

CHRISTENSEN FARM PHASE TWO & THREE SUBDIVISION  
DEVELOPMENT AGREEMENT

This CHRISTENSEN FARM PHASE TWO & THREE SUBDIVISION DEVELOPMENT AGREEMENT AGREEMENT (“**Agreement**”) is entered into as of this [ ] day of September, 2024 (“**Effective Date**”), by and between Christensen Farms Lots LLC, a Utah limited liability company (hereinafter collectively “**Developer**”), and Wasatch County (hereinafter “**the County**”), a political subdivision of the State of Utah. Developer and the County may hereinafter be referred to individually as a “**Party**” and collectively as the “**Parties**”.

RECITALS

- A. The County, acting pursuant to its authority under Utah Code Ann. Section 17-27a-101, et seq., Section 17-53-223, and Section 17-53-302(13), as amended, and the Wasatch County Land Use and Development Code, as amended, and in furtherance of its land use policies, goals, objectives, ordinances, and regulations, has elected to approve and enter into this Agreement to memorialize the Applicable Law and to help the future owners understand the Development.
- B. Developer holds legal title to the real property, consisting of approximately 81.67 acres located in the unincorporated portion of the County, as described in Exhibit A attached hereto (“**Property**”).
- C. The Land Use and Development Code in effect on September 1, 2024, the vesting date, indicates that the Property can be developed, subject to compliance with the requirements of Applicable Law, with a base density of up to 62 ERUs.
- D. The County desires to enter into this Agreement to help clarify the process to continue the development of the Subdivision. This Agreement is not intended to modify or exempt any legal requirement or code provision contained in any state or local law, but rather to clarify the Applicable Law.
- E. Developer desires to enter into this Agreement to secure vested rights regarding the law applicable to the development of the Subdivision.
- F. Each Party acknowledges that it is entering into this Agreement voluntarily.

AGREEMENT

Developer shall comply with the rules, regulations, official policies, standards and specifications applicable to the development of the Property (“**Applicable Law**”) as of the Effective Date. Developer shall have the vested right to proceed with the development of the Property in accordance with Applicable Law and in conformity with the land use approvals given on the project. A partial record of the approval is included as Exhibit B to this agreement. If any of the approvals do not meet with the provisions of applicable law, applicable law shall govern.

Developer shall provide ongoing maintenance for items described in 16.27.23 (B) which will be transferred to the HOA organized by the Developer once it is organized and functioning as per the code. Developer shall convey ownership of all open space common areas in compliance with 16.21.06 and shall be subject to the maintenance obligations outlined therein. In the event Developer or the Home Owners' Association, after the obligation is transferred, fails to maintain the common areas, trails, private roads, detention basins or ponds, or common community amenities, the County may (but is not obligated to) maintain them. The market value of the cost of this maintenance shall constitute a valid lien on the Property and its lots on a parity with and collected at the same time and in the same manner as general County taxes that are a lien on the Property.

The term of this Agreement (the "Term") shall commence upon the Effective Date and continue for a period of up to Twenty-Five (25) years, so long as the Developer moves forward with reasonable diligence by proceeding in conformity with Wasatch Code §16.01.16 (2019).

IN WITNESS WHEREOF, this Agreement has been entered into by and between Developer and the County as of the date and year first above written.

**COUNTY:**

WASATCH COUNTY:

  
\_\_\_\_\_  
Dustin Grabau  
Wasatch County Manager

Attest:

  
\_\_\_\_\_  
JOEY GRANGER,  
Wasatch County Clerk Auditor



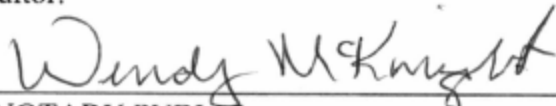
DATE: 9/19/24

STATE OF UTAH )

ss:

COUNTY OF WASATCH )

The foregoing instrument was acknowledged before me this 19 day of September, 2024, by Dustin Grabau, who executed the foregoing instrument in his capacity as the Wasatch County Manager and by Joey Granger, who executed the foregoing instrument in his capacity as the Wasatch County Clerk Auditor.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: Wasatch

My Commission Expires:

09/10/2024

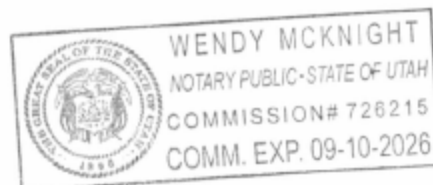




EXHIBIT A  
DEVELOPMENT APPROVAL  
[Legal Description of Property]

A parcel of land in Wasatch County more particularly described as follows:

BEGINNING N89°47'01"E 19.42 FEET ALONG THE SECTION LINE FROM THE NORTH ONE QUARTER CORNER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SECTION LINE N89°47'01"E 845.80 FEET; THENCE S00°12'59"E 792.00 FEET; THENCE N89°47'01"E 467.09 FEET; THENCE S00°28'04"E 34.23 FEET; THENCE S00°03'19"E 552.13 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2,211.76 FEET, AND TO WHICH POINT A RADIAL LINE BEARS S05°31'18"E; THENCE 337.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°45'09", WITH A CHORD BEARING AND DISTANCE OF N88°51'16"E 337.55 FEET; THENCE S00°03'43"E 5.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2,203.77 FEET, AND TO WHICH POINT A RADIAL LINE BEARS S03°14'01"W; THENCE 6.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°10'03", WITH A CHORD BEARING AND DISTANCE OF N86°51'00"W 6.45 FEET; THENCE S00°03'43"E 1,290.36 FEET; THENCE S89°44'49"W 335.94 FEET; THENCE S89°40'13"W 1,301.62 FEET; THENCE N00°14'55"W 2,670.65 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 81.670 ACRES, OR 3,557,553 SQUARE FEET.

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21-4263 - PH 2

21-4726

21 2312 PH 3

EXHIBIT B

LAND-USE APPROVALS

[Wasatch County Planning Commission Report of Action]

Wasatch County  
Planning Commission  
October 20, 2022



Item #7

Christensen Farms Phase 2 & 3  
-Christensen Farm Lots LLC-

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Preliminary Subdivision Approval



# WASATCH COUNTY

## Planning Commission Staff Report

### Preliminary Plan Approval

**ITEM 7** Brian Balls, representing Christensen Farms Lots LLC, requests Preliminary Subdivision approval for Christensen Farms Ph 2 & 3, a proposed residential subdivision consisting of 62 lots on 80.92 acres in the Eastern Planning Area of the Residential Agriculture 1 (RA-1) zone. (DEV-4617; Austin Corry)

#### PROJECT SUMMARY

**Applicant:** Brian Balls

**Hearing Date:** 20 October 2022

**Property Owner:** Christensen Farms Lots LLC

**Related Applications:** Plat Amendment (DEV-6646)

**Existing Zone:** RA-1

**Existing Land Use:** vacant

**Proposed Land Use:** single-family lots

**Acreage:** 80.77

**Proposed Density:** 1.3 a/u

**Council Action Required:** Yes

#### BACKGROUND

The subject property is on the valley floor halfway between Mill Road and 2400 East, just south of the Cobblestone development. The property is bordered on the north by 1200 South, on the west by the Center Creek Meadows record of survey subdivision, to the south are Lot of Record parcels and the Hendrickson One Lot subdivision, and on the east by the Christensen Farm Phase 1 subdivision.

Although the name of the proposed subdivision is called Christensen Farm Phases 2 & 3, the proposal is an entirely separate application, unrelated to the Christensen Farm Phase 1 subdivision which received a separate preliminary approval and was platted under its own entitlements without consideration of Christensen Farms Phases 2 and 3. The proposed subdivision includes 62 residential single family lots and two open space parcels for storm drain facilities.

As designed, the proposed subdivision connects to Wild Mare Way and then proceeds into the subdivision in a way that leaves a remnant parcel between the proposed right-of-way and the platted retention area parcel in Christensen Farm Phase 1. Since nuisance strips are not permitted by county code and the parcel does not meet the minimum allowable dimensions for open space parcels, the proposal, as designed, has been accompanied by a proposed plat amendment to combine the remnant piece into the retention area parcel of the adjacent Christensen Farm Phase 1 subdivision.

#### KEY ISSUES TO CONSIDER

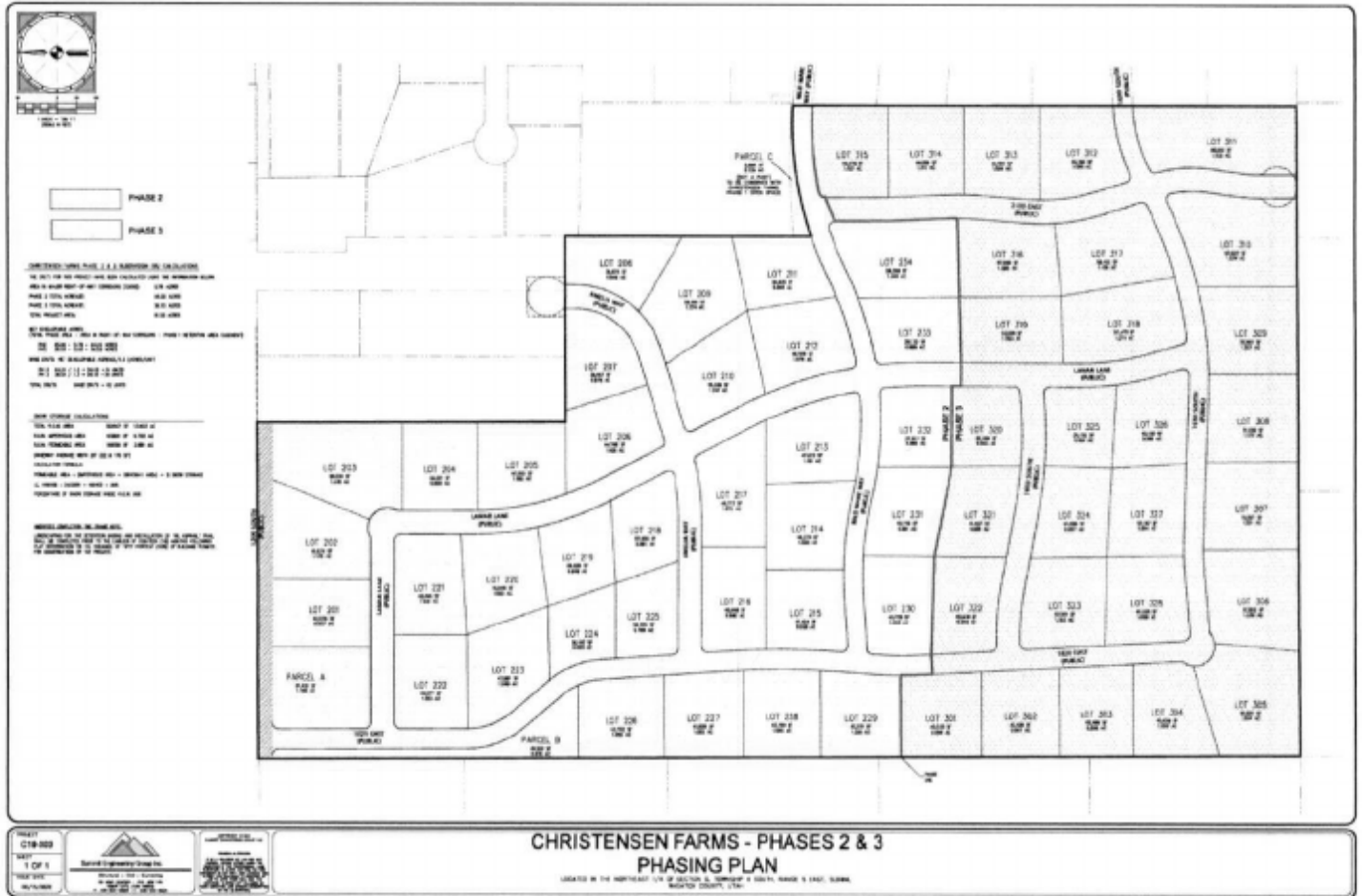
- The subject property is 80.77 acres per the applicant's documentation.
- The proposal is in the RA-1 zone.
- The proposal is for 62 residential lots resulting in a density of 1.3 acres per unit.
- The proposed density is subject to meeting the criteria of Wasatch County Code in order to be approved for density higher than 5 acres per unit.
- The proposed subdivision is contingent on approval to combine a remnant parcel with an adjacent subdivision.

**STAFF ANALYSIS**

**– LAND USE AND DENSITY –**

The proposed subdivision is in the Residential Agriculture 1 zone. This zone permits 5 acre lots with an ability to reduce lot size to 1 acre if connected to public sewer and water and an overall density of no greater than 1.3 acres per unit. 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 acres per unit. This is meant to accommodate developments that wish to cluster lots in favor of providing more usable open space areas, or to provide some flexibility in design where developments can have smaller and larger lots interspersed throughout the area.

With 80.77 net acres, this would result in an anticipated maximum density of 62 lots, assuming all other aspects of the County Code could be met. The majority of the proposed lots are roughly one acre arranged in a gridded pattern with the smallest lot being 0.69 acre. Along the south border, a few lots are roughly 1.5 acres in size.



**– 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.



– *MODERATE INCOME HOUSING* –

Wasatch County Code requires new residential developments of six units or more to provide an affordable housing report, generated specifically for the development, addressing the affordable housing needs that are created by the development. In lieu of providing the report, the applicant has requested to use a baseline of 10% and to pay the obligation as a fee-in-lieu. Per 16.30, the County Council will need to determine if the proposed moderate income housing offer from the developer is acceptable.

– *ENVIRONMENTAL CONSTRAINTS ANALYSIS* –

Wasatch County Code 16.27.25 requires an environmental constraints analysis to be submitted with any preliminary application which outlines the potential constraints on development activity. The documentation provided by the developer asserts that the code requirements are complied with and that the net developable acreage results in 80.77 acres.

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 has a two areas in the northwest of the property adjacent to the proposed ingress road that are being used for open storm water basins. Basic landscape plans have been provided for the retention basin areas stating that the developer will install either xeriscape or grass in these areas. Final plans will need to include detailed design which meet the code requirements. Included in this are specific plans, sizing and quantities of plants and materials, and the street tree requirements which are currently not shown for parcel A, but still required. The phasing plan submitted by the applicant states the developer will complete the landscaping within 18 months of plat recording, or prior to 50% of the building permits for the project being issued, whichever comes first.

– *SEWER/WATER* –

All lots are required to provide adequate water rights for the culinary use, as well as sufficient water to irrigate any land that has been historically irrigated. In addition, developments more dense than five acres per unit are required to be connected to a public sewer system. Sewer and water will be provided by the TCSSD (Twin Creeks Special Service District) and will require a will serve letter from the district prior to final approval. Questions raised at the applicant's presentation to the water board suggest it is unclear at this time how the irrigation water will be serviced. A clear resolution to which entity will be providing irrigation services will be needed prior to application for final approval.

– *BUILDING HEIGHT AND GRADING* –

Structures in the RA-1 zone are limited to 35 feet. Heights are measured from the existing grade immediately surrounding the structure to the peak of the roof. Prior to any approvals, the project site has had extensive grading activities that have disturbed the site and stripped an estimated 28,242 cubic yards of the topsoil and subgrade materials from the site. The grading plan with the application includes a commitment to restore the previous existing grade, which will need to be done in documented, compacted lifts in accordance with geotechnical standards. Areas that will not have impervious surfaces or homes on them will need to have the topsoil restored as well which may come from other on-site areas where the topsoil is not necessary, or will be imported in.

– ROADS AND ACCESS –

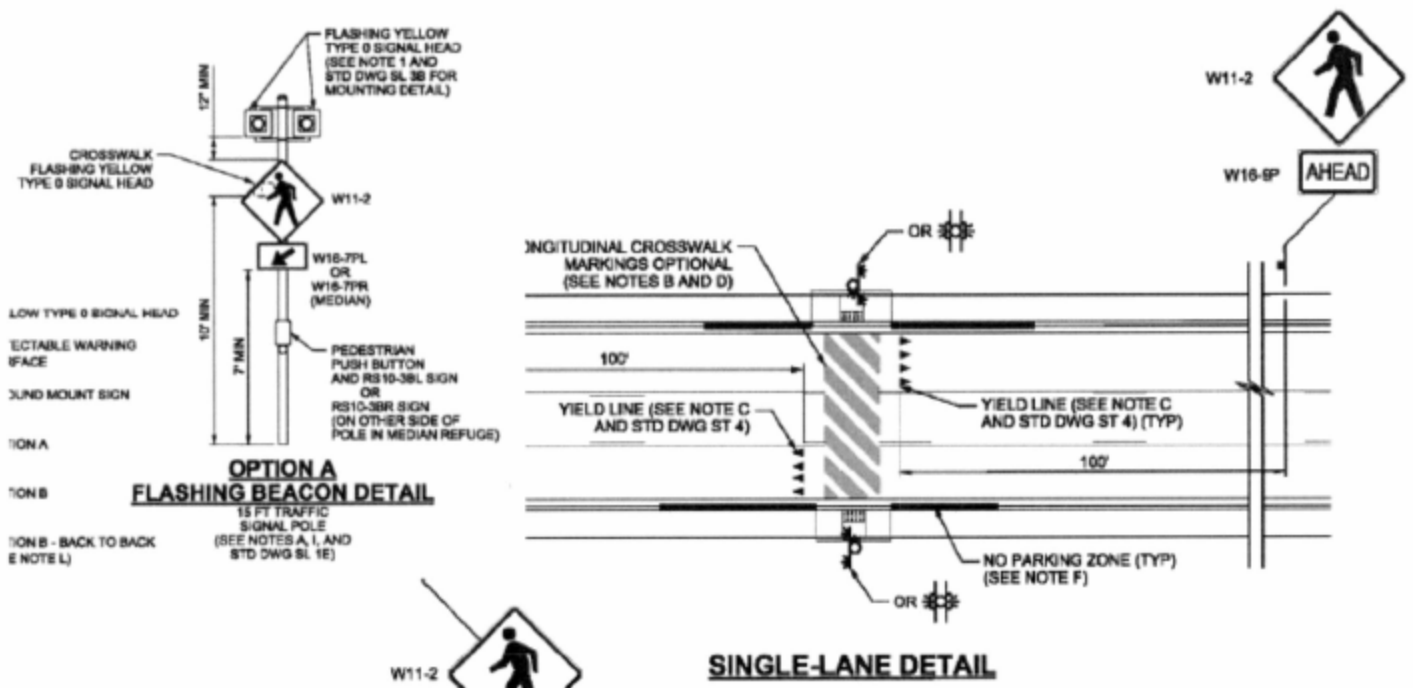
The proposed development would be served through access from 1200 South and two stubs at the east of the project area in an existing platted subdivision called Christensen Farm Phase 1. County code requires blocks on average of 400 feet to no more than 1300 feet. In order to provide the County with a 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 is part of the Council review at preliminary for the Council to make a determination whether the application adequately addresses the connectivity policies established in the County Code.

The application identifies platted subdivisions that preclude additional connections. One connection is being made in the southeast corner to a platted ROW in the Hendrickson Way one lot subdivision. The potential for another connection still exists at the southwest corner of the property if the Council determines such a connection would be critical to the infrastructure of the area.

The application also utilizes a temporary cul-de-sac that is located off-site from the property. The application, as presented, will be contingent on execution of an easement or other acceptable arrangement to make the execution of the proposed off-site improvements lawful.

– TRAILS –

The application does not propose any trails aside from the sidewalk and trail required along the county roads. At the northwest corner of the property, the trail aligns with a trail system on the north side of 1200 South. Considering the nature of 1200 South, a Rectangular Rapid Flashing Beacon sign will be installed by the applicant to aid pedestrian traffic in crossing at this location. A similar beacon exists to the east of this project at the entrance to Cobblestone. At such time as the trail network is completed to close the gap and provide a continuous trail along 1200 South, the east beacon could be decommissioned and used elsewhere in the County if determined by the County that it is no longer needed.



## – FENCING / RIGHT-TO-FARM –

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 shows the existing fences surrounding the property. Many of these 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 committed that they will receive these approvals from adjacent landowners or include installation of approvable new fencing prior with the final application.

**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.

**RECOMMENDED MOTION**

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

*Findings:*

1. The subject property is 80.77 acres per the applicant’s surveyor.
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.
4. The RA-1 zone 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.
6. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
7. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
8. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
9. The proposal includes two retention area parcels that are to be landscaped by the developer and maintained by the proposed subdivision HOA.

10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
11. The phasing plan on the application includes a developer commitment to landscape the retention areas and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50% of the building permits, whichever comes first.
12. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the aspects of the Wasatch County Code.
13. The applicant has offered a 10% affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
14. Preliminary approval does not grant a variance from County Code standards that is not determined at the level of review provided at Preliminary.
15. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission and County Council.
16. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

*Conditions:*

1. An easement, or other acceptable form of agreement, will need to be executed for the off-site temporary cul-de-sac prior to final approval.
2. Approval is contingent on a concurrent approval for a plat amendment. If the concurrent plat amendment is denied, this approval becomes void.
3. The commitments made by the developer in the submittal documents shall be considered part of the approval.
4. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
5. The open space parcels shall include dedication to the HOA and an open space easement in favor of Wasatch County or other options as available under WCC 16.21.06.
6. Open space areas shall include landscape plans that comply with County code with the final subdivision application.
7. Final plans shall include fencing plans and any necessary agreements in compliance with Wasatch County Code.
8. Final plans will need to include a will-serve letter from applicable service districts. At this time, the County water board has indicated Twin Creeks Special Service District and Timpanogos Irrigation Company.

## **POTENTIAL 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 Preliminary Plan is compliant as proposed with Wasatch County Code and all other applicable ordinances.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved prior to final approval. ***\*This action would be consistent with the staff analysis provided.\****
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 can be taken if the Planning Commission finds that the proposal does not meet the intent of the ordinance.

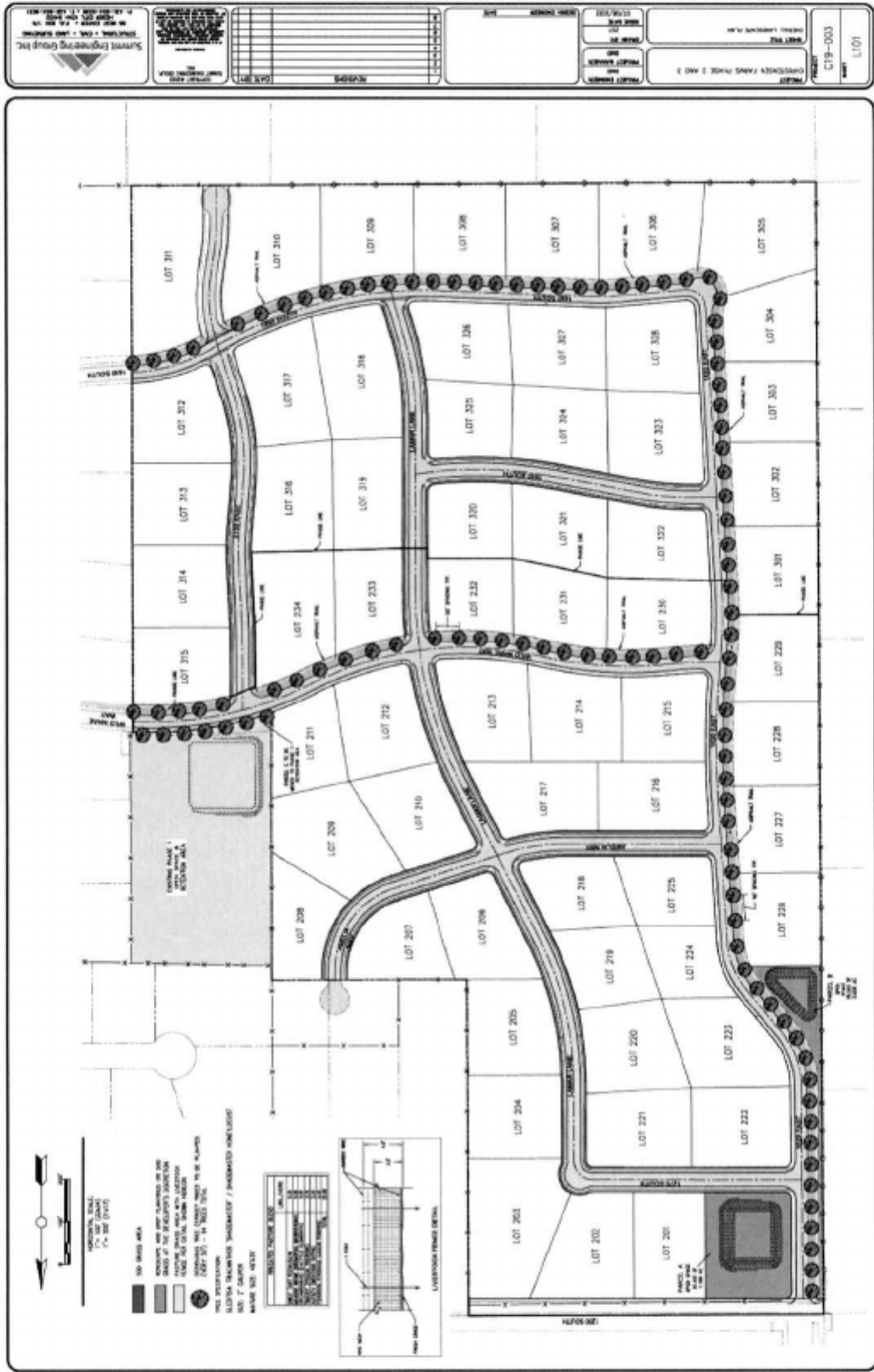
**EXHIBITS**

- A. Vicinity Plan
- B. Proposed Landscape Plan
- C. Proposed Subdivision Plat
- D. Phasing Plan
- E. Grading Plan
- F. DRC Report
- G. Affordable Housing Letter from Applicant
- H. Fencing Plan

EXHIBIT A – Vicinity Plan



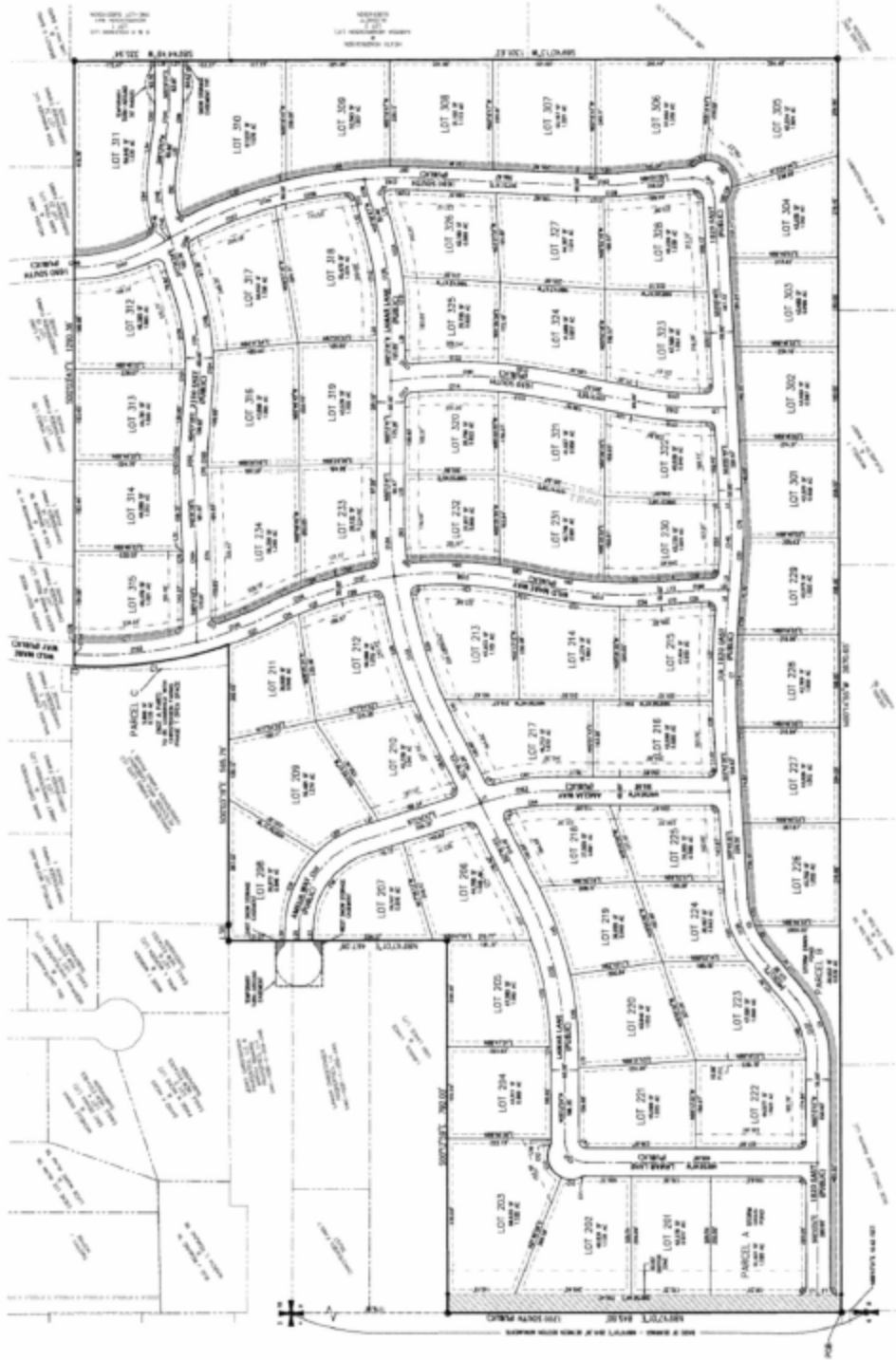
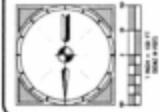
EXHIBIT B – Proposed Landscape Plan







CHRISTENSEN FARM - PHASES 2 & 3 PRELIMINARY PLAT



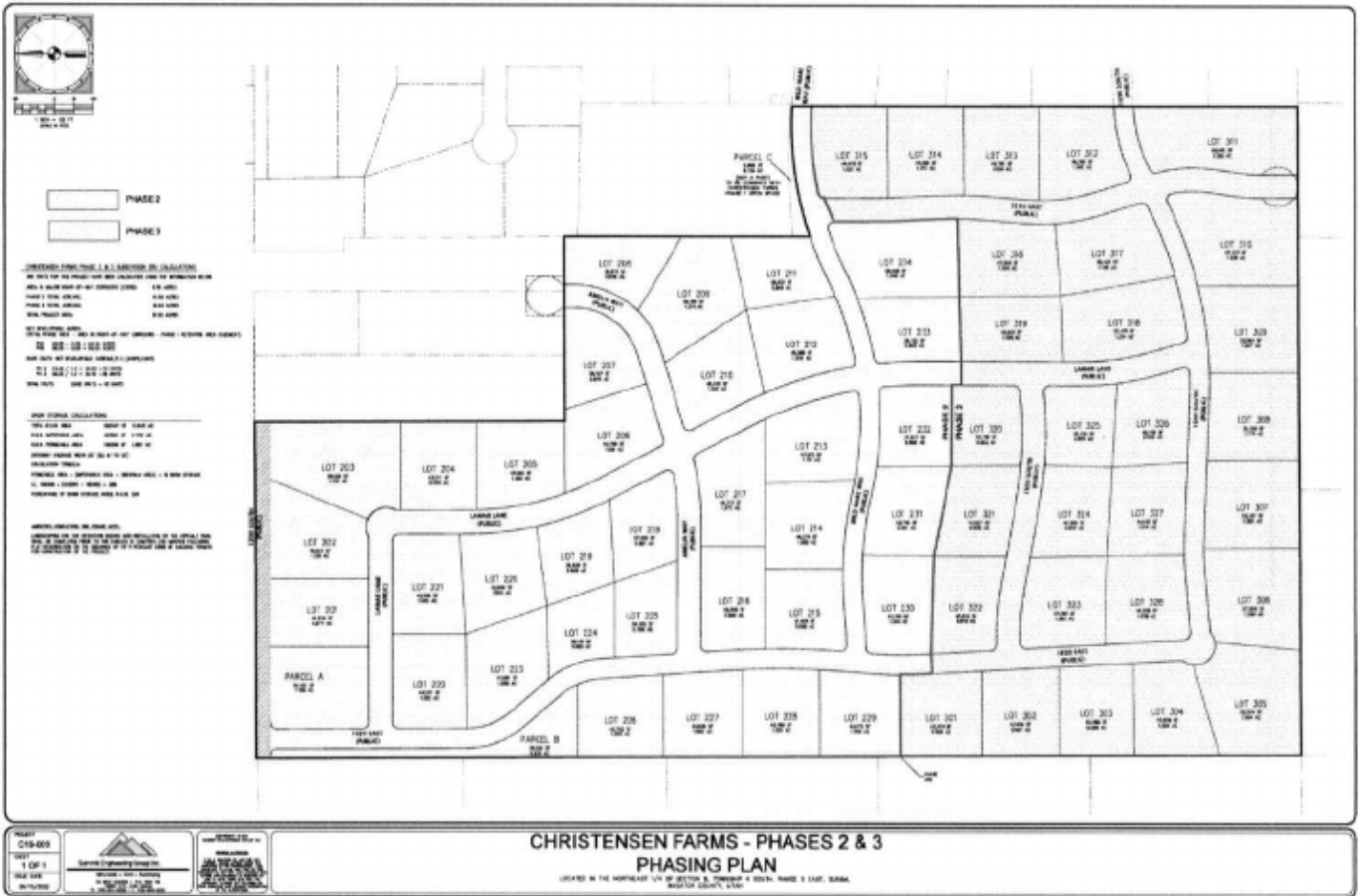
CHRISTENSEN FARM - PHASES 2 & 3  
PRELIMINARY PLAT

DESIGNED BY: R. CHRISTENSEN, CIVIL ENGINEER, LICENSE NO. 10000, STATE OF WISCONSIN



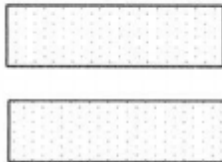
PROJECT: CHR-003  
2 OF 2  
DATE: 10/20/22  
BY: R. CHRISTENSEN

**EXHIBIT D – Phasing Plan**



**CHRISTENSEN FARMS - PHASES 2 & 3  
PHASING PLAN**

LOCATED IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 4 EAST, RANGE 60 WEST COUNTY, WYOMING



**PHASE 2**

**PHASE 3**

**SNOW STORAGE CALCULATIONS**

TOTAL R.O.W. AREA	592547 SF	13.603 AC
R.O.W. IMPERVIOUS AREA	423501 SF	9.722 AC
R.O.W. PERMEABLE AREA	169056 SF	3.881 AC

DRIVEWAY AVERAGE WIDTH 20' (62 @ 170 SF)

CALCULATION FORMULA:

PERMEABLE AREA + (IMPERVIOUS AREA + DRIVEWAY AREA) = % SNOW STORAGE

I.E. 169056 + (423501 + 10540) = 39%

PERCENTAGE OF SNOW STORAGE INSIDE R.O.W. 39%

**AMENITIES COMPLETION TIME FRAME NOTE:**

LANDSCAPING FOR THE DETENTION BASINS AND INSTALLATION OF THE ASPHALT TRAIL SHALL BE COMPLETED PRIOR TO THE EARLIER OF EIGHTEEN (18) MONTHS FOLLOWING PLAT RECORDATION OR THE ISSUANCE OF FIFTY PERCENT (50%) OF BUILDING PERMITS FOR CONSTRUCTION OF THE PROJECT.

**CHRISTENSEN FARMS PHASE 2 & 3 SUBDIVISION ERU CALCULATIONS**

THE ERU'S FOR THIS PROJECT HAVE BEEN CALCULATED USING THE INFORMATION BELOW:

AREA IN MAJOR RIGHT-OF-WAY CORRIDORS (1200S):	0.76 ACRES
PHASE 2 TOTAL ACREAGE:	45.00 ACRES
PHASE 3 TOTAL ACREAGE:	36.53 ACRES
TOTAL PROJECT AREA:	81.53 ACRES

**NET DEVELOPABLE ACRES:**

(TOTAL PHASE AREA - AREA IN RIGHT-OF-WAY CORRIDORS - PHASE 1 RETENTION AREA EASEMENT)

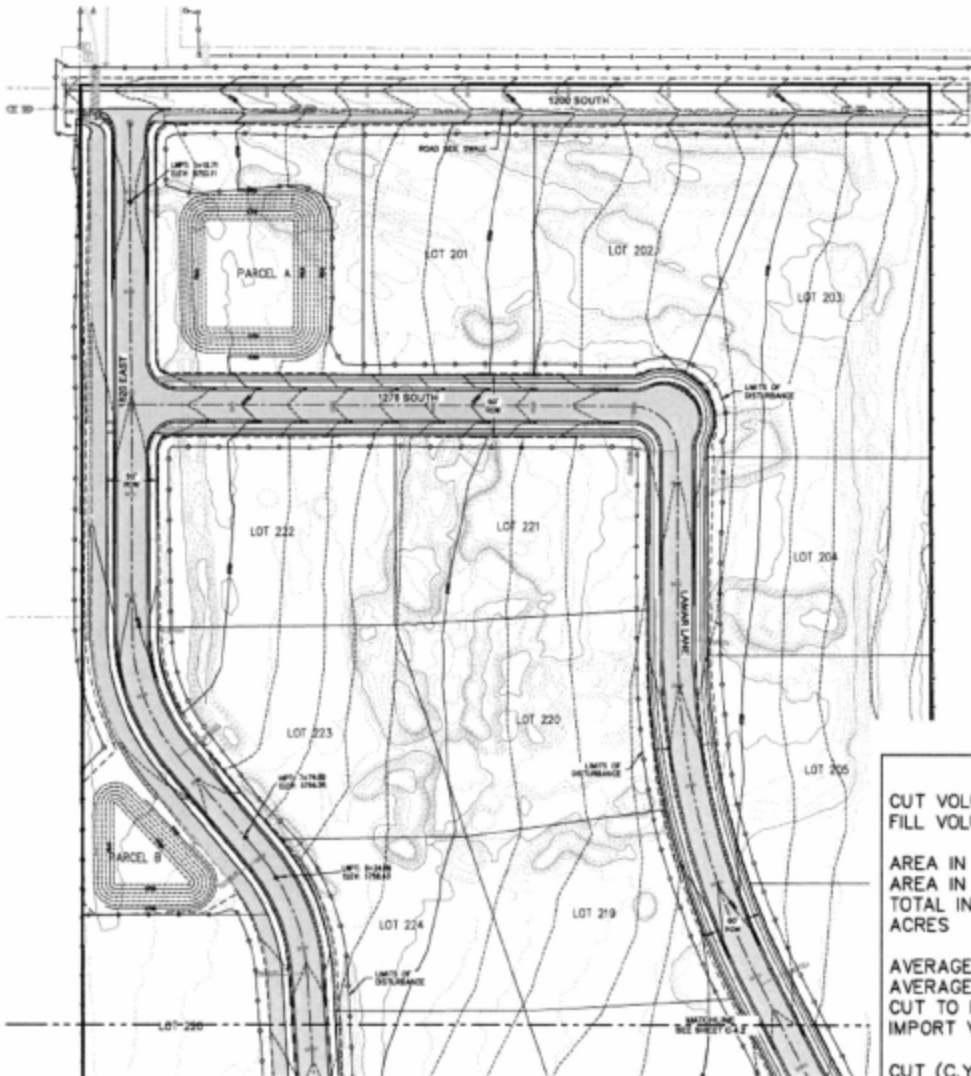
PH2	45.00 - 0.76 = 44.24 ACRES
PH3	36.53 - 0.00 = 36.53 ACRES

BASE ERU'S: NET DEVELOPABLE ACREAGE/1.3 (ACRES/UNIT)

PH 2	44.24 / 1.3 = 34.03 = 34 UNITS
PH 3	36.53 / 1.3 = 28.10 = 28 UNITS

TOTAL ERU'S: BASE ERU'S = 62 UNITS

**EXHIBIT E – Grading Plan**



**CUT/FILL ANALYSIS**  
ANALYSIS DATA

CUT VOLUME: 1,246,047.2 C.F., 46,149.89 C.Y.  
 FILL VOLUME: 1,859,647.4 C.F., 68,875.83 C.Y.

AREA IN CUT : 1,730,845.1 S.F., 39.73 ACRES  
 AREA IN FILL: 1,787,128.3 S.F., 41.03 ACRES  
 TOTAL INCLUSION AREA: 3,530,305.2 S.F., 81.04 ACRES

AVERAGE CUT DEPTH: 0.72 FEET  
 AVERAGE FILL DEPTH: 1.04 FEET  
 CUT TO FILL RATIO: 0.67  
 IMPORT VOLUME: 22,725.9 C.Y.

CUT (C.Y.) / AREA (ACRES): 569.44  
 FILL (C.Y.) / AREA (ACRES): 849.85

MAX CUT: 16.125 FEET  
 MAX FILL: 10.641 FEET

**ANALYSIS NARRATIVE**

THE CUT/FILL ANALYSIS WAS PERFORMED WITH A COMPARISON BETWEEN AN EXISTING SURFACE CREATED FROM AN DRONE TOPOGRAPHICAL FLIGHT OF THE AREA AND A FINAL PROPOSED FINISHED SURFACE. SOIL SHRINK AND SWELL FACTORS WERE NOT TAKEN INTO ACCOUNT AND ASSUMED TO BE 1.00 FOR THE PURPOSE OF THIS ANALYSIS.

IT IS IMPORTANT TO NOTE THAT THE CURRENT EXISTING SURFACE HAS UNDERGONE SIGNIFICANT EXCAVATION IN THE NORTHERN AREA FROM A PREVIOUS PROJECT CONCEPT. A COMPARISON BETWEEN THE PRE-EXCAVATED EXISTING SURFACE AND THE CURRENT EXISTING SURFACE SHOW A NET EXPORT OF 28,242 CUBIC YARDS. THIS NET EXPORT WILL BE RETURNED AND THE PROJECT WILL BE REGRADED AS PART OF PROJECT CONSTRUCTION TO REESTABLISH AN ACCEPTABLE GRADE FOR THE AREA.

## EXHIBIT F – DRC Report

**DESIGN REVIEW COMMITTEE COMMENTS (DRC)**

PROJECT ID: DEV-4617

VESTING DATE: 9/1/2021

PROJECT NAME: PRELIM - CHRISTENSEN FARMS PH 2 &  
3 SUBDIVISION (BASE DENSITY)

REVIEW CYCLE #: 6

**REVIEW CYCLE STATUS: READY FOR DECISION**

Project comments have been collected from reviewers 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.

**REVIEW CYCLE – REVIEWING ENTITY'S RECOMMENDATIONS**

Entity	Decision
Public Works Department	Ready for Decision
Manager's office	Ready for Decision
Recorder's Office	Ready for Decision
Planning Department	Ready for Decision
GIS Department	Ready for Decision
Engineering Department	Ready for Decision
DRC - SSA 1 Water	Ready for Decision
Building Department	Ready for Decision
MAG Regional Trail Planner	Ready for Decision
Surveyor's Office	Ready for Decision
Weed Department	Ready for Decision
Health Department	Ready for Decision
Assessor's Office	No Action
Affordable Housing Office	No Action
SSA1 Water	Ready for Decision
Twin Creeks SSD	Ready for Decision
Fire SSD	Ready for Decision
Manager's Office	Ready for Decision
Sheriff Office	Ready for Decision

## OVERALL PROJECT COMMENTS

## DRC Project Comments

Comment ID	Entity	Comment
DRC-JSSD2	DRC - Jordanelle SSD	Construction drawing review and approval to be coordinated with District Engineer.

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

## DRC – County Manager’s Office

Comment-ID	Sheet Name	Comment
DRC-MGR1	02a - Plat	There should be a plat note related to the creation and role of the HOA for the retention areas and open space.

## DRC – Planning Dept

Comment ID	Sheet Name	Comment
DRC-PLN2	12 - Landscaping Plan	Street trees required at 1/50 feet.
DRC-PLN10	12 - Landscaping Plan	Parcel A needs to be fully landscaped.
DRC-PLN15	14 - Water Action Report	COA: If preliminary approval is granted, the water action report may need to be updated to reflect your changing landscape plans.
DRC-PLN26	12 - Landscaping Plan	Final plans will need to include full landscape plans with plants, quantities, etc.
DRC-PLN28	Other - Fencing Plan	Final fencing plans will need to include documentation of adjacent landowner approval since a number of the fences differ from code minimums. Fencing being replaced shall be included in the cost estimates submitted with final plans.
DRC-PLN29	Other - Temporary Turnaround Easement	The easement will need to be executed prior to final approval.
DRC-PLN30	12 - Landscaping Plan	Street trees on Parcel A have been removed on this latest submittal. Trees at 1/50 are required.

## DRC - Recorder Office

Comment ID	Sheet Name	Comment
DRC-REC3	02a - Plat	COA: Address table needs to be complete. 8/19/2022, this note is still applicable for final plat approval.

## DRC - Surveyor Office

Comment ID	Sheet Name	Comment
DRC-SUR1	02a - Plat	This is a preliminary plat. We are approving the project so it can proceed for planning commission review. We reserve the right to review the final signed plat.

EXHIBIT G – Affordable Housing Letter from Applicant

P.O. Box 176  
55 West Center  
Heber City, UT 84032  
Phone: 435.654.9229  
Fax: 435.654.9231

## Christensen Farms Phase 2 & 3 Affordable Housing Obligations

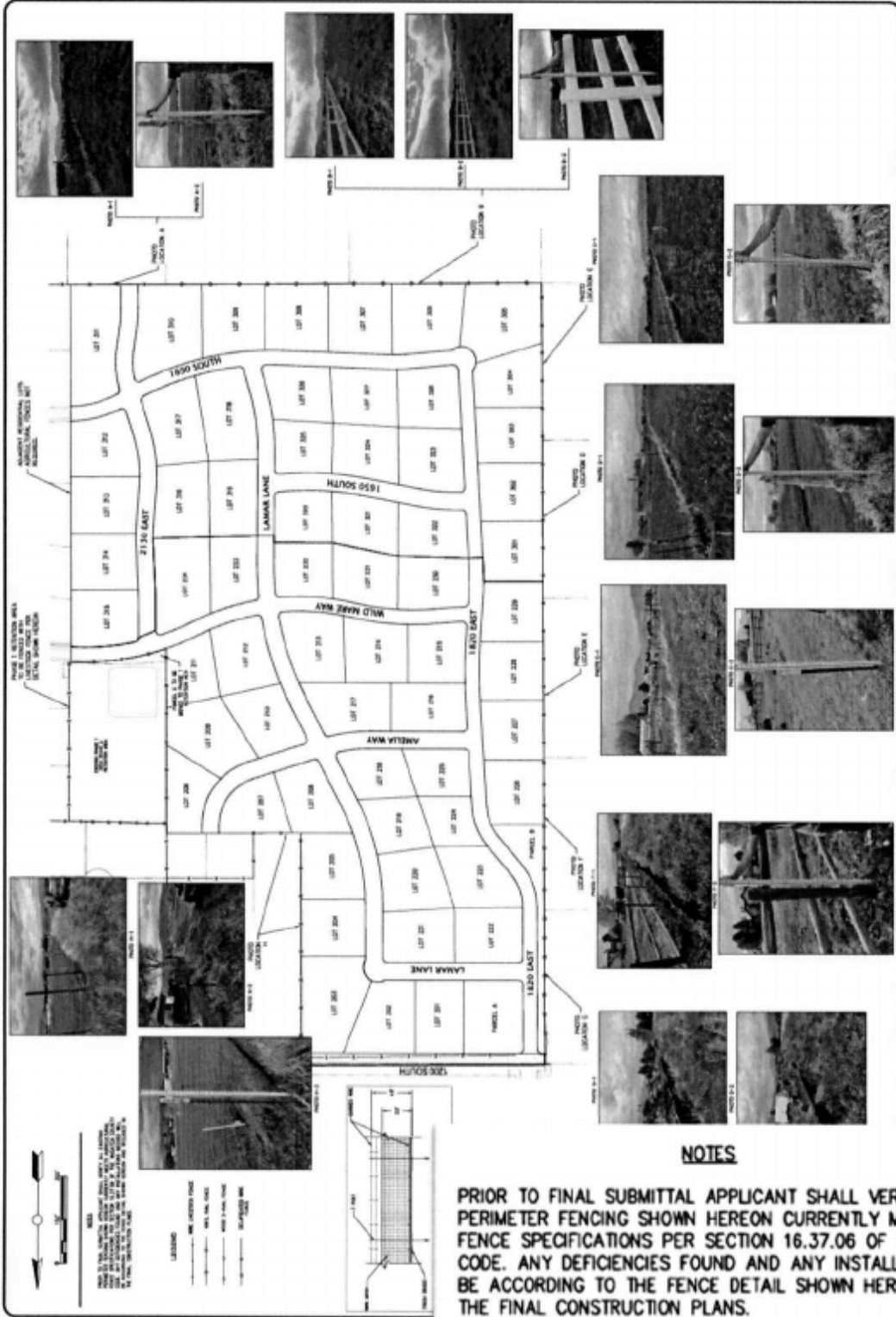
CHRISTENSEN FARMS LOTS, LLC shall pay a Fee-in-Lieu to the Wasatch County Housing Authority per the following fee schedule:

Total Number of Proposed ERUs:	62 units
Phase 2 Proposed ERUs:	34 units
Phase 3 Proposed ERUs:	28 units
Total Required Affordable Housing ERUs (10% of Total ERUs):	6.2 units
Phase 2 Required Affordable Housing ERUs (10% of Total ERUs):	3.4 units
Phase 3 Required Affordable Housing ERUs (10% of Total ERUs):	2.8 units
Required Fee-in-Lieu Payment per ERU:	\$28,000.00
Total Payment Required (6.2 * \$28,000):	\$173,600.00
Phase 2 Payment Required (3.4 * \$28,000):	\$95,200.00
Phase 3 Payment Required (2.8 * \$28,000):	\$78,400.00

Monies in the amount listed above shall be tendered to the Wasatch County Housing Authority prior to recording of subdivision plat.

EXHIBIT H – Fencing Plan

	PROJECT: C19-003 SHEET: L102
	PREPARED BY: [Name] DATE: [Date]
CHECKED BY: [Name] DATE: [Date]	APPROVED BY: [Name] DATE: [Date]
DESIGN: [Name] DATE: [Date]	SCALE: [Scale]



**MINUTES OF THE  
WASATCH COUNTY PLANNING COMMISSION  
OCTOBER 20, 2022**

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

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. and welcomed any public who was in attendance electronically or in person. All the Planning Commission members are present with the exception of Commissioner Mark Hendricks who is excused. The record should also reflect 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 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.

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: In 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. The Planning Commission cannot base land use decisions on public clamor, nor should they make a recommendation to the Council based on public clamor.

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.”

Chair Chuck Zuercher then called the first agenda item.

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**APPROVAL OF THE MINUTES FROM THE SEPTEMBER 8, 2022 MEETING**

**Motion**

Commissioner Karl McMillan made a motion to approve the minutes of September 8, 2022 as written with the one correction on Item No. 3 where the voting took place and Commissioner Kimberly Cook voted Nay instead of Aye. That correction was made.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Wendell Rigby, Karl McMillan, Scott Brubaker, Doug Grandquis, Kimberly Cook.  
NAY: None.

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**CONSENT AGENDA**



SURVEYOR comments:

- This plat is marked preliminary. We are approving so the plat can move to the next stage. We reserve the right to review the final plat.

**Applicant**

Tracey Cannon, the applicant, addressed the Planning Commission and mentioned that she has talked to Steve Farrell and Max Covey about the M&I water. She mentioned the alley loaded streets and that this will be a special product. And she mentioned that homes are individual houses, they are not attached. Tracey indicated that she is really excited about this phase. Also tried to accommodate for the walkability for this community and make it very inner connected.

**Commission Comments**

Commissioner Karl McMillan asked about the DRC comments from Twin Creeks Special Service District. Austin Corry noted that this project has a settlement agreement that allowed them to defer the will-serve letter to plat recording instead of requiring it at final approval.

Commissioner Doug Grandquis asked, who is going to provide the maintenance of those private roads? Austin Corry replied that the HOA is responsible.

**Public Comment**

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

**Motion**

**Commissioner Karl McMillan made a motion that we accept Item No. 5, Crossings at Lake Creek Phase 25C Final subdivision approval, in light of the findings and subject to the conditions specified by staff.**

**Commissioner Kimberly Cook seconded the motion.**

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

**AYE: Chair Chuck Zuercher, Scott Brubaker, Kimberly Cook, Wendell Rigby, Karl McMillan, Doug Grandquis**

**NAY: None.**

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Chair Chuck Zuercher asked Austin Corry if Items 6 and 7 could be handled together. Austin Corry indicated that would work.

Item No. 7, the Preliminary Subdivision approval, was heard first:

**ITEM 7        BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS LOTS LLC, REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR CHRISTENSEN FARMS PH 2 & 3, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 62 LOTS ON 80.92 ACRES IN THE EASTERN PLANNING AREA OF 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 NOVEMBER 2, 2022.* (DEV-4617; AUSTIN CORRY)**

**Staff**

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and then indicated that although the name of the proposed subdivision is called Christensen Farms Phases 2

and 3, the proposal is an entirely separate application, unrelated to the Christensen Farm Phase 1 subdivision which received a separate preliminary approval and was platted under its own entitlements without consideration of Christensen Farms Phases 2 and 3. The proposed subdivision includes 62 residential single family lots and two open space parcels for storm drain facilities. The proposal as designed has been accompanied by a proposed plat amendment to combine the remnant piece into the retention area parcel of the adjacent Christensen Farms Phase 1 subdivision. There is a parcel A and a parcel B which are their storm water areas so they would be open space of the project. There is a temporary turnaround that is off site. Parcel C is not in the subdivision boundaries but it is in the current property boundaries and that is where the plat amendment comes into play. There is a timing for their amenities, parcel A and parcel B landscaping requirements for their open space parcels that wouldn't be an individual single family lot would be done within eighteen months of plat recording or fifty percent of building permits issued on the project site. There was some grading activities that went on the site and the new grading plans reflect those that have happened and their plans are then to restore that back to the original grade as part of this project. They will do the County minimal agriculture fence and for final they will have to have an agreement with the property owner that is acceptable.

Austin Corry went through some key issues to consider.

1. The subject property is 80.77 acres per the applicant's documentation.
2. The proposal is in the RA-1 zone.
3. The proposal is for 62 residential lots resulting in a density of 1.3 acres per unit.
4. The proposed density is subject to meeting the criteria of Wasatch County Code in order to be approved for density higher than 5 acres per unit.
5. The proposed subdivision is contingent on approval to combine a remnant parcel with an adjacent subdivision.

The DRC has forwarded this on. Austin Corry then went through the DRC comments:

JORDANELLE SSD comments:

- Construction drawing review and approval to be coordinated with District Engineer.

MANAGER'S comment:

- There should be a plat note related to the creation and role of the HOA for the retention areas and open space.

PLANNING comments:

- Street trees required at 1/50 feet.
- Parcel A needs to be fully landscaped.
- COA: If preliminary approval is granted, the water action report may need to be updated to reflect your changing landscape plans.
- Final plans will need to include full landscape plans with plants, quantities, etc.
- Final fencing plans will need to include documentation of adjacent landowner approval since a number of the fences differ from code minimums. Fencing being replaced shall be included in the cost estimates submitted with final plans.
- The easement will need to be executed prior to final approval.
- Street trees on Parcel A have been removed on this latest submittal. Trees at 1/50 are required.

RECORDER comments:

- COA: Address table needs to be complete. 8/19/2022, this note is still applicable for final plat approval.

SURVEYOR comments:

- This is a preliminary plat. We are approving the project so it can proceed for Planning Commission review. We reserve the right to review the final signed plat.

Austin Corry then went through the proposed findings:

1. The subject property is 80.77 acres per the applicant's surveyor.
2. The subject property is in the Residential Agriculture (RA-1) zone.
3. The RA-1 zone is a 5 acre minimum lot size zone.
4. The RA-1 zone 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.

6. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
7. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
8. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
9. The proposal includes two retention area parcels that are to be landscaped by the developer and maintained by the proposed subdivision HOA.
10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
11. The phasing plan on the application includes a developer commitment to landscape the retention areas and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
12. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the aspects of the Wasatch County Code.
13. The applicant has offered a 10 percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
14. Preliminary approval does not grant a variance from County Code standards that is not determined at the level of review provided at Preliminary.
15. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission and County Council.
16. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. An easement, or other acceptable form of agreement, will need to be executed for the off-site temporary cul-de-sac prior to final approval.
2. Approval is contingent on a concurrent approval for a plat amendment. If the concurrent plat amendment is denied, this approval becomes void.
3. The commitments made by the developer in the submittal documents shall be considered part of the approval.
4. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
5. The open space parcels shall include dedication to the HOA and an open space easement in favor of Wasatch County or other options as available under WCC 16.21.06.
6. Open space areas shall include landscape plans that comply with County code with the final subdivision application.
7. Final plans shall include fencing plans and any necessary agreements in compliance with Wasatch County Code.
8. Final plans will need to include a will-serve letter from applicable service districts. At this time, the County Water Board has indicated Twin Creeks Special Service District and Timpanogos Irrigation Company.

#### **Public Comment**

Chair Chuck Zuercher then opened Item No. 7 up for public comment and there was none so the public comment period was closed.

#### **Motion**

**Commissioner Karl McMillan made a motion that we recommend approval of Item No. 7, Christensen Farms Phases 2 and 3 Preliminary, in light of the findings and subject to the conditions provided by staff. And send the recommendation for approval to the Wasatch County Council.**

**Commissioner Scott Brubaker seconded the motion.**

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

**AYE: Chair Chuck Zuercher, Scott Brubaker, Karl McMillan, Wendell Rigby, Kimberly Cook, Doug Grandquis.**

**NAY: None.**

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Austin Corry then indicated that he will now explain Item 6.

**ITEM #6** **SUMMIT ENGINEERING, REPRESENTING CHRISTENSEN FARM LOTS LLC, REQUESTS A PLAT AMENDMENT TO CHRISTENSEN FARM PHASE 1 SUBDIVISION PLAT TO ADD 0.134 ACRES OF ADJACENT PROPERTY TO A RETENTION AREA PARCEL LOCATED AT 1460 S 2130 E 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 NOVEMBER 2, 2022. (DEV-6646; AUSTIN CORRY)***

### Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the applicant is seeking to amend the Christensen Farm Phase 1 subdivision in order to add 0.134 acres of property from outside the subdivision boundary into a retention area parcel inside the subdivision. The new proposal results in two main changes. 1. The retention area parcel is increased in size, and 2. The notes of the plat are amended to alter the specifics of maintenance responsibilities for the retention area. It is important to note that the new proposed subdivision does not use this retention area for its storm water facilities. Also Wasatch County requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. Utah Code Section 17-27a-609 allows the County to approve a plat amendment if the County finds that (a) there is good cause for the vacation, alteration, or amendment, and (b) no public-street, right-of-way, or easement has been vacated or altered. You have a plat amendment in front of you that is handling this little piece and the two items of consideration are that they have met good cause and they have got their landscaping proposal and adding acreage and the change of the maintenance responsibility and the rest is the preliminary subdivision and the DRC is recommending on the preliminary subdivision that you recommend that on for approval.

Austin Corry then went through some key issues to consider.

1. The retention area is currently 4.19 acres located in the northwest corner of the subdivision.
2. The plat amendment will add 0.134 acres of adjacent land into the property, resulting in the retention area becoming 4.324 acres.
3. The plat, and Wasatch County Code, currently requires the HOA to maintain the retention area.
4. The applicant proposes to have the proposed subdivision HOA, Christensen Farm 2 and 3, assume maintenance responsibility of the retention area parcel.
5. The Christensen Farm 2 and 3 subdivision does not use the retention area for storm water.
6. Although the name of the proposed subdivision is Christensen Farm Phases 2 and 3, it is a completely separate subdivision with no procedural connection to the previously platted Christensen Farm Phase 1 subdivision.

Austin Corry then went through the proposed findings for approval.

1. The affected plat is Christensen Farm Phase 1.
2. The request is to add 0.134 acres into a 4.19 acre storm water retention area in the existing plat.
3. The proposed landscaping is to seed the area with pasture grass and use the retention area as a pasture.
4. The proposal includes a request to change the maintenance responsibility of the retention area from the HOA of the Christensen Farm Phase 1 subdivision to instead be maintained by the HOA of an adjacent subdivision.
5. The existing plat is currently at the maximum permissible density of 1.3 acres/unit for the zone.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the project and forwarded the item on for a determination by the Planning Commission and County Council.
8. Utah Code and Wasatch County Code require a finding of good cause in order for any plat to be amended or vacated. If good cause is not able to be found, the request should be denied.
9. Good cause is defined as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.
10. Good cause for the amendment exists by accommodating the current design of the Christensen Farm Phase 2 subdivision as proposed, which would create a nuisance strip if the parcel were not combined with the existing retention area, thus precluding the ability of approving the proposed subdivision.

11. Based on the current zoning designation and its associated regulations, both the existing affected subdivision and the proposed subdivision would be at the maximum permissible density.
12. The proposal is consistent with Utah Code Section 17-27a-609.

Austin Corry then went through the proposed conditions for approval.

1. The plat amendment approval shall expire if the amended plat is not recorded within one year from the date of receipt of plat amendment approval.
2. Approval is subject to verification from the water board that the water requirements for the additional acreage added is appropriately conveyed.
3. The plat notes should be updated to also include an open space easement in favor of Wasatch County per Wasatch County Code Section 16.08.04(D).

Austin Corry then went through the proposed findings for denial.

1. The affected plat is Christensen Farm Phase 1.
2. The request is to add 0.134 acres into a 4.19 acre storm water retention area in the existing plat.
3. The proposed landscaping is to seed the area with pasture grass and use the retention area as a pasture.
4. The proposal includes a request to change the maintenance responsibility of the retention area from the HOA of the Christensen Farm Phase 1 subdivision to instead be maintained by the HOA of an adjacent subdivision.
5. The existing plat is currently at the maximum permissible density of 1.3 acres/unit for the zone.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the project and forwarded the item on for a determination by the Planning Commission and County Council.
8. Utah Code and Wasatch County code require a finding of good cause in order for any plat to be amended or vacated. If good cause is not able to be found, the request should be denied.
9. Good cause is defined as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.
10. The character of the Christensen Farm Phase 1 subdivision would be changed by altering the maintenance responsibility of 4 acres to be removed from the HOA that the retention area serves to instead be the maintenance responsibility of the HOA of a proposed subdivision that does not use the retention area.
11. This proposed revision would violate the Wasatch County development standards, specifically, the maintenance responsibilities required under Wasatch County Code 16.40.01(E) and the ownership requirements under 16.21.06. The ownership requirement is an existing non-conformity. The maintenance requirement is being addressed as proposed because the applicant has indicated that the HOA of Phase 1 has not responded to requests to comment or agree to the proposed changes and landscaping to the retention basin, and the County considers the proposed plat notes to grant the current HOA and the Phase 1 lot owners the protections the 16.40.01(E) code requirements are intended to protect for retention basins.
12. Good cause requires that issues of non-conformity are resolved through the proposed amendment, but instead, the proposal creates an atypical maintenance assignment.
13. Without good cause, the proposal should be denied in accordance with Utah Code Section 17-27a-609.

### Commission Comments

Commissioner Wendell Rigby asked if the retention basin will just take care of the subdivision itself, is that correct? Austin Corry replied that is correct. Commissioner Wendell Rigby asked that you won't be taking water from other areas and putting the water into what used to be the big retention basin. Austin Corry replied that it has just been sized for this subdivision. Commissioner Wendell Rigby then indicated that he still has a concern about these detention basins Parcel A and Parcel B. The property owners have had issues with water getting into their basements with regard to flood irrigation and now that this area is under sprinkling irrigation and just concerned that possibly water from these detention basins might flood through percolation and get into their basements and have a concern about those detention basins.

Dave Dalton, one of the property owners that have had water issues and am real concerned about that happening again with regard to these detention basins if they bring water from above us and put it in a regional retention pond that would possibly create the same problems that we have had.

Brian Balls, Summit Engineering, addressed the concerns with water doing damage to homes. There are no regional basins being constructed. The likelihood of that happening again is not there because now we can easily handle the storm water that we are required to regulate and handle through the storm water regulations for Wasatch County. The basins are constructed to take care of a hundred percent of storm water run-off.

Commissioner Karl McMillan asked, does the HOA of the Phase I have to approve the change of responsibility? Austin Corry replied if the plat amendment is approved and recorded that would replace the maintenance responsibility. Commissioner Karl McMillan asked, what is the width adjustment on 1200 South? Austin Corry replied the actual cross section and 1200 South is a main collector road so bringing up the half width of that road to match that collector road which also does include a trail.

Commissioner Karl McMillan asked as they backfilled all of this there would have to be compaction monitoring and who does that and how does it get back to you? Austin Corry replied that our Engineering department handles the subdivision construction and would be handled through there and they rely on outside geotechnical review consultant. That would be under the construction permit that our Engineering department is managing. Dillon from T-O Engineering indicated that they have quality control people watching this that will tell us what is going on and sends reports to engineering.

#### Applicant

Peter Gamvroulas, with the Ivory Development, addressed the Wasatch County Planning Commission and indicated this is a very simple preliminary subdivision. While this has been explained correctly there was one thing that was not explained very well and that property that serves as the detention for Phase I is owned by us so it is not weird that our HOA would then come in and take care of what is necessary. There is an existing easement there which takes the responsibility and then the owner just takes the ownership obligation.

#### 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 Wasatch County Council approval of the plat amendment to Christensen Farm Phase I in light of the findings and subject to the conditions consistent from the Planning Staff.**

**Commissioner Karl McMillan seconded the motion.**

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

**AYE: Chair Chuck Zuercher, Scott Brubaker, Karl McMillan, Wendell Rigby, Kimberly Cook, Doug Grandquis.**

**NAY: None.**

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**ITEM 8 HORROCKS ENGINEERING, REPRESENTING CACHE PRIVATE CAPITAL DIVERSIFIED FUND LLC, REQUESTS AN AMENDMENT TO THE OVERALL PRELIMINARY APPROVAL FOR BENLOCH RANCH THAT WOULD IMPACT PHASES 4, 5, AND 6 CONSISTING OF 616 ERUS ON APPROXIMATELY 577 ACRES LOCATED IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). *\*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 NOVEMBER 2, 2022. (DEV-6346; DOUG SMITH)***

#### Staff

## Wasatch County Planning Commission

## Report of Action

20-October-2022

*Commissioner Chuck Zuercher was present as Chair.*

**ITEM #7** – Brian Balls, representing Christensen Farms Lots LLC, requests Preliminary Subdivision approval for Christensen Farms Ph 2 & 3, a proposed residential subdivision consisting of 62 lots on 80.92 acres in the Eastern Planning Area of the Residential Agriculture 1 (RA-1) zone. (DEV-4617; Austin Corry)

**STAFF PRESENTATION** - The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

**APPLICANT AND PUBLIC COMMENT** - Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Dave Dalton citizen and neighbor mentioned the flooding of his basement until they changed to sprinkler irrigation. Mr. Dalton felt that this should not be a regional detention pond.
- Brian Balls, applicant engineer, stated that there is not a regional detention basin with this project. The basin is only for this development and will not accept water from other developments. He stated that there would be some sub-structures in the basins and they will easily handle the water from the development. Brian stated that the water percolates very rapidly.

**PLANNING COMMISSION DISCUSSION** - Key points discussed by the Planning Commission included the following:

- Commissioner Rigby asked about the detention basins and if they were regional which they are not.
- Commissioner McMillan asked if the phase 1 HOA needs to approve the change to the maintenance of the detention facility. Also he asked about the dedication of the 12<sup>th</sup> south ROW.
- Commissioner Rigby stated that he has a concern about the detention ponds and that they could cause the basements of the neighboring property owners to flood.
- Commissioner Brubaker asked about the depth of the detention ponds.

**MOTION**

Commissioner McMillan made a motion to recommend preliminary approval with the findings and conditions outlined in the staff report.

Commissioner Brubaker seconded the motion.

**VOTE (6 TO 0)**

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Doug Grandquis	<u>AYE</u>	NAY	ABSTAIN
Wendell Rigby	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Kimberly Cook	<u>AYE</u>	NAY	ABSTAIN	Karl McMillan	<u>AYE</u>	NAY	ABSTAIN

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

1. The subject property is 80.77 acres per the applicant's surveyor.
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.
4. The RA-1 zone 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.
6. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
7. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
8. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
9. The proposal includes two retention area parcels that are to be landscaped by the developer and maintained by the proposed subdivision HOA.
10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.

11. The phasing plan on the application includes a developer commitment to landscape the retention areas and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50% of the building permits, whichever comes first.
12. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the aspects of the Wasatch County Code.
13. The applicant has offered a 10% affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
14. Preliminary approval does not grant a variance from County Code standards that is not determined at the level of review provided at Preliminary.
15. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission and County Council.
16. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

### CONDITIONS

1. An easement, or other acceptable form of agreement, will need to be executed for the off-site temporary cul-de-sac prior to final approval.
2. Approval is contingent on a concurrent approval for a plat amendment. If the concurrent plat amendment is denied, this approval becomes void.
3. The commitments made by the developer in the submittal documents shall be considered part of the approval.
4. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
5. The open space parcels shall include dedication to the HOA and an open space easement in favor of Wasatch County or other options as available under WCC 16.21.06.
6. Open space areas shall include landscape plans that comply with County code with the final subdivision application.
7. Final plans shall include fencing plans and any necessary agreements in compliance with Wasatch County Code.
8. Final plans will need to include a will-serve letter from applicable service districts. At this time, the County water board has indicated Twin Creeks Special Service District and Timpanogos Irrigation Company.



Wasatch County Planning Commission - Chairman

The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action. Official action of the Planning Commission on this item is subject to the approved minutes.



happened there the open space easement is meant to protect some of that as well.

**ITEM 2      BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS LOTS L.L.C., REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR CHRISTENSEN FARMS PHASE 2 AND 3 A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 62 LOTS ON 80.92 ACRES IN THE EASTERN PLANNING AREA OF THE RESIDENTIAL AGRICULTURE 1 RA-1 ZONE.**

**Staff:**

Austin Corry, the Assistant Wasatch County Planner indicated to keep this rolling the preliminary subdivision is a standalone subdivision that is in front of you today. The area is just south of the Cobblestone Development and west of the Christensen Farm Phase 1 Development and the layout is a typical modified grid network that you would see. It does include the connections to the existing Wild Mare Way and others. One of the things that they will need to do is actually execute an easement on these properties. Austin Corry then presented a power point presentation. It is a one acre lot development. Austin Corry indicated that to my understanding from the conversations that I have had with them they want to maintain the ownership of that because one of the partners in the L.L.C. will be the one running that pasture area apparently. The applicant was not inclined to utilize our Development Agreement path that we have in the code so a number of things we typically handle just through narrative form they have submitted through documentation through these. One of the reasons for the phasing plan is because that is where the applicant indicated how their amenities and timing of their landscaping will be handled which is included in the note there on the bottom right. So eighteen months from the time of plat recording or fifty percent of the building permits being issues any of the required landscape areas which would be that parcel A and parcel B and their landscaping for Phase 1 retention area will all need to be done in that time line that they are committing to through their phasing plan. Also there was an extensive amount of grading activity that occurred there in anticipation of different approvals that the applicant pursued at their own risk with grading activities there and those proposals have gone away and so now with the new proposals they need to restore that area back. The compaction of the dirt will have to be done to meet the County's requirements and criteria and will be done through the engineering staff. As the applicant move into final plans they will need to do landscaping ways that meet the Wasatch County Code.

Councilman Steve Farrell indicated that none of the area in parcel A was used for the density requirement in Phase 1. Austin Corry replied that Phase 1 is not included in the density calculations for this subdivision. The only reason that retention area is coming into play is because the applicant chose to design their road and it was left with a gap from what was platted in phase 1 and not platted that way for common area but required for the approval. There is no building right or anything like that on those four acres. Currently it has a storm water retention easement over the top of it that effectively is a deed restriction.

Councilman Steve Farrell indicated that he can see five or ten years down the road someone coming in and saying we can prove through storm water management that a parcel of that size is not needed.

Councilman Spencer Park indicated if the HOA has to take care of this area they need to have some benefit for doing so. Is there an option to make it open space so that the HOA has some long term benefit to taking care of it? Jon Woodard, the Assistant Wasatch County Attorney, indicated that I think there will be a big change from what has been discussed. The reason that we are doing it this way as I understand it, is they have got that little parcel that they need to combine with this other parcel in order to have the road where they want it. They could not get sign off from the other HOA because there was a landscaping requirement and an addition being made to that open space parcel we wanted that HOA that has the responsibility to maintain that to sign off on that because we felt uncomfortable not allowing this development to record based on a third party refusing to cooperate. We kind of used our baling twine and came up with this solution. It is not ideal but that is how we got where we are because I do think that it is not reasonable for us to hold up a development approval because of the third party that is not even a governmental entity is refusing to cooperate.

Councilwoman Marilyn Crittenden indicated that I am concerned with what can happen down the road when the HOA members find out that I am paying for something that I have no use for and actually paying for somebody to farm on that and possibly make money and that is my biggest concern. Jon Woodard replied that I think that it is a valid concern but the answers are that they won't have the development approval at least with this layout without them agreeing to this so they won't have a buildable lot.

Councilman Steve Farrell indicated that phase 1 should step up and take care of it because it is to their benefit. Austin Corry also indicated that an Moderate Income Housing Report be provided and the applicant indicated that instead of providing a report has asked that you as a Council allow them to take a ten percent number and pay a fee in lieu instead of providing the report. Also the last thing on this particular subdivision it is surrounded by a number of different properties and a variety of different properties and different fencing types and do have a right to farm regulation here in the County if a subdivision is developed to someone who has animal rights that you have to provide fencing that is adequate to maintain the animals. If they do not put up a fence required by the County then they will have to get permission from the adjacent property owner to use their type fence.

Austin Corry then went through the DRC comments:

JORDANELLE comments:

- Construction drawing review and approval to be coordinated with District Engineer.

MANAGER'S comment:

- There should be a plat note related to the creation and role of the HOA for the retention areas and open space.

PLANNING comments:

- Street trees required at 1/50 feet, parcel A needs to be fully landscaped.
- COA: if preliminary approval is granted, the water action report may need to be updated to reflect your changing landscape plans.
- Final plans will need to include full landscape plans with plants, quantities, etc.
- Final fencing plans will need to include documentation of adjacent landowner approval since a number of the fences differ from code minimums. Fencing being replaced shall be included in the cost estimates submitted with final plan.
- The easement will need to be executed prior to final approval.
- Street trees on Parcel A have been removed on this latest submittal. Trees at 1/50 are required.

RECORDER comments:

- COA: Address table needs to be complete. 8/19/2022, this note is still applicable for fiscal plat approval.

SURVEYOR comments:

- This is a preliminary plat. We are approving the project so it can proceed for planning commission review.
- We reserve the right to review the final signed plat.

Austin Corry then went through the proposed findings:

1. The subject property is 80.77 acres per the applicant's surveyor.
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.
4. The RA-1 zone allows a greater density of 1.3 acres per unit if certain criteria outlined in 16.08.04© of the Wasatch County Code are met
5. The application includes connections to public sewer and public water.
6. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
7. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
8. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
9. The proposal includes two retention area parcels that are to be landscaped by the developer and maintained by the proposed subdivision HOA.

10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
11. The phasing plan on the application includes a developer commitment to landscape the retention areas and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
12. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the aspects of the Wasatch County Code.
13. The applicant has offered a ten percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
14. Preliminary approval does not grant a variance from County Code standards that is not determined at the level of review provided at Preliminary.
15. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission and County Council.
16. Wasatch County Code 16.02.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. An easement, or other acceptable form of agreement, will need to be executed for the off-site temporary cul-de-sac prior to final approval.
2. Approval is contingent on a concurrent approval for a plat amendment. If the concurrent plat amendment is denied, this approval becomes void.
3. The commitments made by the developer in the submittal documents shall be considered part of the approval.
4. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
5. The open space parcels shall include dedication to the HOA and an open space easement in favor of Wasatch County or other options as available under WCC 16.21.06.
6. Open space areas shall include landscape plans that comply with County code with the final subdivision application.
7. Final plans shall include fencing plans and any necessary agreements in compliance with Wasatch County Code.
8. Final plans will need to include a will-serve letter from applicable service districts. At this time, the County water board has indicated Twin Creeks Special Service District and Timpanogos Irrigation Company.

**Applicant:**

Peter Gamvroulos, representing the applicant, addressed the Wasatch County Council and indicated that the parcel that is referenced has been in our ownership the whole time. Nothing changes as to the benefit to phase 1 and they never had ownership and never had access they only

had a drainage. The only thing that changes is the maintenance and we said that the owner could take on maintenance. County code forces HOA to be the maintenance authority over that. That is fine we will have our HOA be the maintenance authority over it and it will still be the landowner who takes care of it but the HOA will have that right to go into and maintain and so it really isn't going to be a cost to our HOA. It is just going to function as an easement that exists on private property.

**Public Comment:**

Vice Chair Spencer Park then opened Item 1 and Item 2 up for public comment. And it should be made known that Councilman Jeff Wade had to go off via Zoom because of computer problems so he now is not joining us. Also to pass any matter it will require four positive votes and if you would want to continue the matter until all the council would be present please let us know. (There was no problem mentioned regarding that issue and were okay with proceeding.) Spencer Park then closed the public comment period for Item No. 1 and Item No. 2.

**Motion:**

**Councilman Steve Farrell made a motion on Item 1 that we go ahead and do a plat amendment on Christensen Farm Phase 1 Subdivision to add 0.134 acres of adjacent land to a retention area in light of the findings and subject to the conditions put forth by the Planning Staff and Planning Commission. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Spencer Park  
AYE: Marilyn Crittenden  
AYE: Chair Mark Nelson  
AYE; Steve Farrell  
AYE: Kendall Crittenden**

**NAY: None.**

**Motion:**

**Councilman Kendall Crittenden made a motion on Item 2 that we approve the preliminary subdivision approval for Christensen Farms Phase 2 and 3 a proposed residential subdivision consisting of 62 lots on 80.92 acres in the Eastern Planning Area in light of the findings and subject to all conditions as put forth by the Planning Staff and Planning Commission and also approve the affordable housing as has been presented. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:**

**AYE: Vice Chair Spencer Park**

**AYE; Marilyn Crittenden**  
**AYE; Steve Farrell**  
**AYE: Chair Mark Nelson**  
**AYE: Kendall Crittenden**

**NAY: None.**

**ITEM 3      HORROCKS ENGINEERING, REPRESENTING CACHE PRIVATE CAPITAL DIVERSIFIED FUND L.L.C. REQUESTS AN AMENDMENT TO THE OVERALL PRELIMINARY APPROVAL FOR BENLOCH RANCH THAT WOULD IMPACT PHASES 4, 5 AND 6 CONSISTING OF 616 ERUS ON APPROXIMATELY 577 ACRES LOCATED IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JBOZ.**

**Staff:**

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that this request is for amended preliminary approval of phases 4, 5 and 6 of Benloch Ranch. Overall preliminary for the entire development consisting of 2,345 acres was granted in 2019. Since that time the master developer has sold off portions of the development to other developers. The new developers have proposed changes to the overall preliminary with new road alignments and lot layouts. It was determined that the changes were too great to be considered consistent with the previously approved preliminary and the new developer was required to amend the preliminary for phases 4, 5 and 6. The intent of an overall preliminary is to have a cohesive development with roads, open space, trails, and utilities that connect between phases and with the rest of the development. This has been a big undertaking by both the applicant and staff but hopefully this will allow for a better development that, after preliminary approval can apply for final phased plats that will work with future phases.

The property is a challenging piece to develop. Much of the project is on steep north facing slopes that require large amounts of cut, fill and retaining walls. Lots are limited due to building envelope requirements that must be less than 30 per cent slope as well as potential ridge line issues. The steep terrain also complicates roads and driveways. These phases will connect to Benloch Ranch Road and Skyfall Road. These roads connect phases throughout the development and will approve the necessary second accesses for phases. All phases must have two accesses internally and ultimately provide access back to Highway 32 at two separate locations. We require that each lot has a 5,000 square foot building pad that is under thirty percent slope. The trail system is very extensive throughout this open space and working with them in a Development Agreement to require those and bond for those in various stages. There are two product types which are town house and single family. Duplexes are connected. The code requires the Wasatch County Council to sign off on retaining walls that are over thirty feet or longer than two hundred feet in length and

Wasatch County  
Planning Commission  
November 9, 2023



Item #3

Christensen Farms Subdivision Phase 2  
-Christensen Farms Lots LLC-

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Final Subdivision Approval



# **WASATCH COUNTY**

## **Planning Commission Staff Report**

### **Final Subdivision Approval**

**ITEM 3** Brian Balls, representing Christensen Farms Lots LLC, requests Final Subdivision approval for Christensen Farms Subdivision Phase 2, a proposed residential subdivision of 34 lots on 44.24 acres located at approximately 1900 E 1200 S in the Residential Agriculture 1 (RA-1) zone. (DEV-7559; Austin Corry)

#### **PROJECT SUMMARY**

**Applicant:** Brian Balls  
**Hearing Date:** 09 November 2023  
**Property Owner:** Christensen Farms Lots LLC  
**Existing Zone:** RA-1  
**Related Applications:** 2022 Preliminary (DEV-4617)

**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential Single Family  
**Acreage:** 44.24 ac  
**Proposed Density:** 1.3 a/u  
**Proposed Lots:** 34 RSF lots

#### **BACKGROUND**

The subject property is on the valley floor halfway between Mill Road and 2400 East, just south of the Cobblestone development. The property is bordered on the north by 1200 South, on the west by the Center Creek Meadows record of survey subdivision, to the south are Lot of Record parcels and the Hendrickson One Lot subdivision, and on the east by the Christensen Farms Phase 1 subdivision.

Although the name of the proposed subdivision is called Christensen Farms Phases 2 & 3, the proposal is an entirely separate application, unrelated to the Christensen Farm Phase 1 subdivision which received a separate preliminary approval and was platted under its own entitlements without consideration of Christensen Farms Phases 2 and 3. The proposed subdivision phase includes 34 residential single family lots and a small open space parcel. Storm drain retention facilities have been placed on two of the lots with an easement restriction over the facility as opposed to the developer placing them in open space lots and landscaping them.

As designed, the proposed subdivision connects to Wild Mare Way and then proceeds into the subdivision in a way that leaves a remnant parcel between the proposed right-of-way and the platted retention area parcel in Christensen Farm Phase 1. The remnant piece was approved to be combined into the Phase 1 retention area by plat amendment, however, no plat for recording has been presented by the developer at this point in time. That recording will be required to take place before this plat could be recorded as designed.

#### **STAFF ANALYSIS**

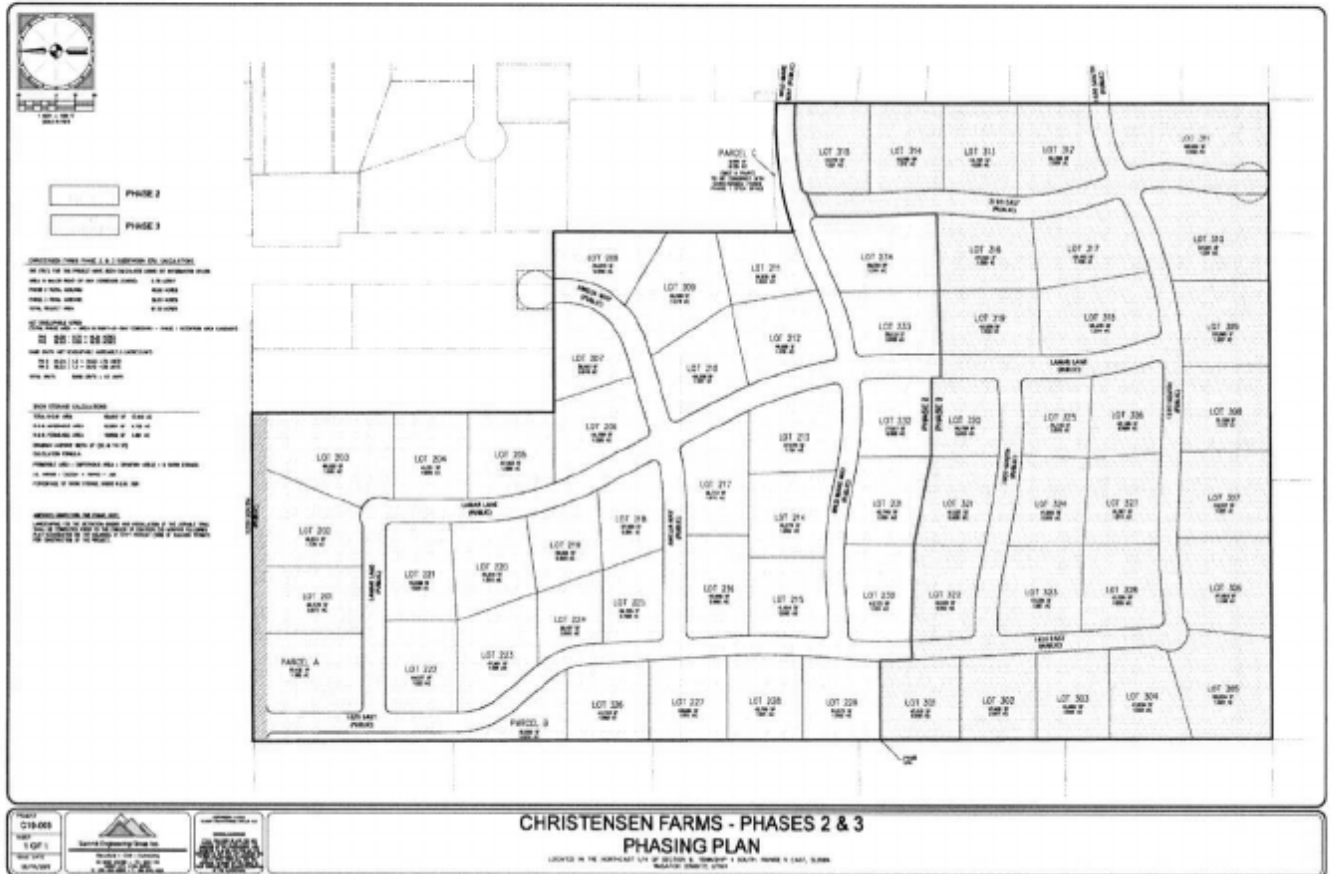
##### ***– LAND USE AND DENSITY –***

The proposed subdivision is in the Residential Agriculture 1 zone. This zone permits 5 acre lots with an ability to reduce lot size to 1 acre if connected to public sewer and water which would allow an overall density of no



greater than 1.3 acres per unit. 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 acres per unit. This is meant to accommodate developments that wish to cluster lots in favor of providing more usable open space areas, or to provide some flexibility in design where developments can have smaller and larger lots interspersed throughout the area.

With 34 lots on 44.24 net acres, this phase is at the maximum permissible density. The majority of the proposed lots are roughly one acre arranged in a gridded pattern with the smallest lot being 0.69 acre. Per the preliminary approval documents, this leaves 36.53 acres reserved for a future 28 lot phase of the subdivision.



– 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. Setbacks along collector roads are required to be 50 feet and any access is prohibited from the collector road.

– MODERATE INCOME HOUSING –

During the preliminary approval, the applicant requested the Council accept a fee-in-lieu payment of \$28,000 per Affordable Unit Equivalent (AUE) to be paid prior to plat recording. The AUEs were calculated at 10% of the development in-lieu of providing an affordable housing report. The Council accepted the applicant’s request. The applicant’s provided commitment is included in the Exhibits.

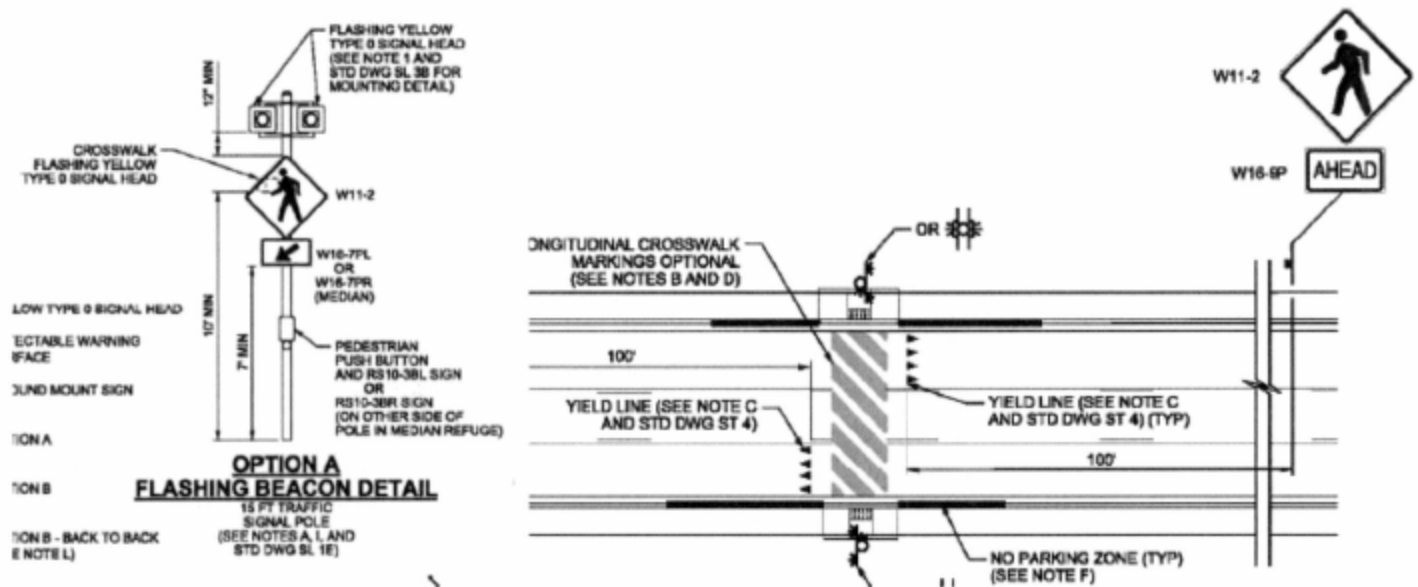
– ENVIRONMENTAL CONSTRAINTS ANALYSIS –

The information provided by the applicant indicates that no conflicts with the environmental constraints exist. The FEMA mapping does identify existence of the property being in zone X which FEMA recommends, although does not require, flood insurance. A note is included on the plat to this affect in order to satisfy putting property owners on notice of the FEMA guidelines.

If any evidence later discovered indicates that representations from the applicant have not been made accurately, 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.

– TRAILS –

There is a regional trail connection that passes through the site and modifications to the street cross-sections were allowed to accommodate / acknowledge this trail. Additional trail easement and maintenance responsibilities are listed on the plat to help clarify these locations. The HOA is responsible to maintain the trail. At the northwest corner of the property, the trail aligns with a trail system on the north side of 1200 South. Considering the nature of 1200 South, a Rectangular Rapid Flashing Beacon sign will be installed by the applicant to aid pedestrian traffic in crossing at this location. A similar beacon exists to the east of this project at the entrance to Cobblestone. At such time as the trail network is completed to close the gap and provide a continuous trail along 1200 South, the east beacon could be decommissioned and used elsewhere in the County if determined by the County that it is no longer needed.



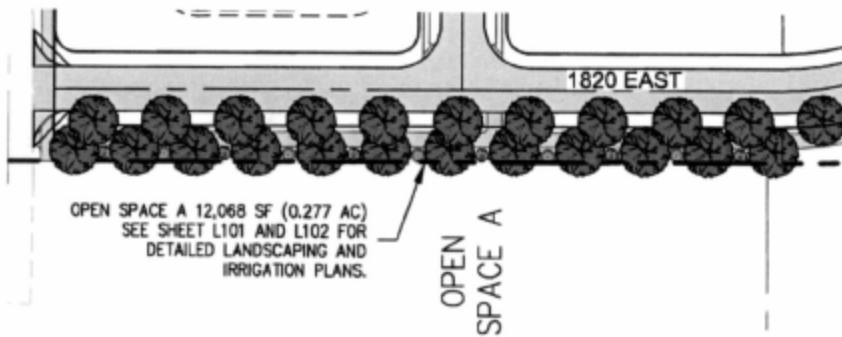
– OPEN SPACE / STORMWATER –

Preliminary approval included two areas in the northwest of the property adjacent to the proposed ingress road that would be used for open storm water basins. Basic landscape plans were provided for the retention basin areas stating that the developer would install either xeriscape or grass in these areas, but lacked the necessary plans for final approval to be granted.

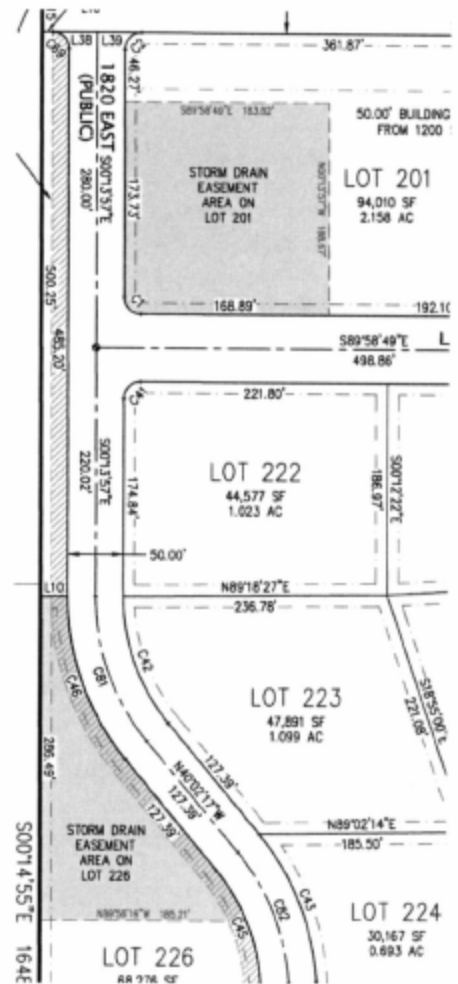
With the final plan, the developer has chosen instead to remove the retention areas from open space parcels and instead place them inside easements on privately owned lots so that the landscaping of the area will rely on the private landowner as opposed to the developer. However, the HOA will have the right and a secondary obligation to maintain the landscaping in the retention areas, as will the county in accordance with WCC 16.27.23 as outlined in the draft development agreement. The plat also includes language as follows:

## PLAT NOTES

1. THE HOA FOR CHRISTENSEN FARMS PHASES 2 AND 3 WILL HAVE MAINTENANCE RESPONSIBILITY FOR THE RETENTION PONDS, OPEN SPACE AND TRAILS AREAS IN ADDITION TO THE CHRISTENSEN FARMS PHASE 1 RETENTION BASIN. IN THE EVENT THAT THE RETENTION BASIN IS NOT MAINTAINED IN ACCORDANCE WITH WASATCH COUNTY STANDARDS, THE CHRISTENSEN FARMS PHASE 1 HOA MAY MAINTAIN THE RETENTION BASIN IN ACCORDANCE WITH WASATCH COUNTY STANDARDS AND CHARGE THE CHRISTENSEN FARMS PHASES 2 AND 3 HOA FOR ITS REASONABLE, ACTUAL COSTS. IN THE EVENT THE HOA FAILS TO MAINTAIN THE RETENTION BASINS, THE COUNTY MAY (BUT IS NOT OBLIGATED TO) MAINTAIN THEM. THE MARKET VALUE OF THE COST OF THIS MAINTENANCE IS HEREBY AGREED TO AND SHALL CONSTITUTE A VALID LIEN ON THE LOTS ON A PARITY WITH AND COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS GENERAL COUNTY TAXES THAT ARE A LIEN ON THE LOTS.



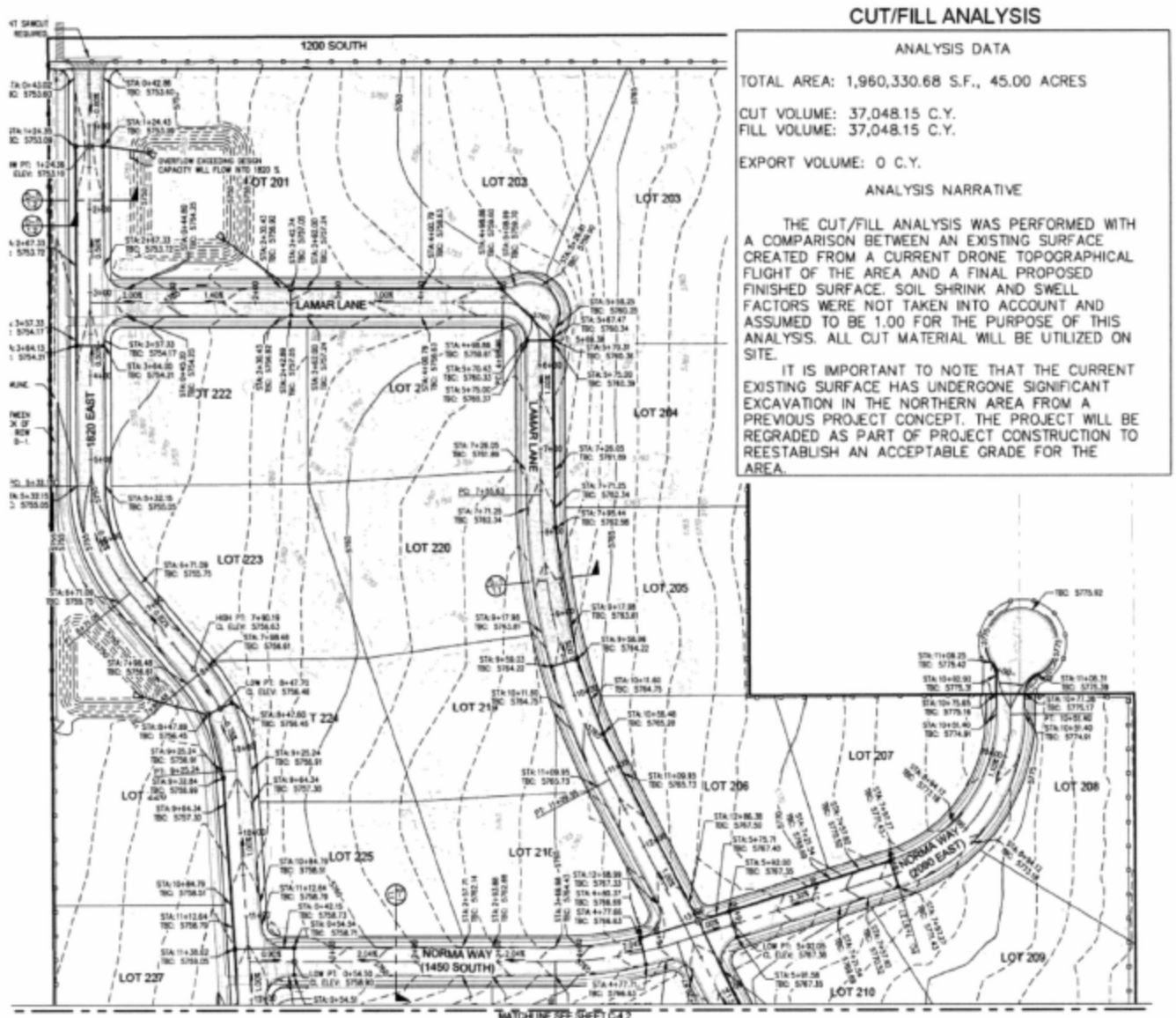
There is still a small parcel A along the entry of the road that is not part of the subdivision lots that will need to be landscaped and maintained by an HOA. There is also the landscaping commitment along the regional trail connection that will be part of the developer requirements and is included on the applicant submitted landscape plan. The phasing plan submitted by the applicant states the developer will complete the landscaping within 18 months of plat recording, or prior to 50% of the building permits for the project being issued, whichever comes first.



- GEOTECHNICAL REVIEW -

Preliminary approval included a review of the geotechnical conditions present on the site. However, that report was prior to the significant earthwork occurring on site by the property owner. A revision to the report was prepared by CMT Engineering in February 2023 to address the changes to the project site that resulted from the property owner's activities. Per the report, the updates are based on the cut/fill analysis provided by the applicant.

According to the report, construction of homes in the area where excavation occurred will be on approximately 3.5 to 9 feet of fill material. In order to properly support home foundations, this fill must be done in "compacted structural fill extending to suitable, undisturbed natural gravel soil." The applicant will be required to comply with the recommendations and requirements of the provided geotechnical report. The preliminary approval documents indicated an estimated 28,242 cubic yards of the topsoil and subgrade materials were removed from the site. According to the final plans submitted with this application, the site will not require any imported material to achieve the restoration of structural fill and topsoil as needed.



– ROADS AND ACCESS –

The proposed development would be served through access from 1200 South and two stubs at the east of the project area in an existing platted subdivision called Christensen Farm Phase 1. County code requires blocks on average of 400 feet to no more than 1300 feet. Preliminary approval included review and approval of a conceptual connectivity plan that demonstrates the developments relationship to adjacent properties and the ability for connectivity standards of the code were met.

The application includes temporary cul-de-sacs located off-site from the property and easements for these temporary cul-de-sacs were executed and included with the final subdivision documents.

– SEWER/WATER –

All lots are required to provide adequate water rights for the culinary use, as well as sufficient water to irrigate any land that has been historically irrigated. In addition, developments more dense than five acres per unit are required to be connected to a public sewer system. Sewer and water will be provided by the TCSSD (Twin Creeks Special Service District) and a will-serve letter from the district was provided with the final documents.

– FENCING / RIGHT-TO-FARM –

Wasatch County places a high value on the protection and preservation of agricultural land for residents who wish to continue agricultural 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 and was also included in the preliminary staff report:

*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.*

During preliminary approval, the applicant indicated that they would be receiving confirmation from each property owner that the individual owners were satisfied with the existing fencing and that the applicant would not need to provide any new fencing to satisfy this code. During final subdivision review, the applicant was unable to obtain those acknowledgements from neighboring landowners.

The applicant's new proposal is to provide four foot tall field net fencing on tee posts with a strand of barb-wire on top and bottom. Supplied with their documentation are files obtained from a USU Extention presentation related to agricultural fencing. As such, the Planning Commission will need to review the provided fencing plan and determine that the fencing being provided is "of suitable quality to keep farm animals out of residential properties." If the fencing is determined to require further reinforcement, the Planning Commission should indicate the style of fencing required, deny the application with explanation, or continue the matter to allow the applicant to submit an updated fencing proposal.

**– BONDING –**

All unfinished improvements must be bonded for in compliance with county bonding policies previous to plat recording.

**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 44.24 acres per the applicant's surveyor.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. Preliminary approval granted a density of 1.3 acres per unit as long as all requirements of Wasatch County Code are met.
4. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
5. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
6. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
7. The proposal includes a small open space parcel that is to be landscaped by the developer and maintained by the proposed subdivision HOA as required by Wasatch County Code 16.21.06.
8. The phasing plan on the application includes a developer commitment to landscape the open space and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50% of the building permits, whichever comes first.
9. The applicant has offered a 10% affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
10. WCC 16.21.14 requires large scale developments to provide fencing of suitable quality to keep farm animals out of residential properties.
11. The applicant has provided a plan to install four foot tall field fencing, mounted on tee posts, with a strand of barb wire on top and bottom. The application also includes slides obtained from a USU extension presentation regarding fencing types used for agriculture.
12. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission.
13. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

***Conditions:***

1. The deep excavation area where homes will be placed shall meet all requirements of the geotechnical report, including adequate compacted lifts of structural fill where required.
2. The applicant is required to fulfill all commitments made by the applicant through the application materials including, but not limited to, affordable housing, infrastructure and landscaping improvements and timing, and on-going maintenance obligations.
3. Applicant shall resolve any comments required by the DRC report with the applicable review department.

4. A plat amendment to Christensen Farms Phase 1 combining the remnant piece into the retention pond will need to be recorded before this plat can be recorded.
5. The development agreement shall be recorded prior to recording of the final plat.

### **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 Subdivision request 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 finds that issues can be resolved subject to the conditions noted. ***\*This action would be consistent with the staff analysis provided.\****
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 Subdivision Plat
- C. Grading Plan
- D. Landscape Plan
- E. Fencing Plan
- F. Lighting and Signage Plan
- G. Open space and Storm Water Maintenance Commitment
- H. Applicant's Moderate Income Housing Proffer
- I. Developer Phasing and Construction Commitments
- J. Will Serve Letters
- K. DRC Report

**EXHIBIT A – Vicinity Plan**









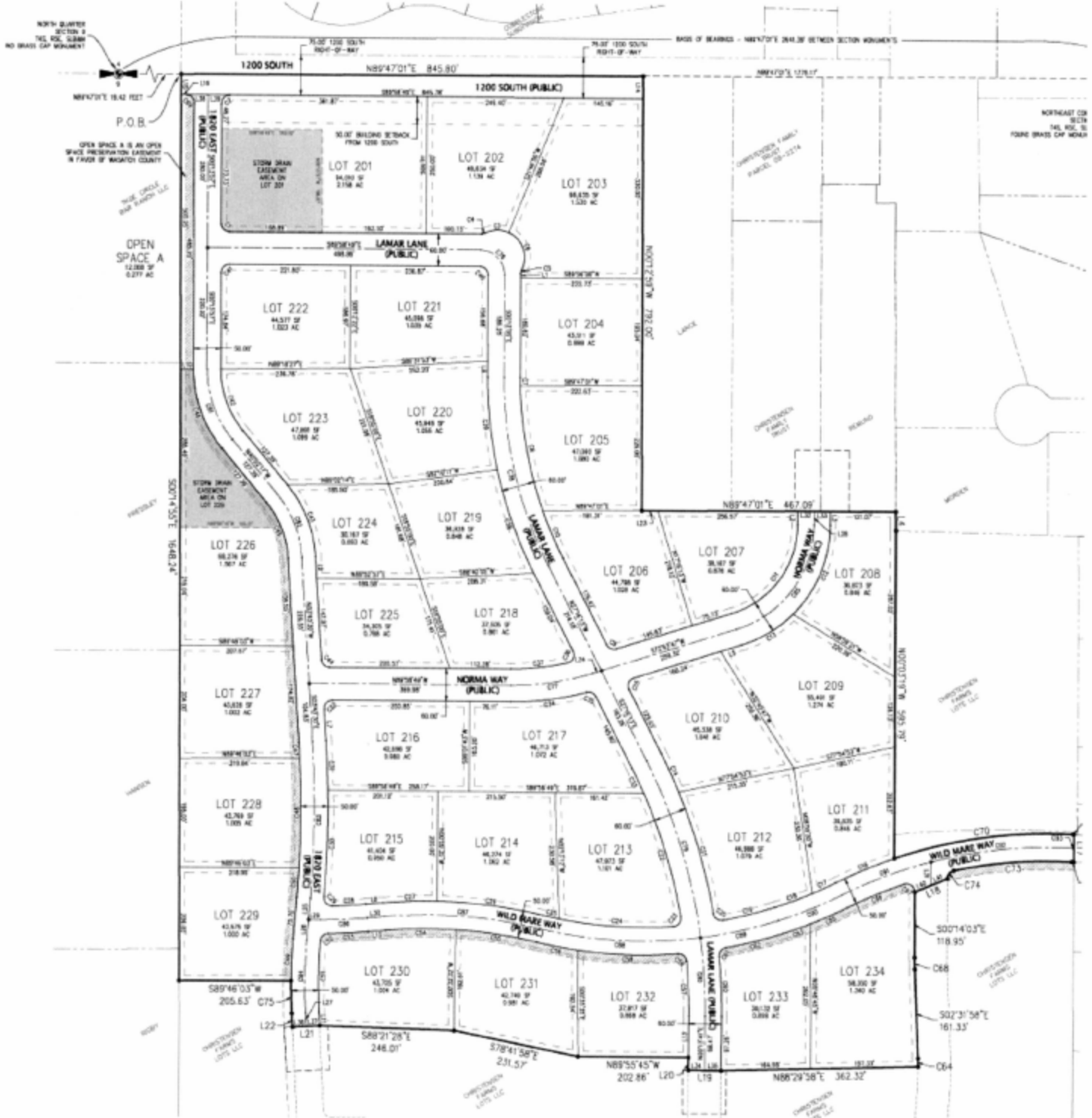


EXHIBIT C – Grading Plan

CLEVELAND AMAR VILLAS

CUT/FILL ANALYSIS

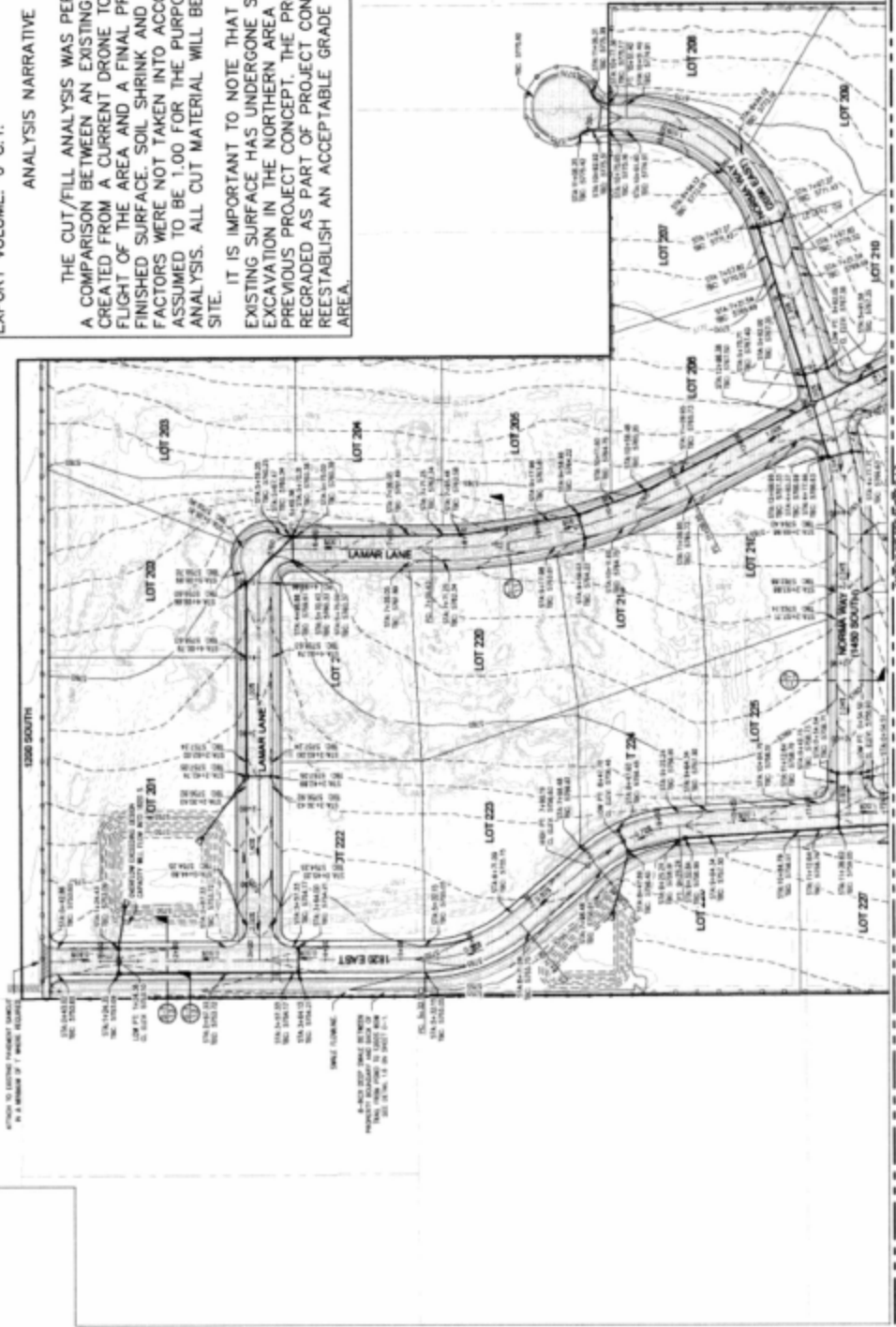
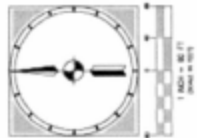
ANALYSIS DATA

TOTAL AREA: 1,960,330.68 S.F., 45.00 ACRES  
CUT VOLUME: 37,048.15 C.Y.  
FILL VOLUME: 37,048.15 C.Y.  
EXPORT VOLUME: 0 C.Y.

ANALYSIS NARRATIVE

THE CUT/FILL ANALYSIS WAS PERFORMED WITH A COMPARISON BETWEEN AN EXISTING SURFACE CREATED FROM A CURRENT DRONE TOPOGRAPHICAL FLIGHT OF THE AREA AND A FINAL PROPOSED FINISHED SURFACE. SOIL SHRINK AND SWELL FACTORS WERE NOT TAKEN INTO ACCOUNT AND ASSUMED TO BE 1.00 FOR THE PURPOSE OF THIS ANALYSIS. ALL CUT MATERIAL WILL BE UTILIZED ON SITE.

IT IS IMPORTANT TO NOTE THAT THE CURRENT EXISTING SURFACE HAS UNDERGONE SIGNIFICANT EXCAVATION IN THE NORTHERN AREA FROM A PREVIOUS PROJECT CONCEPT. THE PROJECT WILL BE REGRADED AS PART OF PROJECT CONSTRUCTION TO REESTABLISH AN ACCEPTABLE GRADE FOR THE AREA.



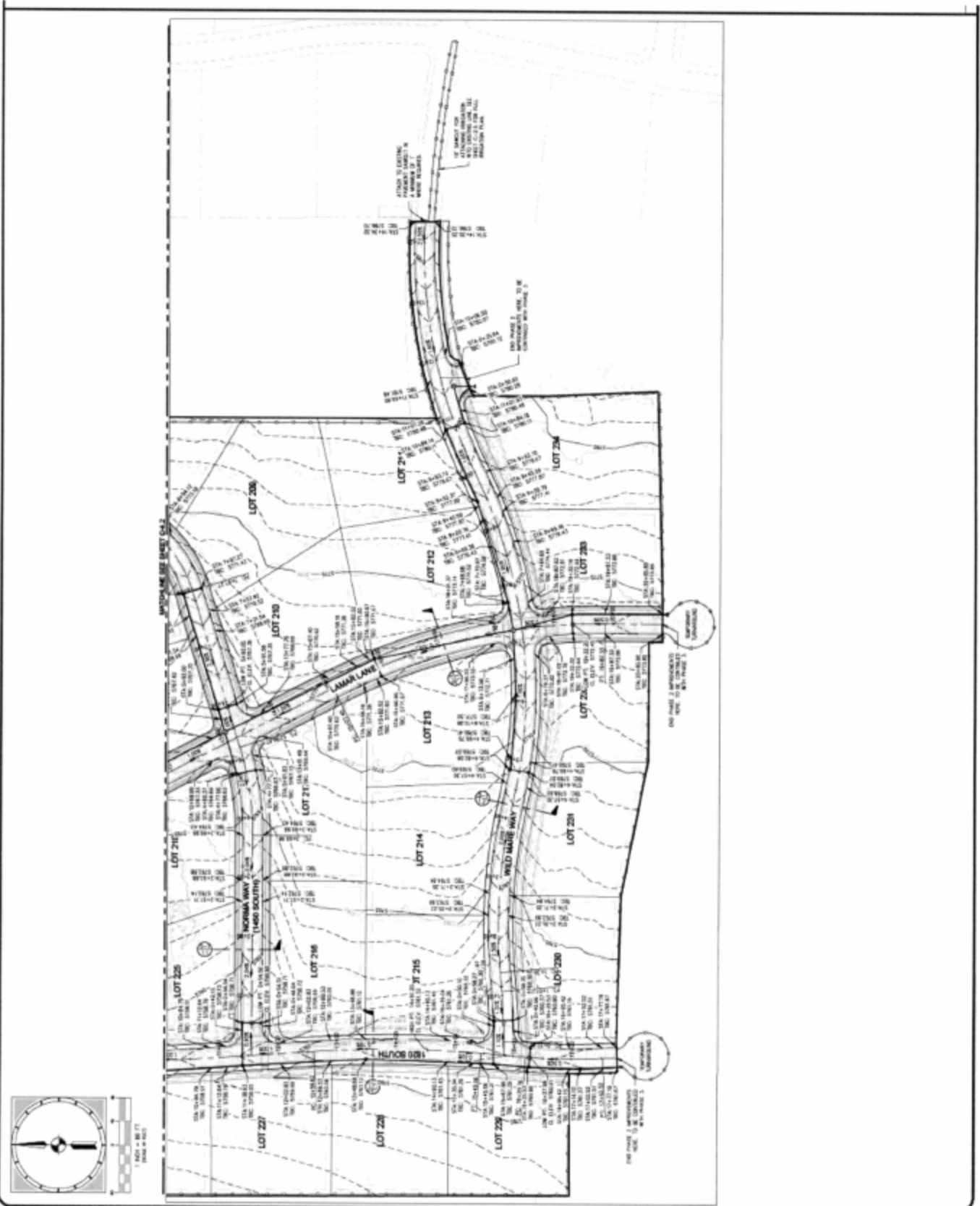
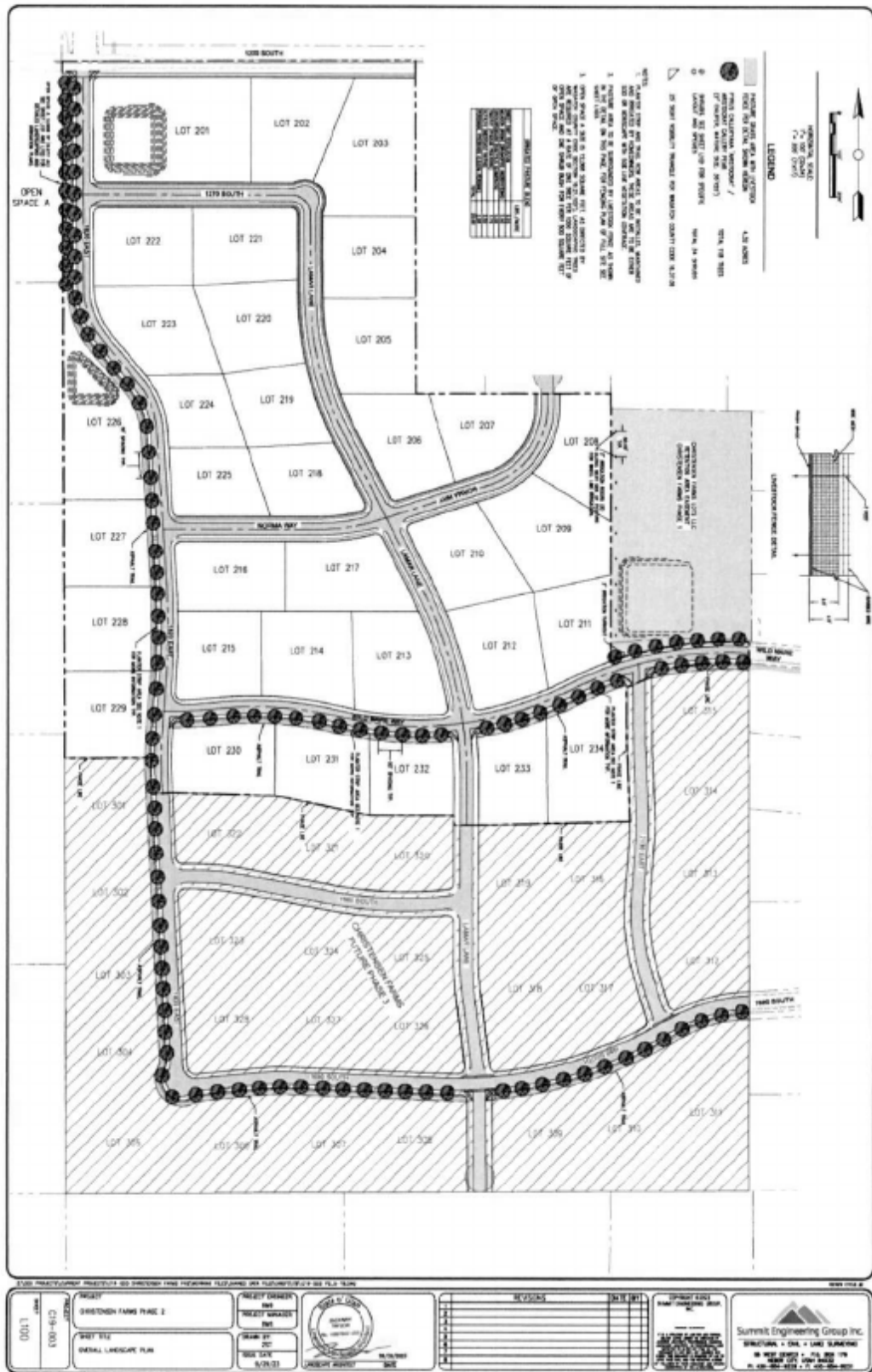
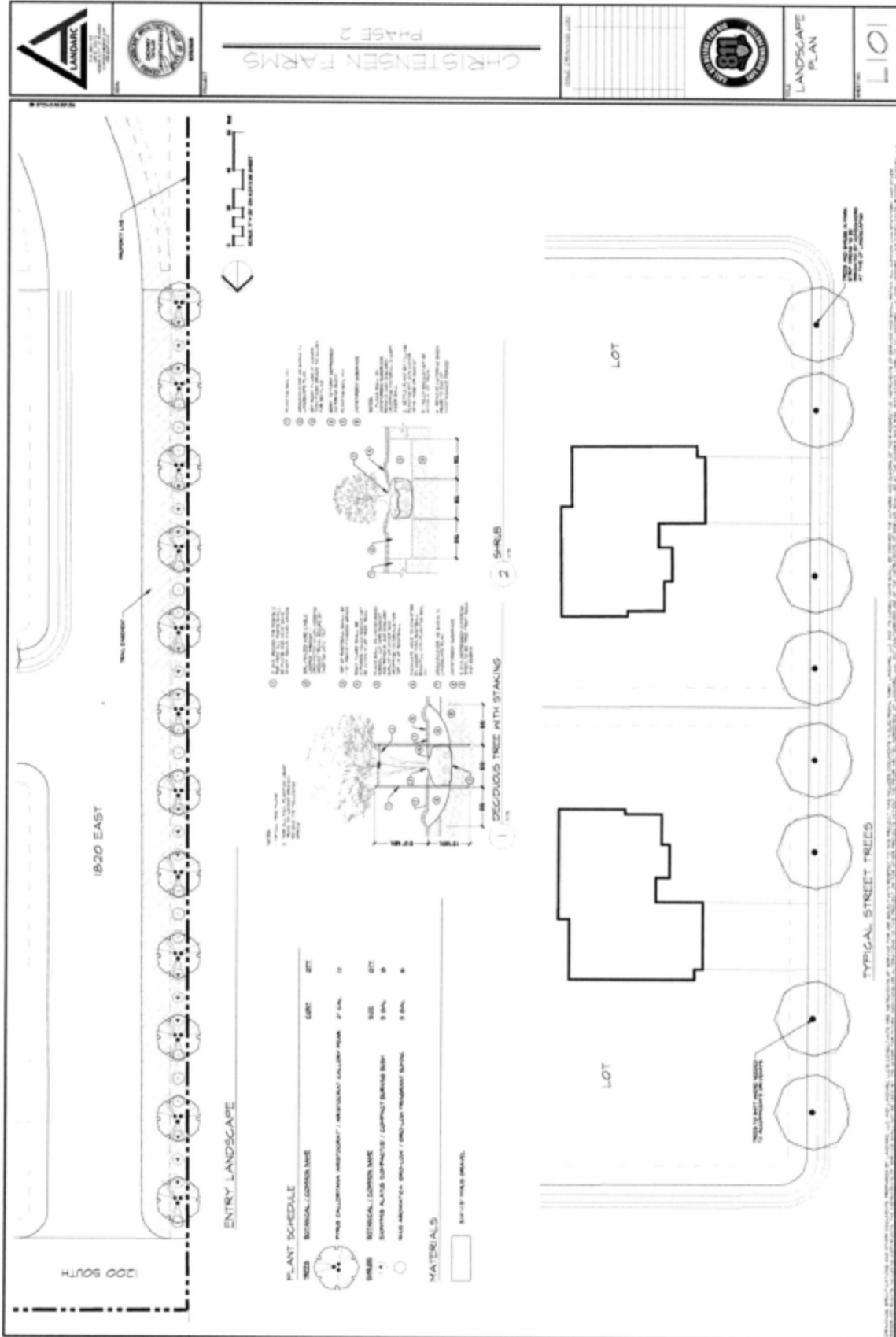
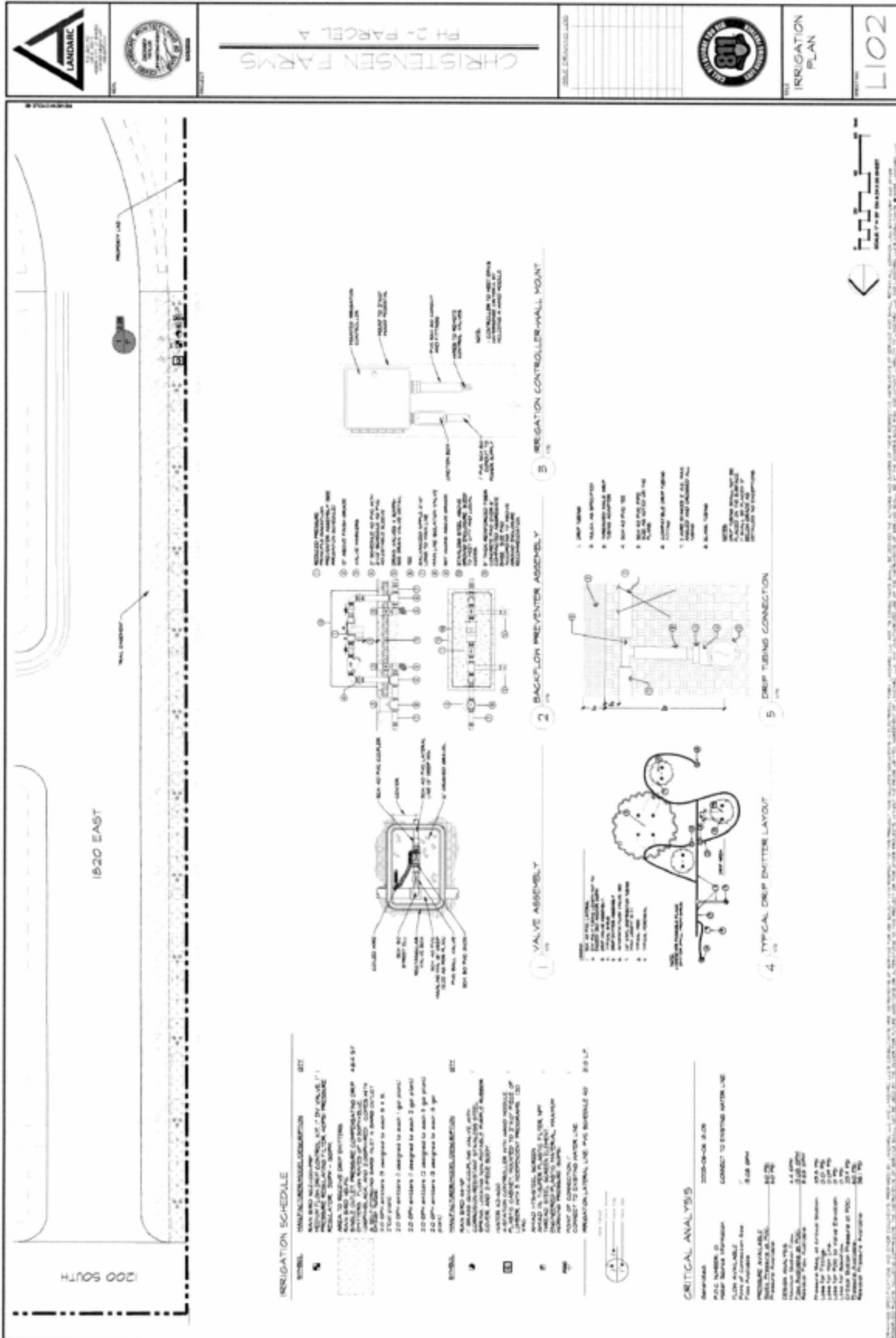


EXHIBIT D – Landscape Plan









# Landscape Management Service, Inc.

P.O. Box 1798, West Jordan, Utah, 84084  
 Phone: Office: (801) 282-6303  
 Fax: (801) 282-3076



<b>The "Project":</b> Christensen Farms Landscape and Fence	<b>"Contracting Entity":</b> Ivory Development <b>"Owner/Representative":</b>	8/29/2023
<b>Project Heber, Utah</b>		
<b>Address:</b>		

## Scope of Work (Inclusions)

Item #	Product	Quantity	Unit	Unit Price	Total
<b>Landscape Items</b>					
1	2" Caliper Deciduous Tree	106	Each	\$375.00	\$39,750.00
2	Live Stock Fence	6365	LF	\$27.00	\$171,855.00
Subtotal:					\$211,605.00
<b>Open Space A</b>					
<b>Landscape Items</b>					
1	Sprinkler System	1	Each	\$6,950.00	\$6,950.00
2	Top Soil	57	Yard	\$25.00	\$1,425.00
3	Dirt Work/Top Soil Spread	57	Yard	\$12.00	\$684.00
4	2" Caliper Deciduous Tree	12	Each	\$375.00	\$4,500.00
5	5 Gallon Deciduous Shrub	34	Each	\$55.00	\$1,870.00
6	3/4"-1.5" Gravel	86	Ton	\$95.00	\$8,170.00
Subtotal:					\$23,599.00
Item #	Product	Quantity	Unit	Unit Price	Total
<b>Additional Items</b>					
1			LF	\$0.00	\$0.00
2			Sq Ft	\$0.00	\$0.00
3			Ton	\$0.00	\$0.00
Subtotal:					\$0.00
<b>TOTAL:</b>					<b>\$235,204.00</b>
<b>Notes:</b>					
1	Sprinkler System to contain spray/rotor heads in lawn areas and drip irrigation in planter beds.				
2	Top Soil to be imported in from an outside source,				
3	"Dirt Work" consists of spreading the last 4"- 6" of top soil.				
4	All trees, shrubs, perennials, and other plantings to be determined or per plan provided.				
5	Bark color to be dark brown.				
6	Landscape Curbing to be grey concrete, square curbing				
7	Two tree stakes per tree				
8	Down spout drainage consist of 10' of 3" pipe to grass areas				

Contracting Entity Initials: \_\_\_\_\_

LMS, Inc. Initials: \_\_\_\_\_

**EXHIBIT E – Fencing Plan**August 23<sup>rd</sup>, 2023

Mr. Austin Corey

Wasatch County Planning Department

Via email ([acorry@wasatch.utah.gov](mailto:acorry@wasatch.utah.gov))**RE: DEV-4617 Christensen Farms Final - DRC-PLN6–Farm Fencing Analy Report Letter**

Mr. Corey,

Please accept this letter as a response and analysis report to your planning comment DRC-PLN6 for resubmission of Final Subdivision application for Christensen Farms Phase 2.

In our discussion in your office the morning of August 9<sup>th</sup>, 2023, you told me that I needed to provide an analysis to prove that the fencing as detailed in WCC 16.08.14 is of "suitable quality to keep farm animals out of residential properties". To provide an analysis, I completed a site visit to observe neighboring agricultural uses and existing fencing. I then made attempts to reach out to all adjoining neighbors to confirm my site observations. I have looked for research conducted on farm fencing and make an appeal to common sense and historic precedent to confirm that the proposed fencing standard is sufficient to keep farm animals out of residential properties.

<b>Ownership</b>	<b>Observed Agricultural Use 8/9/23</b>	<b>Stated Agricultural Use</b>	<b>Observed Fence Material</b>	<b>Stated Fence Material</b>
TKGE Circle Bar Ranch LLC	Horse Boarding	No statement acquired	4' Wood Rail Fencing	No statement acquired
Daniel & Emily Pressley (JT)	Alfalfa Farming	No statement acquired	Barbed Wire T Posts	No statement acquired
Steven & Jacquelyn (Rev Tr)	Alfalfa Farming	Alfalfa Farming, Horses, and Cows	Barbed Wire T Posts	Mesh Wire T Posts and Barbed Wire
Wendell & Elizabeth Rigby	Horse Boarding	Cows, Chickens, Lambs, Turkeys, Pigs	Barbed Wire T Posts	5' Barbed Wire T Posts 1/2 Old 1/2
Landen and Codi Lance	Cows/Horse Boarding	Cows, Horses, Goats	Barbed Wire T Posts	Barbed Wire Mesh and T-Post worn condition

I was able to reach three of the five neighbors on August 11<sup>th</sup> to confirm their agricultural use and existing fence materials. Unfortunately, after several attempts (8/11/23, 8/15/23, 8/23/23) I was unable to reach the Ellis' of TKGE Circle Bar Ranch or the Pressley Family.

In my conversations with Wendell Rigby and Steven Hansen both stated that they have cows and horses on their property (Mr. Hansen also says he has sheep, turkeys, chickens, and pigs). While I did not

necessarily observe all these agricultural uses, I have accepted all stated uses as fact for the purposes of this analysis.

I explained to both Mr. Rigby and Mr. Hansen that our intention was to install the minimum farm fencing as defined in WCC 16.08.14. Mr. Rigby and Mr. Hansen both indicated that they believe that the fencing being proposed is sufficient to keep their farm animals contained within their property.

In my conversation with Codi Lance, she asked me if I still intended to install the minimum farm fencing and I confirmed that I did. She confirmed her agricultural uses and existing fence material and ended the phone call swiftly. I believe that she is disappointed with our intention to install minimum farm fencing. I come to this notion because Codi Lance called me on June 23<sup>rd</sup> where she suggested her right to farm was not preserved unless we installed a ten-foot concrete wall along her property line.

Given that two of the three neighbors I was successful in reaching, explicitly stated that the WCC 16.08.14 fencing is sufficient to contain their horses and cows, I believe the proposed fence is an acceptable standard for any neighbors with horses and cows. Any additional specifications on fencing appear to be in excessive and aimed at procuring additional/preferred infrastructure at the whole expense of a neighboring landowner.

Beyond statements made by neighboring agricultural users, at your suggestion, I have attempted to find scholarly research papers that analyze minimum farm fencing. I was unable to find a white paper but did gain access to a presentation provided by Utah State University presenting appropriate Agricultural Fencing Options (see Exhibit "A").

Slide 8 says that woven wire with a strand of barbed wire is good to keep cattle. Slide 9 says that 4 strands of smooth wire is good to contain horses. We can assume then that four feet of fiend net fence with a strand of barbed wire on the top and bottom would meet the qualifications of sufficient fencing as determined by this fencing presentation.

Finally in observation and by confirmation of agricultural neighbors all properties currently include fencing of some type that already contain their animals. There are no reports that the existing fencing has been breached by any of the animals. Our proposed installation of additional fencing seems to be more than what common sense would claim is sufficient to contain the animals as the current fencing already meets this requirement.

With discussions with neighboring agricultural users, educational collateral from an agricultural university, and common sense and historic precedent from existing fencing I believe it is more than reasonable to determine that the fencing standard being proposed is sufficient to keep farm animals out of residential properties.

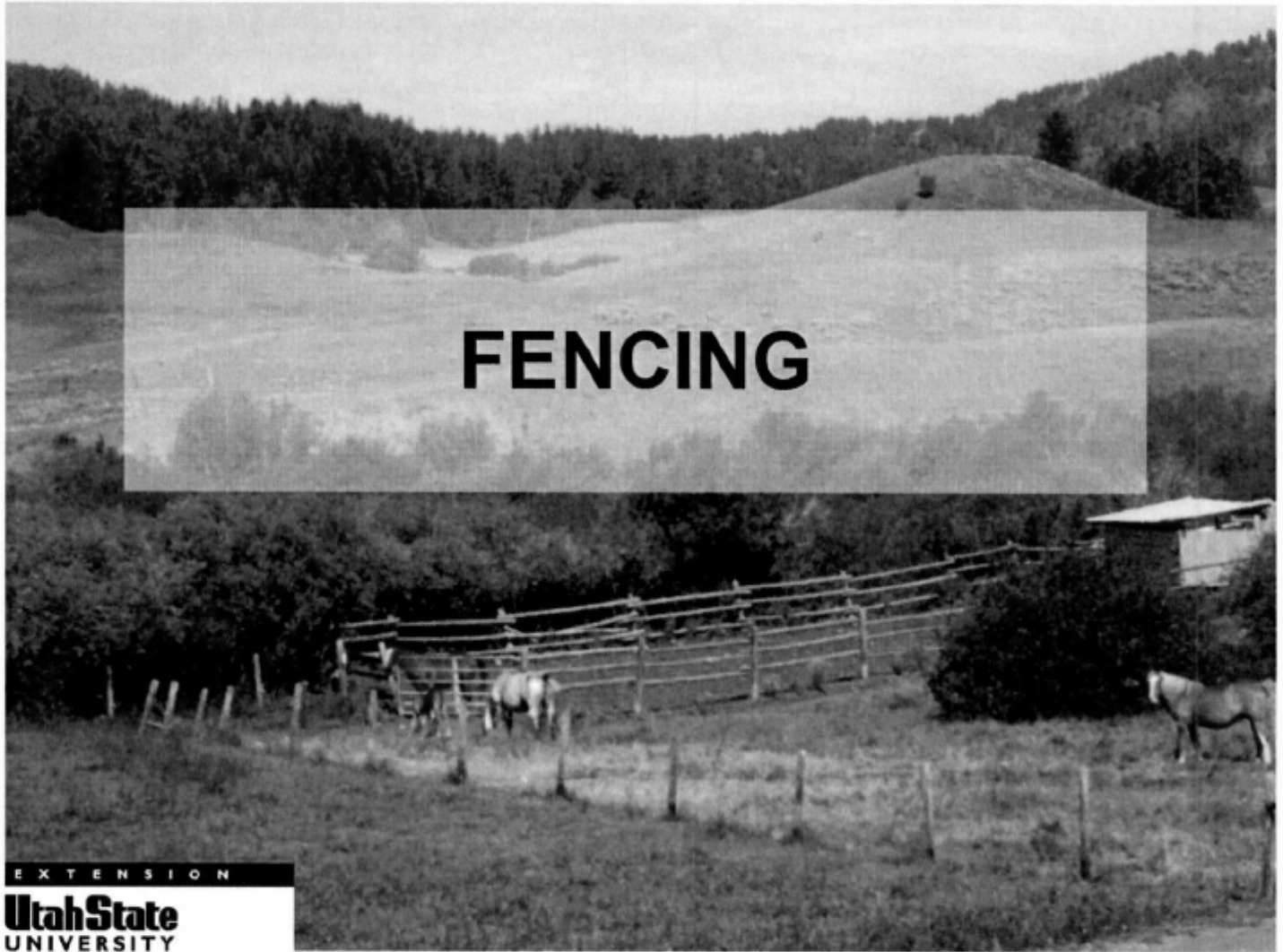
Thank you,

Peter Gamvroulas

Ivory Development LLC

801-842-5714

[peterg@ivoryhomes.com](mailto:peterg@ivoryhomes.com)



# FENCING

EXTENSION  
**Utah State**  
UNIVERSITY

# What kind of fence do I want?



USU, Logan, UT



# Fencing considerations

- Balance looks, functionality and economics
- Safety of animals and people
- Installed or do-it-yourself
- Life expectancy
- Annual maintenance costs



# Fencing types

- Type depends on:
  - Purpose
  - Soil type
  - Terrain
  - Weather
  - Safety
  - Construction costs
  - Availability of power
  - Maintenance requirements
  - Visual impact



# Woven wire

- Cost
  - \$1.15-\$1.30 per foot
- Pros
  - Readily available
  - Good for sheep – add 1 - 2 strands of barbed wire at top for cattle
- Cons
  - Expensive
  - Requires routine maintenance





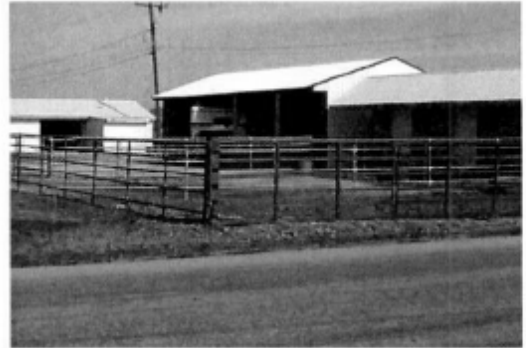
# 4 to 10 Strand smooth wire

- **Cost**
  - \$0.75–\$1.30/ ft, depending on number of wires
- **Pros**
  - 4 to 5 strand good for horses
  - 10 strand will contain all large livestock and exclude large wildlife
  - Durable
  - Can be electrified
- **Cons**
  - Expensive
  - Requires routine maintenance



# Prefabricated panels

- Metal 2 inch round tubing panels
  - 12 feet \$52.91
  - Gates approximately \$70.00
- Cattle and hog panels
  - 16 feet \$13.99
- Pros
  - Durable and strong
  - Good for large livestock
  - Panels allow for different configurations
  - Low maintenance
- Cons
  - Expensive
  - Less visually appealing
  - Not good for small animals



USU, Logan, UT

**EXHIBIT F – Lighting and Signage Plan**

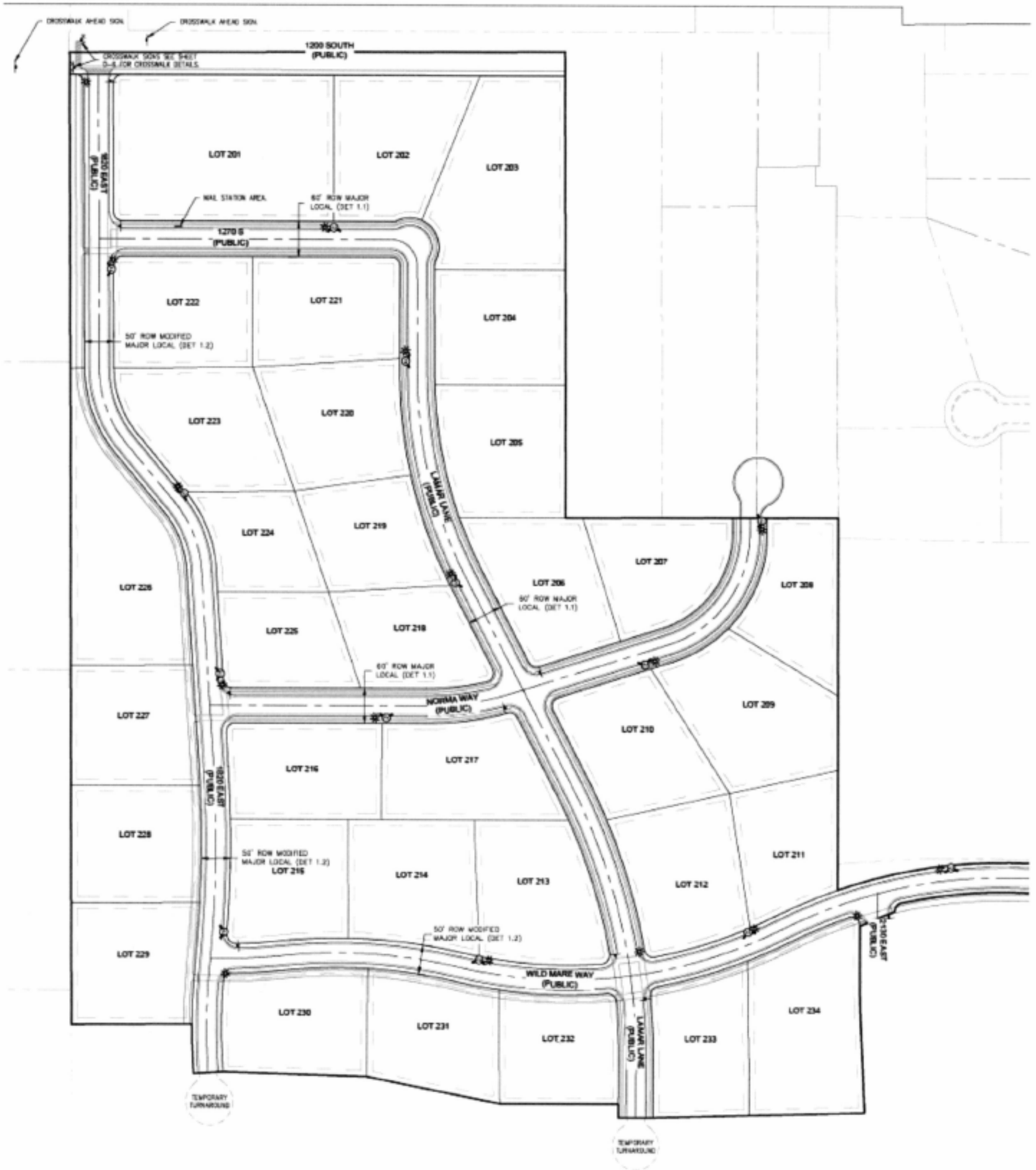




EXHIBIT G – Open Space and Stormwater Maintenance Commitment

P.O. Box 176  
55 West Center  
Heber City, UT 84032  
Phone: 435.654.9229  
Fax: 435.654.9231

## Christensen Farms Phase 2 Subdivision

### Open Space Commitment

**“Open Space”** is land which is not covered by dwellings, pavement, or other impervious material and which is dedicated to be used perpetually by the owners or the public for some other purpose besides development and is owned by the owners of the of the development as common area and is maintained by the Home Owners Association. The Phase 2 & 3 Subdivision plat shall include an open space easement granted to Wasatch County and contain the following elements: the owner hereby grants Wasatch County an open space easement in all property shown on this plat as open space; other than a stormwater detention basin, no structure or other development shall be permitted on the open space except as approved by the Wasatch County legislative body. Exhibit B shows the Open Space.

*Maintenance of Open Space and Trails:* Developer shall be responsible to identify by plat and maintain the Open Space and public trails in all respects, including but not limited to landscaping, irrigation, and weed control. This obligation shall be transferred by written agreement to the Home Owners Association. Specifically, the area west of the main entrance road to the Subdivision, which area is not part of the Regional Park, shall be transferred by Developer to the lot owners of the Subdivision as common area, and the Home Owners Association shall maintain as Open Space. If the Developer has placed infrastructure, signs or street lights, that are not similar to the signs, lights or infrastructure the County maintains throughout the County, the Developer or the HOA shall maintain these signs, lights, or infrastructure. Maintenance provided by Developer or the Home Owners Association shall meet or exceed a standard of reasonableness and safety as established by the County. In the event Developer or the Home Owners Association fails to maintain the Open Space and public trails, the County may (but is not obligated to) maintain them. The market value of the cost of this maintenance is hereby agreed to and shall constitute a valid lien on the Property and its lots on a parity with and collected at the same time and in the same manner as general County taxes that are a lien on the Property.

*Stormwater Management:* Developer shall construct the stormwater retention facilities for the Subdivision (including the Regional Park and Vacated Area) in accordance with the approved stormwater plan. The stormwater facilities are located on the Regional Park and Open Space portions of the Property. Upon completion and inspection, the County shall accept and maintain the stormwater facilities that are located upon the Regional Park and Developer or HOA shall maintain the stormwater facilities that are located upon the Open Space.

EXHIBIT H – Accepted Moderate Income Housing Proffer



P.O. Box 176  
55 West Center  
Heber City, UT 84032  
Phone: 435.654.9229  
Fax: 435.654.9231

**Christensen Farms Phase 2 Subdivision**  
**Moderate Income Housing Plan**

**Christensen Farms Subdivision Phases 2 and 3 Moderate Income Housing**

CHRISTENSEN FARMS LOTS, LLC shall pay a Fee-in-Lieu to the Wasatch County Housing Authority per the following fee schedule:

**Total Number of Proposed ERUs: Phase 2 Proposed ERUs:**

**Phase 3 Proposed ERUs: 62 units**

34 units

28 units

**Total Required Affordable Housing ERUs (10% of Total ERUs):**

6.2 units

**Phase 2 Required Affordable Housing ERUs (10% of Total ERUs): 3.4 units**

**Phase 3 Required Affordable Housing ERUs (10% of Total ERUs): 2.8 units**

**Required Fee-in-Lieu Payment per ERU: \$28,000.00**

**Total Payment Required (6.2 \* \$28,000):**

\$173,600.00

**Phase 2 Payment Required (3.4 \* \$28,000): \$95,200.00**

**Phase 3 Payment Required (2.8 \* \$28,000): \$78,400.00**

Monies in the amount listed above shall be tendered to the Wasatch County Housing Authority prior to recording of subdivision plat.

EXHIBIT I – Developer Phasing and Construction Commitments

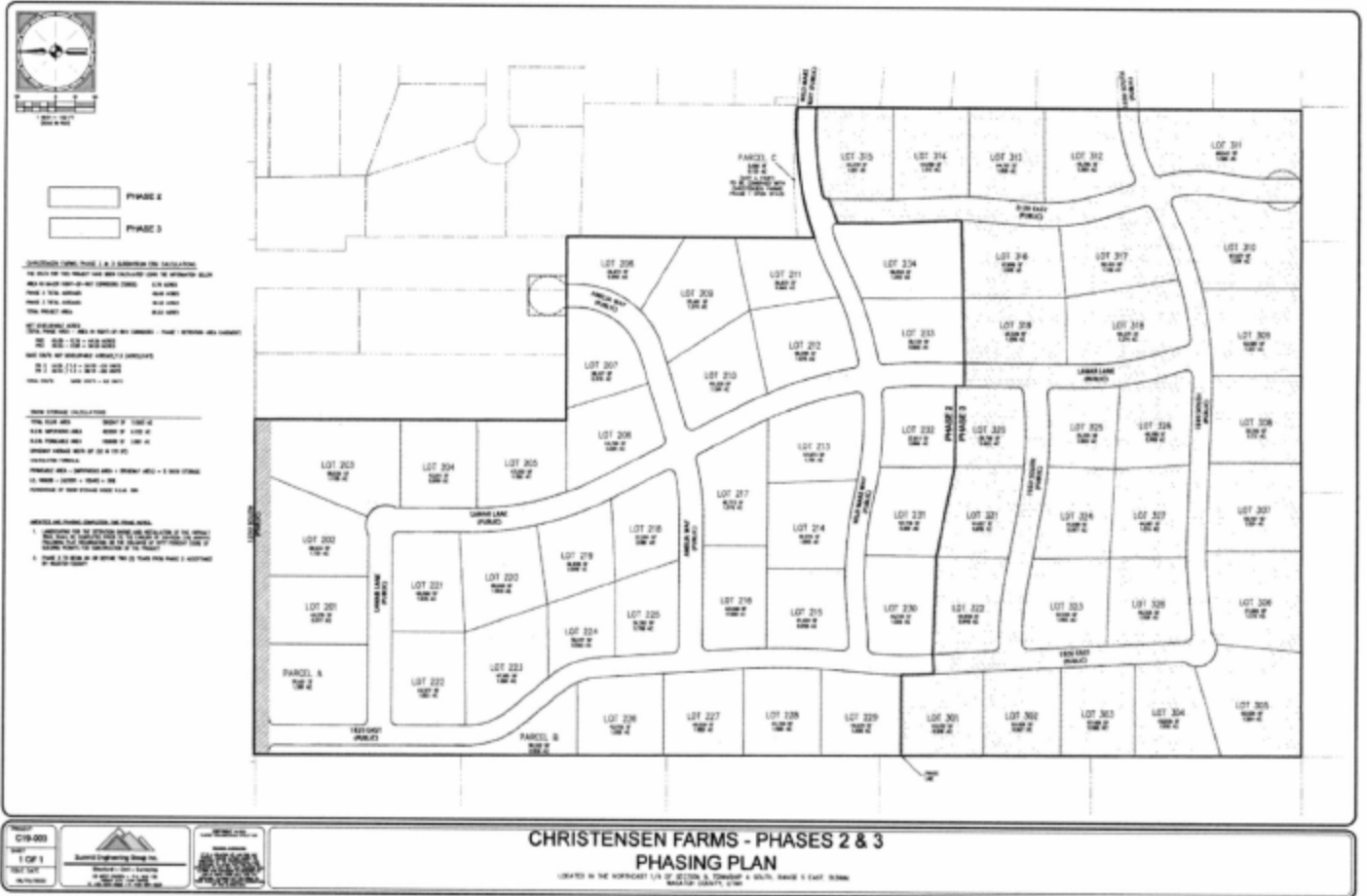


P.O. Box 176  
55 West Center  
Heber City, UT 84032  
Phone: 435.654.9229  
Fax: 435.654.9231

## Christensen Farms Phase 2 Subdivision

### Preliminary Approval Commitments

1. The Developer is required to maintain common areas, trails, private roads, detention basins, ponds, and common amenities until the ownership or maintenance obligations are transferred to the home owners association, or equivalent (“HOA”). If there are any common areas, trails, private roads, detention basins, ponds, or common amenities, the Developer is required to organize a HOA to undertake the ongoing maintenance obligations, and shall ensure the declaration includes the duty to perform maintenance obligations consistent with this Memo and applicable law. The HOA shall have authority to impose fees sufficient to perform the maintenance obligations transferred to it. The Developer shall ensure the HOA has sufficient reserve funds in accordance with the analysis proscribed by UCA 57-8a-211 or 57-8-7.5 when the Developer turns over the maintenance obligations to the HOA, or when the HOA is no longer in administrative control of the Developer, whichever is last. In the event the HOA does not or cannot perform maintenance obligations, the individual lot owners in the subdivision also have the obligation to maintain common areas, trails, private roads, detention basins, ponds, or common amenities. In the event Developer, the HOA’s or property owners, as applicable, fail to maintain the common areas, trails, private roads, detention basins, ponds, or common amenities, the County may, but is not obligated to, maintain them. The market value of the cost of this maintenance shall constitute a valid lien on the Property and its lots on a parity with and collected at the same time and in the same manner as general County taxes that are a lien on the Property, or the cost may be recovered by the County in another lawful manner.
2. The Developer is required to landscape the retention areas and install the asphalt trail either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
3. The Developer has offered a 10 percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation amount would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.



**PHASE 2**

**PHASE 3**

**SNOW STORAGE CALCULATIONS**

TOTAL R.O.W. AREA	592547 SF	13.603 AC
R.O.W. IMPERVIOUS AREA	423501 SF	9.722 AC
R.O.W. PERMEABLE AREA	169056 SF	3.881 AC

DRIVEWAY AVERAGE WIDTH 20' (62 @ 170 SF)

CALCULATION FORMULA:

PERMEABLE AREA + (IMPERVIOUS AREA + DRIVEWAY AREA) = % SNOW STORAGE

I.E. 169056 + (423501 + 10540) = 39%

PERCENTAGE OF SNOW STORAGE INSIDE R.O.W. 39%

**AMENITIES AND PHASING COMPLETION TIME FRAME NOTES:**

1. LANDSCAPING FOR THE DETENTION BASINS AND INSTALLATION OF THE ASPHALT TRAIL SHALL BE COMPLETED PRIOR TO THE EARLIER OF EIGHTEEN (18) MONTHS FOLLOWING PLAT RECORDATION OR THE ISSUANCE OF FIFTY PERCENT (50%) OF BUILDING PERMITS FOR CONSTRUCTION OF THE PROJECT.
2. PHASE 3 TO BEGIN ON OR BEFORE TWO (2) YEARS FROM PHASE 2 ACCEPTANCE BY WASATCH COUNTY.

**CHRISTENSEN FARMS PHASE 2 & 3 SUBDIVISION ERU CALCULATIONS**

THE ERU'S FOR THIS PROJECT HAVE BEEN CALCULATED USING THE INFORMATION BELOW:

AREA IN MAJOR RIGHT-OF-WAY CORRIDORS (1200S):	0.76 ACRES
PHASE 2 TOTAL ACREAGE:	45.00 ACRES
PHASE 3 TOTAL ACREAGE:	36.53 ACRES
TOTAL PROJECT AREA:	81.53 ACRES

NET DEVELOPABLE ACRES:  
(TOTAL PHASE AREA - AREA IN RIGHT-OF-WAY CORRIDORS - PHASE 1 RETENTION AREA EASEMENT)

PH2	45.00 - 0.76 = 44.24 ACRES
PH3	36.53 - 0.00 = 36.53 ACRES

BASE ERU'S: NET DEVELOPABLE ACREAGE/1.3 (ACRES/UNIT)

PH 2	44.24 / 1.3 = 34.03 = 34 UNITS
PH 3	36.53 / 1.3 = 28.10 = 28 UNITS

TOTAL ERU'S: BASE ERU'S = 62 UNITS



EXHIBIT J – Will Serve Letters



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Questar Gas Company  
6445 Silver Creek Dr.  
Park City, UT 84060  
Tel 800-323-5517

October 19, 2016

Summit Engineering Group, Inc.  
P.O. Box 176  
Heber, UT 84032

To Whom It May Concern:

*Re: Natural Gas Service Availability Letter*

Natural gas can be made available to serve the Christensen Farms Subdivision when the following requirements are met:

1. Developer provides plat maps, drawings, construction schedules, average size of homes, units, and/or buildings that will be served by natural gas, and any and all other relevant information regarding commercial and residential uses, including but not limited to, proposed natural gas appliances (number and type of appliances per unit, homes, building).
2. Review and analysis by Questar Gas' Engineering and/or Pre-Construction Department to determine load requirements. System reinforcement requirements and estimated costs to bring natural gas to the development.

Upon completion of Questar Gas' review of the development's natural gas requirements, agreements will be prepared, as necessary, for high pressure, intermediate high pressure and/or service line extensions required to serve the development. These service extensions must be paid in advance.

To accommodate your construction schedule and provide cost estimates to you, please contact me at your earliest convenience.

Sincerely,

Deb Jones  
Pre-Construction Representative



*A Municipal  
Electric Utility*



*Founded 1909*



---

**Heber Light & Power Company  
Contract to Serve**

**Jan 28, 2019**

To Whom It May Concern:

Heber Light & Power will provide electric services to Christensen Farms Phases 2 & 3 with in Wasatch County.

This CONTRACT TO SERVE has restrictions regarding power installation in relationship to system designs and applicable infrastructure expenses being paid in advance of power hookup.

Specifically:

1. No building permits should be issued until the power installation is complete.
2. No construction will commence until all construction costs are paid.
3. If the proposed electrical infrastructure costs for the development are not remitted within six months following the submission of the Construction Invoice to the developer, the expenses incurred from the project's design - including engineering and power acquisition costs - will be billed to the developer.

Should you have any questions or require additional information, please contact Harold Wilson (435.671.2565) or Jason Norlen (435.657.6450). Please return one copy of this document signed and dated.

Sincerely,

Harold Wilson  
Distribution Operations Manager

---

*31 South 100 West Heber City, Utah 84032 (435) 654-1581 fax (435) 654-1682*



**Wasatch County Solid Waste Disposal Dist.**  
1891 West 3000 South  
P.O. Box 69  
Heber City, Utah 84032

02/01/2023

Peter Gamvroulas  
Christensen Farms Lots LLC  
978 Woodoak Lane  
Salt Lake City, UT 84117

Re: Refuse collection service for Parcels 21-4263 & 21-4726  
Christensen Farms

Dear Peter Gamvroulas:

Wasatch County Solid Waste Disposal District currently collects refuse in the area of the above referenced parcels in Wasatch County, Utah. Your request for refuse collection service to the proposed Subdivision located approximately 1200 S 1900 E Heber City, UT will be provided with Residential Containers.

All private roads must be maintained for sufficient access. Roadways cannot be blocked during construction of houses on collection day.

All residents of Wasatch County are required to have collection service whether full or part time residents. A setup fee must be paid at the time a building permit is issued.

This letter should also be included in your development agreement.

Sincerely,

Kelly Christensen  
Wasatch County Solid Waste Disposal District  
(435) 657-3280

[mgiles@wasatch.utah.gov](mailto:mgiles@wasatch.utah.gov)



801.717.2000  
14015 Minuteman Drive  
Draper, UT 84020

June 9, 2023  
Contract to Serve

To Whom It May Concern:

Utah Broadband will provide communications services to Christensen Farms Subdivision Phases 2 & 3 in Wasatch County.

This CONTRACT TO SERVE has restrictions regarding communications installation in relationship to system designs and applicable infrastructure expenses being paid in advance of communications hookup.

Specifically:

1. No building permits should be issued until the communications installation is complete.
2. No communications construction will commence until all estimated construction costs are paid.
3. If the proposed communications infrastructure costs for the development are not remitted within six months following the submission of the Construction Invoice to the developer, the expenses incurred from the project's design - including engineering and communications infrastructure acquisition costs - will be billed to the developer.

Should you have any questions or require additional information, please contact Jon Hagen (801.301.3468) or Athina Riddell (801.227.9415).

Sincerely,

A handwritten signature in black ink, appearing to read 'Athina Riddell', written in a cursive style.

Athina Riddell  
Fiber Project Manager

Developers Information:  
Peter Gamvroulas  
Christensen Farms Lots, LLC  
948 Woodoak Lane  
Salt Lake City, Utah 84117



**CENTRAL UTAH WATER  
CONSERVANCY DISTRICT**

Shelley Brennan *Chair of the Board*  
G. Wayne Andersen *Vice Chair of the Board*  
Gene Shawcroft *General Manager / CEO*

G. Wayne Andersen  
Shelley Brennan  
Jon Bronson  
Kirk L. Christensen  
Steve Farrell  
Wade E. Garner

Board of Trustees

Steve Hanberg  
Max Haslem  
Marvin Kenison  
Kathy Wood Loveless  
Al Mansell  
Greg McPhie

Eldon A. Neves  
Jim Riding  
Jennifer Scott  
Edwin Boyd Sunderland  
Randy L. Vincent  
Brad Wells

June 30, 2023

Ivory Development, LLC  
978 East Woodoak Lane  
SLC, UT 84117

Subject: WCWEP Notice of Decision and Plan Approval for Christensen Farms Phase 2 and 3

To Whom It May Concern,

This letter is to issue notice of approval for the irrigation system connection and modifications as shown on the development improvement plans submitted to the WCWEP office for Christensen Farms Phase 2 and 3 located at approximately Wild Mare Lane and Lamar Lane, Heber City, Wasatch County, Utah. I have reviewed the pressurized irrigation plans for this development which include improvements necessary to provide secondary water service to each proposed lot and maintain the main irrigation distribution through this property. A "Wasatch County Water Efficiency Project System Connection, Modification and Encroachment Application and Agreement" has been submitted to the Central Utah Water Conservancy District and has been approved by the WCWEP Board. This plan set and approval is contingent on an easement for the irrigation line extending from 2240 East into Brad Baird's property. WCWEP has reached out to Mr. Baird and feels confident this will be agreed upon in a timely fashion.

Upon completion of the improvements included in the development plans as submitted to our office and the issuance of a "Final Approval Letter" from the WCWEP manager, pressurized irrigation service will be provided to Christensen Farms Phase 2 and 3. Water will be delivered at times and in amounts as permitted by the allocated water rights.

Sincerely,

Chris York, PE  
WCWEP Engineer  
Central Utah Water Conservancy District

Cc: Brian Balls- Summit Engineering  
Doug Smith-Wasatch County Planner  
Steve Farrell-Wasatch County Council

**TWIN CREEKS SPECIAL SERVICE DISTRICT**

PO BOX 519  
HEBER CITY, UTAH 84032  
(435) 657-3244 FAX (435) 657-9582

**WATER AND SEWER WILL SERVE LETTER**

June 5, 2023

Classic Jack Construction/Ivory Homes  
c/o Shelton Taylor  
Summit Engineering  
By Email: shelton@summiteg.com

**Subject: Will Serve Letter – Christensen Farms Phase 2**

This Will Serve Letter has been produced to make clear the requirements and conditions upon which the Twin Creeks Special Service District (TCSSD) agrees to provide water and sewer services to the above referenced development. It is based on the information you have provided to Wasatch County and to the District.

This letter is also subject to the terms of the Development Agreement dated October 6, 2016, and in the event of any conflict between this letter and the Development Agreement, the Development Agreement will govern, except to the extent that requirements described in this letter (such as demand calculations and design requirements) are based on changes to the Project design approved by the District, or updated demand calculations, or requirements imposed by the County Water Board subsequent to the execution of the Development Agreement.

We have reviewed the project concept and provide the comments below. Upon Completion of final design, it is recommended that the proposed improvements be reviewed against the current concept to verify values in this letter are still accurate.

**Development Demand Calculation and Water Rights**

Based on the concept submitted, development water demand was evaluated. The development's indoor water use will require 15.30 acre-feet of 100% consumptive municipal water rights. To provide year-round supply, indoor water use must be met by Timpanogos Class D Shares. It should be noted that Timpanogos Class D Shares are not 100% consumptive and, therefore, more than a nominal 15.30 acre-feet of Timpanogos Class D shares will be required to meet the 100% consumptive requirement for the development's indoor use<sup>1</sup>.

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<sup>1</sup> TCSSD is currently working with the State Engineer's Office to set the conversion from Timpanogos Class D Shares to 100% Consumptive Water Rights. With that said, we estimate that the Developer would need 22.17 acre-feet of Timpanogos Class D shares to meet this development's 100% consumptive water requirement.

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The development's outdoor water use will require 90.18 acre-ft of irrigation water rights, which will allow for up to a maximum of 30.06 irrigated acres. If the development desires to irrigate more than this, additional water will be required.

Water rights used to satisfy both indoor and outdoor demands must meet the requirements for each type of use as outlined in District water dedication policy.

It should be noted that M&I type shares such as Timpanogos Class D shares (and other types of shares which carry higher than usual water delivery assessments) are subject to the District's equalization fee. If any of these types of shares are used to satisfy this development's indoor water requirement, the fee is due upon dedication of the shares per District policy.

All water dedications to TCSSD require a change application to be approved by the State Engineer in accordance with the District Water Dedication Policy. It is recommended that the Developer investigate the water dedication policy requirements early to avoid unexpected delays in obtaining approvals.

Required water rights to satisfy these demands will depend on the nature of the water rights and location of use. Determination of required water rights is left for calculation by the County Water Board.

The approximate schedule for assessing water rights will be as follows:

Anticipated Water Rights Assessment Schedule						
Use Category	Unit	Expected Total of Units	100% Consumptive Municipal Water Rights Assessment Rate (AF per Unit)	Irrigation Assessment Rate (AF per Unit)	Expected Total 100% Consumptive Municipal Water Rights Assessment (AF)	Expected Total Irrigation Assessment (AF)
Single Family	per Dwelling	34	0.45	2.65	15.30	90.18
Total					15.30	90.18

**Notes**

- Assessment rates shown above incorporate both indoor and outdoor use (if applicable). Because outdoor use varies from unit type to unit type, and development to development, and because it is sometimes convenient to assess different categories together, the values show in this table are custom and applicable to this development only.

**Required Improvements Discussion**

We have prepared a review of the proposed infrastructure relative to the plans submitted. It should be noted that the required improvements discussion is applicable only to water and sewer infrastructure, not secondary irrigation infrastructure. Such information must be obtained from Timpanogos Irrigation Company.

**Basis of Right to Infrastructure Capacity**

1. **Water System Capacity:** Use of water system capacity is dependent on the type of use proposed for the development. Based on the submitted concept, we have calculated that the proposed development will use the following amount of capacity in the water system (based on capacity units as defined in the District’s master plan):

**Water Capacity Units = 34.0**

This will be the basis of calculation of water impact fees. The approximate schedule for charging impact fees will be as follows:

Anticipated Water Impact Fee Assessment Schedule				
Use Category	Unit	Expected Total of Units	Assessment Rate (WCU per Unit)	Expected Total Assessment (WCU)
Single Family	per Dwelling	34	1.00	34.0
Total				34.0

**Notes**

- Assessment rates shown above incorporate both indoor and outdoor use (if applicable). Because outdoor use varies from unit type to unit type, and development to development, and because it is sometimes convenient to assess different categories together, the values show in this table are custom and applicable to this development only.

2. **Sewer System Capacity:** Use of sewer system capacity is dependent on the type of use proposed for the development. Based on the submitted concept, we have calculated that the proposed development will use the following amount of capacity in the sewer system (based on units as defined in the District’s master plan):

**Sewer Capacity Units = 34.0**

This will be the basis of calculation of sewer impact fees. The approximate schedule for charging impact fees will be as follows:

Anticipated Sewer Impact Fee Assessment Schedule				
Use Category	Unit	Expected Total of Units	Assessment Rate (SCU per Unit)	Expected Total Assessment (SCU)
Single Family	per Dwelling	34	1.00	34.0
Total				34.0

**Notes**

- The values show in this table are custom and applicable to this development only.



### Water System Infrastructure Review

1. Source Improvements: Currently, the District has no physical way to accept Timpanogos shares into its culinary system. The District has identified a source for such shares, which is a new treatment plant, but it will not be operation for a few years<sup>2</sup>. The developer has the following options for providing a culinary source for his development:
  - a. Participate in funding the initial phase of water treatment plant construction by prepaying the source production portion of the impact fee (Doing so will allow the development to proceed without delay); or
  - b. Wait until the new water treatment plant is constructed. (Note that surplus capacity in the new water treatment plant will be provided to those who have not participated in the funding the plant on a first-come, first-served basis based on timing of building permits.)
2. Treatment Improvements: See comments above under *Source Improvements*.
3. Storage Improvements: No system improvements have been identified outside of payment of required impact fees.
4. Delivery Improvements: No system improvements have been identified outside of payment of required impact fees.
  - a. The developer will be required to construct all project level improvements relative to connecting to the system and delivering water through the development.
  - b. It should also be noted that the water system of these two phases of development must interconnect with the waterlines of Phase 1 and the existing water main in 1200 South.
5. TCSSD requires a Plan Approval Letter from Timpanogos Irrigation Company for the irrigation water system.

### Sewer System Infrastructure Review

1. Treatment Improvements: No system improvements have been identified outside of payment of required impact fees.
2. Conveyance Improvements: No system conveyance improvements have been identified outside of payment of required impact fees.
  - a. The developer will be required to construct all project level improvements relative to connecting to the system and collecting wastewater within the development.
  - b. It should be noted that the main sewer line with the upsize planned as part of Phase 1 will pass through this development and is needed to provide sewer service to these phases as well.

<sup>2</sup> While Timpanogos shares are not currently accessible by the TCSSD culinary system, TCSSD has worked to allow development based on these shares to proceed right away. To do this, TCSSD has identified a limited amount of temporarily available source capacity in its existing system (200 acre-ft worth of capacity). Once the limit of temporarily available source capacity has been reached by ongoing development, no additional development will be approved until the new treatment plant is online and connected. TCSSD will commit portions of this 200 acre-ft limit at the time that source production impact fees are paid (not before). Therefore, the developer should note the potential for future development restrictions depending on the relative timing of area development, treatment plant construction, and payment of impact fees.

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### **Final Approval Process**

This letter represents the District's commitment to provide water and sewer service subject to the requirements outlined above and those in the Development Agreement. This does not constitute final approval of all plans.

Obtaining Wasatch County Final Plat planning approval does not grant approval for construction. Prior to beginning construction, you will need to come back to TCSSD to satisfy the following requirements:

- Final infrastructure construction plans must be reviewed and approved by the District.
- All TCSSD fees are to be paid in full.
- Construction Bonding through the Wasatch County Engineering Department must be completed.

Upon the completion of construction, you will need to return to TCSSD and satisfy the following requirements before the District will grant building permits.

- All TCSSD fees are to be paid in full.
- The District should receive a copy of the as-built drawings.
- The District should have received a copy of all waterline BAC-T test results.

### **Future Billing for Water and Sewer Service**

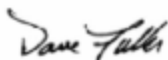
Billing for service will commence with the completion of construction and the installation of water meters. It is our understanding that each dwelling will be master metered and billed separately. As a result, the expected utility billing for each connection will be as follows:

**Basis of Water Billing = TBD per the installed meter size**  
**Basis of Sewer Billing = 1 Base Rate**

Please contact me if you have any questions or need additional clarification.

Sincerely,

**Twin Creeks Special Service District**



Dave Fuller  
Project Coordinator

5/2/2023

WATER RIGHTS AND INFRASTRUCTURE CAPACITY CALCULATIONS

TWIN CREEKS SPECIAL SERVICE DISTRICT

Christensen Farms Phase 2	Indoor						Outdoor						Total								
	Proposed Development	District Water Use Category	Base Indoor Unit Dwelling	Quantity of Base Units	Average Water Demand (gpd)	Peak Day Water Demand (gpm)	Peak Hour Sewer Loading (gpm)	Water Right Req. (AF) <sup>1,2</sup>	Water System Cap. Req. (WCU) <sup>4</sup>	Sewer System Cap. Req. (SCU) <sup>5</sup>	Total Gross Area (acres)	Secondary System?	Secondary System? (Detail)	Total Irr. Area (acres)	Calculated Irr. Area (acres)	Peak Water Demand (gpm)	Water Right Req. (AF) <sup>2,3</sup>	Water System Cap. Req. (WCU) <sup>4</sup>	Secondary Water System Cap. Req. (IA)	Water System Cap. Req. (WCU) <sup>4</sup>	Sewer System Cap. Req. (SCU) <sup>5</sup>
Single Family	Single Family	Dwelling	34	8,772	12.18	15.23	15.30	34.0	34.0	45.1	Y	Y	28.04	28.04	198.16	84.12	0.0	28.0	34.0	34.0	34.0
Parcels A and B	Irrigated Land			8,772	12.18	15.23	15.30	34.0	34.0	45.1			2.02	30.06	212.43	90.18	0.0	30.1	34.0	34.0	34.0
<b>Totals</b>				<b>8,772</b>	<b>12.18</b>	<b>15.23</b>	<b>15.30</b>	<b>34.0</b>	<b>34.0</b>	<b>45.1</b>			<b>30.1</b>	<b>30.06</b>	<b>212.43</b>	<b>90.18</b>	<b>0.0</b>	<b>30.1</b>	<b>34.0</b>	<b>34.0</b>	<b>34.0</b>

Notes:

1. Indoor required 100% consumptive municipal water rights are based on 0.45 AF for typical indoor water use of a single family residence. (Must be in the form of Tinpanagos Class D Shares converted to 100% Consumptive Use.)
2. Outdoor required shares are based on 3.00 AF per Irrigated Acre.
3. Official determination of required water rights/shares is left to the jurisdiction of the Water Board. Indoor use must be met by acceptable year around water shares.
4. A water system capacity unit is equivalent to 0.26 gpm of peak day system water use.
5. A sewer system capacity unit is equivalent to 0.448 gpm of peak hour indoor water use.

Definitions:

AF = Acre-foot. This is the measure of required water rights.  
 WCU = Water Capacity Unit. This is the measure of peak demand on the water system relative to a typical single family residence and principally affects impact fees.  
 SCU = Sewer Capacity Unit. This is the measure of peak loading on the sewer system relative to a typical single family residence and principally affects impact fees.  
 IA = Irrigable Acres. This is a measure of secondary system demand and principally affects Secondary Water System impact fees.  
 KSF = 1,000 square feet (SF) of floor space.

**EXHIBIT K – DRC Report****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
Building Department	Ready for Decision
Manager's office	Ready for Decision
Health Department	Ready for Decision
County Surveyor	Ready for Decision
Sheriff's Office	Ready for Decision
Fire SSD	Ready for Decision
Weed Department	Ready for Decision
GIS Department	Ready for Decision
MAG Regional Trail Planner	Ready for Decision
DRC - Twin Creeks SSD	Ready for Decision
Public Works Department	Ready for Decision
Recorder's Office	Ready for Decision
Planning Department	Ready for Decision
Engineering Department	Ready for Decision
Assessor's Office	No Action Taken
Housing Authority	No Action Taken
DRC - SSA 1 Water	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-JSSD1	DRC - Jordanelle SSD	Construction Drawing review and approval to be coordinated with District Engineer.

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG1	01 - Cover Sheet	Condition of Approval: Final construction set must be stamped upon application for a subdivision construction permit.
DRC-ENG8	15 - Final Cost Estimate	Condition of Approval: The engineer's estimate will be reviewed in greater detail upon application for a subdivision construction permit.
DRC-ENG13	05 - Final Grading Plan	Condition of Approval (Resolve before issuance of construction permit): Your response mentions a drainage swale added. This doesn't appear to be reflected in grading contours or the cross sections. Ensure that the correct cross section to any modifications along 1200 S is included in construction set. 1200 S is a Major Collector, not minor.  Original Comment: I don't see a designated overflow on the basins. What is the course of this water in the scenario where it exceeds the design storm? Needs to be confined to roads/have a safe path.

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN25	02a - Plat	The legend needs a correction to the 15' trail easement. It needs to state 'public' and the hatch pattern needs to match the same hatch pattern shown on the subdivision itself.

## Wasatch County Planning Commission

## Report of Action

09-November-2023

*Commissioner Chuck Zuercher was present as Chair.*

**ITEM #3** – Brian Balls, representing Christensen Farms Lots LLC, requests Final Subdivision approval for Christensen Farms Subdivision Phase 2, a proposed residential subdivision of 34 lots on 44.24 acres located at approximately 1900 E 1200 S in the Residential Agriculture 1 (RA-1) zone. (DEV-7559; Austin Corry)

**STAFF PRESENTATION** - The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

**APPLICANT AND PUBLIC COMMENT** - Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Peter Gamvroulas from Ivory addressed the commission and mentioned that this project has been through a number of reviews and is the most vetted simple subdivision ever.
- Mr. Gamvroulas mentioned that landscaping and why they proposed the landscaping as it is shown.
- Mr. Gamvroulas mentioned the fill and that they have engaged a geotech for the site. He stated their standard practice is to provide a specific lot geotechnical observation for every home.
- Brian Balls addressed the commission and mentioned that the fill had taken place in isolated places and several feet deep. Typically basements are going to be 10' deep. Driveways will need to be addressed more carefully.
- Peter Gamvroulas discussed more about the compaction issues and that there are geotechnical reviews done on each lot.
- J.J. Lund mentioned that the basements will go down to native level.
- Mr. Gamvroulas stated that each footing will be observed by a geotech engineer.
- Brian Balls stated that each foundation would be inspected.
- Brian Balls stated that there have been test pits dug and every one had the same strata with 12-18 inches of topsoil then cobble. This soil percolates very rapidly.
- Brain stated that there is an outfall for the storm drain.

**PLANNING COMMISSION DISCUSSION** - Key points discussed by the Planning Commission included the following:

- Commissioner Hronek was concerned about the fill that has been brought into the site and what that material is and if we know if it has been compacted in lifts. Commissioner Hendricks was also concerned about the fill as well.
- Commissioner Hendricks asked Commissioner Rigby if he was ok with the proposed fencing. Commissioner Rigby replied that the applicant's original suggestion that the existing fencing was sufficient was wrong, he believes the new fencing being proposed is sufficient.
- Commissioner Cook asked if the fence was being replaced. Mr. Gamvroulas replied it will be the whole property.
- Commissioner Hendricks asked how a potential buyer would know about the fill/compaction issue?
- Austin Corry mentioned that there are inspections by the engineering department to verify compaction.
- Commissioner Rigby suggested adding a plat note to alert home owners about their fill condition. Mr. Gamvroulas felt that was excessive and not necessary.
- Commissioner Rigby asked about all the fill brought in. There is no silt fence no dust control and no storm water prevention. Mr. Balls stated that there was a construction permit pulled for the excavation and that there is a silt fence.
- Commissioner Rigby mentioned some concerns about storm water and that there is no outfall line for one of the ponds. He is concerned about a larger storm and where any extra water is going to go. Mr. Balls replied that there is an outfall designed he doesn't know why the engineer report is still showing a concern.
- Commissioner Rigby mentioned the homes on the north of Countryside Lane that have had issues with groundwater in their basements and he is concerned that the storm water ponds will raise the groundwater levels. He would like to see additional studies done to ensure that the water levels do not increase.

**MOTION**

Commissioner Rigby made a motion to approve with conditions consistent with the findings and conditions of the staff report. Commissioner Cook seconded the motion.

**VOTE** ( 7 TO 0 )

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Doug Grandquis	<u>AYE</u>	NAY	ABSTAIN
Wendell Rigby	<u>AYE</u>	NAY	ABSTAIN	Kimberly Cook	<u>AYE</u>	NAY	ABSTAIN
Doug Hronek	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN				

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

1. The subject property is 44.24 acres per the applicant's surveyor.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. Preliminary approval granted a density of 1.3 acres per unit as long as all requirements of Wasatch County Code are met.
4. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
5. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
6. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
7. The proposal includes a small open space parcel that is to be landscaped by the developer and maintained by the proposed subdivision HOA as required by Wasatch County Code 16.21.06.
8. The phasing plan on the application includes a developer commitment to landscape the open space and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50% of the building permits, whichever comes first.
9. The applicant has offered a 10% affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
10. WCC 16.21.14 requires large scale developments to provide fencing of suitable quality to keep farm animals out of residential properties.
11. The applicant has provided a plan to install four foot tall field fencing, mounted on tee posts, with a strand of barb wire on top and bottom. The application also includes slides obtained from a USU extension presentation regarding fencing types used for agriculture.
12. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission.
13. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

**CONDITIONS**

1. The deep excavation area where homes will be placed shall meet all requirements of the geotechnical report, including adequate compacted lifts of structural fill where required.
2. The applicant is required to fulfill all commitments made by the applicant through the application materials including, but not limited to, affordable housing, infrastructure and landscaping improvements and timing, and on-going maintenance obligations.
3. Applicant shall resolve any comments required by the DRC report with the applicable review department.
4. A plat amendment to Christensen Farms Phase 1 combining the remnant piece into the retention pond will need to be recorded before this plat can be recorded.
5. The development agreement shall be recorded prior to recording of the final plat.



Wasatch County Planning Commission - Chairman

The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action. Official action of the Planning Commission on this item is subject to the approved minutes.

**MINUTES OF THE  
WASATCH COUNTY PLANNING COMMISSION  
NOVEMBER 9, 2023**

**PRESENT:** Chair Chuck Zuercher, Commissioner Mark Hendricks, Commissioner Wendell Rigby, Commissioner Doug Grandquis, Commissioner Scott Brubaker (*via Zoom*), Commissioner Doug Hronek, Commissioner Kimberly Cook.

**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:** Led by Commissioner Kimberly Cook and repeated by everyone.

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday, November 9, 2023. Chair Chuck Zuercher also indicated that all the Planning Commission members are present with Scott Brubaker attending via Zoom. The record should further reflect that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032.

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**APPROVAL OF THE MINUTES FOR OCTOBER 12, 2023**

**Motion**

**Commissioner Wendell Rigby made a motion to approve the meeting minutes from our Planning Commission meeting of October 12, 2023.**

**Commissioner Doug Hronek seconded the motion.**

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

**AYE: Chair Chuck Zuercher, Mark Hendricks, Wendell Rigby, Kimberly Cook, Doug Grandquis, Scott Brubaker.**

**NAY: None.**

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Chair Chuck Zuercher then read the following:

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

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

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

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**CONSENT AGENDA**



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

**ITEM 1 APPROVAL OF THE 2024 PLANNING COMMISSION MEETING SCHEDULE**

**ITEM 2 JOSH CALL, REPRESENTING BRENT CLEMENTS, REQUESTS A MINOR PLAT AMENDMENT TO DANCING SUN PHASE 7 IN ORDER TO AMEND THE BUILDING ENVELOPE FOR LOT 1 BASED ON AN UPDATED TOPOGRAPHIC STUDY, LOCATED AT 9191 N SAGEBRUSH CT. IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-8337; ANDERS BAKE)**

**Public Comment**

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

**Motion**

**Commissioner Mark Hendricks made a motion that we approve Items 1 and 2 on the consent agenda.**

**Commissioner Kimberly Cook seconded the motion.**

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

**AYE: Chair Chuck Zuercher, Mark Hendricks, Doug Hronek, Doug Grandquis, Kimberly Cook, Wendell Rigby.**

**NAY: None.**

Chair Chuck Zuercher then read the three items that will be discussed this evening on the regular agenda.

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**ITEM 3 BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS LOTS LLC, REQUESTS FINAL SUBDIVISION APPROVAL FOR CHRISTENSEN FARMS SUBDIVISION PHASE 2, A PROPOSED RESIDENTIAL SUBDIVISION OF 34 LOTS ON 44.24 ACRES LOCATED AT APPROXIMATELY 1900 E 1200 S IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. (DEV-7559; AUSTIN CORRY)**

**Staff**

Austin Corry, the Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the subject property is on the valley floor halfway between Mill Road and 2400 East just south of the Cobblestone development.

Austin Corry indicated that although the name of the proposed subdivision is called Christensen Farms Phases 2 and 3 the proposal is an entirely separate application, unrelated to the Christensen Farm Phase 1 subdivision which received a separate preliminary approval and was platted under its own entitlements without consideration of Christensen Farms Phases 2 and 3.

Austin Corry showed the phasing plan to the Planning Commission. The preliminary included the entire property and this phase is 44.24 acres and thirty-four lots. There are some off site temporary turn around easements that they did supply with the project, executed easements for temporary turn arounds to provide cul-de-sacs outside of the plat. The ones to the south are for future phase 3 so that those temporary cul-de-sacs would be removed and replaced with the through streets. There is still an open area A and that is about twelve thousand square feet that just runs along the side of the road.

Austin Corry indicated that one of the other things I should mention if you recall during the preliminary they also had a request for a plat amendment that came in concurrently with that preliminary, a plat amendment to the Christensen Farm phase one

subdivision there is a retention pond for that subdivision here and the way they have designed their roadway was leaving a nuisance strip that wouldn't meet any of the qualifications to be included in this so that was going to be amended into that subdivision. That approval was allowed to expire so they did get approval and the applicant didn't bring in the plat to record or do anything there so it expired and they will need to come back and make that request again. It is anticipated that they will come in with the same request but they will have to get re-approval.

Austin Corry indicated that there has been a significant amount of grading activity that went on in anticipation of some bonus densities in exchange for some park area but then decided to pursue housing development on that property instead and that is the preliminary that is active now but as a result all of that excavation activity has occurred there.

Austin Corry indicated that in the plans that were sent to the geotech engineer they are estimating there will be areas of fill around three and a half to nine feet in depth to restore the area back from that for areas where the proposed building pads will go. Why that is important is that the placement of that material when you are placing footings on top of that material how that is compacted and how the soil stability works will be very critical to the future stability of those homes that get built on that area that now have to be filled back in because they were excavated. There is a note from the geotech engineer that says any areas where they have to fill more than three feet they need to come back and talk with their geotech for evaluation to make sure that they understand and the actual fill material they use should receive approval from the geotech engineer before they start placing that material.

Austin Corry indicated that something that changed between preliminary and final is their cut fill analysis of that. Originally during preliminary they were saying that they needed to import around thirty thousand cubic yards of material to restore that area back and currently with their final plans they are claiming they are an even cut fill and won't import any material in order to restore that.

Austin Corry indicated that the landscape plan is adapted after removal of the open space areas. Now their landscape requirement is just the open space that they have got and along the trails through the project as well. This plan does show this portion up here that is the phase one portion so that plat amendment is where those landscape requirements would take place but that is anticipated to be just pasture grass.

Austin Corry indicated that something else that has changed a little bit since you saw this at preliminary that during the preliminary there was a discussion about the right to farm regulations. Large scale developments that come in adjacent to existing agricultural uses have an obligation to fence the property. This is out of respect for the county's agricultural heritage. During the preliminary what was represented in the application documents was that the applicant's intention was to obtain waivers from all the property owners basically saying that the existing fencing that was there the property owners were agreeing that it was suitable to contain the farm animals which is what the code requirement is. They were not able to obtain those waivers so now at this stage they are in with a fencing plan. The code section as it reads with their fencing plan they have to identify the existing and potential agricultural uses. The materials that they plan to use in the fencing, safety, traffic and roads and aesthetics. You as the land use authority, this lower part is what you are being asked to determine. "The fencing must re-enforced 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." In this case that is what you are being asked to determine is whether what they are proposing is of suitable quality to keep farm animals out of the residential properties. The applicant is proposing to fence the properties along the west boundary around this phase one portion into these lots of record where their temporary turn around is and actually fence into those and around basically the rest of the north east corner. The proposal is four foot tall woven wire with a strand of barbed wire on the top and the bottom.

Austin Corry indicated that the DRC went back and forth on this as is common practice with resolving conflicts of code requirement issues and now to the stage where the DRC feels like it is ready for you as a Planning Commission to make decisions. There are some conditions of approval that the staff recommends as part of that.

The DRC comments are:

JORDANELLE SSD comments:

- Construction drawing review and approval to be coordinated with District Engineer.

ENGINEERING comments:

- Condition of Approval: Final construction set must be stamped upon application for a subdivision construction permit.

- Condition of Approval: The engineer's estimate will be reviewed in greater detail upon application for a subdivision construction permit.
- Condition of Approval (Resolve before issuance of construction permit): Your response mentions a drainage swale added. This doesn't appear to be reflected in grading contours or the cross sections. Ensure that the correct cross section to any modifications along 1200 South is included in construction set. 1200 South is a major collector, not minor.  
Original comment: I don't see a designated overflow on the basins. What is the course of this water in the scenario where it exceeds the design storm? Needs to be confined to roads/have a safe path.

PLANNING comments:

- The legend needs a correction to the 15 foot trail easement. It needs to state 'public' and the hatch pattern needs to match the same hatch pattern shown on the subdivision itself.

Austin Corry then went through the proposed findings:

1. The subject property is 44.24 acres per the applicant's surveyor.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. Preliminary approval granted a density of 1.3 acres per unit as long as all requirements of Wasatch County Code are met.
4. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
5. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
6. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
7. The proposal includes a small open space parcel that is to be landscaped by the developer and maintained by the proposed subdivision HOA as required by Wasatch County Code 16.21.06.
8. The phasing plan on the application includes a developer commitment to landscape the open space and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
9. The applicant has offered a ten percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
10. WCC 16.21.14 requires large scale developments to provide fencing of suitable quality to keep farm animals out of residential properties.
11. The applicant has provided a plan to install four foot tall field fencing, mounted on tee posts, with a strand of barb wire on top and bottom. The application also includes slides obtained from a USU extension presentation regarding fencing types used for agriculture.
12. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission.
13. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. The deep excavation area where homes will be placed shall meet all requirements of the geotechnical report, including adequate compacted lifts of structural fill where required.
2. The applicant is required to fulfill all commitments made by the applicant through the application materials including, but not limited to, affordable housing, infrastructure and landscaping improvements and timing, and on-going maintenance obligations.
3. Applicant shall resolve any comments required by the DRC report with the applicable review department.
4. A plat amendment to Christensen Farms Phase I combining the remnant piece into the retention pond will need to be recorded before this plat can be recorded.
5. The Development Agreement shall be recorded prior to recording of the final plat.

**Commission Comments**

Commissioner Hronek indicated that there have been trucks going in and out of there and concerned about the fill that is being brought in. Do we know what type of materials are in there and has it been brought in from other sources and has it been mixed and mingled. If it is fill it has got to be structural fill and needs to be a certain type of fill. I know the geotechnical engineers are going to be involved here and great to put all of this stuff on paper and write a specification of what is going to happen and the real

proof who observes the work while it is being done. It is almost a full time job for a geotechnical engineer on a project this size to be on site making sure it is being done in accordance with his specifications and his recommendation and my question is, is that going to happen. Austin Corry replied that the geotech report says they should be validating the structural fill before it is placed in every condition. Also has concerns for them testing the compaction requirements and things like that and that is what the County would expect in terms of the applicant's willingness to commit to that and that is something they can provide to you.

Commissioner Hronek indicated that his concern on unsuspecting homeowners purchasing a house that is on fill that ends up settling and then there are just all kinds of problems and not a good situation at all. We need to make sure that things are being done right there.

Commissioner Mark Hendricks indicated that he agrees with Commissioner Doug Hronek's comments. Also have no idea if this is the right kind of fencing.

Commissioner Wendell Rigby indicated that with my property I am okay with this type of fencing. Part of my concern is that there has been an indication by the developer that the existing fencing is sufficient and it is not as if they were trying to get away from providing the minimum that would be required. I am fine with the new proposal that they have for fencing.

Commissioner Kimberly Cook asked, are they replacing all of that fencing? Austin Corry replied that they are replacing the fencing.

### **Applicant**

Peter Gamvroulas, from Ivory Development, addressed the Wasatch County Planning Commission and indicated that this proposal has come before this body at least six times between different applications. It has been well vetted and has gone through several DRC process. We have spent a significant amount of time on the fencing. Also with regard to the fill and most of the fill doesn't actually come from Ivory projects of some sort. We did engage a geotech to come in and do an additional geotech report.

Brian Balls, geotech engineer for Ivory Development, addressed the Wasatch County Planning Commission and indicated that we have prepared a new topographic survey of the area. The majority of the fill was between three and four feet and a couple of places nine feet. The footings will be sitting on native undisturbed material. The areas that we feel are the ones that need to be watched is going to be where driveways then get filled back in and that will need to be addressed properly by the excavators to make sure that those driveways are not sinking. Most of the places that will take the fill will be landscaping.

Commissioner Mark Hendricks indicated that you get to the end of this project and is the applicant taking this vertical and going to sell homes and not selling finished lots. That is a good thing because then there is some level of liability as the builder and contractor if there is a problem. How does the perspective buyer know there has been a fill problem?

Chair Chuck Zuercher indicated that the buyer needs to be notified that fill has been used. Peter Gamvroulas replied that our standard disclosure statements always include the geotechnical reports that were done on the properties.

Commissioner Mark Hendricks asked, is there anything on the County level to say yes this is the right kind of stuff and is it being installed correctly, compacted properly? Is there any policing that goes on or do we rely on the good faith of the developer for long term liabilities for construction defects? Austin Corry replied that there is a permitting process during the subdivision construction that the engineering department is doing inspections during that process. Commissioner Wendell Rigby indicated that one thing I would suggest and have seen it on different projects where there is fill in excess of where the basement would be that a note would be required on the plat for those lots that indicates that there is fill down to a certain area and could require that special geotechnical studies be done when they are doing the basement to make sure that the foundation is secure and don't end up with cracks with basement walls and footings and things like that. Peter Gamvroulas indicated that is always standard practice. There is a geotechnical report that happens with each excavation.

Commissioner Wendell Rigby replied that he would like to see a note on the plat for those lots. J.J. Lund, part of the development team, wanted to add one additional comment to this and as Brian states the basements will go down to native level and is standard practice for us to do those lifts properly and all the precautions are being taken. Peter Gamvroulas indicated that this is already going to be on all of our disclosures and any lot that we sell whether it is a lot or new building we include these disclosures which include our geotechnical reports also. Brian Balls replied that the most important thing is identifying at the excavation site where the cut or fill was to that native material. Peter Gamvroulas replied that he understands the attention to this and nothing to this

strikes us as a problem because it is standards practice already and what do we do to avoid this is already standard practice in a site that doesn't have the big piles of concerns.

Commissioner Wendell Rigby replied that he would be fine with that. Also with regard to all that fill that has been brought in there is not silt fence put up and no dust control and is there a construction entrance on the north end or not but those are all violations of the Utah Pollution Discharge Elimination System Permit also there has got to be some dust control. Brian Balls replied that there were two permits obtained and one for the off site sewer and two for the pond draining. The silt fence is adjacent to the sewer line.

### Public Comment

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

### Commission Comments

Wendell Rigby indicated that he has two other concerns. One is the concerns about the storm water retention basin does not show an out fall or a place where the water can actually go once it fills that detention basin up and don't want it to go to the residents. They need to indicate an out fall and where the water is to go with an over flow that directs that water north to 1200 South and does not go to the west. The second item of concern is the issue of ground water subbing up in people's basements because it has happened before in this area and that needs to be taken care of so that doesn't happen. Brian Balls indicated that those concerns have been taken care of with regard to tests and holes that have been dug so that won't happen again.

Wendell Rigby replied that he would like some further geotechnical work done so we can look at the underground strata and make sure that the water that is in that basin is not going to end up in the basements of the residents living in that area. Brian Balls replied that I can tell you that based on the reports and studies I am confident to say that we have mitigated all those issues.

### Motion

**Commissioner Wendell Rigby made a motion that we approve with conditions consistent with the findings and conditions presented in the staff report.**

**Commissioner Kimberly Cook seconded the motion**

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

**AYE: Chair Chuck Zuercher, Mark Hendricks, Wendell Rigby, Kimberly Cook, Doug Grandquis, Doug Hronek.**

**NAY: None.**

The record should show that Scott Brubaker has now joined the Commission and will listen to the following two items.

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**ITEM 4 DISCUSSION REGARDING THE MOST RECENT AND ONGOING PROJECTS RELATED TO IMPLEMENTATION OF THE WASATCH COUNTY MASTER TRAILS PLAN. THE DISCUSSION WILL INCLUDE CURRENT PROJECTS FOR TRAILS AND TRAILHEADS RECENTLY COMPLETED OR UNDER CONSTRUCTION, PROJECTS IN PLANNING AND FUNDING PHASES, AND SEEKING INPUT FROM THE PLANNING COMMISSION FOR FUTURE PROJECTS OR POTENTIAL AMENDMENTS TO THE MASTER TRAILS PLAN. (DON TAYLOR - MAG; DOUG SMITH)**

### Staff

Doug Smith indicated that we are in the process of updating the County trails master plan. The trail plan addressed both back country and urban hard surface trails as well as trail head locations and intended improvements. The County has great opportunities and potential for trail expansion. Wasatch County is unique in that we have seventy percent state or federal lands surrounding the valley and trails systems that should connect to these areas. We enjoy great partnerships with federal and state