

**MINUTES OF THE  
WASATCH COUNTY PLANNING COMMISSION  
FEBRUARY 8, 2024**

PRESENT: Chair Chuck Zuercher, Mark Hendricks (*via Zoom*), Doug Grandquis, Doug Hronek, Kimberly Cook, Scott Brubaker (*via Zoom*), David Thacker, Daniel Lyman (*present but not voting*).

STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney; Rick Tatton, Court Reporter (*via Zoom*).

PRAYER: Commissioner Doug Hronek.

PLEDGE OF ALLEGIANCE: Led by Commissioner Kimberly Cook and repeated by everyone.

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday, February 8, 2024. Chair Chuck Zuercher indicated that Commissioner Mark Hendricks and Commissioner Scott Brubaker are present via Zoom tonight. Commissioner Doug Grandquis, Commissioner Doug Hronek and Commissioner Kimberly Cook are also present. We have two new members who are also present tonight: Commissioner David Thacker who is a regular member, and Commissioner Daniel Lyman who is an alternate member. The record should show that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Chuck Zuercher then thanked the Planning Staff for the good job they do because it really helps the Planning Commission. Chair Chuck Zuercher then called the first agenda item.

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**APPROVAL OF THE MINUTES FOR DECEMBER 14, 2023 AND JANUARY 11, 2024 MEETINGS**

**Motion**

**Commissioner Doug Grandquis made a motion to approve the December 14, 2023 minutes as written.**

**Commissioner Doug Hronek seconded the motion.**

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

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

**NAY: None.**

**ABSTAIN: David Thacker**

**Motion**

**Commissioner Doug Grandquis made a motion to approve the minutes for January 11, 2024 as written.**

**Commissioner Doug Hronek seconded the motion.**

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

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

**NAY: None.**

**ABSTAIN: David Thacker**

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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## **ELECTION OF A NEW CHAIR AND VICE CHAIR**

Chair Chuck Zuercher indicated that we need to elect a new Chair and Vice Chair. Chair Chuck Zuercher then indicated that he would be willing to serve again and asked if there is anyone who would like to be the Chair.

### **Motion**

**Commissioner Doug Grandquis made a motion that we accept Chuck Zuercher as Chair again.**

**Commissioner Kimberly Cook seconded the motion.**

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

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

**NAY: None.**

### **Motion**

**Commissioner Kimberly Cook made a motion to elect Commissioner Mark Hendricks as Vice Chair.**

**Commissioner Doug Hronek seconded the motion.**

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

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

**NAY: None.**

Chair Chuck Zuercher then called the first agenda item:

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**ITEM 1 BERG ENGINEERING, REPRESENTING OAK HAVEN WATER COMPANY, REQUESTS A CONDITIONAL USE PERMIT TO CONSTRUCT A 200,000 GALLON BURIED WATER TANK TO REPLACE THE EXISTING TANK LOCATED AT 1692 WEST SPRING LAKE IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. (DEV-8698; ANDERS BAKE)**

### **Staff**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated this item is on the agenda due to written objection received during the noticing period outlined in WCC Section 16.01.05 for specific Conditional Use Permit Requests. The County Attorney’s office is requesting that the applicant provide a franchise agreement for the area that will be served by the proposed tank replacement. The County staff is currently working with the applicant to address this issue which we anticipate will be resolved shortly. However, since the details of the agreement would inform aspects of the staff analysis and

recommendation, a comprehensive staff report detailing the project will not be able to be provided at this time. As such, it is recommended that the proposed Conditional Use Permit be continued to the March 14, 2024 Planning Commission meeting.

### **Motion**

**Commissioner Doug Grandquis made a motion to continue this item to March 14, 2024 at 6:00 p.m.**

**Commissioner Kimberly Cook seconded the motion.**

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

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

**NAY: None.**

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## **ITEM 2 DISCUSSION REGARDING WASATCH COUNTY CODE §16.21.40 ENTITLED “HELIPADS FOR PRIVATE USE” AND POTENTIAL AMENDMENTS TO THE CODE. (DOUG SMITH)**

### **Staff**

Doug Smith, the Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that this item is for discussion only and no motion is needed at this time. In April of 2023 there was an application for an amendment to the helipad ordinance to allow helipads in the P-160 zone on a non-conforming lot. The Planning Commission discussed the proposal in the meeting held on April 13<sup>th</sup> and forwarded a recommendation to deny unless the proposal was on a conforming 160 acre lot.

The item went to the County Council on August 16, 2023. The Council had a vigorous discussion then made a motion to deny the request and send it back to the Planning Commission for further discussion. The Council wanted the Planning Commission to discuss whether there are appropriate zones for a helipad and if not should there even be a helipad ordinance? There was no time frame for the discussion or bringing the item back to the Council.

There seemed to be consensus about helipads between the Planning Commission and Council regarding non-conforming lots. The Council was also vocal about their uneasiness of a code allowing them at all in any zone. Some comments centered on the remote nature of the P-160 zone and the intent of the P-160 zone for protection of wildlife as well as grazing. There seemed to be somewhat of a consensus that helipads should not be allowed on lots of record which, as mentioned, are typically smaller than the underlying zone. Since the discussion to allow helipads seemed to center on the P-160 zone, Doug then indicated that the specific intent in establishing the preservation zone (P-160) is as follows:

1. Protect the present and future water supply of the county and surrounding counties;
2. Protect natural features and sensitive environmental areas;
3. Protect the county grazing and forestry land;
4. Avoid excessive costs for public services which result from excessive scattering of residential dwellings in remote areas;
5. Prevent excessive soil erosion and water pollution;
6. Promote the raising and keeping of domestic and wild animals and fowl in keeping with optimum intensity of use, consistent with recognized range management practices;
7. Prevent the necessity of having to pay excessive taxes on grazing lands;
8. Preserve and protect recreational opportunities;
9. Allow residential development on a limited basis when services are not readily available but are appropriately addressed by the developer to the satisfaction of the County; and
10. Residents of the proposed development would have essential services provided at a level that would not impact their health, safety and welfare, and to provide these services would not be fiscally irresponsible for the County.

Doug Smith also indicated that the helipad ordinance was adopted in 2008 after an application was submitted for approval of a helipad code. The County worked with the applicant’s attorney to come up with the ordinance. As far as we are aware the ordinance has been used twice since its inception, first on a 60-acre lot of record in the P-160 zone across from the Deer Creek

Campground on the south side of Highway 189 and the second on a 5-acre lot in the Wasatch View Subdivision surrounded by the Valley Hills Subdivision.

Doug Smith then presented some points to consider.

- Are lots of record appropriate for a helipad? Lots of record are lots in any zone of any size that may or may not meet the minimum acreage requirements but are “grandfathered” with a building right.
- Is the only zone for consideration of a helipad the P-160 zone? The next largest zones would be M (20 acres) and A-20 (20 acres). We have had illegal helicopter landings and takeoffs in the A-20 zone and received numerous calls from the neighbors with livestock disturbance and noise complaints.
- Allowing helipads even in a P-160 zone creates the noise of the helicopters flight path. The impacts are not only the immediate surrounding neighbors but everyone along the typical flight path. Should this noise be taken into consideration?
- Would helipads be appropriate in areas outside of the valley floor in the P-160 zone on either platted 160 acre lots or acreage conforming lots of record i.e. Strawberry, Wolf Creek Ranch, etc.?
- The majority of the County is zoned P-160. Much of the lands outside of the valley floor is P-160.
- If the P-160 zone is considered for helipads there could be conforming P-160 lots adjacent to a nonconforming subdivision of smaller lots. Should there be required distances from existing platted lots or other ways of considering the impacts on the smaller lots?
- The current code allows for a helipad on a lot of 10-acres or more.

Doug Smith indicated that he has received a number of e-mails over the last couple of days and there is justification for most of them for not allowing this. Doug Smith then went through a few of the letters that were submitted. Doug Smith also indicated that the current code needs to be changed because the code, although it exists, does not speak which zones that this is allowed in. We have to go in and either state what zones it could and could not be allowed in so it does have to be changed unless it is deleted out of our code.

### **Planning Commission Remarks**

Commissioner Mark Hendricks indicated that my comments come from the perspective of having three family members and one very close friend who are either active duty or retired military helicopter pilots. Also had a chance to fly a few times in helicopters and I love aviation. Helicopters are amazing machines and I am not against helicopters. I am pro helicopter. Having said that, I think that I share the community’s concerns and general concern which is helicopters are by nature very noisy. There is a whole range from very light helicopters like Robinson and there are a number of Robinson light civilian helicopters but they are still noisy. Then larger helicopters are even nosier. It is a fair comment to say motorcycles are noisy too but that is not what we are talking about here. If they need to be regulated they need to be regulated.

Commissioner Mark Hendricks indicated, the real question is what do we gain by adding and allowing helicopter helipads? In my mind you are creating havens by definition of little landing places that would therefore encourage helicopter travel. With regard to helicopters there are already FAA regulations about where helicopters can fly and the altitudes at which they can fly but five hundred feet above you is close, very close and the sound echoes through canyons and all that sort of thing. If there was a compelling reason why we needed to encourage additional havens or landing pads for helicopters I would be open to hear it, but I don’t know what it is. You know, yes they are fun and yes they are interesting and yes you can explore places a lot of recreational helicopter use as opposed to transportation from a remote location to a larger airport for example or to land at an office building in a big urban area. That is transportation needs. I don’t think that we have that kind of transportation problem in Wasatch County where helicopters are going to cut time down and make it easier and all that sort of thing so it doesn’t solve that problem. Helicopters for medical evacuation operate under their own set of rules and having safe places for them to land is helpful, but again having very close family connections with people who do this for a living including medevac, that is all managed and they know what to do and the right medevac pilots can land a helicopter in a parking lot at 7-11 if they need to and that is all managed and they coordinate with the ground and all that, so having a helipad is it really a public safety thing? Recreational helipads don’t mitigate transportation. It doesn’t help public safety. It is really about recreational use for those who can afford the luxury of having a personal helicopter, either their own or one that they hire to come pick them up to their remote property. I don’t know that is more important even though I am pro property rights and I don’t know that is more important than the interference with tranquility in our county. So frankly, if I understand it correctly and remember our discussion from last time, does the code allow it in ten acres or more?

Doug Smith indicated that the problem with our code is we have each zone and what is allowed and not allowed in each zone or conditionally not allowed. We don't have helipads specified in any zones. So there is a helicopter code but it doesn't specify what zone it is allowed in.

Commissioner Mark Hendricks replied that there is no question in my mind that it's inappropriate. The only place I think you might even have the discussion are in these large remote parcels which are 160 acres or more. That is the only place that I would even entertain a discussion, but you would have to overcome for my vote all the interference based on noise. I am sorry I have taken so long but I think about this and I am pro helicopter. I like aviation and not one who fusses about the airport or the aerobatics over the valley. I like all that stuff. I just don't think that having helicopters and helipads is good for the County.

Commissioner Scott Brubaker indicated that he has a good friend that lives in Montana. Their family has a ranch that is many thousands of acres and in that case he uses a helicopter for agricultural purposes. I don't know that exists in our county. However, I think that is one place where it can be used as a tool to go about doing the business that is carried on with the land. Is there any area in our county like that? Doug Smith replied that he can't think of any area where helicopters are used for agricultural uses. Commissioner Scott Brubaker replied that he thinks that even though our county seems to be a rural county it is not as rural as Big Sky Country in Montana. I don't think that we need to allow them at all at least for helipads anyway.

Commissioner Doug Grandquis indicated that I am not in favor of this at all in any zone. All you have got to be is a person in Heber these days listening to the military helicopters that are coming over continually. I would rather have a question is our airport a military base considering the noise and at all times of the night and day. Besides that, I think the issue of the environment of farming and followed by all would balance out against the use of helicopters. I think the comment of the individual who wanted that saying this is for affluent people, boy that just rubs a lot of people in a very bad way that we are catering to affluence in this little community and no we are not that is my comment. I am totally against any form of helipads.

Chair Chuck Zuercher indicated that currently can helicopters fly into the airport here? Can there be a basis for helicopters? Doug Smith replied, absolutely. Chair Chuck Zuercher asked, so if someone wanted to have a helicopter, and it would be nice to have it in your backyard, but having that capability I think is much capability that we ought to give them. If you show that at Wolf Creek Ranch that a half dozen of those people have helicopters it could be a traffic jam. As I said that, I thought about it, I honestly think there will be a time where everybody is going to be in something aerial and flying around will probably exist, but it won't be the helicopters that we are seeing fly right now and hopefully they will be quiet. I even think that even more than a P-160 zone.

Commissioner Kimberly Cook indicated that it is a preserve and what are we preserving? We are preserving the wildlife and the pristine area and it is like don't bring in the helicopter.

Commissioner David Thacker indicated that I actually do have a question and it may not be the right time for it, but the question I have that you brought up Doug, is there some options that we have related to this and deleting it entirely from the code is one of those options? If that is the option that is selected, can someone work and present some type of a request for a helipad in the future after it has been deleted? What is the process then, does it have to be created at that time or are we just creating more work at a later date or we don't have a process for to get an approval.

Doug Smith replied that if we don't have a process for them to get an approval then anybody can apply to amend our code, yes, it would have to be a code amendment. If it is deleted that might be the appropriate way to go about it. It could be someone that has a thousand acres up in Strawberry Valley. I don't know. But maybe it would be a situation where it might be appropriate, but we spend the time now to figure out all those issues and come up with a code for someone that may or may not ever happen.

Commissioner David Thacker replied that is kind of where my mind is. We are talking about this countywide and speaking about some previous applications that may have been presented, but, yet to know all the nuances and be able to really say where it should be and what it should be like I don't think that we have the information to be able to do that and so with that I would agree with the comments that have been made which are the concerns about preservation, which are definitely there, installing a helipad is definitely not something that wouldn't create an impact. If you have a helipad you have to have access to it. That in itself is creating quite an impact to the preservation especially and would have concerns about I know the storage of fuel is a concern and store fuel on a truck and what does that look like and does that create just different trips anyway so I would agree with the group it doesn't seem to make sense at this time.

Commissioner Doug Hronek asked that the two that have been approved previously are those permits being utilized? Doug Smith replied that the one down by the mouth of the canyon I don't know. I know that the one up in Wasatch View was used for some

time and I haven't seen a helicopter around lately but I used to hear it pretty regularly almost like weekly. The two that were given permission to have them they would be grandfathered in.

Jon Woodard, Assistant Wasatch County Attorney, indicated that it might be good to expressly not allow it so that when this comes up again in ten years the answer of the planner isn't well our code doesn't directly address it and therefore it is not allowed, and they can say this was expressly not allowed and look at that history and see these minutes where this is discussed because before it was Bruce Baird you know pounding on the County to approve it and sometimes you approve things that you normally wouldn't when that happens so I think it could be helpful to expressly not allow it so that the planners can point to that.

Commissioner Doug Hronek indicated that if there was some compelling reason that somebody had to have it other than just recreational use or transportation in and out. If you flew into Salt Lake City airport and hopped on a helicopter and flew the helicopter into the Heber Airport and you can get anywhere in this County within thirty-five to forty minutes. Why does this need to be?

Doug Smith indicated that it sounds like what you want me to do is delete that portion of the code and we will have some affirmative statement in it and I will bring that back next month and you do have people online and if you want to allow some public comment that is up to you but I have got to leave.

Whereupon, Doug Smith left the meeting for another engagement.

Chair Chuck Zuercher then opened the meeting for public comment and indicated that he would allow two comments and for them to be brief.

### **Public Comment**

Laurie Maggard, resident in Diamond Bar X, asked what is being done regarding the enforcement of the code for Trevor Milton. Jon Woodard responded that the County does not comment on enforcement actions in a public comment period for other items. Laurie Maggard continued, there is no reason for this person Trevor Milton to be flying over our valley and lands two acres from my cabin in Diamond Bar X Ranch which has a helipad. The police have indicated that they are not going to do anything about it because it is a zoning question. I would love to find out how to make this code enforceable and how to keep these people from flying over national forest service and very low over cabins on a regular basis and sometimes fifteen, twenty times a day. Anything that you can help me with that would be greatly appreciated. He also has a fuel truck completely full of jet fuel for the helicopter which is out of zoning too and is very concerning. Chair Chuck Zuercher says that he doesn't know that we can help you regarding this.

Trevor Milton, the person that owns the helicopter in Diamond Bar X Ranch, indicated that what Laurie has said is not true. Our helicopter landed a total of zero times in Woodland in 2024 and in 2023 had done less than ten landings on the property. The fuel truck is not on site and is fully certified. We use the helicopter to commute from our property in Ogden or Logan to Salt Lake City to the Diamond Bar X Ranch Property. We also use it for recreation. We also hear dirt bikes which make more noise than a helicopter. I am the only one that knows about helicopters and the FAA will allow it even if the County doesn't. We use the helicopter for agricultural purposes and also work with the Fish and Game with regard to the wildlife. Noise is the big problem. Property rights are more important than people's personal feelings. The FAA allows people to land and they govern the air space. That supersedes any county laws regarding whether or not they permit a helipad we can still land that helicopter there. If you want to change it go to the FAA because they permit it and allow it and there is nothing that anybody can do to stop that. The comments that are put online are not right. I also do a lot for the HOA. This is what I wanted to say and not against anyone and not angry at anyone but just want the truth to be out there and not emotions.

Chair Chuck Zuercher then closed public comment.

Commissioner Mark Hendricks indicated that the point of all this discussion was to give preliminary input from both the Planning Commission and the public on the overall topic. Doug Smith and the rest of the team will take that input and work on some sort of a proposal that will come back to the Planning Commission and then advance it to the County Council.

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**ITEM 3                    RECOMMENDATION OR ENACTMENT OF AN INDUSTRIAL PROTECTION AREA ADVISORY BOARD AND RELATED CODES AS ALLOWED IN 17.41.402 OF THE UTAH STATE CODE. *\*IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL***

***BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON FEBRUARY 21, 2024. (DOUG SMITH/JON WOODARD)***

**Staff**

Jon Woodard, Deputy Wasatch County Attorney, addressed the Wasatch County Planning Commission and then presented a Power Point presentation and then indicated that this is an issue whether or not code sections 16.29 Agriculture Protection Area, 4.09.02 General Fee Ordinance and 2.02.19 Agricultural Protection Advisory Board should be amended to allow for the protection of industrial areas with the same process and added to the same code as the Agricultural Preservation Area code that is allowed in State Code 17.41 and County Code 16.29. The State and County preservation codes allow for protection of preserved areas in the following ways:

- Limits local regulation changes and rezoning of property.
- Excludes protected areas from certain nuisance complaints.
- Stipulates that State and County agencies should encourage the continued viability of the protected uses.
- Has restrictions on the use of eminent domain.
- Has restrictions on State development projects.

For the most part, the additions to the existing Agricultural Preservation Area code (16.29) is only adding the phrase “and Industrial Protection Areas”. The majority of the text has stayed the same other than the aforementioned phrase. The code changes are minor.

Jon Woodard indicated that some of the key issues to consider are:

- Is it appropriate to preserve industrial uses in the Industrial zone and the PF zone?
- Is the Agricultural Protection Advisory Board, now in place and processing Agricultural Preservation Area applications, the appropriate body to use as the Industrial Protection Board?

Jon Woodard then went through the proposed findings:

1. Wasatch County and the surrounding incorporated cities are developing rapidly.
2. Residential development may encroach on industrial type uses and zones.
3. Residential development may not be compatible with some industrial zones and industrial type uses.
4. State code 17.41 allows for Industrial Protection Areas.
5. Wasatch County adopted an Agricultural Preservation Area code in 2023 based on State code 17.41.
6. The Agricultural Preservation Code has been used to process a number of Agricultural Preservation Areas.
7. This proposal amends the existing Agricultural Preservation code and makes some minor changes mostly adding the phrase, “and Industrial Protection Areas”.
8. There are certain areas of the County with industrial type uses in the Industrial zone and PF (Public Facilities) zone that should be protected from encroaching development.
9. This proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan including sections 6.1.2, 6.1.3, goal 8, 11.4.2 and 11.4.4.
10. The proposed amendment uses the existing Agricultural Preservation Area Board as the Board for the Industrial Preservation Area Board.
11. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Jon Woodard indicated that the Planning Staff recommends that the Planning Commission forward a positive recommendation to the County Council for approval of the code text amendment. The main thing that is being done here is expanding the Agricultural Protection Area Code to also allow for Industrial Protection Areas. This request is coming from a request by a member of the County Council that we move this forward for consideration. You will remember from our discussion on the Agricultural Protection Area and what this does is create a shield for the property owner and that is a shield that does two main things. It protects them from future zoning changes that change the use that would change the ways they use the property for agricultural business or for an industrial business. The other thing that it does is as there is encroachment on these uses with residential uses it acts as a shield against liabilities for people who don't want animal odor and yet buy a lot in a subdivision that is next to an agricultural operation or similarly for an industrial area. This really does nothing in theory to protect the County. The property

owner can remove the protections at any time through a certain process but it gives them protections that preserves a way of life and a use. It does make eminent domain more difficult. It makes certain state development projects more difficult and doesn't necessarily prohibit those and there are ways that the State could move forward. This is designed to cover the PF zone (Public Facilities) and the Industrial zone. The primary thing that we foresee that would likely be used for is sewer ponds and fields that are used for some of the by-products of the sewer ponds that are sprayed on them. The General Plan does include protections for industrial zoning and industrial uses. You have got the airport and that should be preserved as open space and residential separated from the airport. Maintain the industrial zoning between Heber City Airport and Daniel Road. Promote the development of industry and business and maintain the industrial zoning in these areas that we foresee there could be an application on. Is it appropriate to preserve industrial uses in this zone and do you think that the Agricultural Protection Area is working well? Because this would work about the same way.

### **Commission Comments**

Commissioner Doug Grandquis asked if any of the proposed State Highway projects, there in that area, would that make it harder for eminent domain there? Jon Woodard replied that it potentially could and yes that is a possibility. When we did the code on the Agricultural Protection Area we were careful to exclude areas that were foreseeable within the long term plan for the County for the bypass and did not do a similar thing here and not aware of plans for expansion in the same area.

Austin Corry, Assistant Wasatch County Planner, replied that there are routes a couple of the alternatives that UDOT has to pull Highway 189 into it and realigns 189. Jon Woodard replied that he doesn't recall looking at the UDOT proposals when the County adopted the Agricultural Protection Area code we didn't actually focus on the UDOT plan as much as we focused on the County historic plans for the bypass and that was heavily discussed by the Council when they adopted the ordinance and it is possible that they would want to do the same thing here and if you wanted to make a recommendation on those lines that would certainly be appropriate.

### **Public Comment**

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

Commissioner Mark Hendricks indicated that it makes sense and all the feedback on the Agricultural Preservation code process have all been good. It has accomplished what we have all wanted for the County. I understand and is kind of interesting because there just isn't a lot of industrial land in Wasatch County but the issues could be similar so broadly speaking I think it is fine. I am not sure if it needs a separate board. Unless I am missing something the principals behind the industrial preservation are similar to agricultural preservation. I would think that board could handle the same thing but it might be a name change but that is my view. Unless there are a bunch of citizens in the community who would like to do it. It is a role that they could play and participate in local government which is important. I am in favor of all of this.

Jon Woodard replied that we went through different iterations of code when we created a new board and the other one we went with this and part of this is that we think there is not likely to be a lot of these applications and issues are similar so we just stuck with the existing board and think they will work just fine for this new purpose.

### **Motion**

**Commissioner Doug Grandquis made a motion that we forward this with a recommendation to the County Council for approval and enactment of the Industrial Protection Area advisory board and codes consistent with staff findings and recommendations and the County General Plan.** How do we do that for the agricultural land then with the issue of the freeway?

Jon Woodard replied that on that one what we did is we took, and there is actually a bypass route that is part of the General Plan, and we excluded that area from the eligible area so what you could do, and we could clarify this more when it is brought to the County as an option, but you could exclude the area of the bypass as shown on the General Plan of Wasatch County. So it would be the portions of the PF zone and the Industrial zone that are within that bypass route be excluded from the eligible area.

**Commissioner Doug Grandquis then proceeded that he would add in an addendum that we exclude portions of the PF areas that are included in the bypass area and the General Plan of the County.**



**Commissioner Doug Hronek seconded the motion.**

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

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

**NAY: None.**

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**ADJOURNMENT**

**Motion**

**Commissioner Doug Grandquis made a motion that we adjourn the meeting of February 8, 2024.**

**Commissioner Kimberly Cook seconded the motion.**

**The motion passed with the following vote.**

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

**NAY: None.**

Meeting adjourned at 7:30 p.m.

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CHUCK ZUERCHER/ CHAIRMAN

DRAFT

**COUNTY MANAGER**

Dustin A. Grabau

**COUNTY PLANNERS**

Doug G. Smith, Director  
Austin Corry, Assistant Director  
Anders Bake, Planner  
Nathan Rosvall, Planning Tech.



**COUNTY COUNCIL**

Kendall Crittenden  
Steve Farrell  
Karl McMillan  
Mark Nelson  
Spencer Park  
Erik Rowland  
Luke Searle

## MEMORANDUM

**To: Wasatch County Planning Commission**  
**From: Planning Staff**  
**Date: 7 March 2024**  
**Re: Item # 1 – Oak Haven Water Tank Conditional Use Permit**

Commissioners,

Berg Engineering, representing Oak Haven Water Company, has applied for a Conditional Use Permit to replace an existing water tank in the Oak Haven Subdivision. This item was originally placed on the agenda for the February 8<sup>th</sup> Planning Commission Meeting following an objection received from a neighboring property owner to the noticing sent out with Conditional Use Permits. Prior to the February 8<sup>th</sup> meeting, an issue related to a franchise agreement had not been resolved and planning staff requested that the item be continued to the March 14<sup>th</sup> meeting.

Since the February 8<sup>th</sup> meeting, the applicant has continued to work with County staff but have not provided anything in writing related to their intent to enter into a franchise agreement. The applicant has expressed that they are planning to send the requested letter but need more time to do so. The applicant has agreed to postpone a Planning Commission decision on this item until they have submitted the requested letter or completed the franchise agreement.

Since the details of the agreement would inform aspects of the staff analysis and recommendation, a comprehensive staff report detailing the project is not provided at this time. As such, it is recommended that the proposed Conditional Use Permit be continued to a date not certain.

When the application has received approval from all members of the Development Review Committee, the item will be placed on the next available Planning Commission Meeting agenda. New notices will also be sent to neighboring property owners with the meeting information.



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## Item 2 – Wasatch County updated zoning map

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**Project:** Zoning Map updates  
**Meeting Date:** 14 March 2024  
**Report Date:** 5 March 2024  
**Report Author:** Doug Smith

**Council Action Required:** Yes  
**Type of Action:** Legislative  
**Applicant:** County  
**Applicable Code Section(s):** 16.02.04

### DETERMINATION ISSUE

Whether or not to recommend approval of updates to the zoning map that reflect recent rezoning of properties, changes and updates to the map format as other updates detailed in the staff report.

### RECOMMENDATION

Planning Staff recommends that the Planning Commission forward a positive recommendation to the County Council for approval of the new zoning map.

## BACKGROUND

This is a County initiated proposal to amend the County zoning map. The zoning map, in its current form, has been used for the last approximately 20 years. Changes are made periodically that incorporate any rezones that have been approved as well as annexations and other changes. This zoning map proposal not only updates the map, as far as the areas that have been rezoned, but also changes the format so that the entire County is contained on one page. This has been somewhat confusing in the past where the County zoning map was split in half, due to the size of the County, and a match line that shows the eastern portion of the County. The code regarding adoption of the zoning map and process is listed below.

### 16.02.04: ZONING MAPS ADOPTED

- A. Zoning Maps: The zoning maps for Wasatch County, as approved by the county legislative body and signed by the chairperson thereof, are the official zoning maps of Wasatch County. The zoning maps show the county is divided into zoning districts as shown on the map entitled "Zoning Map of Wasatch County". The zoning map and boundaries, notations, references and other information shown thereon shall be as much a part of this title as if the information and matters set forth by the map were fully described herein. The zoning map shall be formally amended and signed by the chairperson of the county legislative body and will reflect any amendments granted thereto. If a new map is adopted, the county GIS department shall retain a digital copy of the previous zoning maps.

The major updates to the zoning map are as follows:

- Updates the map to incorporate recent rezones.
- Changes the format so the entire County is now on one page so that the match line is not confusing.
- Changes the colors of the various zoning districts so they are more typical of industry standards which is darker colors for higher density/intensity zones.
- Different legend and cross hatching for various overlay districts.
- Updates borders of municipalities and MIDA to reflect recent annexations.
- Updates total acreages of various zones to reflect recent rezoning and annexations.
- Has a larger scale map of the valley floor and Jordanelle area.
- Incorporates the new County logo.

### KEY ISSUES TO CONSIDER

- Is the updated format for the zoning map acceptable?
- Are there any thoughts about other updates listed above that have been made to the zoning map?

### RECOMMENDED MOTION

Move to forward a Recommendation for Approval to the County Council for item 2 consistent with the findings and recommended modifications presented in the staff report.

– FINDINGS –

1. The existing County zoning map has been in a similar format for approximately 20 years.
2. The existing zoning map shows the western portion of the County and has a match line for the eastern portion or the Strawberry area.

3. The existing map with the match line is confusing because you cannot see the entire County on a single map.
4. Colors have been changes so that lighter colors are for lower density/intensity zones then darker colors in conformance with typical color standards used.
5. The updated map changes areas to correctly portray recent zone changes.

ALTERNATIVE ACTIONS

Following is a list of possible motions that the Planning Commission can make. If the action taken is inconsistent with the potential findings listed in the 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 proposed zoning map amendments are in the best interest of the public.
2. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation.
3. Recommendation for Denial. This action may be taken if the Planning Commission finds that the proposed updates to the zoning map are not appropriate at this time.

EXHIBITS

Exhibit A – Existing zoning map.....4  
 Exhibit B – Proposed zoning map.....5  
 Exhibit C - Land Use Acreage Totals.....7  
 Exhibit D - Rezoned areas.....8  
 Exhibit E - Legend.....9  
 Exhibit F - Blowup of the and the Jordanelle basin.....10

Exhibit A – Existing zoning map

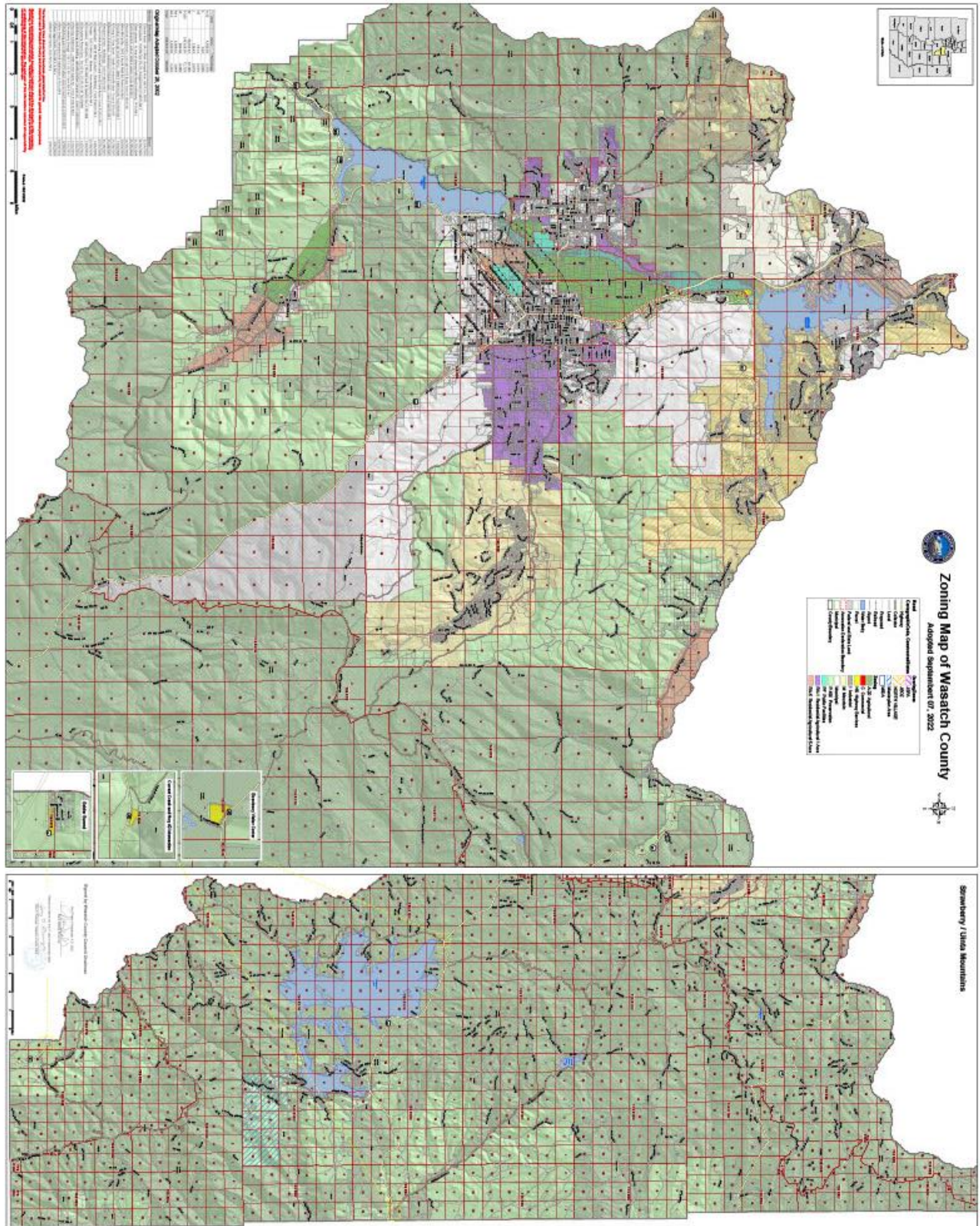
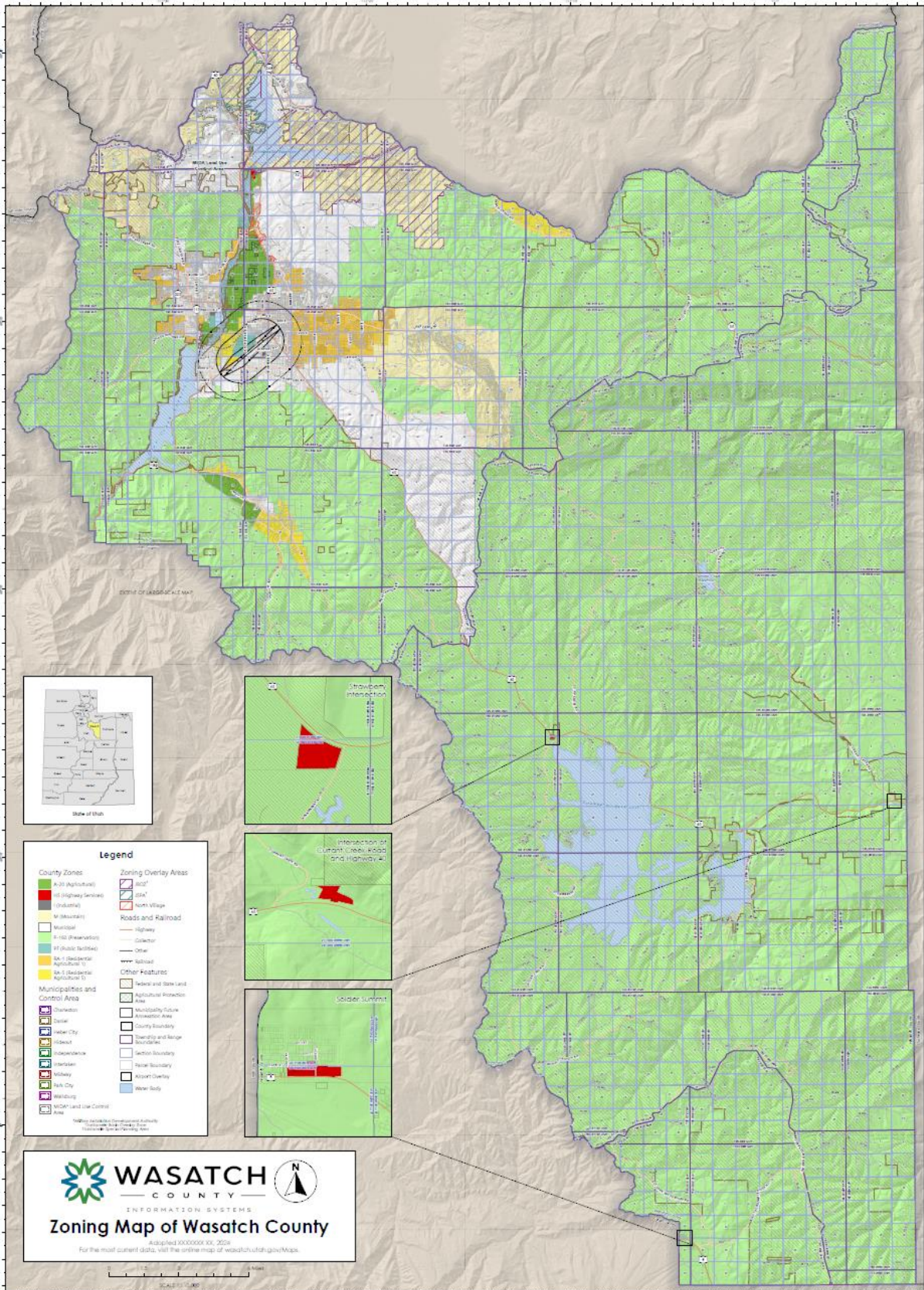
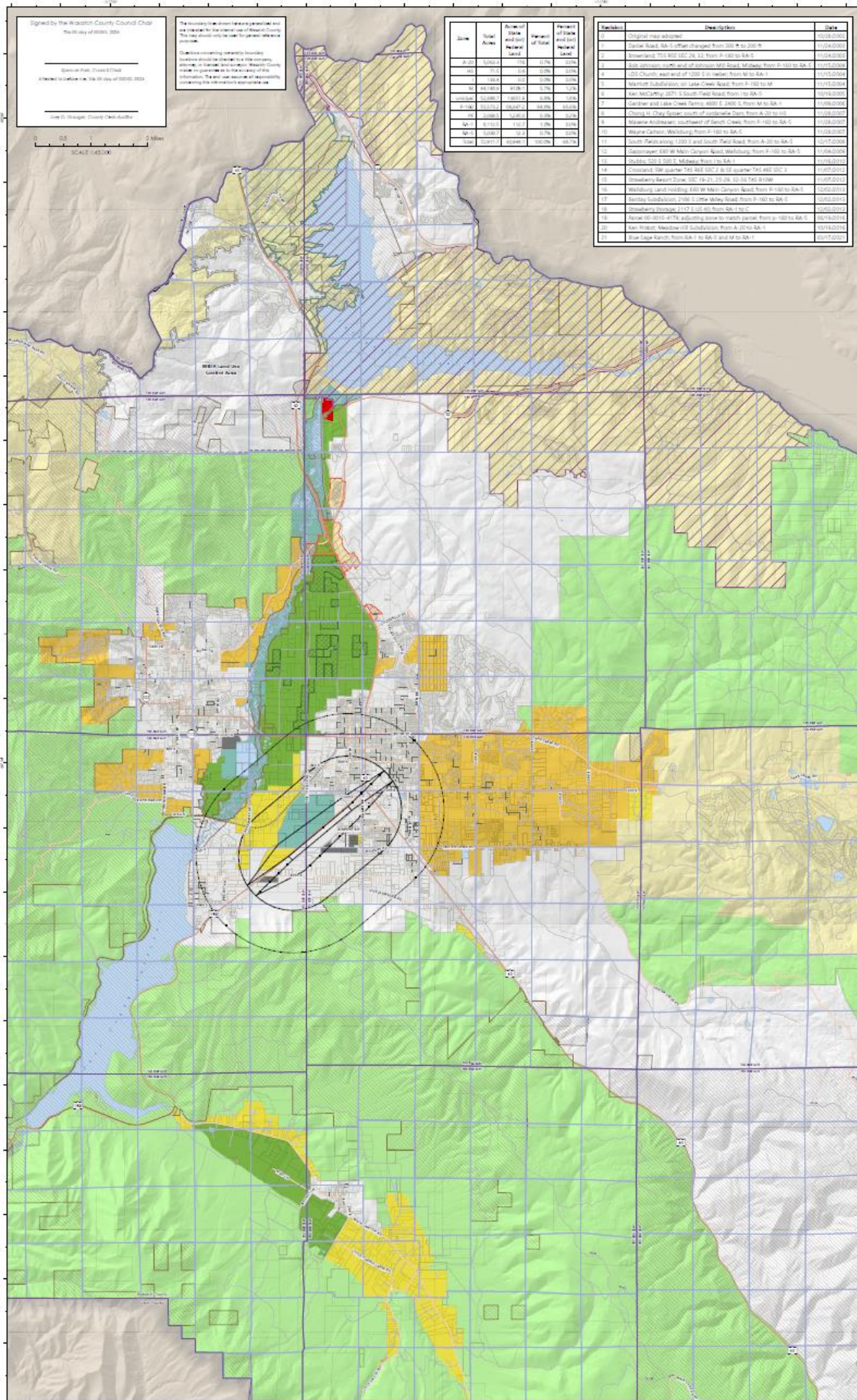


Exhibit B – Proposed zoning map





Signed by the Board County Council Chair  
This 30 day of 0000, 0000

Sealed from Council Chair  
Attested to location on this 30 day of 0000, 0000

Joe P. Deegan, Council Chair/Author

The accuracy of the information presented on this map is not guaranteed by the Board County Council. The user assumes all responsibility for the information. The user uses this map as a general guide only for general reference purposes.

Disclaimer concerning proprietary boundary information: The boundary information shown on this map is derived from the Board County Council's records. The Board County Council is not responsible for the accuracy of the information. The user uses this map as a general guide only for general reference purposes.

Code	Total Acres	Percent of Total Acres and Part of Total Area	Percent of Total Acres and Part of Total Area
A-1	10,967	100	100%
A-2	1,001	100	100%
A-3	10,187	100	100%
A-4	10,187	100	100%
A-5	10,187	100	100%
A-6	10,187	100	100%
A-7	10,187	100	100%
A-8	10,187	100	100%
A-9	10,187	100	100%
A-10	10,187	100	100%

Parcel ID	Description	Date
1	Original parcel address: Carter Road, SA 1 Other Changes From SA 1 to SA 1	11/24/2011
2	Changes From SA 1 to SA 1	11/24/2011
3	Changes From SA 1 to SA 1	11/24/2011
4	Changes From SA 1 to SA 1	11/24/2011
5	Changes From SA 1 to SA 1	11/24/2011
6	Changes From SA 1 to SA 1	11/24/2011
7	Changes From SA 1 to SA 1	11/24/2011
8	Changes From SA 1 to SA 1	11/24/2011
9	Changes From SA 1 to SA 1	11/24/2011
10	Changes From SA 1 to SA 1	11/24/2011
11	Changes From SA 1 to SA 1	11/24/2011
12	Changes From SA 1 to SA 1	11/24/2011
13	Changes From SA 1 to SA 1	11/24/2011
14	Changes From SA 1 to SA 1	11/24/2011
15	Changes From SA 1 to SA 1	11/24/2011
16	Changes From SA 1 to SA 1	11/24/2011
17	Changes From SA 1 to SA 1	11/24/2011
18	Changes From SA 1 to SA 1	11/24/2011
19	Changes From SA 1 to SA 1	11/24/2011
20	Changes From SA 1 to SA 1	11/24/2011
21	Changes From SA 1 to SA 1	11/24/2011
22	Changes From SA 1 to SA 1	11/24/2011



*Exhibit C – Land use acreage totals*

<b>Zone</b>	<b>Total Acres</b>	<b>Acres of State and (or) Federal Land</b>	<b>Percent of Total</b>	<b>Percent of State and (or) Federal Land</b>
A-20	5,063.3	176	0.7%	0.0%
HS	71.5	0.4	0.0%	0.0%
I	136.4	0.0	0.0%	0.0%
M	44,148.9	9,432.2	5.7%	1.2%
Municipal	52,698.7	13,651.6	6.8%	1.8%
P-160	655,573.2	506,647.2	84.8%	65.6%
PF	2,068.5	1,235.0	0.3%	0.2%
RA-1	8,112.5	112.7	1.0%	0.0%
RA-5	5,038.7	12.3	0.7%	0.0%
<b>Total</b>	<b>772,911.7</b>	<b>531,267.4</b>	<b>100.0%</b>	<b>68.7%</b>

*Exhibit D – Rezoned areas*

<b>Revision</b>	<b>Description</b>	<b>Date</b>
0	Original map adopted	10/28/2002
1	Daniel Road; RA-5 offset changed from 300 ft to 200 ft	11/24/2003
2	Brownland; T5S R5E SEC 29, 32; from P-160 to RA-5	11/24/2003
3	Bob Johnson; north end of Johnson Mill Road, Midway; from P-160 to RA-5	11/15/2004
4	LDS Church; east end of 1200 S in Heber; from M to RA-1	11/15/2004
5	Marriott Subdivision; on Lake Creek Road; from P-160 to M	11/15/2004
6	Ken McCarthy; 2671 S South Field Road; from I to RA-5	10/19/2005
7	Gardner and Lake Creek Farms; 4800 E. 2400 S, from M to RA-1	11/09/2006
8	Chong H. Chay Eysser; south of Jordanelle Dam; from A-20 to HS	11/28/2007
9	Maxene Andreasen; southwest of Bench Creek; from P-160 to RA-5	11/28/2007
10	Wayne Carlson; Wallsburg; from P-160 to RA-5	11/28/2007
11	South Fields along 1200 S and South Field Road; from A-20 to RA-5	12/17/2008
12	Gappmayer; 680 W Main Canyon Road, Wallsburg; from P-160 to RA-5	11/04/2009
13	Stubbs; 520 S 500 E, Midway; from I to RA-1	11/16/2010
14	Crossland; SW quarter T4S R6E SEC 2 & SE quarter T4S 46E SEC 3	11/07/2012
15	Strawberry Resort Zone; SEC 19-21, 25-29, 32-36 T4S R10W	11/07/2012
16	Wallsburg Land Holding; 660 W Main Canyon Road; from P-160 to RA-5	12/02/2013
17	Barclay Subdivision; 2188 S Little Valley Road; from P-160 to RA-5	12/02/2013
18	Strawberry Storage; 2117 S US 40; from RA-1 to C	12/02/2013
19	Parcel 00-0010-4179; adjusting zone to match parcel; from p-160 to RA-5	06/19/2016
20	Ken Probst; Meadow Hill Subdivision; from A-20 to RA-1	10/19/2016
21	Blue Sage Ranch; from RA-1 to RA-5 and M to RA-1	03/17/2021

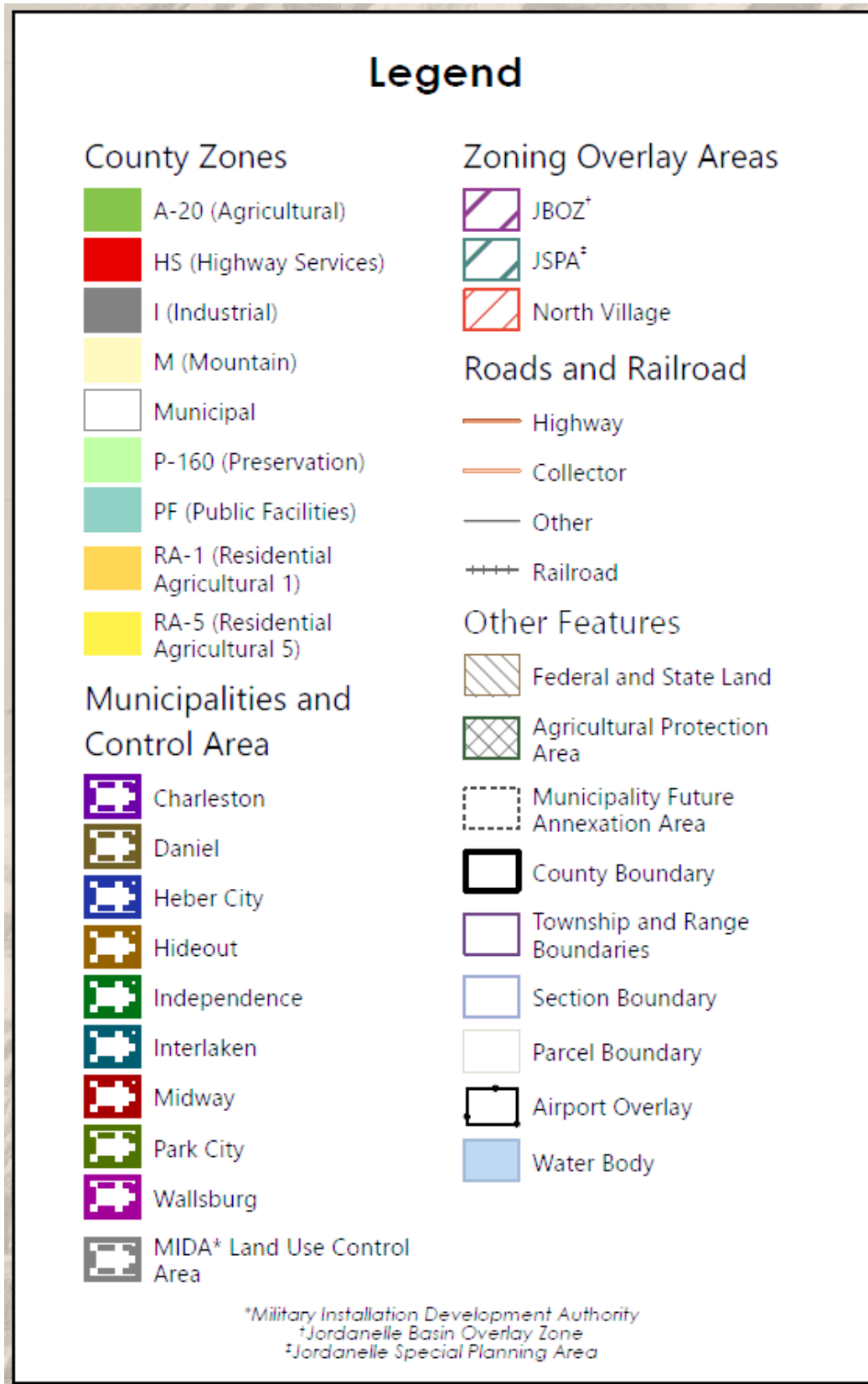
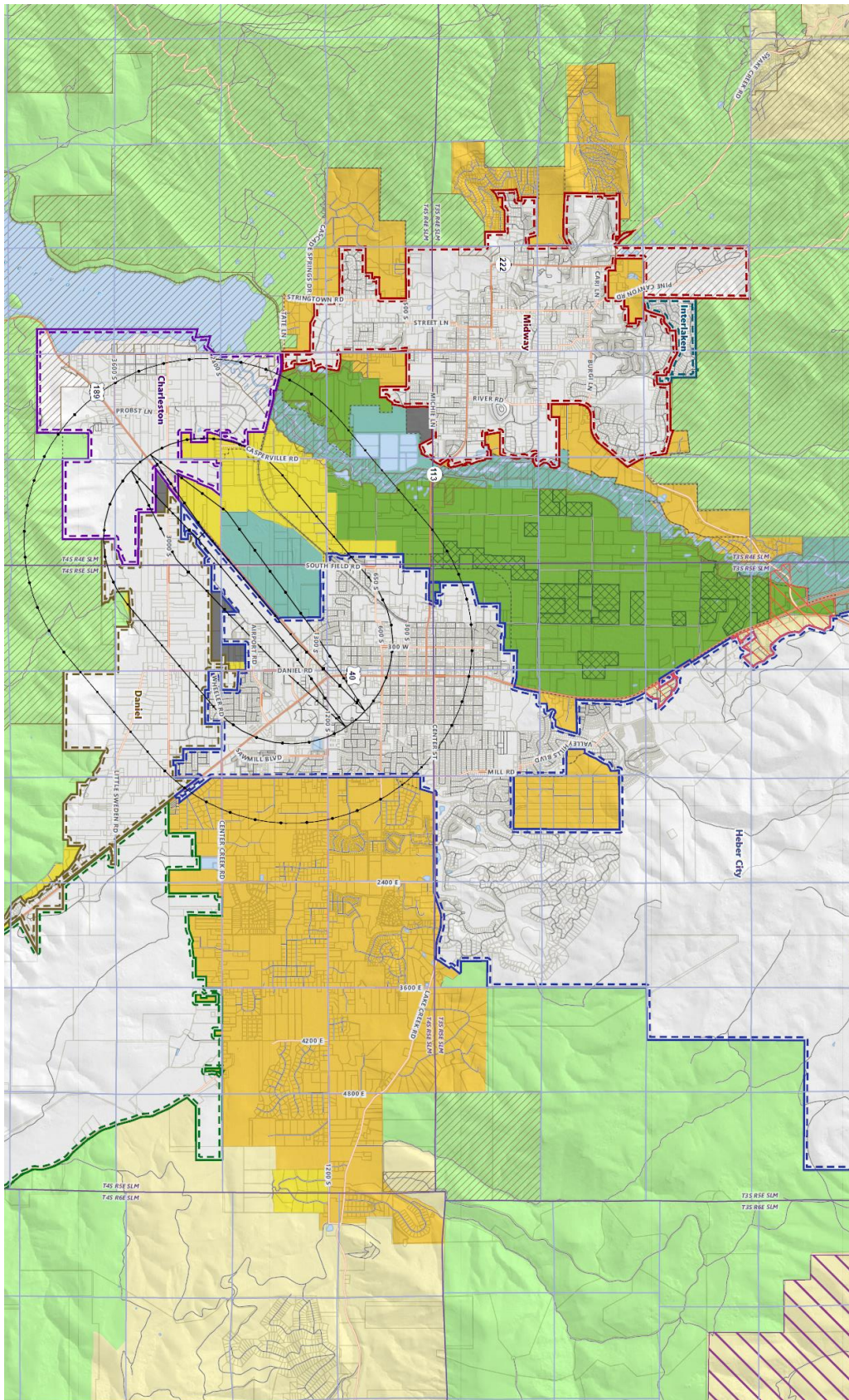


Exhibit F – Blowup of Heber Valley and the Jordanelle Basin

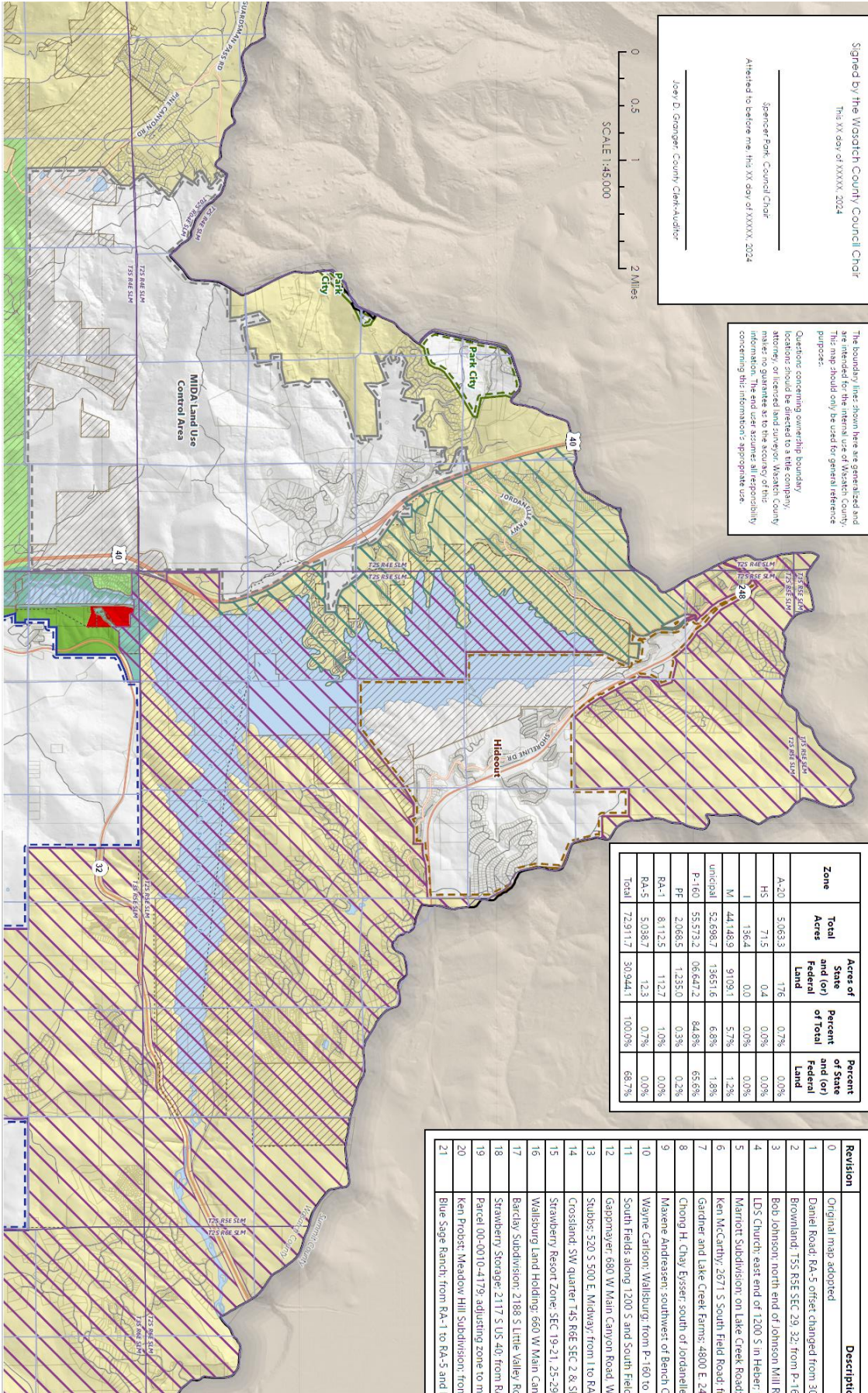


Signed by the Wasatch County Council Chair  
 This XX day of XXXXX, 2024

Spencer Park, Council Chair  
 Attested to before me, this XX day of XXXXX, 2024

Joey D. Granger, County Clerk/Auditor

The boundary lines shown here are generalized and are intended for the internal use of Wasatch County. This map should only be used for general reference purposes.  
 Questions concerning ownership boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no guarantee as to the accuracy of this information. The end user assumes all responsibility concerning this information's appropriate use.



Zone	Total Acres	State and (or) Federal Land	Percent of Total Land	Percent of State and (or) Federal Land
A-20	5,063.3	176	0.7%	0.0%
HS	71.5	0.4	0.0%	0.0%
I	136.4	0.0	0.0%	0.0%
M	44,148.9	9109.1	5.7%	1.2%
uncipal	52,698.7	136,516	6.8%	1.8%
P-160	55,579.2	06,647.2	64.8%	65.6%
PF	2,068.5	1,235.0	0.3%	0.2%
RA-1	8,112.5	112.7	1.0%	0.0%
RA-5	5,038.7	12.3	0.7%	0.0%
Total	72,911.7	30,944.1	100.0%	68.7%

Revision	Description
0	Original map adopted
1	Daniel Road, RA-5 offset changed from 30'
2	Brownland, 155 R5E SEC 29 32' from P-160
3	Bob Johnson, north end of Johnson Mill Rd
4	LDS Church, east end of 1200 S in Heber f
5	Marront Subdivision, on Lake Creek Road;
6	Ken McCarthy, 2871 S South Field Road; fr
7	Gardner and Lake Creek Farms; 4800 E 24'
8	Chong H. Chay, Eysser south of Jordanelle
9	Maxwell Anderson; southwest of Bench C
10	Wayne Carlsson, Walsburg, from P-160 to f
11	South Fields along 1200 S and South Field
12	Gapponyer, 680 W Main Canyon Road, W;
13	Sublots 520 S 500 E, Midway; from 1 to RA-
14	Crossland, SW quarter T4S R6E SEC 2 & SE
15	Strawberry, Resort Zone, SEC 19, 21, 25-29,
16	Walsburg Land Holding; 660 W Main Cany
17	Barclay Subdivision; 2188 S Little Valley Ro
18	Strawberry Storage; 2117 S US 40, from RA
19	Parcel 00-0010-4179, adjusting zone to m;
20	Ken Frost; Meadow Hill Subdivisions; from
21	Blue Sage Ranch; from RA-1 to RA-5 and A