

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

PRESENT: Chair Chuck Zuercher, Commissioner Scott Brubaker (*via Zoom*), Commissioner Doug Grandquis, Commissioner Mark Hendricks, Commissioner Doug Hronek.  
EXCUSED: Commissioner Kimberly Cook, Commissioner Wendell Rigby  
STAFF: Austin Corry, Assistant Wasatch County Planner; Anders Bake, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney  
PRAYER: Commissioner Doug Hronek  
PLEDGE OF ALLEGIANCE: Led by Chair Chuck Zuercher and repeated by everyone.

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday, January 11, 2024. Chair Chuck Zuercher indicated that all the Commissioners are present with the exception of Commissioner Wendell Rigby and Commissioner Kimberly Cook. Chair Chuck Zuercher indicated that Commissioner Wendell Rigby is now an alternate or associate member and will only be present if needed. Also let the record show that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building, located at 25 North Main, Heber City, Utah 84032.

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**APPROVAL OF THE MINUTES FOR DECEMBER 14, 2023**

Chair Chuck Zuercher indicated that there are not enough members present this evening so we cannot vote on the minutes and we will put them back on the agenda to pass them at our next meeting when more Commissioners are present. Commissioner Doug Grandquis indicated that he has a correction to be made on the paragraph on the last page with regard to my statement. What I was referring to is that I voted against a number of issues but it goes on and says that I wasn't in favor of this issue but I feel that we have to do it anyway. It just doesn't make any sense, the word being used is being enabled and just put voted against. Just strike the word enabled.

**Motion**

**Commissioner Mark Hendricks made a motion to defer the approval of the December minutes until the next meeting when we have a full quorum of those who were in attendance so that they can comment on the minutes one way or the other.**

**Commissioner Doug Hronek seconded that motion.**

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

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

**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 one consent item on the agenda this evening. All the matters on the consent agenda are considered routine unless somebody from the audience or Planning Commission members would like to hear the matter. All of these matters will be handled with one motion.

**ITEM 1      RUSSELL SKUSE, REPRESENTING PRIVATE CAPITAL DIVERSIFIED FUND, REQUESTS THE FOURTH AND FINAL OF FOUR POSSIBLE 90 DAY EXTENSIONS UNDER THE PROVISIONS OF WCC §16.01.16 TO THE FINAL PLAT APPROVAL OF BENLOCH RANCH PHASE 3 (DEV-4466) WHICH WAS GRANTED BY THE PLANNING COMMISSION ON MARCH 10, 2022 AND SET TO EXPIRE DECEMBER 6, 2023 UNDER THE MOST RECENT EXTENSION APPROVAL. (DEV-8824; DOUG SMITH)**

### Staff

Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that the applicant is requesting that the Planning Commission extend the expiration date 90 days from December 6, 2023 to March 6, 2024. They haven't been able to obtain their construction permits necessary yet to enact the approval. This is the last extension that they can ask for under the code.

The Planning Commission indicated that they have nothing to say regarding the consent item.

### Public Comment

Chair Chuck Zuercher then asked if there was any public comment regarding the matter and there was none so the public comment period was closed.

### Motion

**Commissioner Doug Grandquis made a motion that we approve the 90 day extension to Benloch Ranch Phase 3 by Private Capital Diversified Fund based on the staff report and developers statements.**

**Commissioner Mark Hendricks seconded the motion.**

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

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

**NAY:    None.**

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**ITEM 2      MIKE JOHNSTON, REPRESENTING BICKNELL INVESTMENTS LLC, REQUESTS A MINOR PLAT AMENDMENT TO DIAMOND BAR X NO. 6 IN ORDER TO COMBINE LOTS 20 AND 21 INTO ONE LOT AND TO COMBINE OPEN SPACE AREAS A, B, AND D INTO A SINGLE PARCEL LOCATED AT 5616 S DIAMOND BAR X ROAD IN THE PRESERVATION (P-160) ZONE. (DEV-8627; ANDERS BAKE)**

### Staff

Anders Bake, Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that the existing plat includes two residential lots which are proposed to combine, lots 20 and 21, into one lot, then three open space lots. All five of these are owned by the applicant. The proposed amended plat will combine the three open space parcels into one open space area and then combine the two residential lots into one residential lot and there can only be one residential family home on the residential portion. The open space area is limited to agricultural uses that cannot have any structures on it aside from a few agricultural related structures that are there listed in the plat notes. So those same plat notes will carry over. The only DRC comments that remain are just ensuring that all the plat notes are copied over to the new plat and include a note that an alternate waste water system will need to be used and that the residential home cannot have a basement. Anders Bake then went through the proposed findings along with the conditions.

#### Proposed Findings:

1. The proposal is to combine lots 20 and 21 into one lot (parcel #s 00-0021-3816 and 00-0021-3817). The proposed amendment would also combine open space parcels A, B, and D into one open space parcel (parcel #s 00-0021-3823, 00-0021-3824 and 00-0021-3826).
2. The combination will result in one 1.77 acre residential lot (Lot 21) and one 4.5 acre open space parcel (Open Space Area A).
3. All relevant plat notes from the existing plat have been copied onto the proposed amended plat. This includes a note which limits the use of the open space area to open space, agricultural and livestock. Residential structures are also prohibited on the open space area.
4. Good cause for the amendment exists since lot combinations reduce density, increase open space, and reduce the number of septic drain fields.
5. No public or private roads are being vacated as part of this plat amendment.
6. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.
7. This proposed revision conforms to the Wasatch County development standards.
8. The proposal is consistent with Utah Code Section 17-27a-609.
9. The Development Review Committee has reviewed the project and provided a favorable recommendation.

#### Proposed Conditions:

1. The plat amendment approval shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.
2. The applicant shall resolve any conditions noted in the DRC report to the satisfaction of the applicable review department.

Commissioner Mark Hendricks indicated that if there are any concerns at the staff level any bumps in this because this seems very much consistent with what we like to do in the County by reducing density. It seems like a very easy yes and were there any other concerns along the way that we should be made aware of? Anders Bake replied that since the staff report was published they resubmitted plans and those plans seem to comply and was able to finish the review today and they do comply with all the planning comments now that we had, so at this point there aren't any other concerns and no objections came in.

Anders Bake then went through the DRC comments:

#### ENGINEERING comments:

- Condition of Approval: Before the mylar is signed, documentation should be provided showing that the pertinent utilities are aware of and approve of the abandonment of the PUE along the side lot line being removed.
- Condition of Approval: Note 5 should read "Lot 21 Amended" not Lot 20.

#### PLANNING comments:

- Please add a note stating that all other Plat Notes from the Diamond Bar X Ranch subdivision, No. 6 Third Amended will apply to this plat.
- Add Surveyor's Certificate signature and stamp to mylar – WCC 16.27.12.K.3.
- Add "the acceptance of dedications of public lands, streets and easements;" to County Manager's approval. – WCC 16.27.12.K.7.
- Include Plat Note #4 from the Diamond Bar X Ranch Subdivision No. 6 Third Amended.

#### Applicant

Chair Chuck Zuercher asked if the applicant is here and would like to make any comments. The applicant was not present.

**Public Comment**

Chair Chuck Zuercher then opened the matter up for public comment and there was no public comment so the public comment period was closed.

**Motion**

**Commissioner Mark Hendricks made a motion that we approve Item #2, the application by Diamond Bar X and Bicknell Investments LLC for a minor plat amendment, in light of the findings and based on the other representations of the staff in this meeting and subject to the conditions that have been outlined in the Staff Report.**

**Commissioner Doug Grandquis seconded the motion.**

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

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

**NAY: None.**

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**ITEM 3      BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS 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 JANUARY 17, 2024.* (DEV-8733; AUSTIN CORRY)**

**Staff**

Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that you saw this matter over a year ago now. When Christensen Farms Phase 2 came in they designed a road that didn't align with the Christensen Farms Phase 1 Plat that we are discussing. Although the names are Christensen Farms Phase 1 and Christensen Farms Phase 2 they are not the same project. Phase 1 was considered and built independent of the Phase 2 proposals. They were separate preliminary subdivisions and everything. They aren't really the same in terms of process. On the existing plat you can see in the northwest corner there the hatched areas retention area that has an easement over the top of that for storm water. When they designed this new subdivision the road does not exactly follow the alignment along the south border of the retention area property. It leaves a small portion 0.134 acres so their road alignment is designed differently in a way that it leaves that gap. That gap doesn't comply with our code in terms of lot sizes or open space requirements or anything like that. What they are requesting is to give that gap to that retention area in Phase 1. The more significant note in this and why it is a plat amendment that has to go to the Wasatch County Council is because it affects open space and easements that are there. There is a note made on the bottom right. This was a note that was discussed the last time that this came about. The proposal is the exact same as what you saw a year plus ago but the applicant did not proceed forward with that approval and that approval expired so they are back in asking for the same approval again. As far as the staff report the findings and conditions that are listed in there are the ones that were approved last time.

Commissioner Mark Hendricks asked, who is the easement in favor of? Austin Corry replied that the storm water easement is in favor of Wasatch County but it also protects it from future development because that goes toward the density calculation for the whole subdivision.

Commissioner Mark Hendricks indicated that the responsibility of maintenance is on the HOA. Austin Corry replied that is correct and that is the note that is there the Phase 1 HOA is currently responsible in the current plat right now and this plat amendment would make the new phase 2 subdivision HOA responsible for the maintenance of this retention area. The applicant is the new

phase 2 subdivision, not the developer or HOA for phase 1. Austin Corry indicated that it matches something that was already approved and as far as any kind of code changes or anything that would have differed between that year plus ago and now I am not aware of anything that has changed the circumstances when it was previously approved.

Austin Corry went through the proposed findings:

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. Trees will be planted in the park strip per WCC.
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. Good cause also exists by adding the required open space easement missed in the previous recording, thus resolving an issue of non-conformity.
12. 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.
13. The proposal is consistent with Utah Code Section 17-27a-609.

Austin Corry then went through the proposed conditions.

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. 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).

### **Applicant**

Brian Balls indicated that Summit Engineering has been acquired by a company out of Michigan named AT Well Group and they have assumed all of our past and future liabilities so and now part of a national firm called At Well. Brian Balls indicated he has nothing further to offer.

### **Public Comment**

Chair Chuck Zuercher then asked if there is any public comment and there was not so the public comment period was closed.

### **Motion**

**Commissioner Doug Grandquis made a motion to recommend to the County Council approval of the Plat Amendment for Christensen Farms Phase 1, by Christensen Farms Lots LLC, in light of the findings and subject to the conditions.**

**Commissioner Doug Hronek seconded the motion.**

The motion carries with the following vote:

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

**NAY:** None.

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**ITEM 4 VERIZON WIRELESS, REPRESENTING AMERICAN TOWER CORPORATION, REQUESTS A MODIFICATION TO A CONDITIONAL USE PERMIT TO PERMIT REMOVAL OF EXISTING EQUIPMENT AND ANTENNA AND TO INSTALL NEW ANTENNA ON AN EXISTING TOWER LOCATED ON PARCEL 20-0001 NEAR THE WASATCH COUNTY / UTAH COUNTY BORDER IN PROVO CANYON IN THE PRESERVATION (P-160) ZONE. (DEV-8820; AUSTIN CORRY)**

**Staff**

Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Planning Commission and indicated that this is a cell tower request. So this is just before you leave Wasatch County and enter into Utah County through Provo Canyon and is up Bear Canyon. Up in Bear Canyon there is an existing tower there right now. The poles will stay in the exact same location and the mounting area where the antenna are there are mounting bars that are getting changed out for structural reasons and would look pretty close to the same thing but they need to be on maybe a thicker steel or something. The antennas that are existing there now are getting replaced with an updated antenna. There is no height increase and with the change out there is actually one less antenna than the existing arrangement. By code any time there is a modification to a conditional use permit they have to come back to show you what they are looking to do and that is the request that is in front of you. We would recommend that with the approval, since this is a modification of a CUP, you simply adopt the existing conditions that were in the original CUP, just remain there and that they don't go away with this modification, and if they want to do anything beyond what they are telling you they are doing right now then they would have to come back again.

Commissioner Doug Hronek asked if there is an existing structure near this too. Austin Corry replied that there is an existing structure that they aren't indicating any changes to it.

Austin Corry then went through the proposed findings:

1. The application is for a modification to an existing conditional use permit for a cell tower located on parcel 20-2001.
2. The application indicates that the only modification is to the number of antenna and RRHs currently located on the existing structure. Total numbers are decreasing.
3. The application has not identified any modification to the structural elements, roads and access, vegetation, or any equipment other than the antenna and RRHs is being made.
4. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
5. Notice has been sent to neighboring property owners within 500 feet of the property.
6. There are no known zoning violations on the property at this time.

Austin Corry then went through the proposed conditions:

1. All conditions of the initial approval remain the same.
2. Any modification beyond replacing the antenna and RRH equipment listed on the application shall be required to apply, and be approved, for a modification to the CUP.

**Applicant**

Chair Chuck Zuercher then asked if the applicant would like to say anything and the applicant is not present.

**Public Comment**

Chair Chuck Zuercher then asked if there is any public comment and there was none so the public comment period was closed.

**Motion**

Commissioner Doug Grandquis made a motion to approve Item 4, the conditional use permit by Verizon Wireless for American Tower Corporation to install a new antenna, consistent and in light of previous findings and subject to previous conditions and also in light of the findings and subject to the conditions listed in the staff report.

Commissioner Mark Hendricks seconded the motion.

The motion carries with the following vote:

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

**NAY:** None.

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## ADJOURNMENT

### Motion

Commissioner Scott Brubaker made a motion to adjourn.

Commissioner Mark Hendricks seconded the motion.

The motion carries with the following vote:

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

**NAY:** None.

Meeting Adjourned at 7:00 p.m.

  
CHUCK ZUERCHER/CHAIRMAN