREA

Applicant Name: **1035 W 1800 N, LLC**

Parcel Number: **00-0007-9579**

Document Name: **04 - Description of Agricultural Pursuits**

General Agricultural use including but not limited to: (1) Raising of Livestock (cows, horses, goats, etc.); and (2) Harvesting of grass for hay.

EXHIBIT B – Legal Description

APPLICATION TO CREATE AGRICULTURAL PROTECTION AREA

Applicant Name: 1035 W 1800 N, LLC

Parcel Number: 00-0007-9579

Document Name: 01 – Legal Description

Beginning 21 rods East of the Northwest corner of the Southeast Quarter of Section 30, Township 3 South Range 5 East, Salt Lake Base and Meridian; thence East 42 rods; thence South 48' West 41 1/2 rods; thence North 89°12' West 42 rods; thence North 48' East 41 rods to the place of beginning.

Also known by street and number as: 1035 West 1800 North, Heber City, Utah 84032

Parcel No.: 00-0007-9579

EXHIBIT C – Proposed Limits

APPLICATION TO CREATE AGRICULTURAL PROTECTION AREA

Applicant Name: 1035 W 1800 N, LLC

Parcel Number: 00-0007-9579

Document Name: 05 – Proposed Limits

No proposed limitations on types of agricultural production allowed on the protected area.

EXHIBIT D – Site Plan

1035 W 1800 N

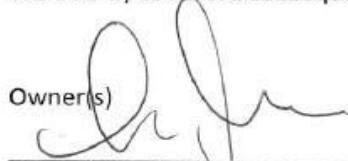


EXHIBIT E – Notarized Declaration

DECLARATION GRANTING PERMISSION TO RECORD NOTICE OF AGRICULTURE PROTECTION AREA

I/ We 1035 W 1800 N, LLC, a Florida limited liability company, are the record owners of the Parcels listed in Exhibit A (for more than two owners provide separate notarized declarations). We have applied for property to be included in an Agriculture Protection Area, and we declare that the information contained in the application is true and correct to the best of our knowledge. We authorize Wasatch County to record a notice of agriculture protection area if all or part of the property from the Agriculture Protection Area Application is approved for inclusion in an agriculture protection area. After the initial approval, property may be removed from the agriculture protection area in accordance with the processes and requirements of the Utah Code 17-41-101 *et seq.*, as amended, and the Owner authorizes the County to record subsequent recorded notices reflecting such modifications or removals.

Owner(s)



Lamont Harris, Manager

STATE OF UTAH)
:ss
COUNTY OF WASATCH)

The foregoing instrument was acknowledged before me this 13th day of FEBRUARY,
2023, by LAMONT HARRIS, who executed the foregoing instrument in his/her capacity as
MANAGER.

NOTARY PUBLIC

Residing at: HEBER CITY, WASATCH COUNTY, UT
My Commission Expires: 03/31/2026



STATE OF UTAH)
:ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
20[____], by _____, who executed the foregoing instrument in his/her capacity as _____.

NOTARY PUBLIC

Residing at:

My Commission Expires: _____

EXHIBIT A

Beginning 21 rods East of the Northwest corner of the Southeast Quarter of Section 30, Township 3 South Range 5 East, Salt Lake Base and Meridian; thence East 42 rods; thence South 48' West 41 1/2 rods; thence North 89°12' West 42 rods; thence North 48' East 41 rods to the place of beginning.

Also known by street and number as: 1035 West 1800 North, Heber City, Utah 84032

Parcel No.: 00-0007-9579

EXHIBIT F – Lot of Record Certificate

Ent. 396332 Bk. 1095 Pt. 310-311
Date: 22-NOV-2013 1:58:12PM
Fee: None Filed By: JP
ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
For: WASATCH COUNTY PLANNING

Wasatch County, State of Utah

Certificate of Zoning Verification

Christopher Christensen

This Certificate issued on this 22nd day of November 2013, pursuant to the Revised Zoning Ordinance of Wasatch County, State of Utah, for the building or use located at:

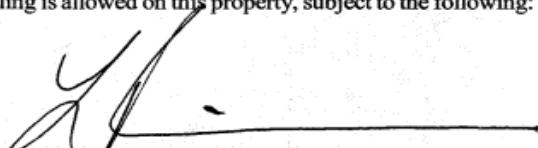
(OWC-0675-0-030-035) (10.83 acres)

Zone A-20

This is to certify that the building or use of land has been inspected and has been found to comply with the requirements of the Revised Zoning Ordinance of Wasatch County, State of Utah. Through review, it has been determined that the parcel was created in accordance with applicable regulations in effect at the time. The parcel listed above is one parcel as per recorded deed. The description for this parcel was in existence in 1955, which predates zoning, and had a legal description of 10.83 acres. Therefore, the lot is considered a lot of record and has one building right associated with it. This parcel's boundary description shall not be altered in any form without contacting the Wasatch County Planning Department. Failure to do so may void this certificate.

Authorized use: One single-family dwelling is allowed on this property, subject to the following:

Conditions listed on reverse side.

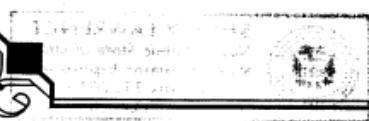
Signed: 

Luke Robinson, Wasatch County Planner

I (we) have examined this completed Certificate of Zoning Compliance and hereby certify that it sets forth the uses of land and buildings for which a building permit has been issued, that no other use of the land or buildings will be made other than those specifically authorized, and that I (we) will continue to occupy the land and buildings in accordance with the laws and ordinances of Wasatch County, State of Utah.

Signed _____
Builder _____
Date _____

Signed _____
Owner _____
Date _____



- 1) This clearance is only by the Planning and Zoning Department. Construction of a single family dwelling still requires approval of a complete building permit application by the Building, Health, and Fire Departments, and approval of site plan by the Planning Office for appropriate setbacks and height regulations.
- 2) Until and unless a Special Service District allows this property to hook onto water and sewer, this lot must be served by a septic tank and drainfield, which must be approved by the Wasatch County Health Department. This lot may have areas that can be approved for drainfields if an investigation supervised by the local health department shows this lot is suitable. At such time as any public utilities become available, you are required to hook-up as soon as reasonably possible.
- 3) Applicant shall submit a scaled, detailed site plan, with a building permit application, indicating all property lines, roads, road center, dwelling location, driveway, driveway width, all existing structures, bodies of water including streams, canals, and rivers.
- 4) Dwellings within 50' feet of the high water elevation of a 100-year flood in or near FEMA flood zones or within 50' feet of any wetlands will require a Conditional Use Permit and approval by the Wasatch County Planning Commission to receive approval for a Building Permit. A flood study may be required before the issuance of a building permit to this parcel if the Planning Staff feels that it is necessary to assure that the house is outside of any potential flood areas.
- 5) There is a 50' foot setback for any structure or parking area from any stream channel.
- 6) Property may have high ground water and may not be suitable for a basement

Legal Description:

BEG E 346.5 FT FR NW COR SW1/4 SEC 30, T3S, R5E, SLM; E 693 FT; S00°48'W 684.75FT; N89°12'W 693 FT; N00°48'E 676.5 FT TO BEG. AREA: 10.83 ACRES

ACKNOWLEDGMENT

State of Utah)
) s.s.
County of Wasatch)

On the 22nd day of November 2013 Luke Robinson personally appeared before me, the undersigned Notary Public, in and for said County of Wasatch, in said State of Utah, the signer(s) of the above document, duly acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.


Notary Public

Residing in Wasatch County.

My Commission Expires: Jan. 11, 2016

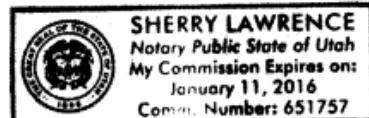


EXHIBIT G – General plan map

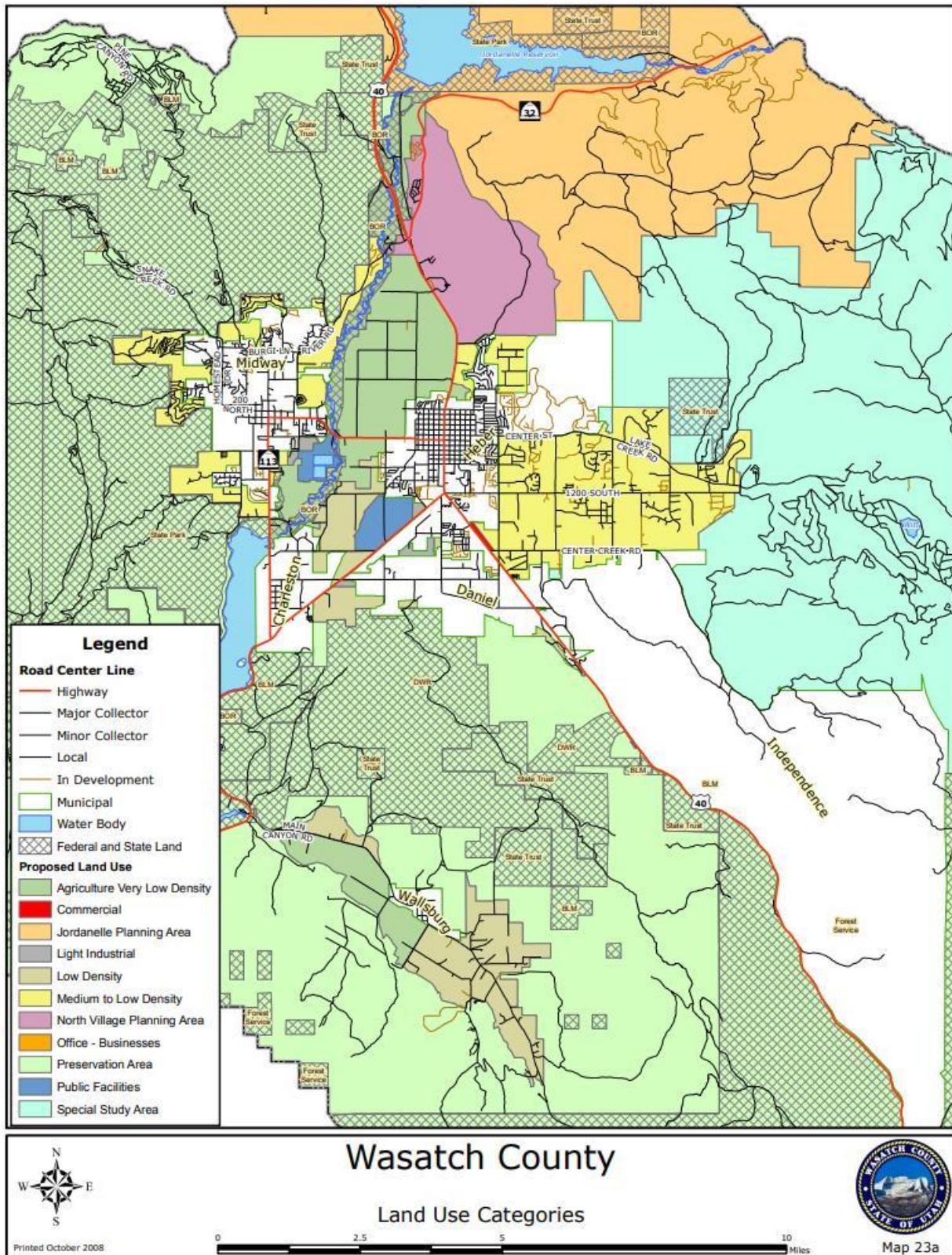


EXHIBIT H – Zoning Map

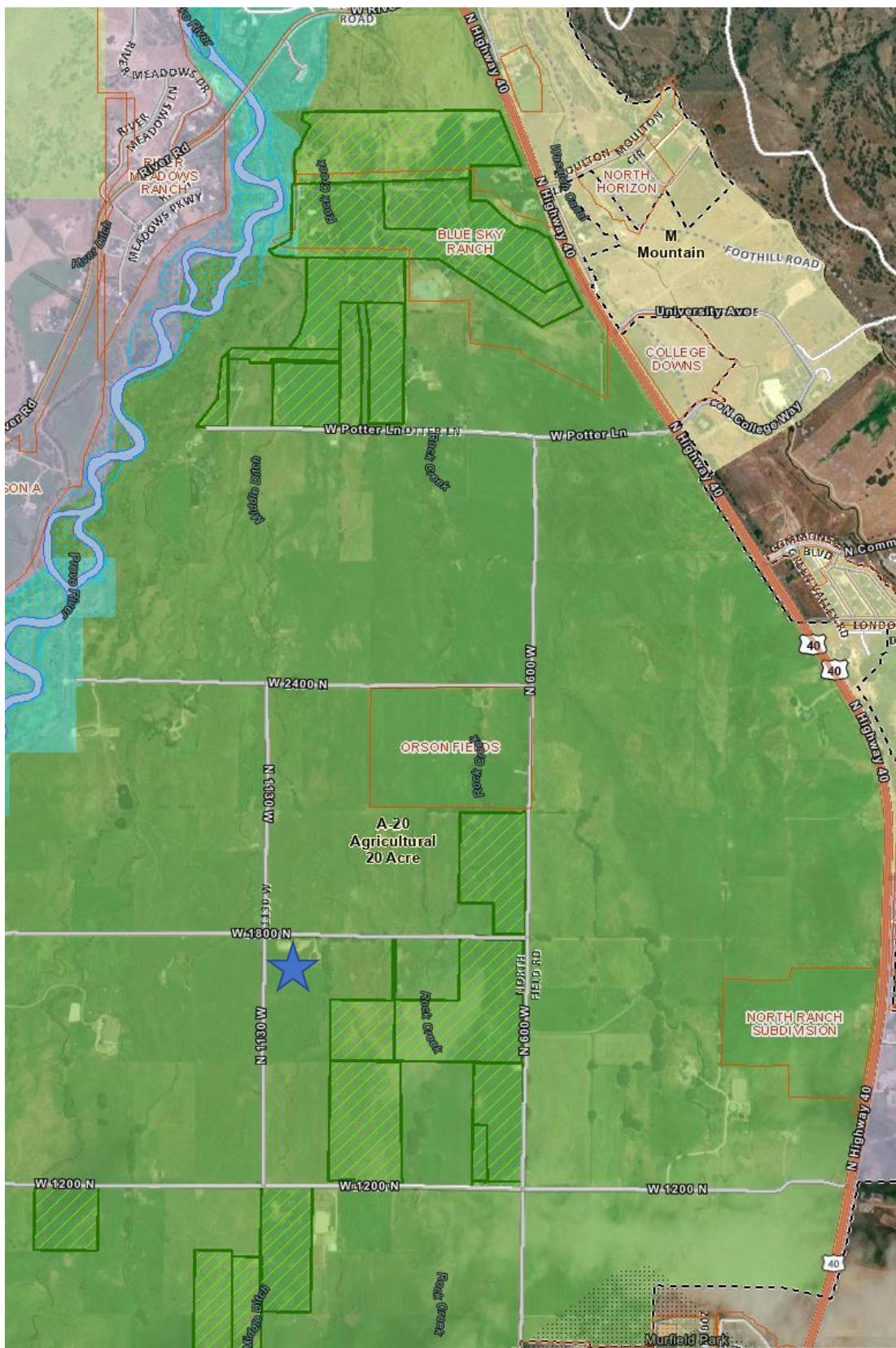


EXHIBIT I – Existing Land Use Map of the General Plan

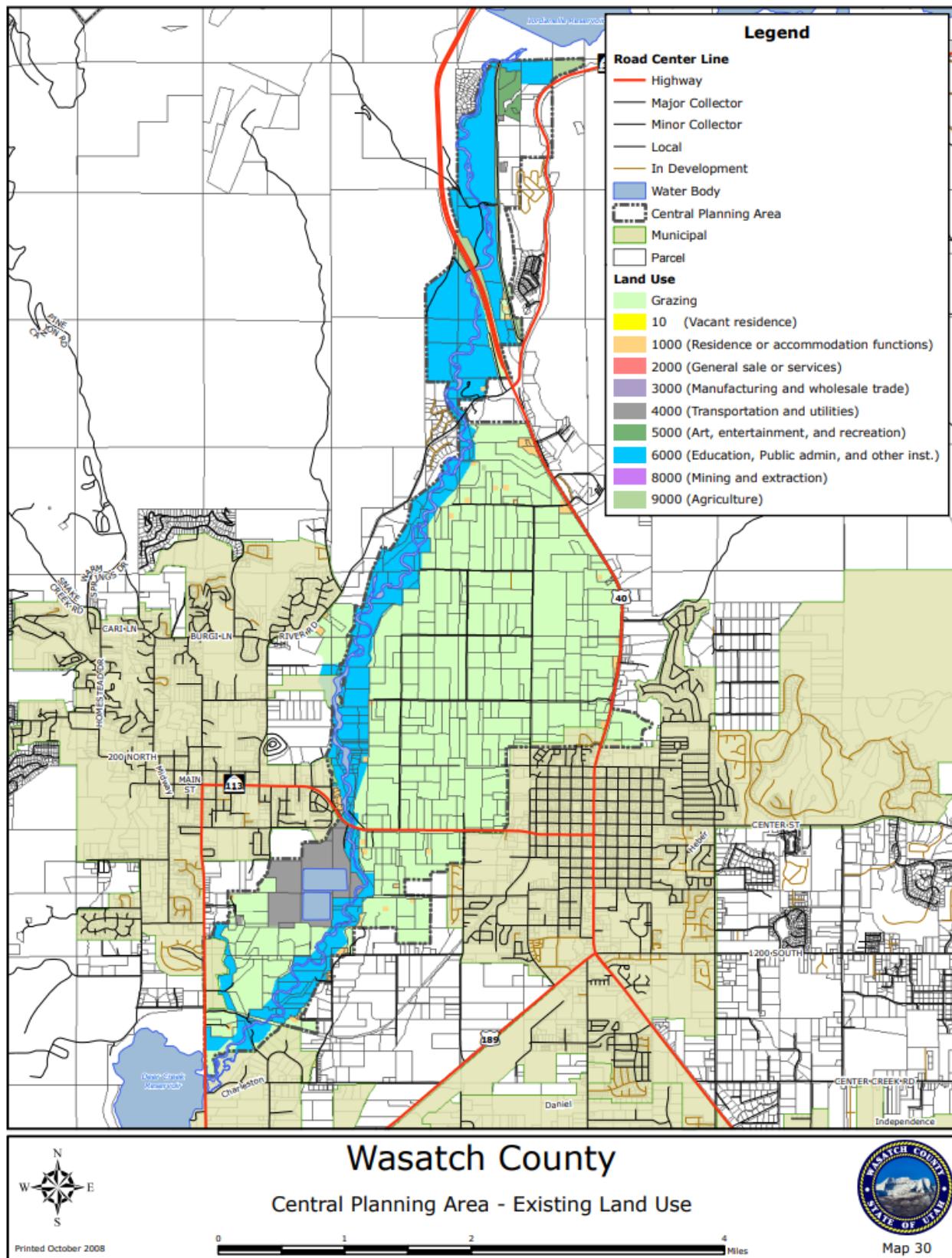
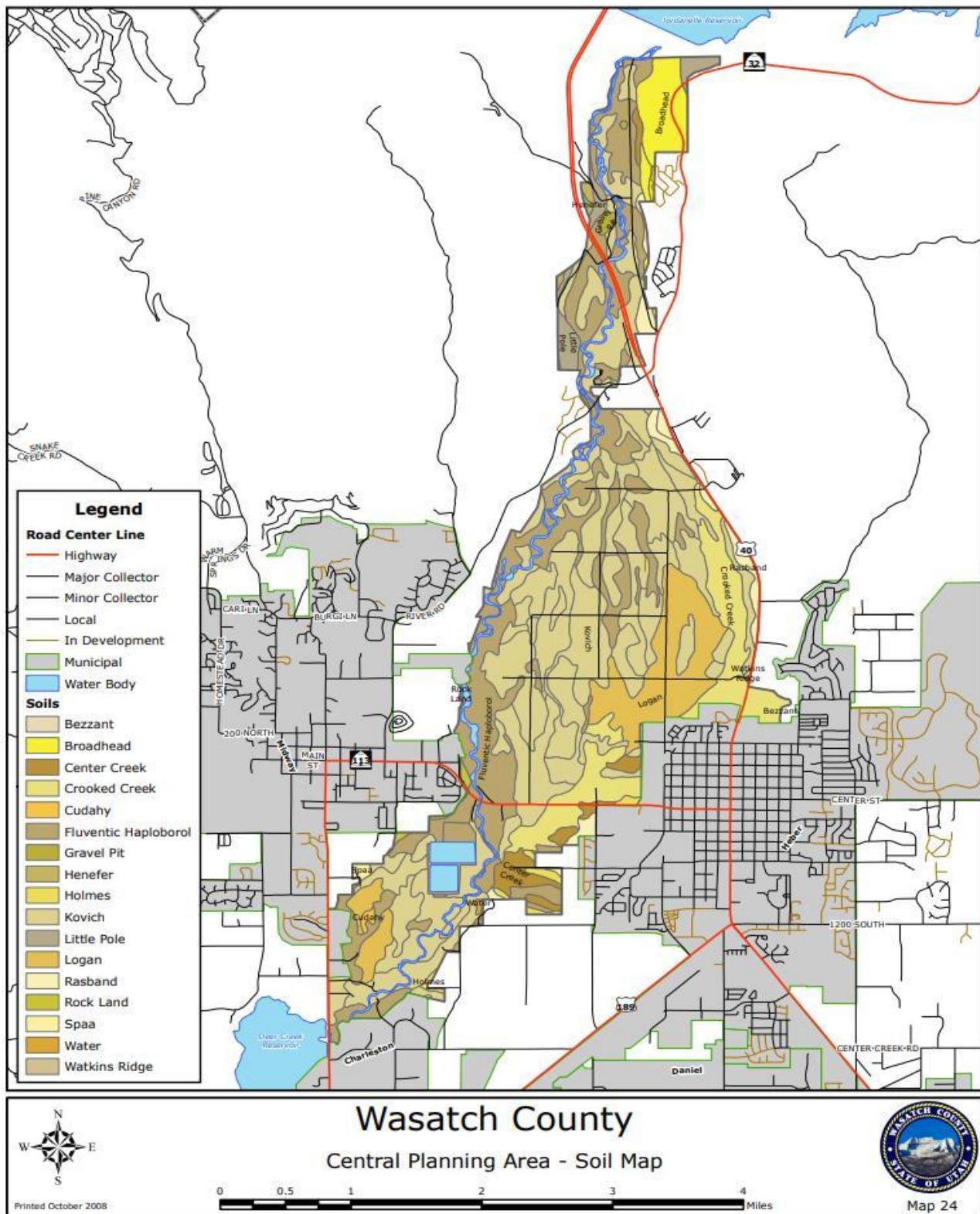


EXHIBIT J – Aerial photo of surrounding conditions



Exhibit K Central Soils Map



Wasatch County Planning Commission

June 8, 2023



Item #2

The Lodge at Stillwater Pods 10B and 10C
-Orion Jordanelle Property Holdings LLC-

Final Site Plan

PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL



WASATCH COUNTY

Planning Commission Staff Report

Final Site Plan Approval

ITEM 2 MJSAA, representing Orion Jordanelle Property Holdings LLC, requests final site plan approval for Pods 10B and 10C, the Lodge at Stillwater, consisting of 60 units on 2.85 acres of the Hailstone Village Master Plan in the Jordanelle Basin Overlay Zone (JBOZ). (DEV-7080; Austin Corry)

PROJECT SUMMARY

Applicant: MJSAA

Hearing Date: 8 June 2023

Property Owner: Orion Jordanelle Holdings LLC

Related Applications: Preliminary (6/1999 – recorded 3/2000); Phase 1 final (12/1999); Plat Amendment DEV- (9/2022 – recorded 2/2023)

Existing Zone: JBOZ (Mixed Use Commercial)

Existing Land Use: Condominium Hotel

Proposed Land Use: Condominium Hotel

Acreage: 5.86 ac

BACKGROUND

The Stillwater Lodge is a condominium hotel project that is part of the original Hailstone Village master plan that contains 12 pods of development. Pods 2-8, and 10 have been platted at this point. The Lodge is Pod 10 and consists of 5.86 acres and includes 3 sub-phases A, B, and C. Phase 10A was constructed in the early 2000s and included 85 of the 151 platted units. Last year, the applicant's requested an amendment to the plat that reduced the number of remaining units from 66 units to 60 units, but increased the size of the remaining units. Approval for this amendment was granted and the plat was recorded in February of this year. This application is for the accompanying site plan approval which includes the review of architecture, engineering, parking, amenity areas, landscaping etc. that have not yet been constructed (Pods 10B and 10C).

Although the preliminary approval included many additional pods, references to the "project" throughout the remainder of the staff report and the code compliance analysis will be referencing Pod 10, the Stillwater Lodge, as it is the applicable analysis being considered at this time. The staff report is not intended to convey requirements for additional pods throughout the development unless specifically noted.

STAFF ANALYSIS

– LAND USE AND DENSITY –

The Lodge at Stillwater was approved as a condominium hotel project and commercial uses. The commercial aspects of the project were under the built 10A portion of the project. Additional minor meeting and assembly areas are included in this proposed phase. Equivalent Residential Units (ERUs) vary depending on the use type being proposed. The original approval for the entire lodge was for 151 lodge units and roughly 8,000 square feet of commercial space. This phase of the lodge was anticipated to be 66 units of that. The applicant now proposes to reduce the number of units from 66 units to 60 units. The square footage of the lodge does not decrease so the unit sizes become larger.

– SETBACKS –

The JBOZ requires commercial uses to meet a front setback of 10 feet, side setbacks of 10 feet, and a rear setback of 30 feet. The first approved plat for the Lodge in 2000 does show an encroachment to 6.5 feet and a reduced public utility easement at the norther corner of the building. This same vested allowance is included on the most recent plat recording.

– ROADS AND ACCESS –

As development of other phases of the Stillwater master plan have progressed, the vehicular portion of the road fronting the property was constructed previously to the back of curb. Completion of the full cross-section is required by this application which primarily includes sidewalk and finish grading. Vehicular access will be from the existing entrance near the round-a-bout and a second entrance at the end of the cul-de-sac of Stillwater Drive. Due to the narrow nature of the Stillwater Drive, memorialized in the original approvals, no parking is allowed on the Stillwater Lodge side of the road. On-street parking is limited to the north side of the road near the townhomes.

– OPEN SPACE / LANDSCAPING –

The ordinance requires all trees to be a minimum of 2" caliper and a minimum of 6' high at time of planting. The applicant has provided final landscaping plans showing how park strips and the remaining undeveloped open spaces are landscaped and irrigated. Much of the site is being left as native vegetation. Construction activities surrounding the project area will need to be adapted in order to protect these areas as described.

– GEOTECHNICAL REVIEW –

A geotechnical report was submitted as part of the review which the County reviewing consultant has reviewed and found to be satisfactory to meeting the geological standards necessary for the proposed project with the exception of a modification to the pavement design. Recommendations are made in the report to how to handle footings, excavations and more. These recommendations are expected to be followed by the applicant.

– PARKING –

Parking for the Stillwater Lodge was heavily debated during the preliminary approval decades ago. When the phase 10A final for the Lodge was approved, it included a parking requirement for 1 stall per unit plus 15 stalls for employee parking. It does not appear that the requirement for patrons to commercial tenants was assessed. Additionally, it was determined that parking would be revisited at each phase of development to ensure the parking numbers were properly accommodated throughout the project. Review under this application identified that previously built and platted parking under the 10A approval has since been removed. The applicant has committed to restoring this parking in compliance with the previous approval.

With a declared use as a hotel, the parking is required to be 1 stall per unit, plus 1 space for each daytime employee, plus 1 space for every 200 square feet of assembly area. The applicant has indicated that the 15 employees previously allocated is sufficient to maintain the additional units being added and that no additional employees will be needed to continue operations of the hotel. As such, the parking requirement is as follows:

10A (85 units) = 85 stalls

10A employee parking = 15 stalls

New proposed 10B/C (60 units) = 60 stalls

2,186 square feet assembly area = 11 stalls

Total required = 171 parking stalls

*Commercial parking for 10A will be reviewed/required at time of tenant finish

The application, including reclamation of parking stalls in phase 10A, provides 178 total stalls exclusively in the underground parking area. This total is sufficient to meet the minimum code requirements of WCC 16.33. The applicant states there is an off-site parking easement that could also serve the project, but has not provided any evidence as to the scope or determination of what that easement entails. As such, the County is not making any determination as to the existence of such an easement.

If more intense uses are added inside the commercial area or if the use of the lodge units changes from hotel to a permanent residency, additional parking requirements will likely need to be met in order for the change of use to be approved by the county.

– BUILDING HEIGHT –

Based on the vested previous approvals, the structure is limited to 65 feet from natural grade. The application has demonstrated knowledge of this requirement and a commitment to comply. A certificate of height verification was submitted, signed by James Pitkin of Dominion Engineering, noting the elevations and heights of the building based on existing natural grade and compared to the plans submitted by the applicant. Additional recertification will be necessary during the construction process to ensure these elevations are clearly understood and adhered to as the project progresses.

– TRASH COLLECTION –

The applicant intends to have the garbage collection area located inside the underground parking area. Use of the collection area in this way will require the lodge operators to move the refuse containers outside of the garage prior to pickup. A representative of the lodge has indicated to staff they are aware of this requirement. If any changes occur later and refuse containers are desired to be placed outside of the underground parking area, a screened enclosure in compliance with county code will be required to be constructed.

– SIGNAGE –

Signs are regulated under section 16.26 of the Wasatch County Code. The application does not indicate any intention of adding signage to the project area. If any signage is desired later on, an application for approval will need to be made to verify compliance with §16.26.

– BONDING –

All unfinished improvements to the right-of-way and utilities must be bonded for in compliance with county bonding policies before any building permit will be able to be accepted for the project.

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 accepted the item for Planning Commission to render a decision.

POTENTIAL MOTION

Move to Approve with Conditions consistent with the findings and conditions presented in the staff report.
Findings:

1. The subject property is pod 10B and 10C of the Hailstone Village Master Development that includes 12

development pods with uses and density identified on the recorded master plan.

2. Pod 10 is 5.86 acres and contains 145 lodge units as a condominium hotel.
3. 85 lodge units and roughly 8,000 square feet of commercial space have been built under previous application.
4. The subject application is for the additional 60 lodge units and 2,545 square feet of common area.
5. The applicant has indicated that the lodge has been and will be operated as a condominium hotel.
6. Some of the parking currently built for the project has been repurposed as storage areas. The developer has stated that these storage areas will be removed and the original parking restored.
7. With the reclamation of existing parking garage and construction of new parking garage, the project is providing 178 parking stalls exclusively in an underground parking garage.
8. As a condominium hotel, the project requires 171 parking stalls.
9. As commercial uses are introduced to the existing lodge spaces, or if change of use occurs, the parking counts for the Lodge will be subject to re-review for compliance.
10. A building height elevation certificate has been provided by the applicant to certify that the building will be no taller than 65 feet from natural grade.
11. The density being proposed is consistent with what was approved by condominium plat previously.
12. Access to the project is through parking garage entrances and a pedestrian entrance from Stillwater Drive.
13. The applicant has indicated that trash pickup will be done by physically rolling the dumpster from the underground parking to the outside where trash pickup can occur and the dumpster will be rolled back in. No outside dumpster enclosure is being provided.
14. The application does not propose any signage for the project.
15. The Development Review Committee has reviewed the project and forwarded the item for Planning Commission decision.

Conditions:

1. Pavement design in relation to the geotechnical review must be resolved prior to permits for construction as indicated by the County review consultant.
2. Structural concrete retaining walls must be included and reviewed in conjunction with the application for building permit.
3. The height certificate from a licensed surveyor shall be updated to revalidate building heights after the footings are poured and again once the trusses are set that will certify that no part of the building exceeds 65 feet from natural grade as indicated on the proposed drawings.
4. Plans submitted for building permit shall include the required elevation markers consistent with the elevation certificate.
5. Construction activities are precluded from areas identified on the plans as "Existing Scrub Oak (Protect in Place)" and to follow the landscape architect recommendations for protecting the area. At a minimum, construction fencing shall be placed around protected areas. If damage to protected areas occurs, the applicant will be responsible to submit revised landscape plans for review and approval prior to receiving certificate of occupancy.
6. Any change of use in the project shall be subject to review and approval from Wasatch County that the use is permitted and that all aspects of Wasatch County Code are complied with, such as, that the change of use is compatible with parking requirements.

7. Bonding shall be provided for all infrastructure improvements such as, but not limited to, water lines, sewer lines, sidewalks, and existing road repair prior to issuance of a building permit.

ALTERNATIVE ACTIONS

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

1. Approve. This action may be taken if the Planning Commission finds that the Final Site Plan is compliant as proposed with Wasatch County Code and all other applicable ordinances.
2. Approve with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved subject to the conditions noted. ****This action would be consistent with staff analysis****
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. Deny. This action can be taken if the Planning Commission finds that the proposal does not meet applicable codes and/or ordinances.

EXHIBITS

- A. Vicinity Plan
- B. Proposed Site Plan
- C. Proposed Landscape Plan
- D. Proposed Architectural Plan
- E. Height Certificate
- F. DRC Report

EXHIBIT A – Vicinity Plan

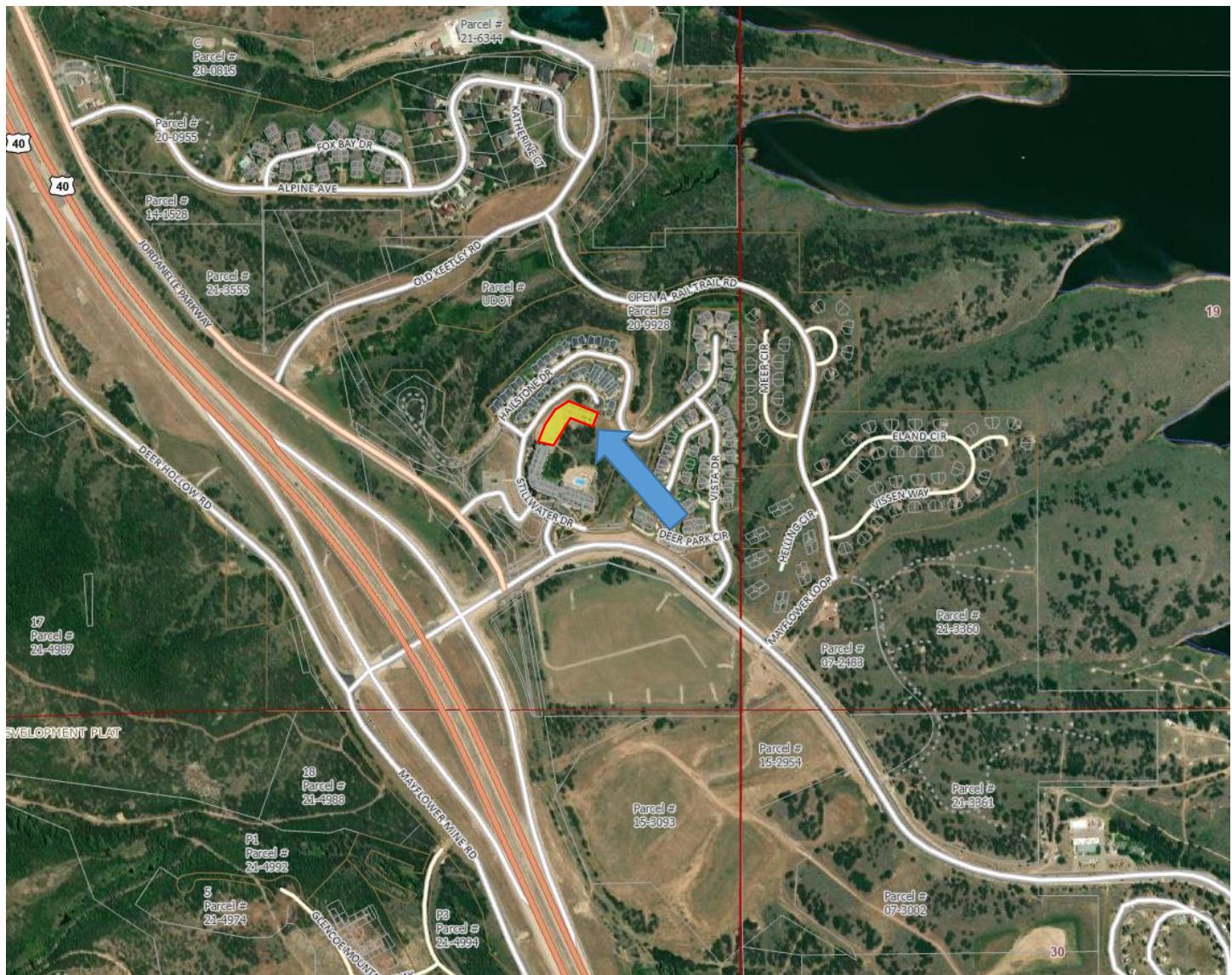


EXHIBIT B – Proposed Site Plan

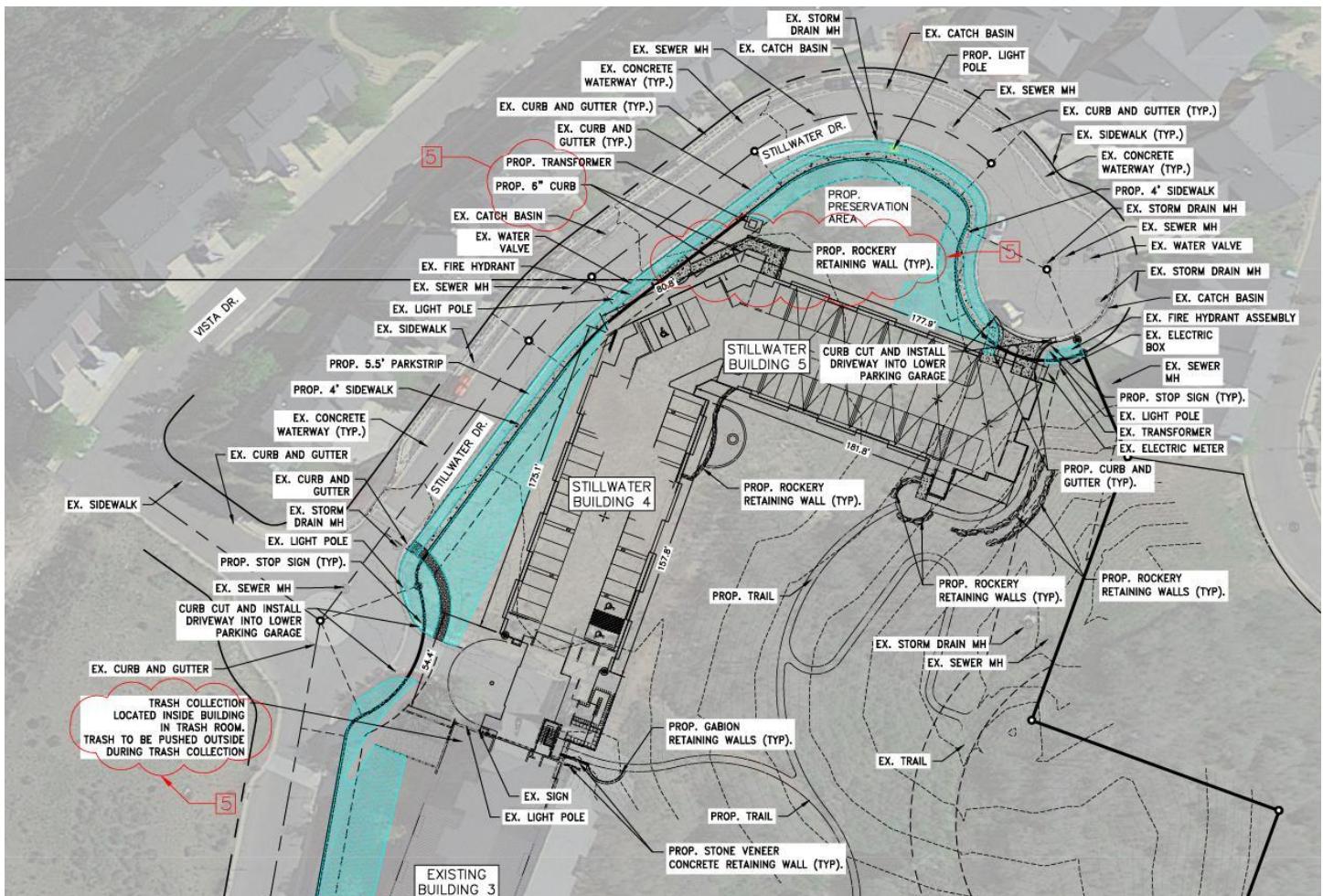
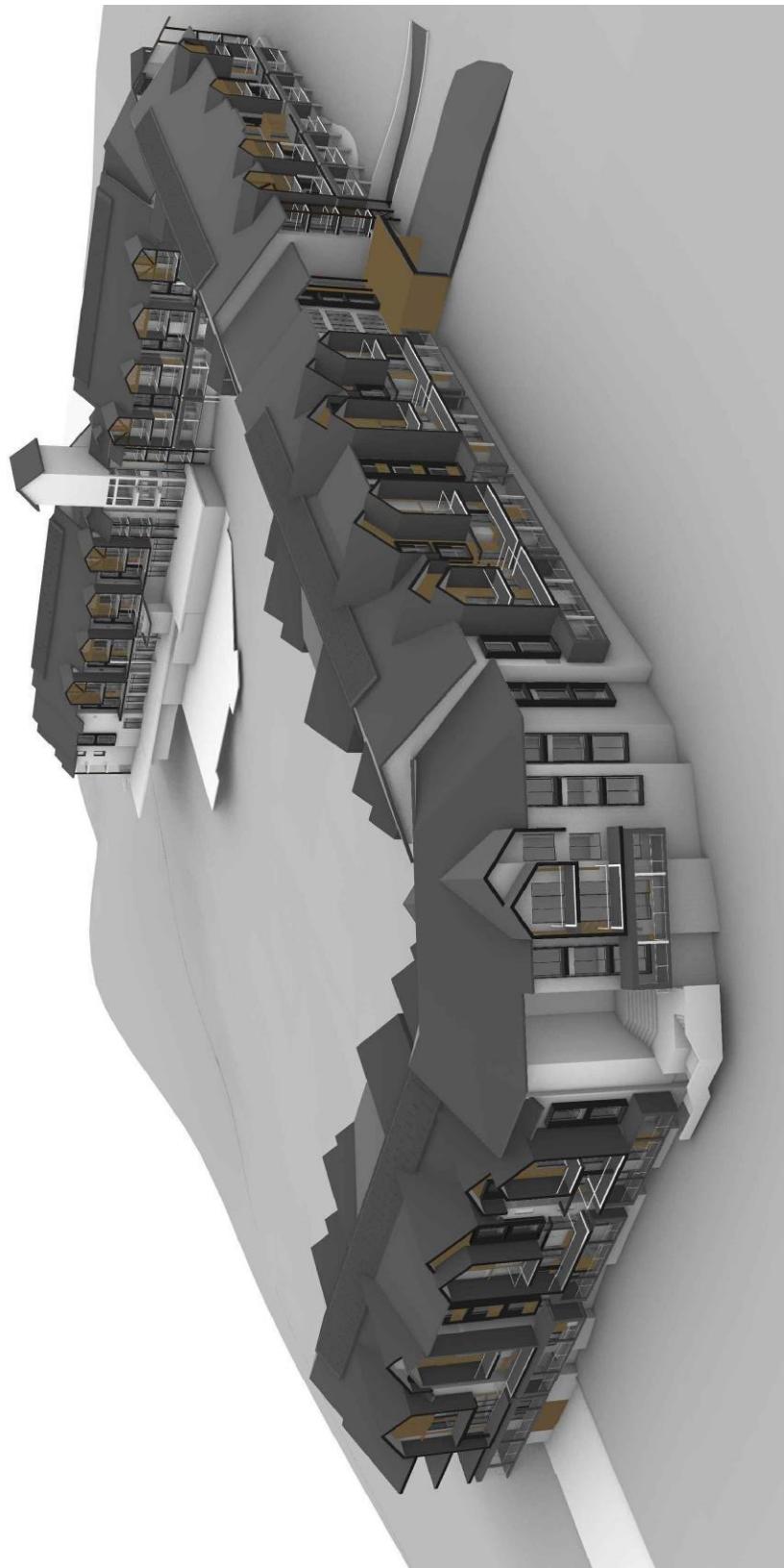
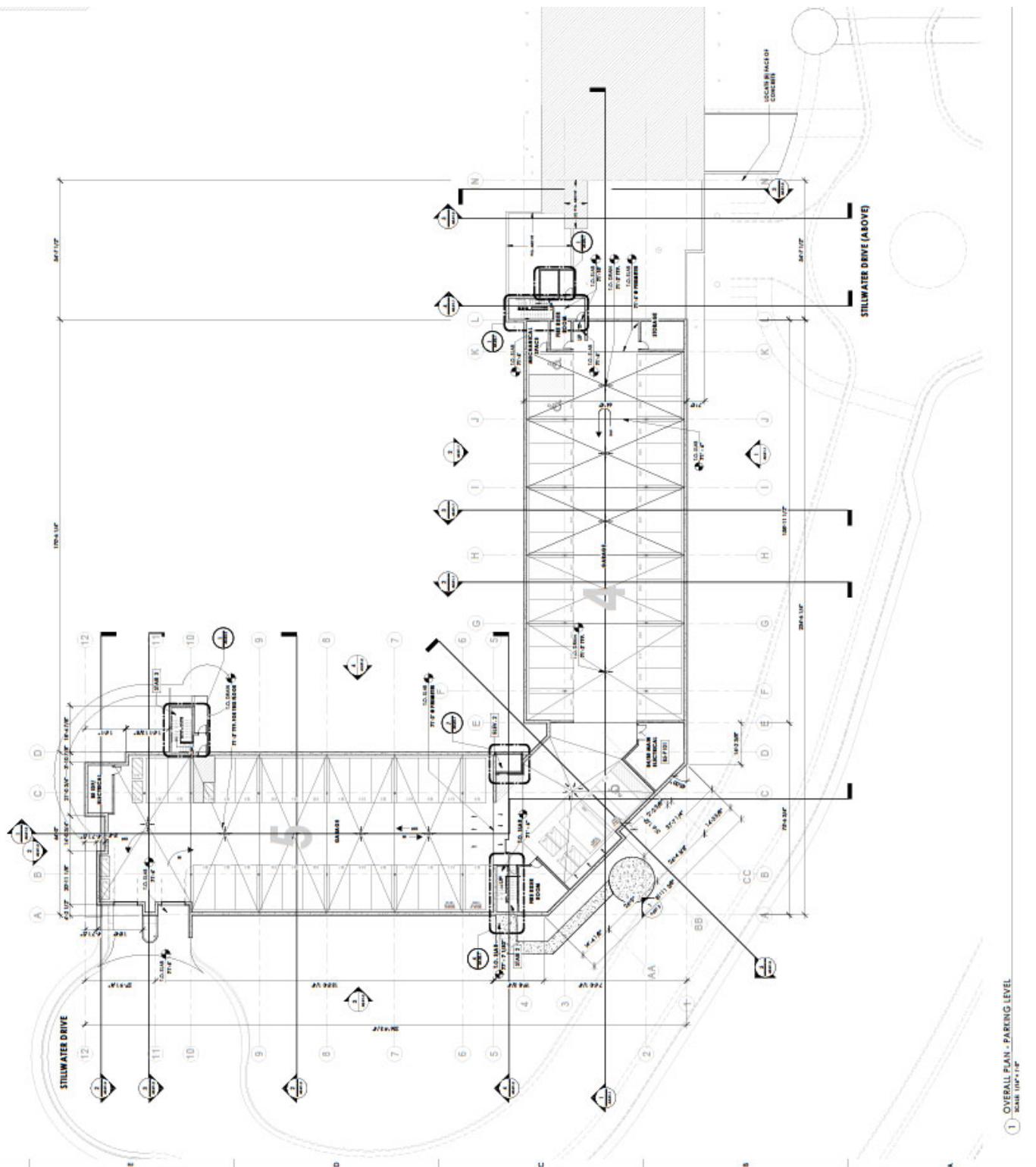
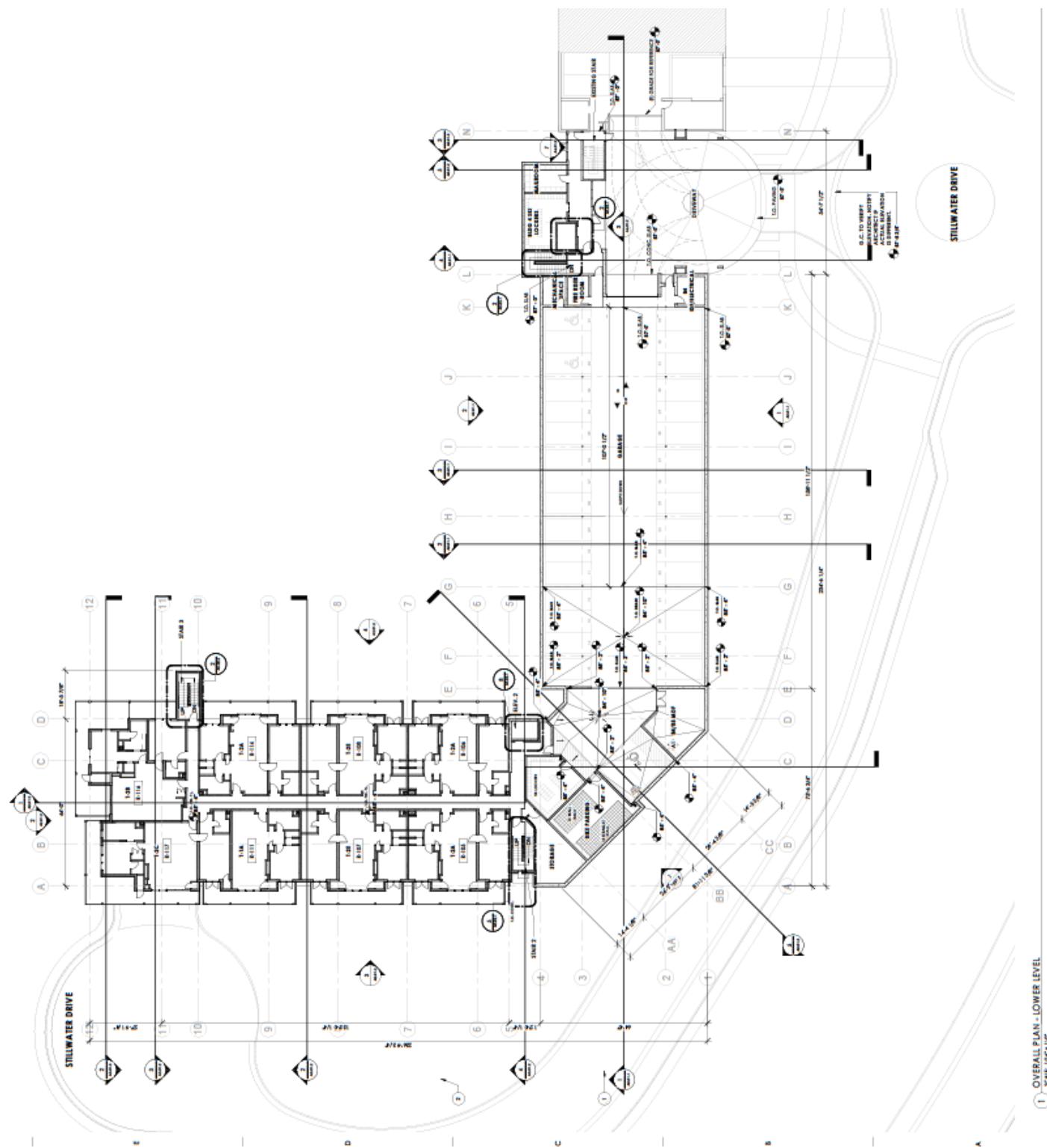


EXHIBIT D – Proposed Architectural Plan







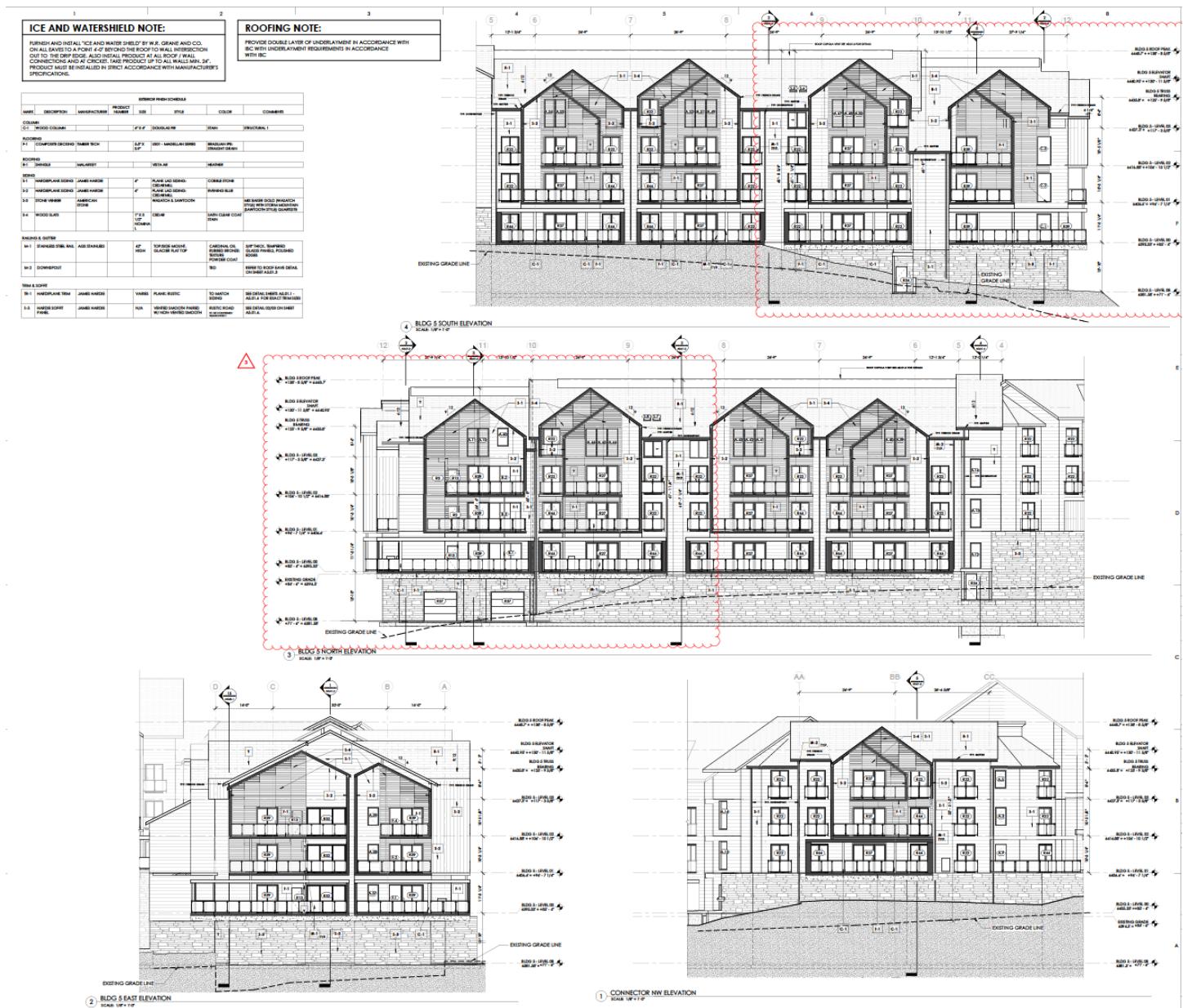




EXHIBIT E – Elevation Certificate



February 22, 2023

**CERTIFICATE OF ELEVATION
THE LODGES AT STILLWATER BUILDING 4**

I, James D. Pitkin, do hereby certify that I am a Professional Licensed Land Surveyor prescribed by the laws of the State of Utah and holding License Number 171546. I further certify that I have reviewed the plans provided by the architect for Building 4 of The Lodge at Stillwater located at 1364 W. Stillwater Drive in Wasatch County, Utah. I verify that the existing grade shown on the attached Exhibit "A" represents the existing grade as shown on the Amended and Restated Plat for The Lodge at Stillwater recorded June 25, 2001 as Entry No. 234502. I verify that the proposed elevation of the points on the building are as follows:

Roof Peak: 6460.9'

Truss Bearing: 6448.0'

Attic Level Floor: 6439.5'

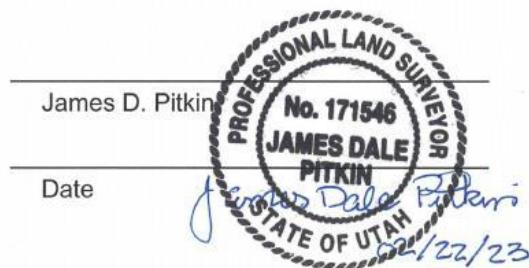
Level Three Floor: 6429.0'

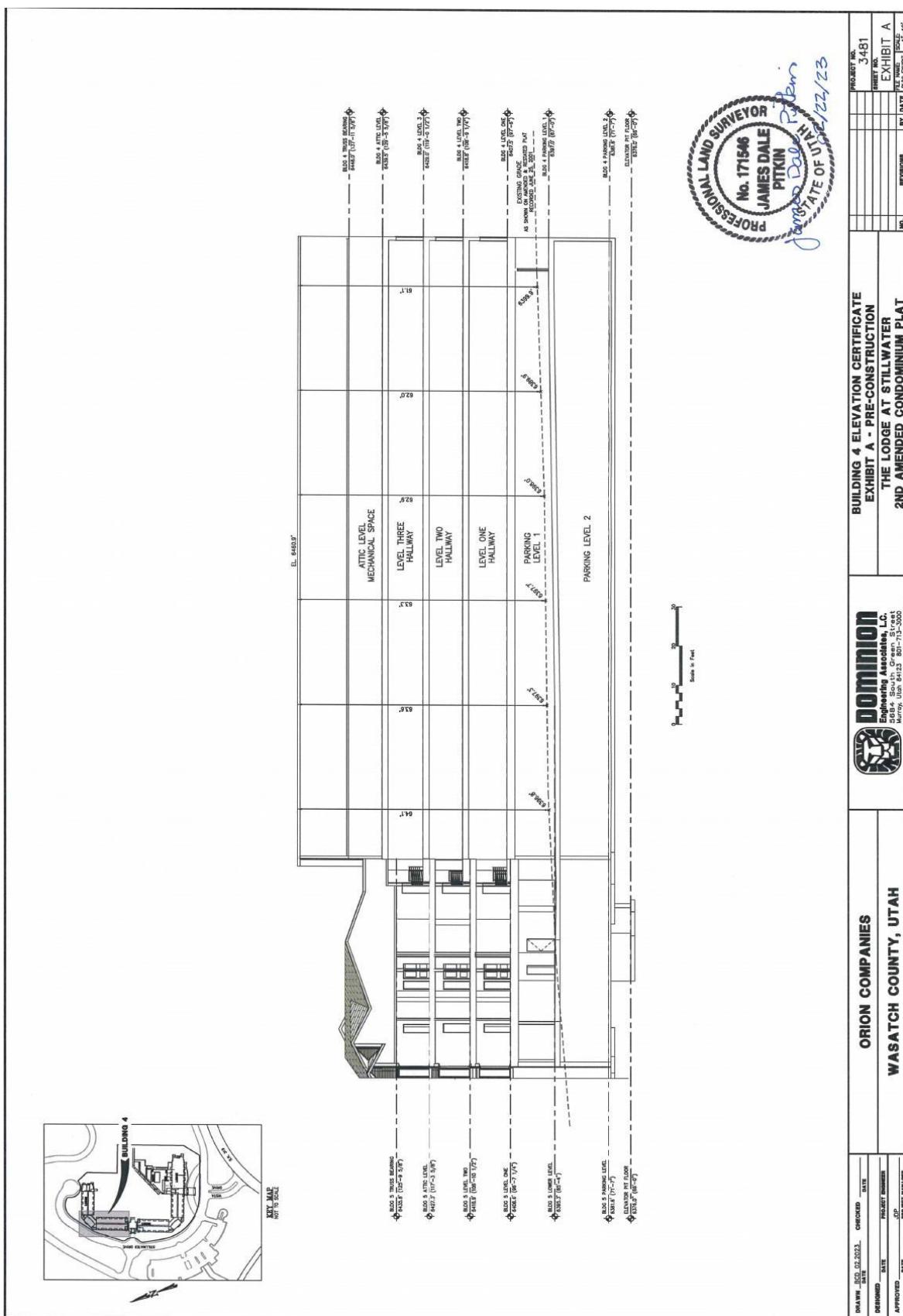
Level Two Floor: 6418.8'

Level One Floor: 6407.5'

Parking Level One Floor: 6397.0'

Parking Level Two Floor: 6381.6'







February 22, 2023

**CERTIFICATE OF ELEVATION
THE LODGES AT STILLWATER BUILDING 5**

I, James D. Pitkin, do hereby certify that I am a Professional Licensed Land Surveyor prescribed by the laws of the State of Utah and holding License Number 171546. I further certify that I have reviewed the plans provided by the architect for Building 5 of The Lodge at Stillwater located at 1364 W. Stillwater Drive in Wasatch County, Utah. I verify that the existing grade shown on the attached Exhibit "A" represents the existing grade as shown on the Amended and Restated Plat for The Lodge at Stillwater recorded June 25, 2001 as Entry No. 234502. I verify that the proposed elevation of the points on the building are as follows:

Roof Peak: 6448.7'

Truss Bearing: 6435.8'

Attic Level Floor: 6427.3'

Level Two Floor: 6416.9'

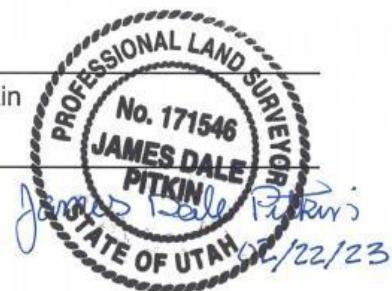
Level One Floor: 6406.6'

Lower Level Floor: 6395.3'

Parking Level Floor: 6381.6'

James D. Pitkin

Date



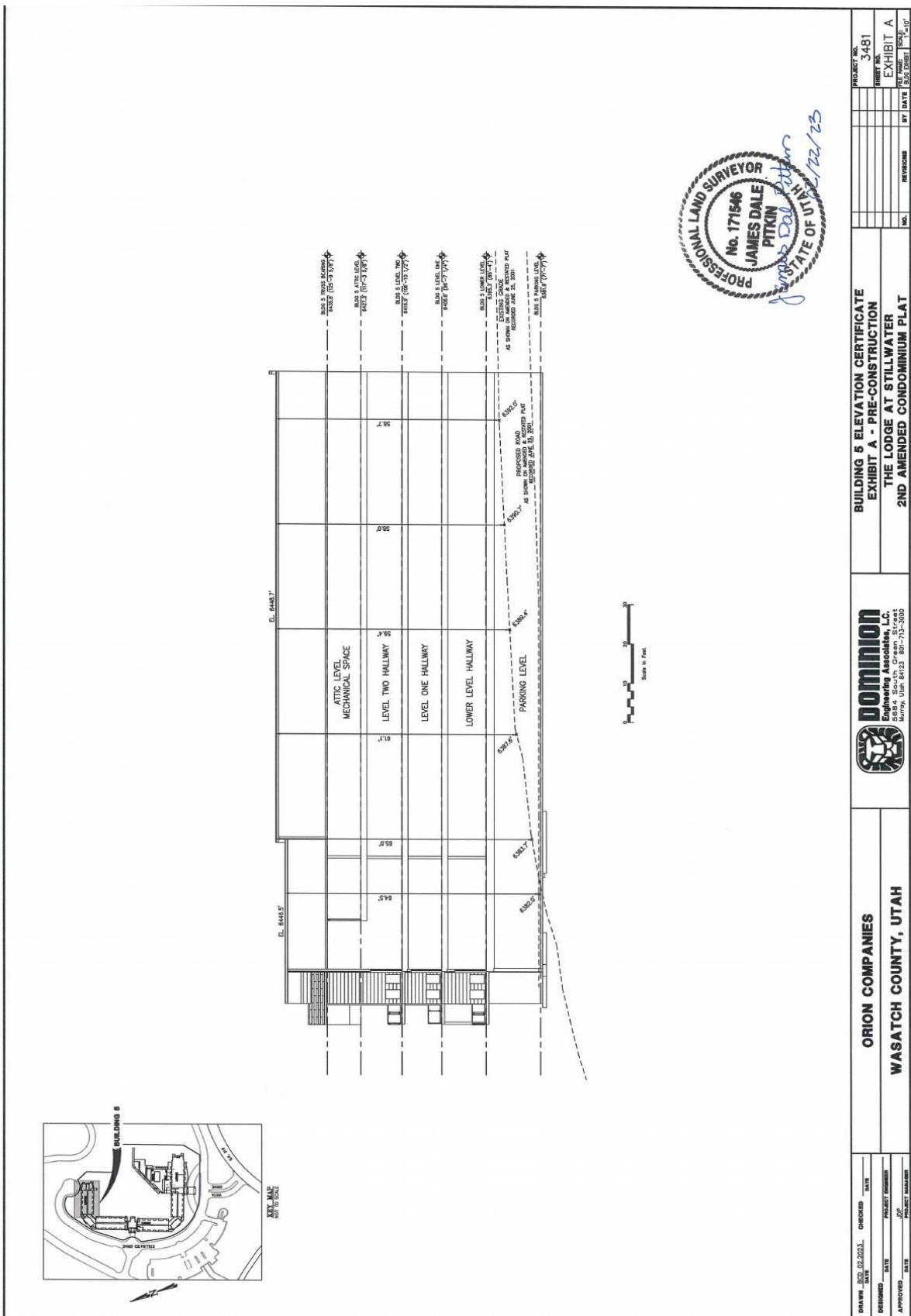


EXHIBIT F – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-7080
PROJECT NAME: FINAL SITE - THE LODGE AT STILLWATER -
PHASE II
VESTING DATE: 11/14/2022
REVIEW CYCLE #: 4

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 |
|-------------------------|--------------------|
| Weed Department | Ready for Decision |
| GIS Department | Ready for Decision |
| Health Department | Ready for Decision |
| Public Works Department | Ready for Decision |
| Sheriff's Office | Ready for Decision |
| County Surveyor | Ready for Decision |
| Fire SSD | Ready for Decision |
| Jordanelle SSD | Ready for Decision |
| Environmental Quality | Ready for Decision |
| Building Department | Ready for Decision |
| Manager's office | Ready for Decision |
| Engineering Department | Ready for Decision |
| Recorder's Office | Ready for Decision |
| Assessor's Office | No Action Taken |
| Housing Authority | No Action Taken |
| DRC - SSA 1 Water | Ready for Decision |
| Planning Department | Ready for Decision |

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

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

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

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

OVERALL PROJECT COMMENTS

| DRC Project Comments | | |
|----------------------|----------------------|-------------------------------------------------------------------------------------------|
| Comment ID | Entity | Comment |
| DRC-JSSD2 | DRC - Jordanelle SSD | Coordinate detail plan review for water and sewer connections with JSSD District Engineer |

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

| DRC - Engineering Dept | | |
|------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comment ID | Sheet Name | Comment |
| DRC-ENG12 | Other - Rockery & Gabion Design Package | Condition of Approval: The structural concrete retaining walls must be reviewed in conjunction with the application for a building permit. |
| DRC-ENG13 | Other - Geotechnical Report | Condition of Approval: There is one remaining comment on the geotechnical report pertaining to the pavement section. Address Comment #3 before construction. |
| DRC-ENG15 | Other - IGES Response Letter | More info on Condition of Approval comment ENG-13: This is the old letter. AGEC responded to this one. The remaining comment states: "Only flexible pavement design input values were provided in the response. The resilient modulus value for the base course was not provided. Assuming a value of 27,000 pounds per square inch for the resilient modulus, a value that was recommended by UDOT in their 2008 design manual, gives a required minimum structural number of about 1.8 for the asphaltic concrete on the base course. The structural number listed for the recommended 4 inches of asphaltic concrete is 1.51, which is too low and a greater thickness of asphaltic concrete is needed to satisfy the design. The concern with the rigid pavement design was the use of the same equivalent single-axle loads for the rigid and flexible pavement designs. |

| DRC – Planning Dept | | |
|---------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comment ID | Sheet Name | Comment |
| DRC-PLN23 | Other - Elevation and Height Certificates | Thank you for providing this. As a condition of approval, a certificate will be required after survey of the poured foundation as well to certify that the built elevations match the drawings, and to certify that no part of the building will exceed 65 feet from natural grade. |
| DRC-PLN26 | SP2 - Architectural Drawings | The planset for the building permit will need to include the elevation markers consistent with the elevation certificate. Only one of the two building elevation sheets has been updated to include this at this time. The building permit will be rejected if the complete information is not provided. |

Wasatch County Planning Commission

June 8, 2023



Item #3

Public Noticing Requirements -Wasatch County Code-

PLANNING COMMISSION RECOMMENDATION – TO COUNTY COUNCIL FOR APPROVAL



WASATCH COUNTY

Planning Commission Staff Report

Zoning Code Text Amendment

| | |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM 3 | Consideration and possible recommendation regarding a proposed amendment to numerous chapters of Wasatch County Code in order to modify public noticing requirements to comply with recent changes to state code through Senate Bill 43. (Austin Corry) |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

APPLICATION SUMMARY

Applicant: Wasatch County Planning

Hearing Date: 8 June 2023

Related Applications: None

Applicable Code Section(s): 16.02

BACKGROUND

The 2023 legislative session included a Senate Bill (SB43) that modified public noticing requirements for a vast majority of state codes, including land use provisions. In reviewing County code, the current code is compliant with all the changes made by SB43 with the exception of adding physical mailing of noticing for zoning map amendments. This proposal is to make this correction to comply with the law that became effective May 1, 2023.

In addition, staff poses the question of whether a 14 day newspaper notice is still desired by the policy makers. State code does not require the newspaper listing, but County code does. It is anticipated that staff will discuss this more in depth during the hearing.

POTENTIAL MOTION

Move to forward a *Recommendation for Approval* to the County Council.

Findings:

1. The Utah State Legislature has enacted Senate Bill 43 in 2023.
2. SB43 modifies current public noticing practices required by state law.
3. Current County code complies with noticing required by state law.
4. The addition of mailing requirements to zone map amendments is made more clear when added specifically to the County code.
5. The proposal considers the impact of newspaper noticing requirements on land use applications.
6. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

ALTERNATIVE ACTIONS

The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the potential findings listed in this 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.
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.
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

- A. Proposed Language

EXHIBIT A – Proposed Language

ORDINANCE NO. 23-08

AN ORDINANCE AMENDING WASATCH COUNTY CODE TITLE 2 AND TITLE 16 AS RELATED TO VARIOUS BOARDS AND COMMISSIONS AND THE AUTHORITY PROVISIONS OF LAND USE APPROVALS.

RECITALS

WHEREAS, the Utah State Legislature has enacted Senate Bill 43 (2023); and

WHEREAS, said SB43 modifies current public noticing practices required by state law; and

WHEREAS, the County believes current County code is in conformance with state law, but that some discretionary adjustments can be made; and

WHEREAS, the County Legislative Body has considered the criteria required by said Senate Bills; and

WHEREAS, the County Legislative Body has also considered the need to protect public transparency; 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:

See Exhibit A

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

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 _____, 2023.

Attest:

WASATCH COUNTY COUNCIL:

Joey Granger
Wasatch County Clerk / Auditor

Spencer Park, Chair
Wasatch County Council

VOTE

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

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
)
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 , 2023.

Joey Granger
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this _____ day of _____, 2023.

Notary Public

Residing in:
My commission expires:

EXHIBIT A – PROPOSED AMENDMENT

1 **Chapter 16.02: ADMINISTRATION PROCEDURES**

2 ...

3 **16.02.02: NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS**

4 A. Notice Of Public Hearings:

- 5 1. The county shall give reasonable notice of any public hearing mandated by this title, which
6 notice shall be given in a manner consistent with the requirements of state law. Notices of
7 public hearings required by this title shall be published in accordance with state law. Such
8 notice shall state the time and place of such hearing and shall include a general explanation
9 of the matter to be considered and a general description of the area affected.
- 10 2. This section is not intended to preclude the giving of additional notice that may be deemed
11 necessary by the planning department. If notice given under authority of this section is not
12 challenged as provided by state law within thirty (30) days from the date of the meeting for
13 which notice was given, the notice is considered adequate and proper.

14 B. Notice Of Public Meetings: Notice of public meetings required by this section shall be in
15 accordance with state law.

16 ...

17 **16.02.05: PROCEDURE TO AMEND TITLE, CODE OR ZONING MAP**

18 A. Application: This title, including the zoning map, may be amended by the Wasatch County
19 legislative body in accordance with the requirements of the Utah Code Annotated section 17-27a-
20 101 et seq., the county land use development and management act. For the purpose of establishing
21 and maintaining sound, stable and desirable development within Wasatch County, amendments
22 shall not be made to this title or the adopted zoning map except to promote more fully the objectives
23 and purposes of the general plan and this title.

- 24 1. Any person seeking an amendment to this title or the adopted zoning map shall submit to
25 the planning department a written petition containing the following information:
 - 26 a. Designation of the specific zone change or title amendment desired;
 - 27 b. The reason and justification for such zone change or title amendment, and a
28 statement setting forth the manner in which a proposed amendment or zone would
29 further promote the objectives of the general plan and the purposes of this title;
 - 30 c. A complete and accurate legal description of the area proposed to be rezoned; or a
31 draft of the proposed title amendment;
 - 32 d. For zone changes:
 - 33 (1) A conceptual development plan, drawn to scale, showing all areas to be
34 included within the proposed rezoning, designating the present zoning of
35 the property, and properties immediately adjacent thereto;
 - 36 (2) A physical constraints analysis identifying all items required under
37 16.27.25; and
 - 38 (3) A courtesy notice shall be mailed to all owners of private real property
39 whose property is located inside and within 500 feet of the proposed
40 zoning map enactment or amendment.

44 . . .