



## WASATCH COUNTY PLANNING COMMISSION MINUTES

NOVEMBER 13, 2025

MEETING TIME: 6:00 P.M.  
MEETING PLACE: Wasatch County Administration Bldg, 25 North Main, Heber City, Utah  
COMMISSIONERS PRESENT: Chair Chuck Zuercher, Kimberly Cook (via Zoom), Doug Hronek, Scott Brubaker, Daniel Lyman, David Thacker, Michael Murphy  
EXCUSED: Commissioner Mark Hendricks  
STAFF PRESENT: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Anna Anglin, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney  
PRAYER: Commissioner Scott Brubaker  
PLEDGE OF ALLEGIANCE: Led by Commissioner Daniel Lyman and repeated by everyone

## BUSINESS ITEMS

### ❖ APPROVAL OF THE MINUTES FROM THE OCTOBER 9, 2025 MEETING

#### MOTION

**Commissioner Scott Brubaker made a motion to approve the minutes of the October 9, 2025 meeting as written.**

**Commissioner Daniel Lyman seconded the motion.**

**VOTE (7 TO 0)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN	Scott Brubaker	<b><u>AYE</u></b>	NAY	ABSTAIN
Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN	Doug Hronek	<b><u>AYE</u></b>	NAY	ABSTAIN
Kimberly Cook	<b><u>AYE</u></b>	NAY	ABSTAIN	David Thacker	<b><u>AYE</u></b>	NAY	ABSTAIN
Daniel Lyman	<b><u>AYE</u></b>	NAY	ABSTAIN				

## CONSENT AGENDA ITEMS

**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:

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

**MOTION**

**Commissioner Scott Brubaker made a motion to approve the schedule as presented.**

**Commissioner Daniel Lyman seconded the motion.**

**VOTE**      **(7 TO 0)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN	Scott Brubaker	<b><u>AYE</u></b>	NAY	ABSTAIN
Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN	Doug Hronek	<b><u>AYE</u></b>	NAY	ABSTAIN
Kimberly Cook	<b><u>AYE</u></b>	NAY	ABSTAIN	David Thacker	<b><u>AYE</u></b>	NAY	ABSTAIN
Daniel Lyman	<b><u>AYE</u></b>	NAY	ABSTAIN				

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## REGULAR AGENDA ITEMS

**SARA E. BOULEY, REPRESENTING CRAIG A. ALEXANDER, REQUESTS A PLAT AMENDMENT TO EXCHANGE 2,231 SQUARE FEET OF LAND BETWEEN LOT 47 OF DEER MOUNTAIN RESORT PLAT 3 AND THE ADJACENT OPEN SPACE PARCEL LOCATED ON THE DEER MOUNTAIN RESORT PLAT 4 SUBDIVISION. THE REQUEST ALSO INCLUDES AN ADJUSTMENT TO THE COMMON BOUNDARY BETWEEN LOTS 47 AND 48 OF PLAT 3. THE PROJECT IS LOCATED APPROXIMATELY AT 12664 MUD SPRINGS CIRCLE, WITHIN 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 19, 2025. (DEV-11191, ANNA ANGLIN)**

**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:

- Sara Bouley applicant addressed the planning commission and discussed how the driveway was built in the common area with the consent of the developer.

- The new owners of the property wanted to own the ground underneath the driveway.

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

- Commissioner Thacker asked if there were options for moving the driveway into their lot as it exists now.
- Applicant responded that it would be cost prohibitive to remove the driveway and the HOA is in agreement with the plat amendment.
- Commissioner Lyman felt that the exchange was not equal. The property in the back is not as desirable as the property along the road.
- The planning commission members discussed that the exchange does not seem to be fair and some felt that it was fair.
- Commissioner Cook stated that she is in favor of the proposal.

**MOTION**

**Commissioner Scott Brubaker made a motion that we recommend approval of the plat amendment.**

**Commissioner Kimberly Cook seconded the motion.**

**VOTE**      **(6 TO 1)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN
Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN
Kimberly Cook	<b><u>AYE</u></b>	NAY	ABSTAIN
Daniel Lyman	AYE	<b><u>NAY</u></b>	ABSTAIN

Scott Brubaker	<b><u>AYE</u></b>	NAY	ABSTAIN
Doug Hronek	<b><u>AYE</u></b>	NAY	ABSTAIN
David Thacker	<b><u>AYE</u></b>	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. Good cause for the plat amendment exists because:
  - a. The proposed plat amendment does not alter the overall density of the development.
  - b. The amendment enhances compliance by bringing one of the affected parcels into greater conformance with applicable development standards.
  - c. The adjustment eliminates driveway access from the designated open space parcel, and allows the owner of the adjacent parcel to own the property their driveway is on thereby resolving an existing encroachment.
  - d. Relocation of the driveway access preserves the integrity and intended function of the open space area.
  - e. Open space acreage does not change.
  - f. The reconfiguration aligns Lots 47 and 48 with the contours of the emergency access driveway.
  - g. The improved alignment enhances site functionality, circulation, and overall layout.
2. This proposed revision conforms to the Wasatch County development standards.
3. The Development Review Committee has reviewed the project and provided a favorable recommendation with a condition.

**CONDITIONS**

1. The applicant resolves any conditions noted in the DRC report to the satisfaction of the applicable review department.

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**ITEM #3      TYSON TIDWELL IS REQUESTING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY HOME ON A RIDGELINE WITHIN THE CROSSINGS AT LAKE CREEK SUBDIVISION. THE PROPOSED HOME WOULD BE LOCATED AT 482 SOUTH OLD STONE ROAD IN THE RESIDENTIAL-AGRICULTURAL (RA-1) ZONE. (DEV-11590, ANNA ANGLIN)**

**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:

- There were no comments from the applicant or public

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

- The Commission agreed that the proposed house is in character with the existing homes on the ridgeline.

**MOTION**

**Commissioner David Thacker made a motion to approve the item with the conditions and findings.**

**Commissioner Michael Murphy seconded the motion.**

**VOTE      (7 TO 0)**

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Michael Murphy	<u>AYE</u>	NAY	ABSTAIN	Doug Hronek	<u>AYE</u>	NAY	ABSTAIN
Kimberly Cook	<u>AYE</u>	NAY	ABSTAIN	David Thacker	<u>AYE</u>	NAY	ABSTAIN
Daniel Lyman	<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 property is located in the Residential Agricultural (RA-1) zoning District.
2. The staff analysis indicates that the proposal complies with Section 16.08.01 of the current Wasatch County Code, related to the purpose of the RA-1 Zone.
3. The project complies to Note 15 within The Crossings at Lake Creek Phase 1 Subdivision with Conditions.
4. The staff analysis indicates that 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 subject property.
6. There are no known zoning violations on the property at this time.

7. The Development Review Committee has reviewed the project and forwarded it to the Planning Commission for approval.

## **CONDITIONS**

1. All outdoor light fixtures shall be designed and installed to minimize light trespass and glare onto adjacent properties and the night sky.
2. The project's landscaping be required to be compatible with the existing homes in the surrounding area and meet all applicable landscaping standards outlined in the County Code.

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**ITEM #4      UNCOMMON ARCHITECTS, REPRESENTING THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, HAS SUBMITTED AN APPLICATION FOR A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL TO CONSTRUCT A 21,200-SQUARE-FOOT CHURCH ON A 5.02-ACRE SITE LOCATED AT 2899 E COTTAGE LAKE ROAD IN THE RESIDENTIAL AGRICULTURAL (RA-1) ZONE. (DEV-10048; ANNA ANGLIN)**

**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:

- Britney Johnson applicant spoke with the ACC and mentioned that they would rather do a lower cost wall.
- Andrew Weuling applicant spoke and requested that a solid fence be used that might be wood.

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

- Commissioner Lyman felt that there should be some flexibility with the solid wall requirement.
- It was pointed out that the code requires a fence and not necessarily a masonry wall.
- The planning commission was asked if they would have a problem if a wall/fence was not installed if there was a legal path for that. The planning commission stated that they did not have a problem with removing the requirement for a wall/fence if a legal path was found.

## **MOTION**

**Commissioner David Thacker made a motion to approve item 4 with the conditions and findings and allowing staff to have some discretion on if fencing is required and what type of fencing can be used.**

**Commissioner Scott Brubaker seconded the motion.**

## **VOTE (7 TO 0)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN	Scott Brubaker	<b><u>AYE</u></b>	NAY	ABSTAIN
Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN	Doug Hronek	<b><u>AYE</u></b>	NAY	ABSTAIN
Kimberly Cook	<b><u>AYE</u></b>	NAY	ABSTAIN	David Thacker	<b><u>AYE</u></b>	NAY	ABSTAIN
Daniel Lyman	<b><u>AYE</u></b>	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 RA-1 zone permits churches as a conditional use.
2. The parcel was platted with the intent for a future church that would go through the conditional use and site plan process
3. The staff analysis indicates the proposal complies with Section 16.08.03 of the current Wasatch County Code related to development in the RA-1 zoning district.
4. The staff analysis shows the project generally Complies with title 16 of the Wasatch County Code and any inconsistencies can be worked out through the permitting process.
5. The staff analysis indicates the proposal generally complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
6. The use does not have approval from the Homeowners Association architectural committee
7. Notice has been sent to neighboring property owners within 500 feet of the property.
8. There are no known zoning violations on the property at this time.
9. The Development Review Committee has reviewed the project and has verified it generally meets all County code requirements.

#### **CONDITIONS**

1. The applicant must submit verification that the meeting house has received Architectural Control Committee approval for the Crossings at Lake Creek HOA prior to Planning Department approval of a building permit.
2. All lighting standards found in section 16.21.16 will be complied with before building permit approval.
3. Buffer requirements found in section 16.21.19 will be complied with before building permit approval. Unless there is a legal path to not require a fence/wall (see planning commission discussion).

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#### **ITEM #5**

**DOMINION ENGINEERING, REPRESENTING MIKE VERHOOGEN, REQUESTS LARGE SCALE FINAL SUBDIVISION APPROVAL FOR ARC JACKSON FORK SUBDIVISION, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 44 SINGLE PUD UNITS, 84 DUPLEX UNITS, AND 24 SINGLE-FAMILY LOTS (152 ERUS) ON 153.92 ACRES LOCATED AT 2966 EAST HWY 32 IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-8688; DOUG SMITH)**

**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.

- Preliminary approval of project had a number of conditions.
- Developments in the Jordanelle are becoming more difficult on properties with more physical constraints.
- This project is in an area with a number of landslide scarps.
- The landslide scarps will be excavated to bedrock and material removed under the supervision of the applicant's geotechnical engineer.
- The remediation of the scarps has been approved by the County Geotechnical Reviewer.
- There is an extensive trail plan open to the public.

- The ridgeline analysis and the viewing platforms provided by the applicant were reviewed and discussed as part of the power point. Viewpoint 4 at approximately mile marker 4.6 was discussed because it showed no infractions with height limitations.
- There are areas of the project that will require further ridgeline analysis.

**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:

- Farley Eskelson, Dominion Engineering- spoke about getting access from the waterline that will pump into the Benloch Tank from the secondary access.
- There were inconsistencies with the geotechnical report and the numbering of the lots for lots with slopes between 25-30% that need to be worked out and corrected with the plat.
- The ridgelines can be addressed by adjusting the maximum building height per lot depending on location and slope through notes on the plats.
- Josh Bouthillier- Will change lot numbers in accordance to geotechnical report for site specific analysis so the report and lot numbers are consistent.
- The applicant identified the ridgeline areas that allow the 35' height issues through the ridgeline analysis process.
- There was no public comment.

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

- The road to the west, being built by Momentum, will be the formal access to the golf course in the area.
- Daniel Lyman asked who reviews the ridgeline view analysis? (Doug) There is overlap in this case. Planning and engineering reviewed the ridgeline analysis. Ardurra the County's review engineer, at the time, provided a "heat map" of the 4 closest viewing platforms. More platforms were not explored because the applicant had provided an analysis from mile marker 4.6 that did not show any infractions. Several of the code required platforms in Ardurra's heat map were not applicable because the project was not visible from those platforms. There were no additional platforms requested by staff based on the analysis provided by the applicant, because viewpoint 4 did not show any infractions.
- Daniel Lyman asked about how and when ridgeline issues, if further explored, would be done. Doug explained the permitting process.
- The ridgeline analysis was discussed more, and it was noted that staff felt like there could be infractions even though the analysis provided by the applicant did not show any. This is more specifically concerning viewpoint 4 from the applicant's analysis.

#### **MOTION**

**Commissioner Daniel Lyman made a motion to approve with findings and conditions including condition number 9.**

**Commissioner Doug Hronek seconded the motion.**

#### **VOTE**      **(7 TO 0)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN	Scott Brubaker	<b><u>AYE</u></b>	NAY	ABSTAIN
Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN	Doug Hronek	<b><u>AYE</u></b>	NAY	ABSTAIN
Kimberly Cook	<b><u>AYE</u></b>	NAY	ABSTAIN	David Thacker	<b><u>AYE</u></b>	NAY	ABSTAIN
Daniel Lyman	<b><u>AYE</u></b>	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 153.92 acres per the applicant survey.
2. The proposal contains 152 ERU's.
3. The project received master plan approval on April 4, 2007 with a substantially similar layout.
4. The property has been bifurcated since that time and due to a foreclosure by the JSSD. The property was cut in half as well as the ERU numbers.
5. The project received overall preliminary approval on January 18, 2023.
6. The master plan, final and preliminary are substantially similar.
7. There were a number of conditions that needed to be resolved prior to final approval being granted including a resolution of the landslide scarps.
8. The developer is proposing to excavate the landslide scarp areas and any potentially unstable material down to bedrock, with supervision by their geotechnical engineer IGES.
9. The proposal contains 66% open space.
10. A ridgeline analysis was done on highway 32. The proposal does not violate the code according to the analysis done by the applicant.
11. The application includes connections to public sewer and public water through the Jordanelle Special Service District (JSSD).
12. The proposed subdivision will have all private roads.
13. A second access will be provided with a connection to the road currently being built by Momentum development to the west of the development site.
14. The public trails in the project are required to be maintained by the HOA as indicated in the proposed development agreement.
15. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
16. 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 \$425,600 to be paid to the Wasatch County Housing Authority prior to plat recording.
17. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.

## **CONDITIONS**

1. IGES will have on-site review of all excavations and remediation of scarps.
2. Refining of notes on the plat in regard to building heights on fill.
3. Coordinate with Benloch Ranch on the trail connection at the northeast corner of the development.
4. The lots stated in the geotechnical report and the note 6 on the plat are inconsistent. Provide an updated geotechnical report that includes all lots with envelopes over 25% grade and a note on the plat referring to the date of the report and the report uploaded into the portal.
5. A 60' access and utility easement with a potential 24' wide road as depicted in the document recorded entry #495949 similar to the alignment of the preliminary approval to the Benloch property line to provide for potential secondary access for Benloch and Jackson Fork.
6. Lots 23-26 need to have some additional work to see if the envelopes can be more regular.
7. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.

8. 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.
9. Verification of ridgelines may be required as construction commences with the subdivision development permit.

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**ITEM #6****ORDINANCE 25-16 AMENDING VARIOUS SECTIONS OF TITLE 16 OF THE WASATCH COUNTY CODE REGARDING THE REGULATION OF RETAINING WALLS. \*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 NOVEMBER 19, 2025. (DOUG SMITH)**

**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.

- Retaining walls are becoming more time-consuming for staff and applicants.
- There are more difficult lots to develop requiring more retaining walls.
- The conditional use process for retaining walls after a building permit has been submitted is cumbersome.
- Want to avoid using retaining walls to flatten out areas and not work with the natural terrain.
- Summit County, Park City, Heber City seem to be less regulatory than our current code.
- Problems we are trying to solve is lessening review time and staff time. Do we want to regulate aesthetics or height or both?
- We are seeing large homes on relatively small steep lots, so they do require significant retaining walls.

**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:

- No applicant or public comment.

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

- Charles Zuercher- Looked at the retaining wall at the Hyatt hotel by Mayflower. The retaining wall is significant there. The County requires steps with landscaping. MIDA did not have that requirement.
- Deer Valley Drive retaining wall by Marriott would be a real problem to fix.
- David Thacker- Roads Versus private development should be considered two separate things. Park City has large retaining walls go through the CUP process. A lot of challenges with stepping walls and developing because of costs and added earthwork.
- Doug Smith- Sometimes stepped walls are more intrusive than straight walls because they step up the hillside.
- Doug Hronek- discussed that retaining walls should be restricted by height like any structure in a zoning district. If we consider them a structure like a home, they would be limited to 35'.
- Charles- Could you limit the roads based on grade (nothing above 30%). Doug responded that it didn't go over well when they tried to do that with a code amendment several years ago.
- Daniel Lyman- Retaining walls should be tied to the same design requirements as the developments in the areas. We should regulate the design of the retaining walls to avoid intrusive large walls. The retaining wall section should limit their ability develop an area to avoid scaring hillsides.
- David Thacker- have standard design standards until you get to a certain height, then have it go to a CUP.
- Daniel Lyman- All retaining walls need to follow the natural terrain.

- Michael Murphy- Would like to see things be less regulatory and let HOA's decide design standards and wall height limits. Used a road as an example.
- Doug Smith- change the decision maker for retaining walls over 30' from County Council to PC as a conditional use. Individual lots should have separate regulations from roads.
- State requirements are not cohesive to building permit guidelines and the time it takes for a CU.
- Still regulate steps in walls, steps and height might be different between lots and roads. Regulate materials if they comply, then it is administrative if not it is a CUP.
- Park City allows each wall to have a two-foot break for everyone 1-foot height of retaining wall to consider separation between walls. For example, an 8' wall would have a 16' break. It seems that this would create more excavation into a hillside.
- Scott Brubaker- Historic walls can only built so high before they collapse.
- Final synopsis by Doug. Separate retaining walls for roads in subdivisions and lots. Set clear and specific guidelines including materials. If an application is in compliance, it is administratively approved. If over a certain height/length it is a conditional use heard by the planning commission. Make the walls as much "by right" as possible.

### **MOTION**

No motion was made. Doug Smith said he will probably have the item on the agenda for the Dec. 11, 2025 Planning Commission meeting

### **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. Current code requires a conditional use for walls that are over 10' and/or over 800' in length requires an administrative conditional use.
2. Current code requires walls over 30' in cumulative height and over 800' in length to be approved by the County Council.
3. The current process requires a great amount of staff resources and frustration from applicants.
4. Staff believes that the original code was intended to regulate retaining walls necessary for roads in subdivisions.
5. The proposal treats retaining walls for roads differently than retaining walls for individual lots.

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### **ADJOURNMENT**

### **MOTION**

**Commissioner Charles Zuercher made a motion to adjourn.**

**Commissioner Michael Murphy seconded the motion.**

### **VOTE (7 TO 0)**

Charles Zuercher      **AYE**      NAY      ABSTAIN  
 Michael Murphy      **AYE**      NAY      ABSTAIN

Scott Brubaker      **AYE**      NAY      ABSTAIN  
 Doug Hronek      **AYE**      NAY      ABSTAIN

Kimberly Cook

Daniel Lyman

**AYE**    NAY    ABSTAIN

**AYE**    NAY    ABSTAIN

David Thacker

**AYE**    NAY    ABSTAIN

Meeting adjourned at 8:45 p.m.

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CHARLES ZUERCHER/CHAIRMAN

DRAFT



## WASATCH COUNTY PLANNING COMMISSION MINUTES

DECEMBER 11, 2025

MEETING TIME: 6:00 P.M.  
MEETING PLACE: Wasatch County Administration Bldg, 25 North Main, Heber City, Utah  
COMMISSIONERS PRESENT: Chair Chuck Zuercher, Kimberly Cook, Mark Hendricks, Michael Murphy (via Zoom)  
EXCUSED: Commissioners Daniel Lyman, Scott Brubaker, Doug Hronek, David Thacker  
STAFF PRESENT: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney  
PRAYER: Commissioner Mark Hendricks  
PLEDGE OF ALLEGIANCE: Led by Commissioner Kimberly Cook and repeated by everyone

### BUSINESS ITEMS

#### ❖ APPROVAL OF THE MINUTES FROM THE NOVEMBER 13, 2025 MEETING

##### **MOTION**

Commissioner Hendricks indicated that he thinks we should wait until next month, since we do not have enough members in attendance from the November 13<sup>th</sup> meeting.

Jon Woodard, Assistant Wasatch County Attorney, indicated that those who were not in attendance at that meeting could still vote to approve the minutes, but the Commission can wait until next month if they would rather.

**It was decided to wait until next month for the approval of the minutes from the November 13, 2025 meeting.**

### REGULAR AGENDA ITEMS

**ITEM #1 PAUL BERG, REPRESENTING KEW CONSULTING LLC, REQUESTS A ZONING CODE TEXT AMENDMENT TO 16.27.06.5 REGARDING CONSERVATION DEVELOPMENTS AND 16.27.24 REGARDING RESTRICTIONS ON SUBDIVIDING DEED RESTRICTED LOTS. \*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 DECEMBER 17, 2025 (DEV-11392, DOUG SMITH)**

**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:

- Paul Berg presented his reasons for the various parts of the proposal.

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

- The Commission discussed the value and purpose of the third party conservation easement as opposed to allowing the HOA to manage it.

**MOTION**

**Commissioner Hendricks made a motion to forward a recommendation of approval as described in light of the findings with no conditions needed.**

**Commissioner Cook seconded the motion.**

**VOTE      (4 TO 0)**

Charles Zuercher	<b>AYE</b>	NAY	ABSTAIN
Mark Hendricks	<b>AYE</b>	NAY	ABSTAIN

Michael Murphy	<b>AYE</b>	NAY	ABSTAIN
Kimberly Cook	<b>AYE</b>	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 County has an ordinance that allows what is referred to as, "Conservation Developments".
2. The code allows for lots to be clustered thus reducing infrastructure costs but allowing the same amount of density or more than would be allowed with a traditional subdivision.
3. The open space portion of the project, which is required to be a minimum of 75%, is required to have a third-party conservation easement recorded on the property.
4. The major foundation of the conservation development ordinance is to preserve valuable open space in perpetuity.
5. Staff knows of no other way to guarantee in perpetuity that the open space will never be developed unless it has a third-party open space easement on the property.
6. The proposed amendment for lot frontages on cul-de-sacs is consistent with other sections of the code that allow lesser frontage requirements on cul-de-sacs however those sections still require the full width at the required setback.
7. The open space parcel requires public access however it does not specify that the public access is only on the trails.
8. The ordinance intends to have lots be adjacent to the open space parcel however this may not work with all clustered layouts.

9. The General Plans supports the idea of clustered developments and maintaining open space, views and sensitive areas in perpetuity.
10. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

## **CONDITIONS**

1. None

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<b>ITEM #2</b>	<b>PAUL BERG, REPRESENTING KEW CONSULTING LLC, REQUESTS MASTER PLAN APPROVAL FOR HERITAGE HILLS, A 23-LOT SUBDIVISION WITH 2 ADDITIONAL LOTS THAT ARE CONSIDERED LOTS OF RECORD. THE SUBDIVISION IS LOCATED IN SECTIONS 5 &amp; 8, TOWNSHIP 4S, AND RANGE 6E IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) AND MOUNTAIN (M) ZONES. *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 DECEMBER 17, 2025 (DEV-11371, DOUG SMITH)</b>
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**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:

- Paul Berg explained some of nuanced reasons for the subdivision layout and intent.

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

- Commissioner Hendricks asked questions regarding the trail and the potential for needing to cross the road for trail users.

## **MOTION**

**Commissioner Hendricks made a motion to forward a recommendation for approval of the master plan as outlined in light of the findings and subject to the conditions in the staff report.**

**Commissioner Cook seconded the motion.**

## **VOTE**      **(4 TO 0)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN	Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN
Mark Hendricks	<b><u>AYE</u></b>	NAY	ABSTAIN	Kimberly Cook	<b><u>AYE</u></b>	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 development has two land use zones M (Mountain) and RA-1.

2. The RA-1 portion of the development cannot be part of the conservation development but will be processed as part of the large-scale development.
3. The road that is part of the RA-1 portion of the development provides access to two lots in the M zone.
4. The M zone portion of the development is proposed to be developed as a conservation subdivision.
5. The Legislative body must determine that the proposal meets the purpose and intent statements of the conservation ordinance by determining that the proposal accomplishes the intent of the Conservation development code by maintaining the rural character, protecting scenic views, providing greater design flexibility and efficiency, decreasing the amount of disturbance, encouraging active and passive recreation, reduces erosion and sedimentation, creates an attitude of stewardship, provides for safer circulation in a wildland area, reduces exposure to natural hazards, minimizes the threat and damage from wildfires and protects large tracts of land from development in perpetuity.
6. The proposal meets the density requirements for the conservation development.
7. The proposal complies with the code requirements for the RA-1 zone.
8. The proposal provides 305.05 acres of open space with access to public trails and surrounded by other open space parcels in other developments.
9. The open space will be dedicated with the first phase.
10. All lots will be serviced by Twin Creeks for both water and sewer.
11. The proposal is for Master Plan/Physical Constraints analysis and density determination. The project is feasible from a master plan standpoint.
12. At preliminary review additional constraints could lower density.
13. This is a recommendation to the County Council. The Planning Commission is not the approving body.

#### **CONDITIONS**

1. Lots 9 and 20 will need to have building envelopes outside of the alluvial fan flood potential.
2. An exception is granted from the engineering department for driveways that access onto Lake Creek.
3. All conditions and requirements of the DRC shall be complied with.
4. Provide a 20' trail easement along the south side of Lake Creek.
5. Provide for a trailhead as required by the legislative body with details to be worked out at preliminary review.
6. Provide for a third-party conservation easement on the open space property.

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#### **ITEM #3**

**PAUL WATSON, REPRESENTING SCOTT YANCEY, REQUESTS A PLAT AMENDMENT TO VACATE A PRIVATE ROAD THAT CURRENTLY SPLITS LOT 19 IN THE BRIGHTON ESTATES PHASE 4A SUBDIVISION, LOCATED AT APPROXIMATELY 2044 WEST BRIGHTSTAR ROAD IN THE MOUNTAIN (M) ZONE. \*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 DECEMBER 17, 2025. (DEV-11207; ANNA ANGLIN)**

**STAFF PRESENTATION** – Chair Charles Zuercher noted the item was incorrectly noticed for a hearing so the item will have to be continued indefinitely.

**APPLICANT AND PUBLIC COMMENT** – Postponed

#### **MOTION**

**No motion made.**

## **FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

- I. The item was improperly noticed and will need to be readvertised for a later date.

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**ITEM #4      CONSIDERATION OF ORDINANCE 25-18 TO AMEND THE WASATCH COUNTY GENERAL PLAN TO UPDATE THE EXISTING WATER USE AND PRESERVATION ELEMENT TO COMPLY WITH UTAH 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 DECEMBER 17, 2025 (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:

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

- There was discussion regarding any development denser than one unit per 5 acres must be connected to an approved culinary system. Policy 6.2.2

## **MOTION**

**Commissioner Hendricks made a motion to forward the update to the water element of the General Plan Ordinance 25-18 to the County Council with a recommendation for approval.**

**Commissioner Cook seconded the motion.**

## **VOTE      (4 TO 0)**

Charles Zuercher	<b>AYE</b>	NAY	ABSTAIN	Michael Murphy	<b>AYE</b>	NAY	ABSTAIN
Mark Hendricks	<b>AYE</b>	NAY	ABSTAIN	Kimberly Cook	<b>AYE</b>	NAY	ABSTAIN

## **FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

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**ITEM #5      ORDINANCE 25-16 AMENDING VARIOUS SECTIONS OF TITLE 16 OF THE WASATCH COUNTY CODE REGARDING THE REGULATION OF RETAINING WALLS. \*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 DECEMBER 17, 2025. (DOUG SMITH) (CONTINUED FROM 11-13-2025 PC)**

**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:

- Chet Young recommended that the three foot separation be described as a planter area so that the depth of the wall block doesn't take up more room than necessary if the block is designed in a way that you can plant in them. He also raised issues with the walls needing conditional use permits but not knowing that until after they are under construction with an issued building permit.
- Don Herbert agreed the three foot of plant-able area is a good idea.

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

- The Commission discussed modifying the language for the separation to be the back of the exposed lower wall to the face of the upper wall.
- Commissioner Hendricks noted this is primarily an aesthetic issue and the scarring on the hillside from roads is certainly an eyesore as opposed to small walls in a private backyard.
- The Commission discussed how much the County should be getting involved in regulating aesthetics.

#### **MOTION**

**Commissioner Hendricks made a motion to recommend approval subject to their further discussion on two alternatives for handling the three foot break in a tiered wall system on whether to plant or not.**

**Commissioner Cook seconded the motion.**

#### **VOTE**      **(4 TO 0)**

Charles Zuercher      **AYE**      NAY      ABSTAIN  
Mark Hendricks      **AYE**      NAY      ABSTAIN

Michael Murphy      **AYE**      NAY      ABSTAIN  
Kimberly Cook      **AYE**      NAY      ABSTAIN

#### **FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

Additional Report of Action for item previously continued after a public hearing or other discussion: November 11, 2025

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 code amendment is initiated by the County.
2. Current code requires a conditional use for walls that are over 10' and/or over 800' in length.
3. Current code requires walls over 30' in cumulative height and over 800' in length to be approved by the County Council.
4. The current process requires rejecting building permits for a wall over 10' in height and requires a conditional use permit.
5. Many platted lots in the county cannot be developed without the use of retaining walls.
6. The conditional use process if protested by a neighboring property owner forces the proposal to go to the planning commission.
7. Staff believes that the original code was intended to regulate retaining walls necessary for roads in subdivisions not on private lots.
8. The proposal treats retaining walls for roads differently than retaining walls for individual lots.

9. The proposed code allows retaining walls on individual lots to be approved if under 20' in cumulative height and if in compliance with other sections of the code.
10. The proposed code allows for walls as high as 30' for rads in subdivisions to be approved by staff.
11. Walls over 30' are a conditional use approved by the planning commission.
12. The proposed code clarifies setbacks, clear view and requirements for encroachment into PUE's.

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**ADJOURNMENT****MOTION**

**Commissioner Charles Zuercher made a motion to adjourn.**

**Commissioner Kimberly Cook seconded the motion.**

**VOTE**      **(4 TO 0)**

Charles Zuercher	<b><u>AYE</u></b>	NAY	ABSTAIN
Mark Hendricks	<b><u>AYE</u></b>	NAY	ABSTAIN

Michael Murphy	<b><u>AYE</u></b>	NAY	ABSTAIN
Kimberly Cook	<b><u>AYE</u></b>	NAY	ABSTAIN

Meeting adjourned at 8:15 p.m.

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CHARLES ZUERCHER/CHAIRMAN



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## Item 1 – Tuhaye HOA Office Building Master Plan Amendment & Preliminary Plan

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**Project:** DEV-1279 | Tuhaye HOA Office Building

**Meeting Date:** 8 January 2026

**Report Date:** 31 December 2025

**Report Author:** Anna Anglin, Planner

**Council Action Required:** Yes

**Type of Action:** Legislative

**Applicant:** Rhett Riding

**Address:** 9814 N Tuhaye Park Dr.

**Acreage:** 35.77

**Zoning Designation:** Jordanelle Basin Overlay (JBOZ)

**Related Applications:** Master Plan Amended  
(10/24/2017)

### DETERMINATION ISSUE

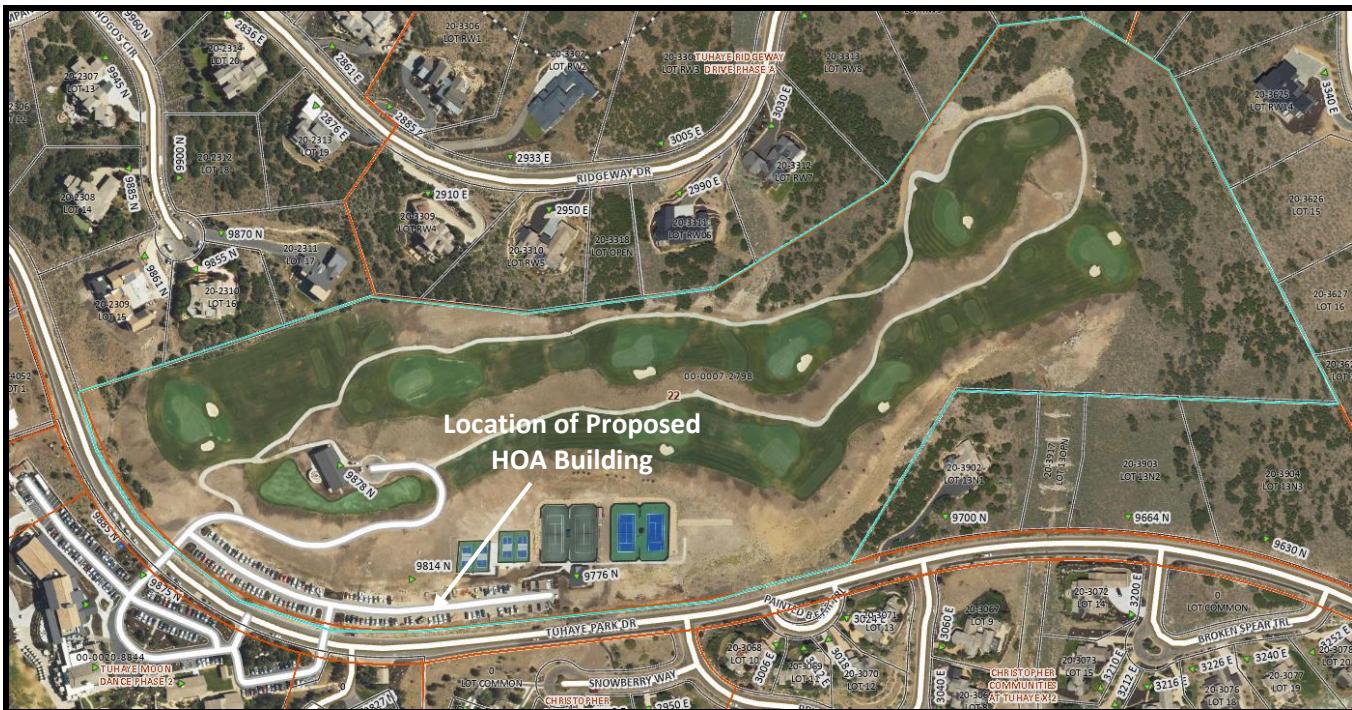
Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 2.52-acre lot split from an existing 35.77-acre open space parcel and a master plan amendment to change a portion of the open space to neighborhood commercial to allow the HOA office building located in the Tuhaye development in the Jordanelle Basin Overlay Zone (JBOZ). This determination is a legislative decision to be made by the Wasatch County Council after receiving a recommendation from the Planning Commission.

### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to revisions that are not anticipated to constitute a materially substantive change. Therefore, it is recommended that the Planning Commission forward a *POSITIVE RECOMMENDATION* of the proposed Tuhaye Master Plan Amendment and Preliminary Plan based on the findings and subject to the conditions included in the staff report.

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## Planning Commission Staff Report



## BACKGROUND

The subject property is located within the Tuhaye Master Planned Community, a private community situated in the northeastern area of the Jordanelle Reservoir. Under the currently approved master plan, the parcel proposed for development is designated as open space.

The applicant is requesting an amendment to the master plan to change the land use designation from Open Space to Neighborhood Commercial in order to allow for the development of an office building to serve the Tuhaye Homeowners Association. In conjunction with the master plan amendment, the applicant is also seeking preliminary subdivision approval to create a new 2.52-acre lot.

The proposed subdivision will accommodate a 3,021-square-foot office building. The existing on-site parking in place provides parking for the game courts and golf facilities and is sufficient to serve the proposed use, and no additional parking spaces are required. In addition, the proposed use is ancillary to the Tuhaye HOA and all of the services it provides for the owners within Tuhaye.

The property is located within the Jordanelle Basin Overlay Zone and is currently designated as open space. Approval of the requested master plan amendment and preliminary subdivision would allow the proposed HOA office use to proceed in compliance with applicable zoning and development standards.

Due to the redundancy of this review with the next item on the agenda this review will focus on the master plan amendment and only high-level site plan issues which will be addressed further in the final plat and site plan approval.

## PURPOSE AND INTENT

The subject property is in the JBOZ overlay zone which allows professional service offices (land use 6500), which is what the HOA office building would fall under, in certain designated areas. The purpose outlined in the JBOZ zone is quoted (in part) below:

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#### **16.15.01: PURPOSE**

*The Jordanelle Basin overlay zone (JBOZ) is to implement the goals and standards established by the previously adopted Jordanelle Basin land use plan and map and accomplish the following purposes:*

- A. *The lands comprising the overlay zone include all the Jordanelle Basin;*
- B. *To allow for development of the lands which complies with the goals and standards of the plan;*
- C. *To preserve and protect the natural beauty of the Jordanelle Basin;*
- D. *To establish regulations by which development may take place in the JBOZ.*

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#### **KEY ISSUES TO CONSIDER**

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with the master plan and Development Agreement approved for Tuhaye.
- Compatibility with the General Plan.

#### **STAFF ANALYSIS**

##### **– LAND USE AND DENSITY –**

The area where the parcel will be created is currently undeveloped. Adjacent to the parcel is recreational open space uses, including a golf course, tennis and pickleball courts, a golf course start shack, and a tennis and pickle ball rental shack. All existing uses are permitted within the designated open space areas under the applicable zoning regulations and will remain unchanged and unaffected by the proposed subdivision and construction of the HOA building.

As noted before, the proposed building will be adjacent to a golf course and associated recreational amenities. In addition, the community clubhouse, swimming pool, and other development ancillary uses are located directly across the street from the proposed HOA office building. Any residential uses are on the opposite side of the open space recreational uses. As a result, the building will have little to no impact on nearby residential uses and is compatible with the surrounding development pattern. The proposal creates a campus like setting for not only the recreational facilities but the management of the HOA all in one central area.

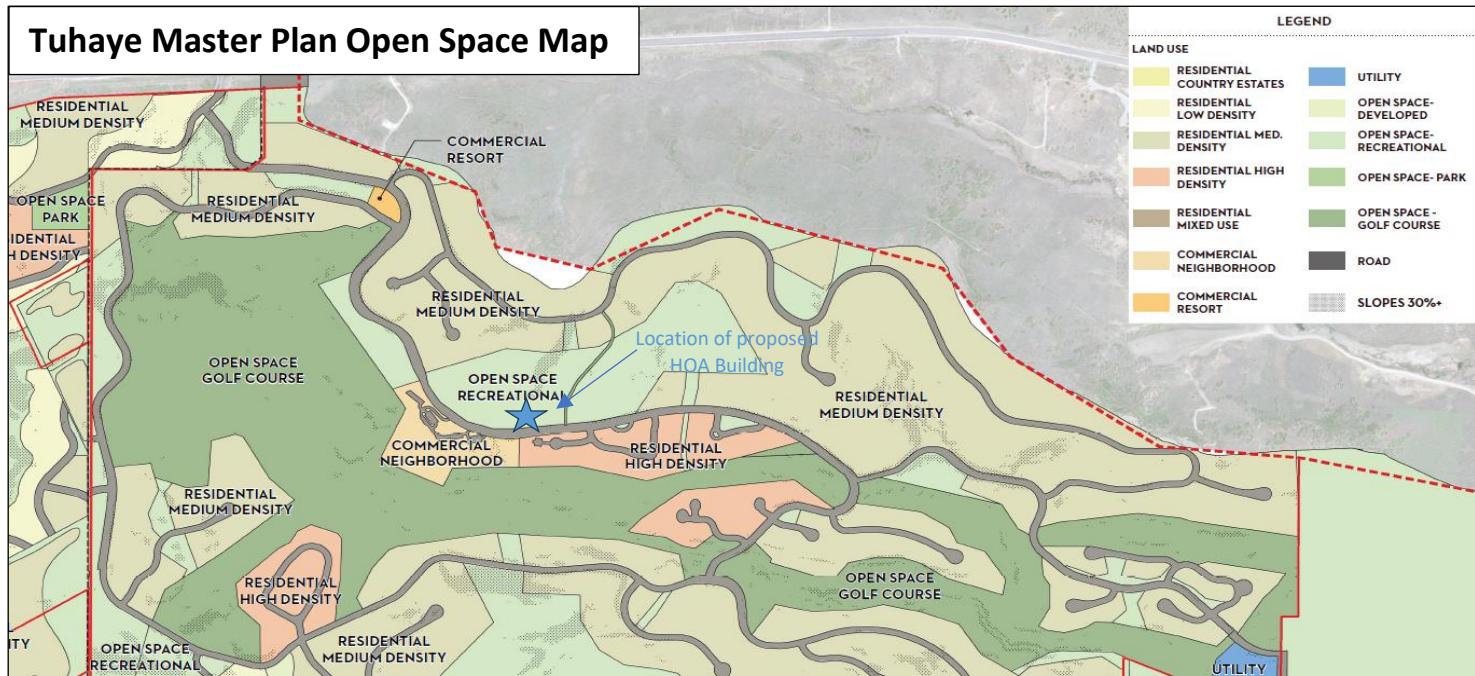
The subject parcel is currently designated Open Space, under which a professional service office is not permitted pursuant to the Permitted and Conditional Use Table for the JBOZ zone (Wasatch County Code §16.15.03). The applicant proposes to redesignate the building site, landscaped area, and required parking of the proposed office building to Neighborhood Commercial.

The proposed HOA office building functions as a community-serving facility in the form of a professional service office that is ancillary to the Tuhaye development. The office use will not increase residential density or otherwise modify the previously approved development intensity of the Tuhaye community.

The subject open space parcel is under common ownership, which is the primary reason the applicant selected this site. The area on the parcel selected for the proposed building is not currently used for any existing recreational use nor is it expected to interfere with any of the current recreational activities, which is an additional reason for selecting this site.

## – OPEN SPACE & PARKS –

The subject property was originally designated as open space during the initial master plan and preliminary approvals for the Tuhaye Development and is further identified in the 2003 Development Agreement as being subject to an open space easement. The Development Agreement establishes a minimum open space requirement of 42 percent for the overall development.



The applicant is proposing a master plan amendment in conjunction with the preliminary Plat approval that would reduce the total area encumbered by open space easements within the Tuhaye Development by approximately 2.52 acres for the new lot. According to the open space plan submitted by the applicant, the Tuhaye Development currently includes approximately 903 acres of designated open space, representing approximately 44.59 percent of the total development area.

Although the proposed amendment would result in a minor reduction in total open space acreage, the development would continue to exceed the minimum 42 percent open space requirement established in the Development Agreement. Therefore, staff finds that the proposed master plan amendment and subdivision remain in compliance with the Development Agreement.

Additionally, prior approvals establish that the requirements of Wasatch County Code Section 16.21.06 related to ownership and maintenance responsibilities for open space parcels are satisfied. The proposed preliminary plat reflects the reduction in open space, and if approved, the modification will be formally recorded with the final plat.

## – ENVIRONMENTAL CONSTRAINTS ANALYSIS –

Wasatch County Code §16.27.25 requires that an environmental constraints analysis be submitted with any preliminary application to identify potential limitations on development activity. The applicant has submitted documentation stating that the proposal complies with this requirement.

According to the materials provided, no portion of the subject lot contains slopes exceeding 25 percent. The applicant submitted a geotechnical report indicating that the site soils and ground conditions are stable and

suitable for the proposed development. In addition, a viewshed analysis was provided demonstrating that the proposed building location will not interfere with protected viewsheds.

Based on the information submitted, the application appears to comply with the environmental constraints analysis requirements of Wasatch County Code §16.27.25.

## DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached in the exhibits. The Committee has forwarded the item for the Land Use Authority to render a decision.

## RECOMMENDED MOTION

Move to forward a Recommendation for Approval to the County Council for item 1 consistent with the findings and subject to the conditions presented in the staff report.

### – FINDINGS –

1. The subject property is a 35.77-acre open space parcel.
2. The subject property is in the Jordanelle Basin Overlay (JBOZ) zone within the Tuhaye Master Plan area.
3. The subject property is designated open space and is subject to an open space easement.
4. The overall project will lose 2.25- acres of designated open space but will continue to meet the 42% minimum open space requirements of the Tuhaye Development Agreement.
5. The proposed HOA office building functions as both a community-serving facility and a professional service office and is not allowed in the open space designated areas.
6. The proposal is to amend the master plan to allow a neighborhood commercial designation for the HOA office building which is ancillary to the larger operation of the Tuhaye development.
7. The project proposes to redesignate the building site, landscaped area, and required parking of the proposed lot to Neighborhood Commercial.
8. The proposed subdivision meets the minimum lot requirements for the proposed Neighborhood Commercial use designation.
9. The proposed subdivision appears to comply with the environmental constraints analysis requirements of Wasatch County Code §16.27.25.
10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
11. Open space maintenance requirements have already been established through prior approvals of the Tuhaye Master Plan.
12. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.

*– CONDITIONS –*

1. A note stating that the remaining open space parcel is subject to an open space easement should be added to the subdivision plat.

**POSSIBLE ACTIONS**

The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the recommended 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 Preliminary Plan request is compliant as proposed with Wasatch County Code and all other applicable laws.
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.\****
3. Continue. This action can be taken if the Planning Commission needs additional information before rendering a decision, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action can only be taken if the Planning Commission finds that the proposal does not meet the ordinance or that the application is insufficient to comply with applicable law.

**NEXT STEPS**

If the requested master plan amendment and preliminary plan is approved, the applicant could proceed with final subdivision approval, final site plan approvals, building permits....

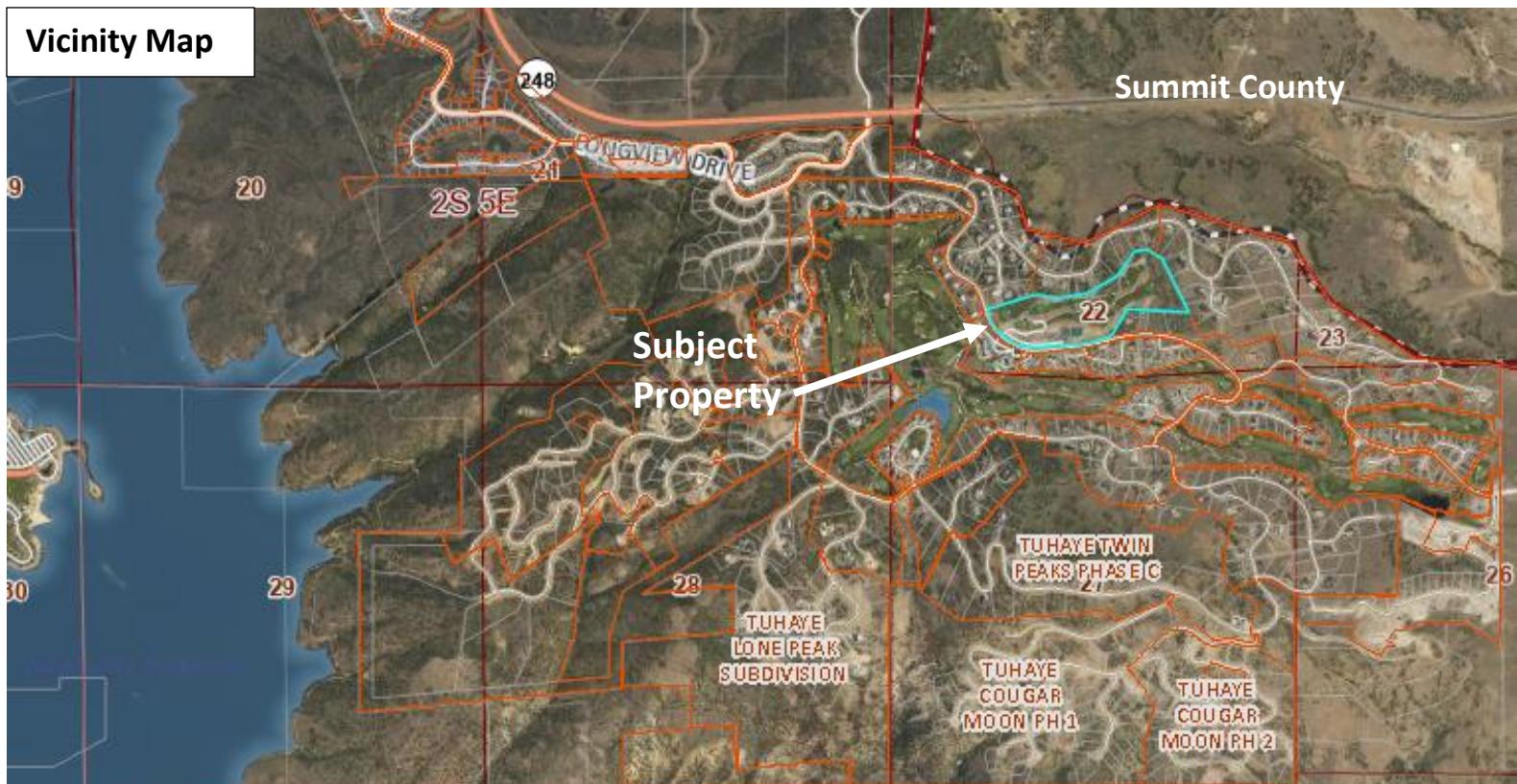
If the requested preliminary plan is denied, the applicant would not be allowed to develop the property as proposed. If the applicant desires to request an alternative plan for approval, it will need to be made as a new application.

Any person adversely affected by a final decision made by the Land Use Authority can be appealed under the provisions outlined in Wasatch County Code 2.02.02.

**EXHIBITS**

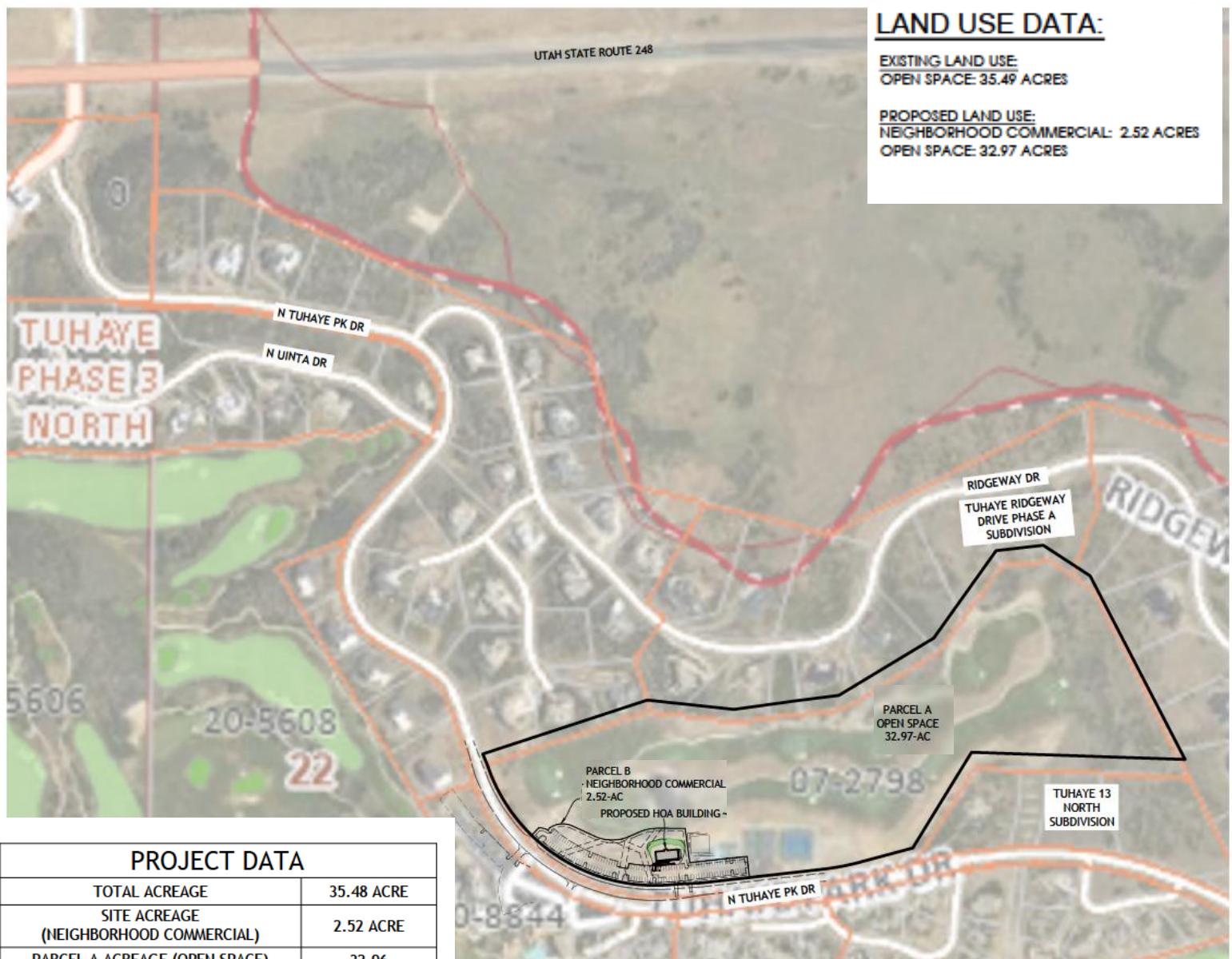
Exhibit A – Vicinity Plan.....	7
Exhibit B – Proposed Subdivision Plat.....	8
Exhibit C – Land Use Intensity Plan .....	9
Exhibit D – DRC Report.....	10

Exhibit A – Vicinity Plan



## *Exhibit B – Proposed Subdivision Plat*

## Exhibit C – Land Use Intensity Plan



PROJECT DATA	
TOTAL ACREAGE	35.48 ACRE
SITE ACREAGE (NEIGHBORHOOD COMMERCIAL)	2.52 ACRE
PARCEL A ACREAGE (OPEN SPACE)	32.96
PROJECTED ERU'S	N/A
HOUSING TYPE & BEDROOMS	NON-RESIDENTIAL
PARKING STALLS PROVIDED	16 STANDARD, INC.1 ACCESSIBLE
BUILDING TOTAL SQUARE FOOTAGE	5161 SF
BUILDING FOOTPRINT SQUARE FOOTAGE	3021 SF
OPEN SPACE ACREAGE	32.11 ACRE
OPEN SPACE PERCENTAGE	90.5%
LANDSCAPE ACREAGE	0.31
LANDSCAPE PERCENTAGE	0.8%
TOTAL HARD SURFACE ACREAGE	3.06 ACRE
EXISTING HARD SURFACE ACREAGE	2.96 ACRE
PROPOSED HARD SURFACE ACREAGE	0.10 ACRE
EXISTING HARD SURFACE PERCENTAGE	8.3%
HARD SURFACE PERCENTAGE	8.6%



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

PROJECT ID: DEV-11279  
PROJECT NAME: PRELIM - HOA OFFICE BUILDING  
VESTING DATE: 8/29/2025  
REVIEW CYCLE #: 3

### REVIEW CYCLE STATUS: READY FOR DECISION

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

**When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.**

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
Public Works Department	Approved
Engineering Department	Approved
Planning Department	Approved
Health Department	Approved
DRC - SSA 1 Water	Approved
Recorder's Office	Approved
Fire SSD	Approved
Jordanelle SSD	Approved
County Surveyor	Approved
Sheriff's Office	Approved

**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.



# WASATCH C O U N T Y

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## Item 2 – Tuhaye HOA Office Building Final Plat & Site Plan Approval

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**Project:** DEV-11279 | Tuhaye HOA Office Building

**Meeting Date:** 8 January 2026

**Report Date:** 31 December 2025

**Report Author:** Anna Anglin, Planner

**Council Action Required:** Yes

**Type of Action:** Legislative

**Applicant:** Rhett Riding

**Address:** 9814 N Tuhaye Park Dr.

**Acreage:** 35.77 and create a 2.52-acre parcel

**Zoning Designation:** Jordanelle Basin Overlay (JBOZ)

**Related Applications:** Master Plan Amended

(10/24/2017)

### DETERMINATION ISSUE

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 2.52-acre lot split from an existing 35.77-acre open space parcel and the requirements for a final site plan approval located in the Tuhaye development in the Jordanelle Basin Overlay Zone (JBOZ) and whether the site plan meets county code requirements. This determination is a decision to be made by the Wasatch County Planning Commission.

### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws, therefore, it is recommended that the Planning Commission Approve with Conditions the proposed Tuhaye Final Plat and Site Plan based on the findings and subject to the conditions included in the staff report.

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## Planning Commission Staff Report



## BACKGROUND

The subject property is located within the Tuhaye Master Planned Community, a private community situated in the northeastern area of the Jordanelle Reservoir. Under the currently approved Master Plan, the parcel proposed for development is designated as Open Space.

Under a separate, previously acted-upon application, the applicant requested an amendment to the Master Plan to change the land use designation from Open Space to Neighborhood Commercial in order to allow development of an office building intended to serve as office space for the Tuhaye Homeowners Association (HOA). In conjunction with the Master Plan amendment and preliminary plan approval, the applicant is also seeking Final Subdivision Plat and Site Plan approval to create a new 2.52-acre lot and receive approval of the proposed office building.

The proposed subdivision will accommodate a 3,021-square-foot office building and will retain all existing on-site parking stalls. The existing parking supply is sufficient to serve the proposed use, and no additional parking spaces are required.

The property is located within the Jordanelle Basin Overlay Zone and is currently designated as Open Space. Approval of the requested Final Subdivision Plat and Site Plan will allow the proposed HOA office use to proceed in compliance with applicable zoning regulations and development standards.

## PURPOSE AND INTENT

The subject property is in the JBOZ and if previously approved is within a neighborhood commercial land use category which allows professional service offices (land use 6500), which is what the HOA office building would fall under, in certain zoning designations. The purpose outlined in the JBOZ zone is quoted (in part) below:

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### **16.15.01: PURPOSE**

*The Jordanelle Basin overlay zone (JBOZ) is to implement the goals and standards established by the previously adopted Jordanelle Basin land use plan and map and accomplish the following purposes:*

- A. *The lands comprising the overlay zone include all the Jordanelle Basin;*
- B. *To allow for development of the lands which complies with the goals and standards of the plan;*
- C. *To preserve and protect the natural beauty of the Jordanelle Basin;*
- D. *To establish regulations by which development may take place in the JBOZ.*

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### **KEY ISSUES TO CONSIDER**

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with the Master Plan Development Agreement.
- Compatibility with the General Plan.

### **STAFF ANALYSIS**

#### *– LAND USE AND DENSITY –*

This was covered in more detail in the previous staff report. In essence the proposal is for a 2.52-acre parcel that is required to be approved, with the previous item, for a neighborhood commercial land use designation. The use will be an office building containing 3,021 square feet.

While the proposed use would be permitted within the Neighborhood Commercial designated area, the development must comply with the additional standards outlined in Wasatch County Code §16.15.06(G). Staff have reviewed the proposal against these standards and find that it complies, as summarized below:

*Minimum Site Area:* The Neighborhood Commercial zone requires a minimum site area of twenty thousand (20,000) square feet. The proposed lot size of 109,771 square feet exceeds this requirement and complies with the applicable standard.

*Maximum Building footprint:* The maximum allowable building footprint within the Neighborhood Commercial zone is 3,500 square feet. The proposed building footprint of approximately 3,021 square feet is within the permitted limit.

*Maximum Building Square Foot/Site Ratio:* The Neighborhood Commercial zone allows a maximum building square footage-to-site ratio of 35 percent. The proposed development will be well below this threshold and fully compliant with this requirement.

*Neighborhood Compatibility:* The proposed building will be adjacent to an existing open space parcel currently utilized as a golf course and associated recreational amenities. In addition, the community clubhouse, swimming pool, and other shared amenities are located directly across the street from the proposed HOA office building. As a result, the building will have little to no impact on nearby residential uses and is compatible with the surrounding development pattern. The proposal creates a campus like setting for not only the recreational facilities but the management of the HOA all in one central area.

## – SETBACKS –

Setbacks for non-residential uses in the JBOZ shall be as follows:

1. Front: twenty (20) feet minimum.
2. Side, Interior: Ten (10) feet minimum.
3. Rear: Thirty (30) feet minimum.
4. Setback from adjacent residential property line: Thirty (30) feet minimum.

The proposed building will meet all setback requirements.

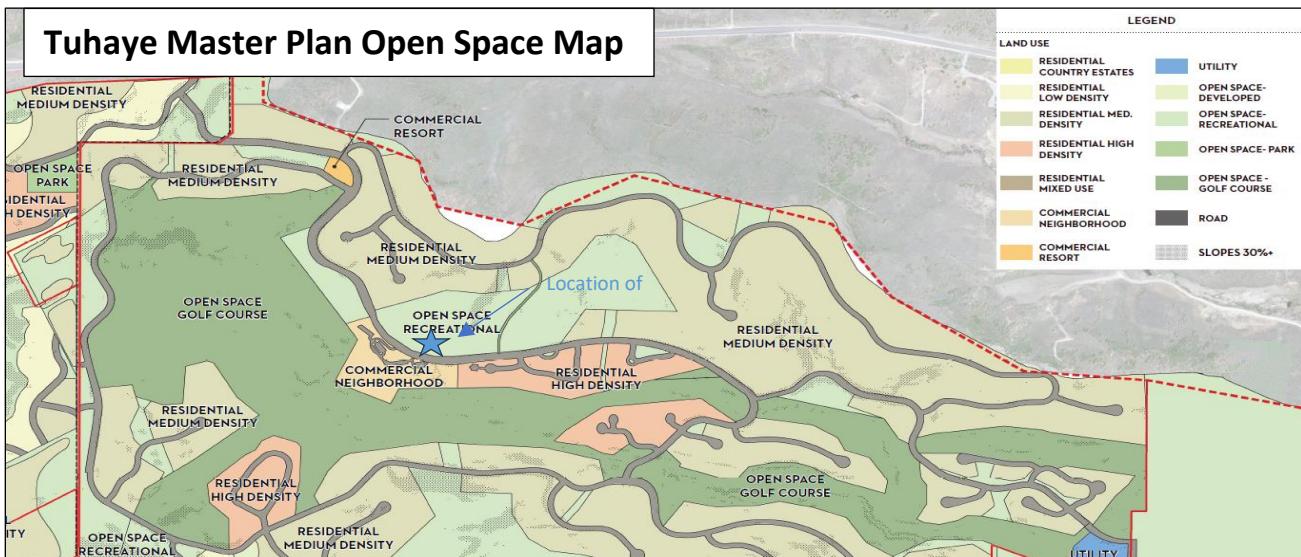
## – ENVIRONMENTAL CONSTRAINTS ANALYSIS –

Wasatch County Code §16.27.25 requires that an environmental constraints analysis be submitted with any Final Plat application to identify potential limitations on development activity. The applicant has submitted documentation stating that the proposal complies with this requirement.

According to the materials provided, no portion of the proposed lot contains slopes exceeding 25 percent. The applicant submitted a geotechnical report indicating that the site soils and ground conditions are stable and suitable for the proposed development. In addition, a viewshed analysis was provided demonstrating that the proposed building location will not interfere with protected viewsheds.

Based on the information submitted, the application appears to comply with the environmental constraints analysis requirements of Wasatch County Code §16.27.25.

## – OPEN SPACE & PARKS –



The applicant is proposing a master plan amendment in conjunction with this Final Plat approval that would reduce the total area encumbered by open space easements within the Tuhaye Development by approximately 2.52 acres. According to the open space plan submitted by the applicant, the Tuhaye Development currently includes approximately 903 acres of designated open space, representing approximately 44.59 percent of the total development area.

Although the proposed amendment would result in a minor reduction in total open space acreage, the development would continue to exceed the minimum 42 percent open space requirement established in the

Development Agreement. Therefore, staff find that the proposed subdivision remains in compliance with the Development Agreement. A note stating that the remaining open space parcel is subject to an open space easement should be added to the recorded subdivision plat.

**– SEWER & WATER –**

All lots are required to provide adequate water rights for culinary use, as well as sufficient water to irrigate any land that has been historically irrigated. Sewer and water will be provided by the JSSD (Jordanelle Special Service District) and the project received a will-serve letter from the JSSD prior to final approval for the proposed HOA office building dated July 9, 2025.

**– BUILDING HEIGHTS –**

Structures within the JBOZ zone are limited to a maximum height of 35 feet. Building height is measured from the existing grade immediately surrounding the structure to the peak of the roof. In addition, the Tuhaye Design Review Committee imposes supplemental height and design requirements for new construction within the development. The proposed elevation plans indicate a maximum building height of 25 feet, which is well below the allowable height limit.

**– ROADS AND ACCESS –**

The proposed development will be accessed solely from the existing Tuhaye Park Drive. No modifications to the existing curb cut are proposed, and no additional access points are planned. To provide the County with a clear understanding of the relationship between the proposed development and the surrounding context, a conceptual connectivity plan was provided. This plan demonstrates the site's relationship with adjacent properties and illustrates that applicable connectivity standards of the County Code will not be affected by this Final Site Plan approval. The surrounding properties are fully developed, and no changes to existing sites or area connectivity are proposed or anticipated.

**– PARKING –**

Section 16.33 of the Zoning Ordinance requires one (1) parking space per 200 square feet of office use. The applicant proposes a shared parking arrangement between the proposed office use and the existing golf course and other recreational uses located on the open space parcel.

The project site currently provides 245 on-site parking stalls. Existing uses on the site require 177 parking stalls. The proposed office use would require an additional 16 parking stalls, resulting in a total parking demand of 193 stalls.

Therefore, the site provides a surplus of 52 parking stalls beyond the minimum required. Based on the above, the proposed shared parking arrangement complies with the parking requirements of the Zoning Ordinance, and no additional parking is required.

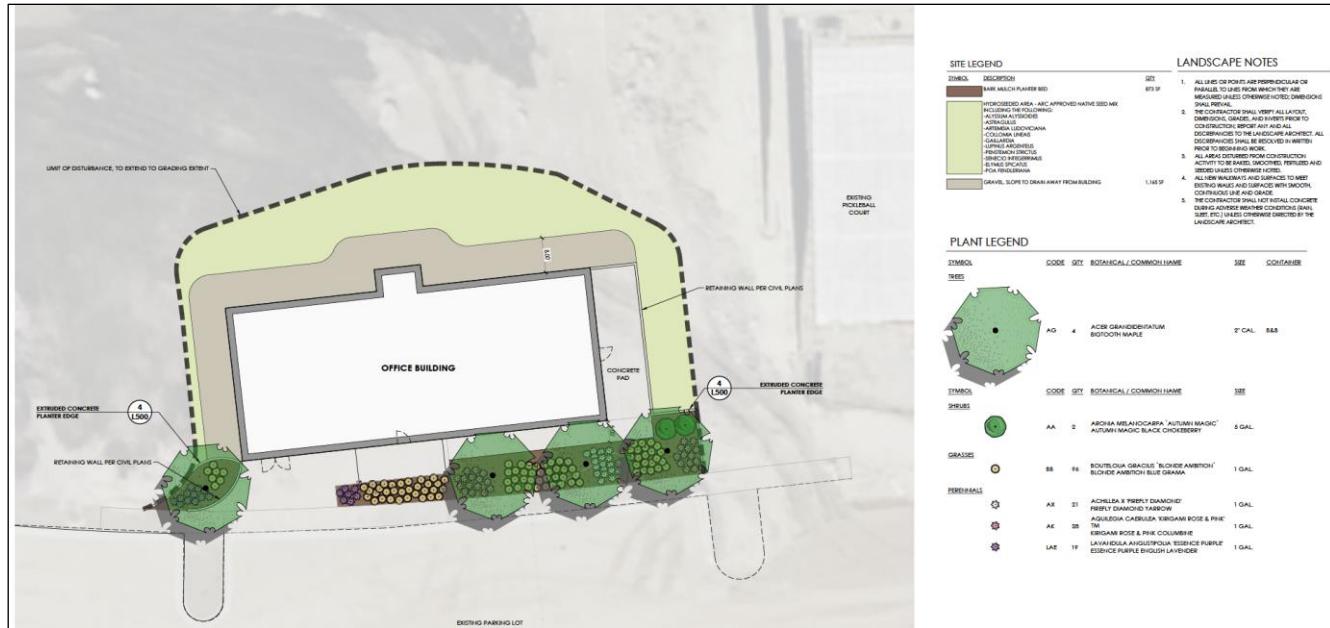
However, due to the parking being on a separate lot once this subdivision is approved, County staff recommends the applicant adds A note on the subdivision plat specifying that *the parking located on the newly created lot shall be under common possession with the open space parcel and is intended to serve both the open space parcel and the use located on the same lot.*

## - TRAILS -

All trail systems for the development have been previously approved and constructed as part of the overall project. This final subdivision plat does not alter any existing approved trail systems and does not require the installation of additional trails.

## - LANDSCAPING -

General landscape requirements in WCC 16.21.10 require that a plan be submitted for site plans such as this proposal. The plans submitted show that the minimum requirements are met for landscaping. See the landscape plan above. The ordinance puts priority on keeping existing vegetation and the proposed plans does show there will be a limit of disturbance and the areas disturbed will be reseeded with a native hydroseed for regrowth.



## - LIGHTING -

Exterior lighting for non-residential projects is required to meet stringent lighting regulations found in WCC 16.21.16 in an effort to provide safe and adequate lighting while still protecting the night sky and astronomical amenities of the County. The project lighting plan proposal generally meets this section of ordinance. However, during the building permit process, the applicant will need to submit additional information on the existing lighting for parking and the total lumens number for the site to verify it meets the dark sky requirements. See the table below for specifications. Any issues with the submitted lighting plan can be worked out through the building permit process.

Standard	Required	Proposed	Complies
Total Lumens	63,000- maximum	Total not provided	unknown
Light Fixtures	Downward shielded fixtures	Downward shielded fixtures	Yes
Light Color	3000 kelvins or less	3000 kelvins	Yes
Parking Pole height	15 feet Maximum	None are proposed	Yes
Light Trespass	None	none	Yes
Lighting Curfew	1 hour after/before sunset and/or during business hours	Applicant will need to show timer schedule as part of the plans	Required by Ordinance

## DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached in the exhibits. The Committee has forwarded the item for the Land Use Authority to render a decision.

## RECOMMENDED MOTION

Move to Approve item 2 consistent with the findings and subject to the conditions presented in the staff report.

### **– FINDINGS –**

1. The subject property is a 35.77-acre open space parcel.
2. The subject property is in the Jordanelle Basin Overlay (JBOZ) zone within the Tuhaye Master Plan.
3. The subject property is designated open space and is subject to an open space easement.
4. The overall project will lose 2.25- acres of designated open space but will continue to meet the minimum 42% of open space requirements found in the Tuhaye Development Agreement.
5. The development complies with the additional standards outlined in Wasatch County Code §16.15.06(G) for neighborhood commercial designated areas.
6. The application includes a will-serve letter for public sewer and public water through Jordanelle Special Service District JSSD.
7. The proposed subdivision meets the minimum lot requirements for the proposed Neighborhood Commercial designation.
8. The public trails in this project will not be affected by the proposed subdivision plat.
9. The proposed subdivision appears to comply with the environmental constraints analysis requirements of Wasatch County Code §16.27.25.
10. The proposed development generally meets the requirements found in Chapter 16 of the Wasatch County code.
11. The surrounding properties are fully developed, and no changes to existing sites or area connectivity are proposed or anticipated.
12. There is sufficient existing parking to meet all parking requirements found in section 16.33 of the zoning ordinance for the open space recreational activities and for the proposed HOA office.
13. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.

### **– CONDITIONS –**

1. Compliance with the DRC report and reviews as a condition of approval.
2. A note stating that the remaining open space parcel is subject to an open space easement should be added to the subdivision plat.
3. A note on the subdivision plat specifying that the parking located on the newly created lot shall be under common possession with the open space parcel and is intended to serve both the open space parcel and the use located on the same lot.
4. The Master Plan amendment and preliminary plan receive County Council approval.

## POSSIBLE ACTIONS

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

1. Approve. This action may be taken if the Planning Commission finds that the Final Plat and Site plan request is compliant as proposed with Wasatch County Code and all other applicable laws.
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.\****
3. Continue. This action can be taken if the Planning Commission needs additional information before rendering a decision, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action can only be taken if the Planning Commission finds that the proposal does not meet the ordinance or that the application is insufficient to comply with applicable law.

## NEXT STEPS

If the requested final subdivision plat and site plan is approved, the applicant could proceed with the permitting process and recording the plat.

If the requested final subdivision plat and site plan is denied, the applicant would not be allowed to develop the property as proposed. If the applicant desires to request an alternative plan for approval, it will need to be made as a new application.

Any person adversely affected by a final decision made by the Land Use Authority can be appealed under the provisions outlined in Wasatch County Code 2.02.02.

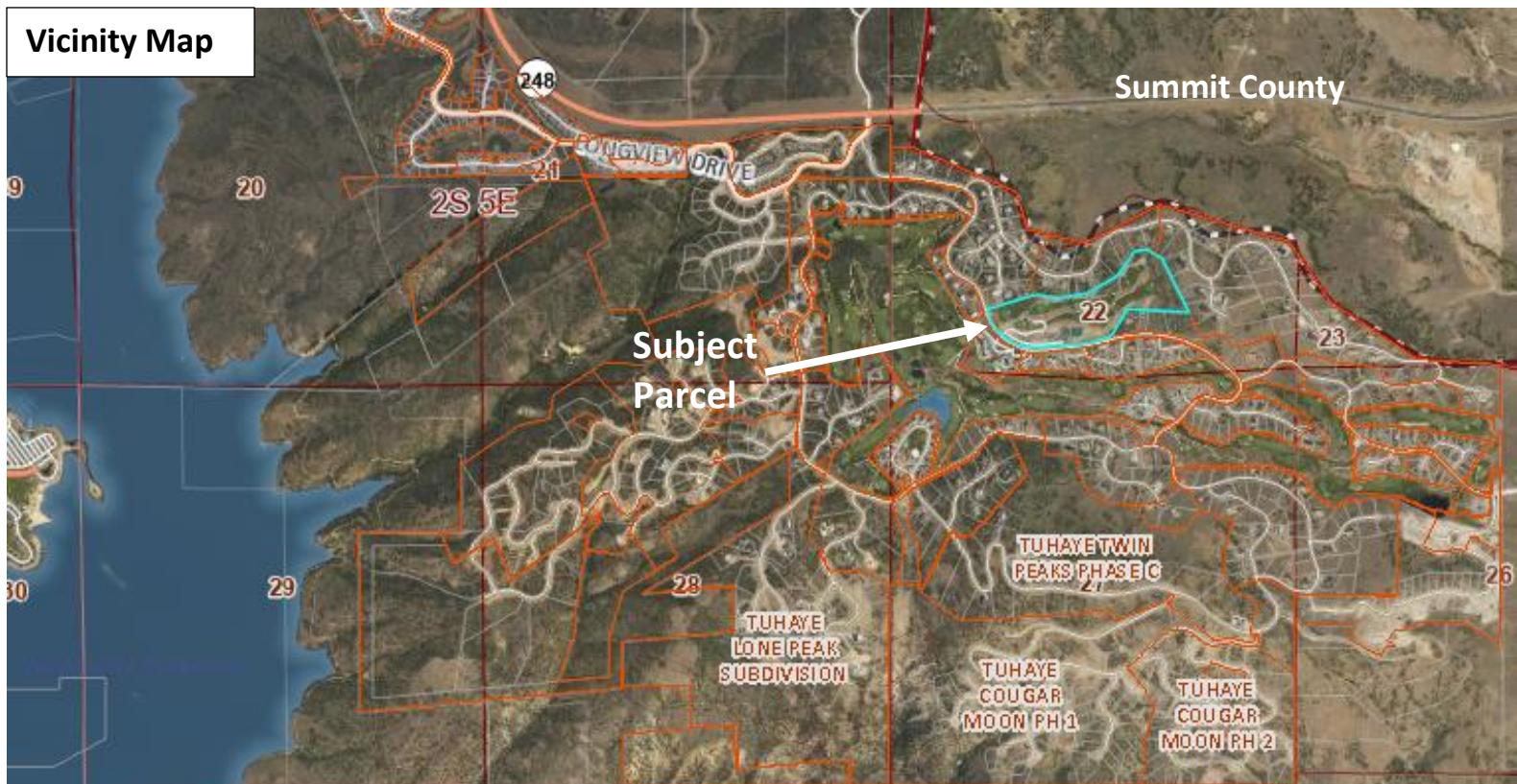
## EXHIBITS

Exhibit A – Vicinity Plan.....	9
Exhibit B – Proposed Site Plan.....	10
Exhibit C – Proposed Subdivision Plat.....	11
Exhibit D – Lighting Plan.....	12
Exhibit E – Grading Plan .....	13
Exhibit F – Building Elevation and Design Plans.....	14
Exhibit G – Will Serve Letters .....	17
Exhibit H – Open Space Plan .....	22
Exhibit I – DRC Report .....	23

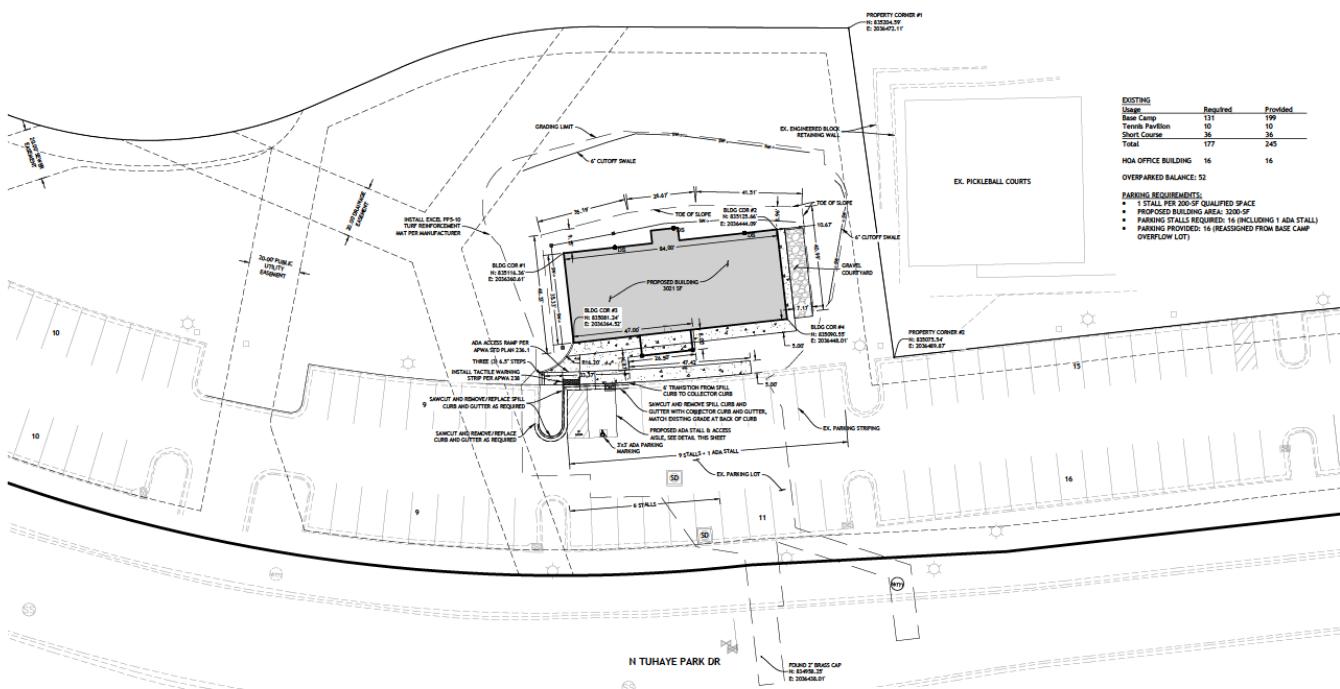
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Exhibit A – Vicinity Plan

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## *Exhibit B – Proposed Site Plan*



## **PARKING REQUIREMENTS**

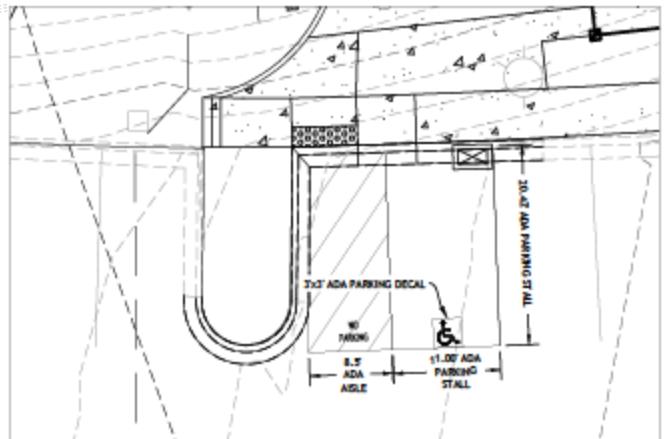
Existing Usage	Required	Provided	
Base Camp	131	199	Per Approved Plans
Tennis Pavilion	10	10	1 Space per 2 Users, 20 Users.
Short Course	36	36	4 Spots per Hole, 9 Holes.
<b>Total</b>	<b>177</b>	<b>245</b>	

## Proposed HOA Office Building

Overparked Balance: 52

## HOA BUILDING PARKING REQUIREMENTS:

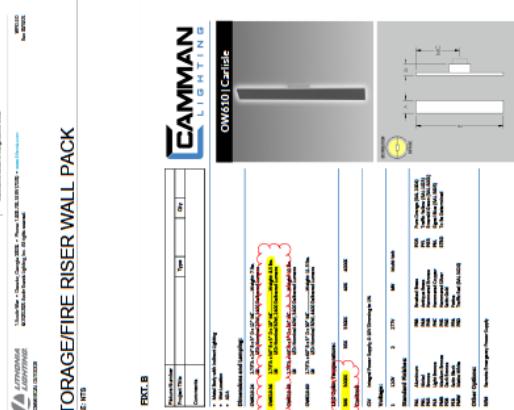
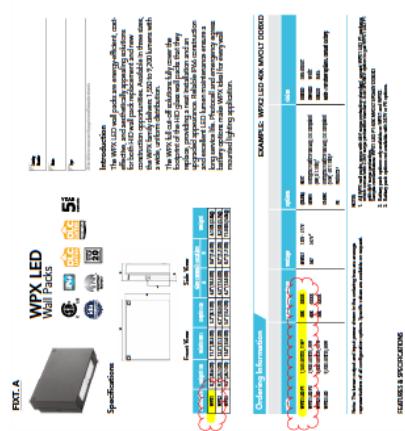
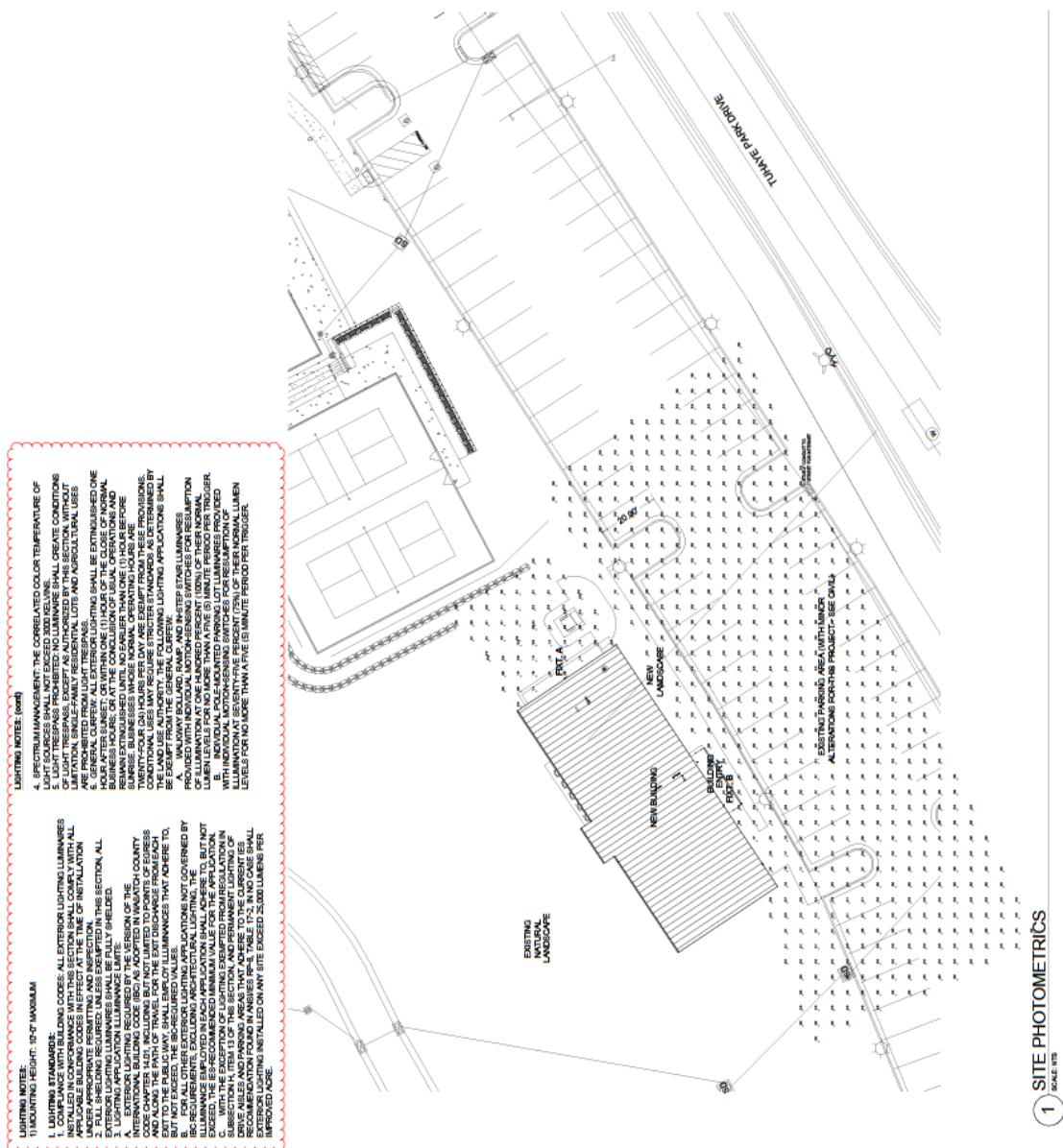
- 1 STALL PER 200-SF QUALIFIED SPACE
- PROPOSED BUILDING AREA: 3200-SF
- PARKING STALLS REQUIRED: 16 (INCLUDING 1 ADA STALL)
- PARKING PROVIDED: 16 (REASSIGNED FROM BASE CAMP OVERFLOW LOT)



ADA PARKING DETAIL  
SCALE: 1" = 10'

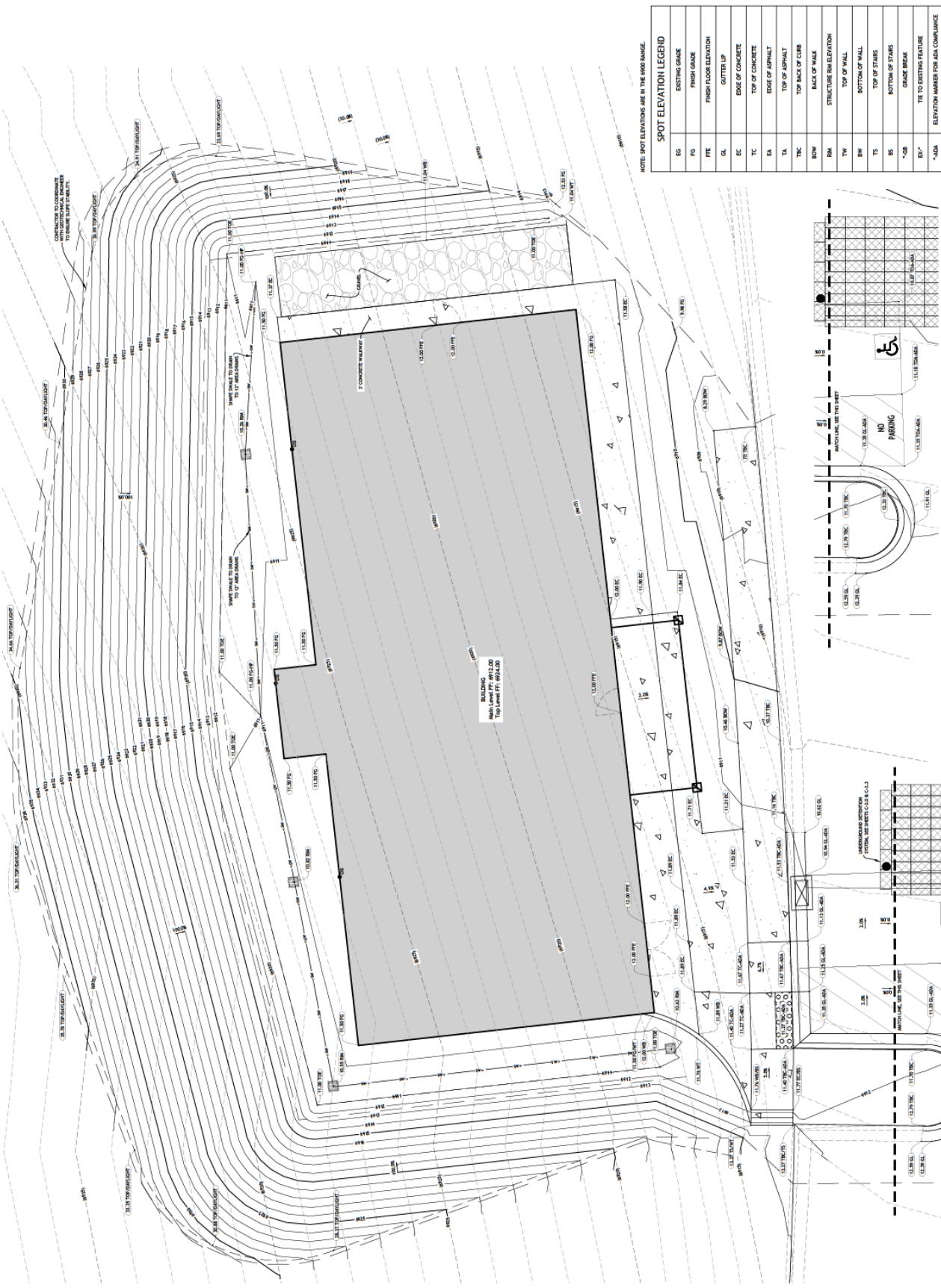
## *Exhibit C – Proposed Subdivision Plat*

## *Exhibit D – Lighting Plan*



**ENTRANCE WALL SCONCE** SCALE: 1/16"

## *Exhibit E – Grading Plan*



## ***Exhibit F – Building Elevation and Design Plans***







**FULL BED MASONRY:**  
TECA STONE 300 WHITE MORTAR AND 200 MEGA BOND



**WOOD SIDING AND SOFFIT (VERTICAL):**  
TECA STONE 300 WHITE MORTAR AND 200 MEGA BOND



**WINDOWS:**  
COMFORT-GLASS AND WINDOWS  
COLOR: DARK BROWN



**STANDING SEAM METAL ROOF**  
COLOR: VINTAGE TIN TINNY (CMG METALS, TINBLE CHAT)



**Jordanelle Special Service District**

P.O. Box 519  
Heber City, UT 84032  
OFFICE: (435) 654-9233  
FAX: (435) 654-6396

**WATER AND SEWER WILL SERVE LETTER**

July 9, 2025

Storied Deer Valley, LLC  
c/o Jeff Butterworth  
By Email: [jbutterworth@storiedliving.com](mailto:jbutterworth@storiedliving.com)

**Subject: Will Serve Letter – Tuhaye HOA Office Building**

This Will Serve Letter has been produced to make clear the requirements and conditions upon which the Jordanelle Special Service District (JSSD) agrees to provide Water and Sewer services to the above-mentioned 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 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 Water Board subsequent to the execution of the Development Agreement.

We have reviewed the project concept and provide the comments below. The District will also review the final architectural, landscaping, and irrigation plans which must be provided with building permit and final plat applications to verify that the values in this letter are still accurate. If not, the values will be updated and the development assessed accordingly.

**Development Demand Calculation and Water Rights**

Based on the concept submitted, development water demand was evaluated.

The development's indoor water use will require 0.42 acre-feet of municipal water rights. Water shares or rights provided for indoor use must be acceptable to the District and provide year-round supply.

The development's outdoor water use will require 0.06 acre-ft of water rights, which will allow for a maximum of 0.02 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 is our understanding that this development will be utilizing District reservation water under Storied Deer Valley Account. Confirmation from Storied Deer Valley that this is the case is required. As long as this water is utilized to satisfy the demands of this office building, no change application is needed.

It should be noted that M&I type 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 water requirement, the fee is due upon dedication of the shares per District policy.

All water dedications to JSSD require a change application to be approved by the State Engineer in accordance with the District Water Dedication Policy. Therefore, if water dedications are to be used instead of reservation water, it is recommended that the Developer investigate the water dedication policy requirements as soon as possible to avoid unexpected delays in obtaining approvals, especially water requirements are anticipated to be satisfied via the dedication of water rights.

The schedule for assessing water rights will be as follows:

Anticipated Water Rights Assessment Schedule (Regular Dedication)						
Use Category	Unit	Expected Total of Units	Indoor Water Rights Assessment Rate (AF per Unit)	Irrigation Assessment Rate (AF per Unit)	Expected Indoor Water Rights Assessment (AF)	Expected Total Irrigation Assessment (AF)
Office Building	Lump	1	0.42	0.06	0.42	0.06
Subtotals					0.42	0.06
Total					0.48	

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 shown in this table are custom and applicable to this development only.
- This table is applicable to development satisfying its water requirement with regular water dedications. Development using District Reservation water shall utilize the other assessment schedule.

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 Water Board.

### Required Improvements Discussion

We have prepared a review of the proposed infrastructure relative to the plans submitted.

### 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 = 0.5

This will be the basis of calculation of water impact fees.

Storied Development is the holder of some bonded capacity associated with previous water infrastructure bonds. Much of this capacity has been used, or is expected to be used, by existing and other planned Tuhaye development. However, there appears to be sufficient remaining units to accommodate this proposed development. Therefore, it is our expectation that this development will obtain capacity in the water system through use of remaining bonded capacity for storage. Water source capacity will be obtained through payment of unbonded impact fees for source.

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 (WCUs per Unit)	Expected Total Assessment (WCUs)
Office Building	Lump	1	0.45	0.5
				Total 0.5

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 shown in this table are custom and applicable to this development only.
- Water Impact Fees are based on WCUs.
- Water Impact Fees are assessed at the rate effective at time of payment.

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 = 0.9**

This will be the basis of calculation of sewer impact fees. It is our understanding that this development is not using any purchased capacity through participation in previous bonds. Therefore, all development will obtain capacity in the system through payment of unbonded 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)
Office Building	Lump	1.0	0.9	0.9
Total				0.9

Notes

- The values shown in this table are custom and applicable to this development only.
- Sewer Impact Fees are based on SCUs.
- Sewer Impact Fees are assessed at the rate effective at time of payment.

### **Water System Infrastructure Review**

1. Source Improvements: As long as, the development uses bonded water system capacity and has reservation water, the District has existing infrastructure in place to utilize that water.
2. Treatment Improvements: As long as, the development uses bonded water system capacity and has reservation water, the District has existing infrastructure in place to utilize that water.
3. Storage Improvements: As long as, the development uses bonded water system capacity and has reservation water, the District has existing infrastructure in place to utilize that water.
4. Delivery Improvements: The following should be noted.
  - a. As long as, the development uses bonded water system capacity and has reservation water, the District has existing infrastructure in place to utilize that water. The developer will be required to construct all project level improvements relative to connecting to the system and delivering water through the development.
5. All infrastructure construction plans must be reviewed and approved by the District Engineer.

### **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 improvements have been identified outside of payment of required impact fees. The developer will be required to construct all project

level improvements relative to connecting to the system and delivering water through the development.

3. All infrastructure construction plans must be reviewed and approved by the District Engineer.

### **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 final planning approval does not grant approval for construction. Prior to beginning construction, you will need to come back to JSSD to satisfy the following requirements:

- Final infrastructure construction plans must be reviewed and approved by the District.
- All JSSD fees are to be paid in full.
- Construction Bonding must be completed.

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

- All JSSD 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 the water into the Office Building will be metered. 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 Rates for the building**

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

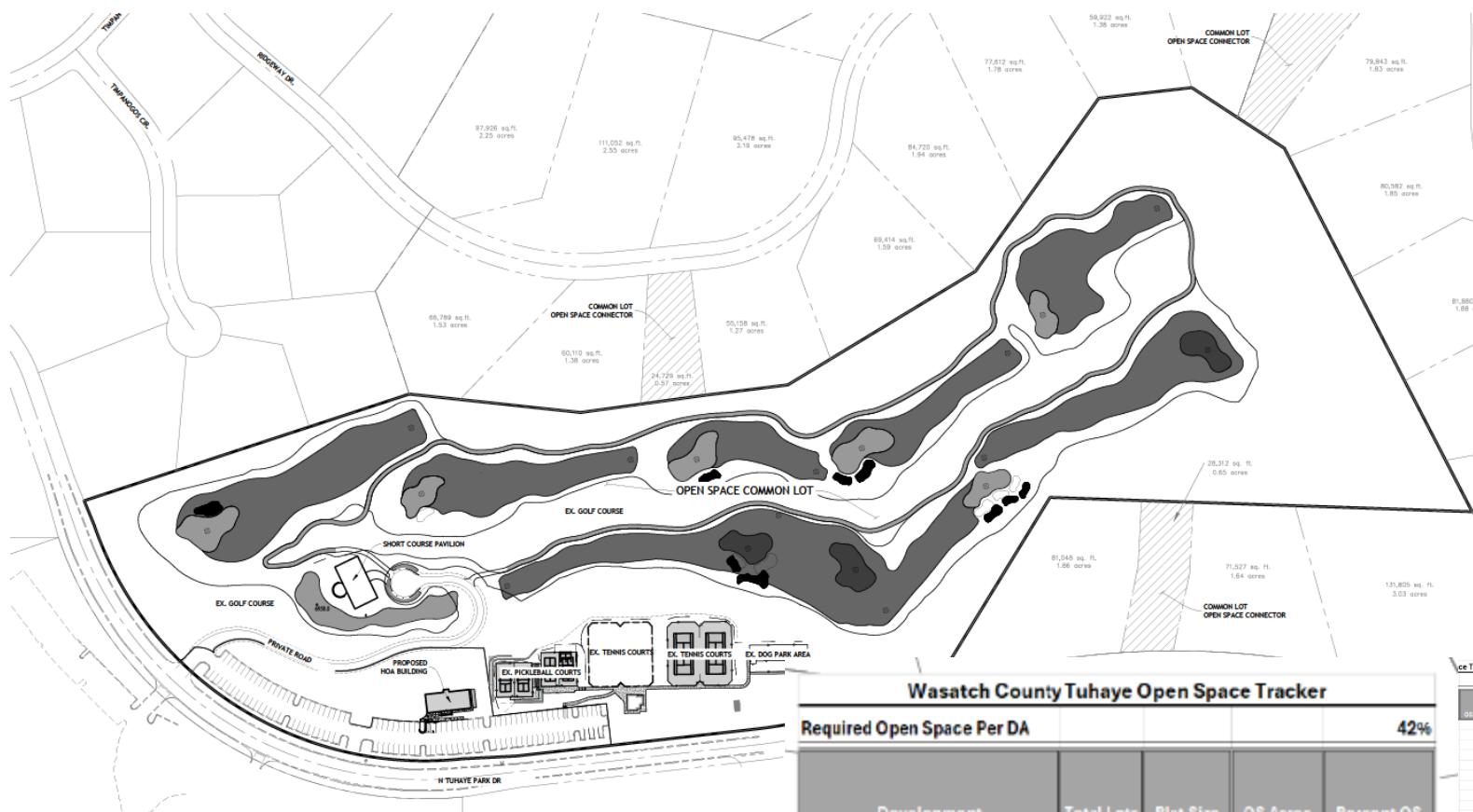
Sincerely,

**Jordanelle Special Service District**



Dave Fuller  
Assistant General Manager

## Exhibit H – Open Space Plan



Wasatch County Tuhaye Open Space Tracker

### Required Open Space Per DA

Development	Total Lots	Plat Size	OS Acres	Percent OS
Phase 1	52	79.54	0.89	1.12%
Golf Parcels	0	217.95	214.82	98.56%
Moondance Ph2 (Golf Clubhouse)	2	10.47	7.00	66.86%
Christopher Communities X1	5	4.03	1.46	36.23%
Christopher Communities X2	17	13.40	1.06	7.91%
Christopher Communities B	24	10.81	6.52	60.31%
Ridgeway	48	117.49	9.28	7.90%
13 North	15	37.25	0.65	1.74%
Twin Peaks	35	183.16	79.91	43.63%
3 North	14	27.62	2.88	10.43%
Silent Creek	25	18.29	0.33	1.80%
Whispering Hawk 1-2	12	9.44	1.02	10.81%
Whispering Hawk 3-5	32	15.92	0.45	2.83%
Phase 16 South (Serenade)	51	78.84	14.86	18.85%
Phase 9 South (Serenade)	6	9.54	0.94	9.85%
Moondance	20	13.30	3.40	25.56%
Phase 7 North (Slingshot)	15	30.65	2.56	8.35%
Phase 8 South (Lone Peak)	4	27.72	4.66	16.81%
Morningstar	5	5.28	0.00	0.00%
Lone Peak	31	181.89	107.63	59.17%
Dancing Sun	121	444.14	158.55	35.70%
Cougar Moon 1	68	184.13	88.36	47.99%
Cougar Moon 2	48	83.41	2.78	3.33%
Park Premier (4 Parcels)		88.61	84.40	95.25%
Painted Bluff	33	92.68	72.92	78.68%
Short Course	0	36.81	35.54	96.55%
HOA Office	1	2.52	0.00	0.00%
<b>TOTAL:</b>	<b>684</b>	<b>2024.89</b>	<b>902.87</b>	<b>44.59%</b>



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

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PROJECT ID: DEV-11280  
PROJECT NAME: FINAL SUB - HOA OFFICE BUILDING  
VESTING DATE: 8/29/2025  
REVIEW CYCLE #: 2

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### **REVIEW CYCLE STATUS: READY FOR DECISION**

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

**When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.**

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
Sheriff's Office	Ready for Decision
Planning Department	Ready for Decision
Recorder's Office	Ready for Decision
Engineering Department	Ready for Decision
County Surveyor	Ready for Decision
GIS Department	Ready for Decision
Public Works Department	Ready for Decision
Health Department	Ready for Decision
DRC - SSA 1 Water	Ready for Decision
Fire SSD	Ready for Decision
Jordanelle SSD	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

### PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG2	09 - Final Utility Plan	A full asphalt T-patch per APWA standards will be required for the road cut repair for the sewer and water connection.

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN2	11 - Lighting & Signage Plan	<p>Include all information required for the lighting plan as explained in WCC 16.21.16.G. including mounting height, color temperature of light sources, and lumens per acre.</p> <p>The plan should demonstrate compliance with each of the lighting standards explained in WCC 16.21.16</p> <p>Condition of approval is that all lighting meet the requirements found in section 16.21.16</p>



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## Item 3 – Crossings Phase 1 Lot C Plat Amendment

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**Project:** DEV-11210 | Crossings Phase 1 Lot C  
**Meeting Date:** 8 January 2026  
**Report Date:** 30 December 2025  
**Report Author:** Austin Corry, Assistant Director  
**Council Action Required:** Yes  
**Type of Action:** Administrative

**Applicant:** Crossings at Lake Creek I, LLC  
**Address:** 340 S. Lindsay Hill Rd.  
**Existing Land Use:** Open Space  
**Existing Plat:** 47 ERUs on 78.98 ac  
**Proposed Amendment:** Boundary of Lot C  
**Related Applications:** n/a

### DETERMINATION ISSUE

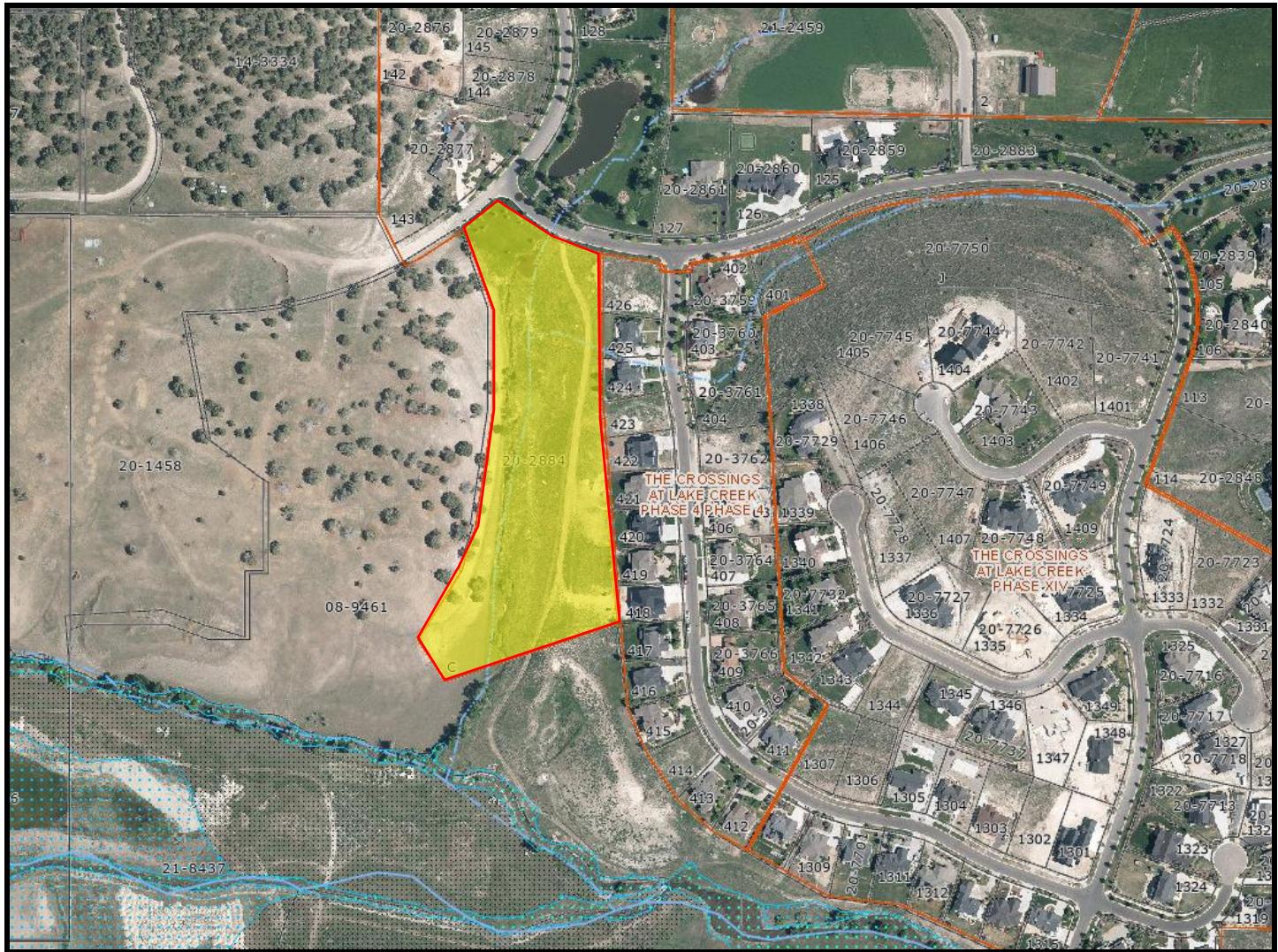
Whether or not the proposed amendment meets the standards for 'good cause' as required by Utah Code Annotated §17-79-712 and other applicable ordinances governing the land use in Wasatch County. This determination is an administrative decision to be made by the Wasatch County Council.

### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws. Therefore, it is recommended that the Planning Commission RECOMMEND APPROVAL of the proposed Plat Amendment based on the findings and subject to the conditions as presented in the staff report.

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## Planning Commission Staff Report



## BACKGROUND

The property was previously the subject of an application conditionally approved in June 2024. The applicant did not meet the required conditions of approval, and that approval has since expired. During the public hearing process for the 2024 application, it was discovered that a spring channel on the property had been altered without the required permit from the U.S. Army Corps of Engineers. The applicant subsequently sought an after-the-fact permit, which was denied. Instead, the Army Corps issued a permit requiring the spring channel to be restored to its original condition. Restoration work is underway and is currently awaiting final inspection by the Army Corps.

The subject property is recorded as Open Space Lot C within The Crossings at Lake Creek Phase I, which was platted in March 2005. The applicant now seeks to amend the boundaries of this open space lot to accommodate the layout of a proposed Phase 11, which is under review by the Development Review Committee. The broader project has a long history involving multiple phases, development agreements, and a settlement agreement. For this request, the applicable standards include the open space and recreational amenity requirements established in the development agreement.

The proposed amendment would modify the boundaries of Lot C by removing the portion that overlaps with the proposed Phase 11 and adding adjacent un-platted land identified for a future phase of the project. The resulting open space lot would maintain the same total acreage but in a revised configuration.

Wasatch County Code requires notice of a plat amendment to be sent to all property owners within the plat and to property owners within 500 feet of the proposed amendment. Under Wasatch County Code 16.01.05, the appropriate land use authority depends on the scope of the amendment. Because this request does not meet the criteria for a Minor Plat Amendment, it must be reviewed by the County Council. As of the date of this report, no objections have been received in response to the required notices.

## PURPOSE AND INTENT

The subject property was originally developed under the 1997 land use code that permitted performance developments in the RA-1 zone that accommodated bonus densities and variable lot sizing in exchange for performance criteria such as open space and recreational amenities. While a plat amendment would typically not fall under the vested rights entitlement of the overall master development, the consideration of the context would be important when analyzing whether or not good cause exists to grant the amendment. The purpose outlined in the RA-1 zone is quoted (in part) below:

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### **16.08.01: PURPOSE**

- A. *The purpose of this section is to encourage rural densities in accordance with the general plan. Subdivision design should preserve natural or prominent features of the site first, and laying out the lots after the portions of the site worth preserving are addressed. The residential-agricultural zone (RA-1) is established to preserve the high quality of life for the citizens of Wasatch County by allowing residential development near the incorporated areas, while maintaining the rural atmosphere of Wasatch County.*
- B. *The specific intent in establishing this residential-agricultural zone (RA-1) is to promote the protection of natural resource areas, prominent features of the site, farmland and other large areas of open land, while permitting residential development at low, rural densities. The intent of the code is to increase lot sizes as development moves away from incorporated areas and maintain, as much as possible, the rural character of the County. Specific objectives are as follows:*
  1. *Provide a place in the county where residential dwellings may be constructed as a transition from population centers to more rural agricultural uses.*  
...
  5. *To maintain and protect Wasatch County's rural character by providing options to preserve important landscape elements, including those areas containing unique and environmentally sensitive natural features, such as stream corridors, wetlands, groundwater, floodplains, ridgelines, geologic hazard areas, steep slopes and natural areas by allowing options for preserving them.*
  6. *To promote a rural feeling along county roads by requiring larger setbacks and allowing cluster options and the possibility of open space along roads in specified areas.*
  7. *To provide the option in specified areas for the development of varied lot sizes in clustered, single-family, low density residential uses, allowing the potential for large areas of permanently protected open space.*

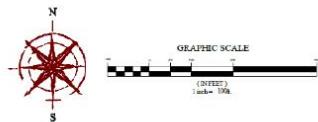
...

9. To promote active and passive recreational use of open space by residents of a cluster development or by the public.
10. To provide opportunities for open space and or regional trails in existing developments.

...

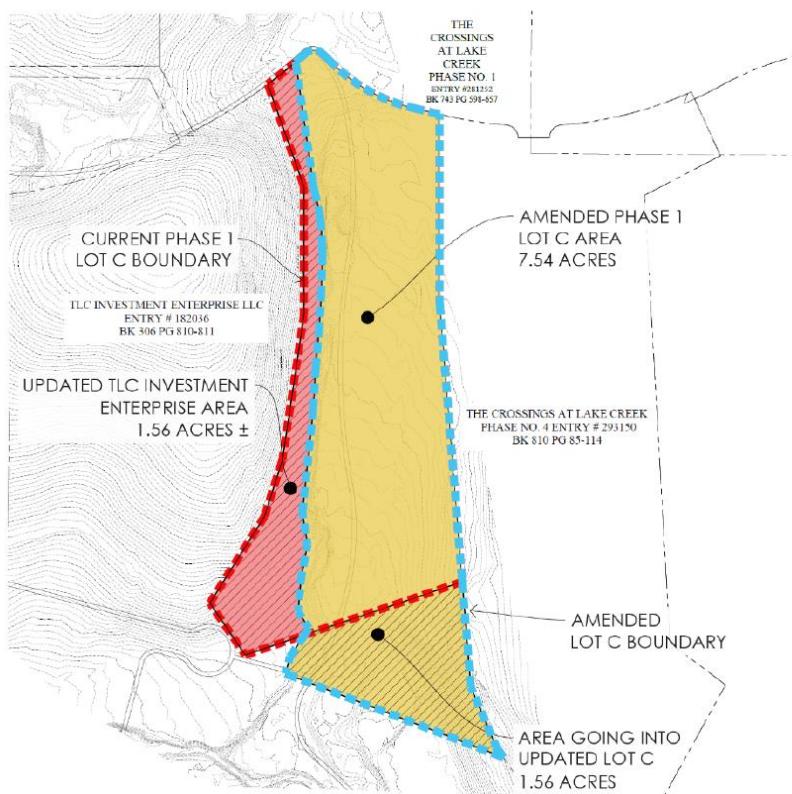
## KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with recorded development agreements.
- Compliance with UCA §17-27a-609, and including WCC 16.04.02 definition of good cause.



### **AREA LEGEND**

CURRENT LOT C TOTAL ACREAGE	±7.54 ACRES
AREA VESTED TO TLC INVESTMENT ENTERPRISE, LLC	±1.56 ACRES
AREA GOING INTO UPDATED LOT C	±1.56 ACRES
UPDATED LOT C TOTAL ACREAGE	±7.54 ACRES
— CURRENT PHASE 1 LOT C BOUNDARY	
— UPDATED LOT C BOUNDARY	



### **THE CROSSINGS AT LAKE CREEK - AMENDED PHASE 1 LOT C EXHIBIT COMPARISON**

HEBER CITY, WASATCH COUNTY  
7/25/2023  
20-0472

Note: This plan is for illustrative purposes only. Boundaries may be based on parcels obtained through public GIS data. It is recommended that a survey be performed to determine actual boundary size and dimensions as well as other potential boundary conflicts.



## STAFF ANALYSIS

### **– LAND USE AND DENSITY –**

The proposed amendment does not include any requests that would affect the density of the platted Phase 1 subdivision. The amendment would adjust the configuration of an open space parcel but maintain the same acreage as currently platted. This reconfiguration would allow the area removed from the boundary to be utilized in a future phase of the master development. The applicant has made an application for phase 11 that would use this area, but that proposal is still in the review stages of the process awaiting a resubmittal from the applicant to address code compliance issues with the proposal.

### **– RECREATIONAL TRAIL AMENITY –**

The original development plat, recorded in 2005, included a commitment from the developer to construct an asphalt trail running north/south through the parcel. To date, this trail has not been constructed. As part of this proposal, the applicant would be subject to bonding and reinforcing their commitment to construct the trail.

### **– GOOD CAUSE –**

UCA §17-79-712 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. Wasatch County Code 16.04.02 has defined “good cause” as follows:

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#### **16.04.02: DEFINITIONS**

*GOOD CAUSE: 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.*

---

The Development Review Committee has reviewed the plat amendment and finds the proposal is ready for the Council to determine if “good cause” exists as required by State Law. It is believed that the modifications to the boundaries are insignificant and do not contradict the current development requirements. The construction of the missing trail amenity is a positive benefit to resolve the existing issue of incomplete infrastructure. The applicant has declined to make any other open space amenity improvements to the lot.

### **– PUBLIC RIGHT-OF-WAY OR EASEMENTS –**

The proposal does not impact any public street or right-of-way access.

## DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached in the exhibits. The Committee has forwarded the item for Planning Commission review and recommendation. The conditions listed in the recommended motion section are the conditions of approval from 2024, adapted for the most recent updates known to staff.

## RECOMMENDED MOTION

Move to forward a Recommendation for Approval to the County Council for item 3 consistent with the findings and subject to the conditions presented in the staff report.

### - FINDINGS -

1. The subject property is a 7.54 acre open space lot part of the Crossings at Lake Creek master development.
2. The applicant had previously altered a stream on the property without the necessary permits from the applicable State and Federal agencies.
3. The applicant has since worked with the State to restore the stream to its original alignment and replant trees.
4. The development agreement requires that the applicant provide 20% open space for the project.
5. The proposed boundary adjustment reconfigures the 7.54 acre open space lot, but maintains the same acreage.
6. The application includes a portion of the trail plan consistent with the development agreement for a public trail connecting throughout the master development.
7. Good cause for the amendment exists to resolve the completion of the trail committed to in 2005 with no other significant alteration to the open space acreage currently provided.
8. No public or private roads are being vacated as part of this plat amendment.
9. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.
10. The proposal appears consistent with Utah Code §17-79-712.

### - CONDITIONS -

1. The trail improvements and any other construction activities needed to comply with State or Federal laws shall be completed or bonded for prior to plat recording. If bonded, the construction of the trail shall be completed in accordance with the bond agreement timelines.
2. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
3. The declarant covenants to either complete the trail or file a performance bond prior to \_\_\_\_\_.
4. Open space parcel C will be transferred to the HOA on or before \_\_\_\_\_.

## POSSIBLE ACTIONS

The following is a list of possible motions the Planning Commission can take. If the action taken is inconsistent with the recommended 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 Preliminary Plan request is compliant as proposed with Wasatch County Code and all other applicable laws.
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.\***
3. Continue. This action can be taken if the Planning Commission needs additional information before rendering a decision, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action can only be taken if the Planning Commission finds that the proposal

does not meet the ordinance or that the application is insufficient to comply with applicable law.

## NEXT STEPS

If the requested plat amendment is approved, the applicant will need to satisfy any conditions, if applicable, and can deliver a mylar plat to the planning office for recording. Actions must be taken to further pursue the approval with reasonable diligence as outlined in Wasatch County Code 16.01.16.

If the requested plat amendment is denied, there is no further action required. If the applicant desires to request an alternative plan for approval, it will need to be made as a new application.

Any person adversely affected by a final decision made by the Land Use Authority can be appealed under the provisions outlined in Wasatch County Code 2.02.02.

## EXHIBITS

Exhibit A – Letter of Request.....	8
Exhibit B – Existing Subdivision Plat .....	13
Exhibit C – Proposed Amended Plat.....	14
Exhibit D – Site Plan.....	15
Exhibit E – Stream Alteration Permit .....	16
Exhibit F – Applicant Restoration Report .....	23
Exhibit G – DRC Report.....	34

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Exhibit A – Letter of Request

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August 16, 2023

To whom it may concern,

We would like to submit for a plat amendment for **The Crossings at Lake Creek Phase 1**, more specifically, “**Lot C**” of the open space contained within the Phase 1 boundary. This amendment has been contemplated and discussed with the planning staff and the Crossings HOA Board since shortly after the phase was recorded in March 2005. Until recently, this hasn’t been a pressing issue to resolve. Lot C borders the Phase 1 boundary line, as such a plat amendment was deemed the best option by us and the planning staff. The intent to realign the boundary was also captured in an HOA Board Resolution (“Exhibit A”) when all other open space parcels were transferred over to the HOA. We feel that this resolution and as Declarant for the project we aren’t subjected to the 500’ rule as we have and will continue to work directly with the HOA Management Board. All land involved is owned by related entities which the Declarant controls or has agreements in place that allow for this.

When the Lot C boundary was initially drawn, it did not take into account the detention basin that was required for Phase 1, 4, 13 and 14. Ideally this detention basin should have been within the boundaries of Lot C but that wasn’t the case due to the physical constraints and elevations. This basin was built completely outside of the plat boundaries. Additionally, the eastern border of Lot C, which is mostly straight lines, never took into account the topography or the Lindsay Spring/Pole Ditch flowline. This plat amendment looks to fix that by adjusting the shape of Lot C to follow the topographical contours more appropriately and also to include as much of the detention basin as possible while keeping the size the same (+/-7.54 acres total size). **The Amended Lot C will have the same use, size, and water allocation as on the Phase 1 recorded plat, only the shape will change.**

The current allocated water is as follows and will remain the same following the amendment. As such, we don’t expect to need additional water board approval or a water action report. All the irrigation usage is monitored by Twin Creeks and Lake Creek Irrigation and the irrigation system and usage is managed by The Crossings HOA as part of SSA-1.

Phase	Lot Number	Lot Size (sq ft)	Lot Size (ac)	Irrigated Area (sf)	Irrigated Area (ac)	Irr. Water Allocated (af)
1	OS-C	328,378	7.54	224,918	5.16	15.49

\*per Phase 1 recorded plat

Please see the following exhibits

- A. HOA Board Resolution
- B. CURRENT Phase 1 Plat
- C. CURRENT Phase 1 Lot C Detail
- D. Amended Lot C
- E. Current and Amended Lot C Comparison

Thank you,

The Crossings at Lake Creek Development Team

Tracey, Logan and Cole Cannon including The Crossings at Lake Creek I, LLC, TLC Investment Enterprises, LLC, Cloverstone Funding, LLC, Cannon Development Co. LLC.

**RESOLUTION AND TRANSFER AGREEMENT**  
regarding  
**THE CROSSINGS AT LAKE CREEK HOME OWNERS  
ASSOCIATION, INC.**

---

Tracey Cannon (the "*Declarant*") and the CROSSINGS AT LAKE CREEK HOME OWNERS ASSOCIATION, INC. (the "*HOA*"), being signed by all the board members of the HOA, do by this resolution ("*Resolution*") consent to take the following actions and adopt the following resolutions on this ~~\_\_\_\_\_ day of April 2021~~ (the "*Effective Date*").

~~6th day of May 2021~~

WHEREAS, the Declarant has built the open space known as Parcels A, B, C, D, E, F, G, H, I, J, K, and L (the "*Open Space*");

WHEREAS, the Declarant has permitted the HOA residents to enjoy the use of the Open Space since the time it was completed;

WHEREAS, the Open Space is delineated on the plats of the Crossings at Lake Creek;

WHEREAS, Open Space deeds were prepared and signed in 2015 but lost and not recorded;

WHEREAS, the Crossings Development Agreements require Wasatch County to sign off on the written transfer agreement;

WHEREAS, Wasatch County has approved this transfer agreement subject to: a) Developer providing executed Open Space Deeds for parcels A-L, approved by Wasatch County as compliant with the Development Agreement; b) those deeds being recorded, c) HOA releasing the County from obligations associated with the open space and the transfer of maintenance obligations and d) this Resolution and Transfer Agreement being executed; and

WHEREAS, the Declarant and the HOA desire to document ratify all the actions of the HOA board and Declarant since the Interim Period;

---

**NOW THEREFORE, BE IT RESOLVED** that the Declarant and the HOA hereby approve the following resolution:

1. The recitals above are explicitly made a part of this Resolution.
2. The HOA hereby accepts responsibility to maintain, regulate, and insure the Open Space.
3. The HOA hereby waives any claim to contribution for the amounts the HOA has incurred through the Effective Date for maintaining, regulating, and insuring the Open Space. For

Page 1 of 3

the avoidance of doubt, this waiver is for any costs the HOA has incurred from the Open Space although the deeds were not previously recorded.

4. The Declarant hereby waives any claims it might have to rent from the HOA's use of the Open Space through the Effective Date. For the avoidance of doubt, the Declarant has no rights of reimbursement for Open Space expenses incurred through the Effective Date.
5. The HOA accepts the Open Space AS-IS with no express or implied warranties.
6. For open space parcels A-L, the HOA releases Wasatch County for all obligations related to: a) sign off on the improvements being installed per the plans, b) any maintenance bonds as the HOA is fully operational and capable of fulfilling its maintenance obligations, and c) signing off on this transfer agreement.
7. The Declarant and the HOA will work together to finalize the recordation of the deeds in collaboration with Wasatch County.
8. Prior to recordation the Declarant and the HOA will work together to finalize the updated legal description for Lot C of the Open Space to include more of the existing detention pond without changing the total existing acreage ( $\pm 7.54$  acres).
9. Miscellaneous.
  - a. The HOA and the Declarant shall cooperate to file and record any documents needed to achieve the intention of this Resolution.
  - b. This Resolution may be executed in as many counterparts as necessary or convenient and counterparts, when so executed, shall be deemed an original but all such counterparts shall constitute but one and the same agreement.

*Signature Page Follows*

Page 2 of 3

IN WITNESS WHEREOF, the Declarant and HOA approve the foregoing Resolution as of the Effective Date above.

DECLARANT:

Tracey Cannon  
Tracey Cannon 05 / 18 / 2021

HOA BOARD MEMBERS:

Doug Tremain  
By: 05 / 06 / 2021

Roy Warden  
By: 05 / 07 / 2021

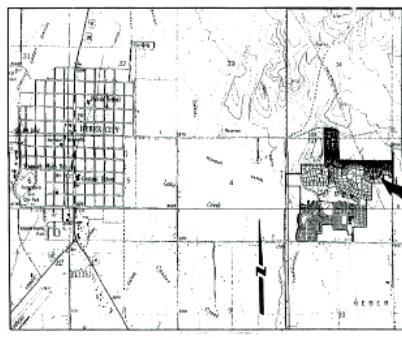
DSJ  
By: 05 / 08 / 2021

J  
By: 05 / 17 / 2021

MEF  
By: 05 / 17 / 2021

Page 3 of 3

## Exhibit B – Existing Subdivision Plat



### THE CROSSINGS AT LAKE CREEK PHASE No. 1

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH AND THE NORTH HALF OF SECTION 3, TOWNSHIP 4 SOUTH ALL IN RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN

#### GENERAL NOTES

1. This Plat is subject to that certain Master Declaration of Covenants, Conditions and Restrictions for The Crossings at Lake Creek, recorded \_\_\_\_\_, as Entry No. \_\_\_\_\_ in Book \_\_\_\_\_, of Page \_\_\_\_\_, in the Wasatch County Recorder's Office, as the same may be amended from time to time ("Declaration").

2. Lots 101-147 are subject to secondary irrigation requirements. The area of each Lot that can be irrigated along with the amount of water allocated to each Lot is shown on the Secondary Irrigation Table shown on Sheet 5 of 6 of this Plat.

3. The Crossings of Lake Creek Home Owners Association will hold fee title to Open Space Lots #A1, #B1, #C1, #D1, #E1, and #F1 via a separate conveyance instrument.

4. Lot Purchasers see Sheet 6 of 6 for Notes To Purchasers.

5. Minimum front building setbacks from right-of-way lines are 30 feet except for brass cap & bench mark, with an elevation of 5963.29 feet, located at the northeast corner of Lot 145, The Crossings of Lake Creek Phase No. 1, and the northeast corner of Lot 3 of Lindsay Meadow, plats recorded in Book 318, Pages 559-568 of the Wasatch County records. See Master Declaration and Notes To Purchasers on Sheet 6 of 6.

6. That portion of Lot "B" east of Lot 125 and adjoining the Bluth property is subject to an access agreement dated March 10, 2004 between TLC Investment Enterprise, LLC. and Alan W. Bluth and Mary Bluth.

7. The Ridge Line Elevations depicted on Lots 112-116 are based on the found boundary line agreement between the Bluth property and the Ridge Line between Lots 107, 108, 109, and 117 which are 20 feet as per the Master Declaration.

#### LENDER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: The undersigned TLC Investment Enterprises LLC. and Tracey M. Cannon (Lender") is the trustee and beneficiary under that certain Deed of Trust dated August 18, 2004 and recorded in the official records of Wasatch County, Utah as Entry No. 274363, in Book 708, of Page 117, which Deed of Trust secures the principal and legal debts of the Plaintiff Lender hereby consents to the recording of this Plat and hereby acknowledges that so long as is to be subdivided into Lots and public roads to be hereinafter known as The Crossings at Lake Creek Phase No. 1, the same can be recorded and the Lender hereby consents to the dedication of the public roads designated herein for the perpetual use of the public and hereby subordinates its interest in the public roads to the public forever.

DATED this 21<sup>st</sup> day of January, 2005.

Lender: TLC Investments' Enterprises LLC.

By: Tracey M. Cannon *Tracey M. Cannon*

Its: General Manager

Lender: Tracey M. Cannon Individual

#### LENDER'S ACKNOWLEDGMENT

STATE OF UTAH )

COUNTY OF Wasatch )

On this 21<sup>st</sup> day of January, 2005, there personally appeared before me, *Tracey M. Cannon*, who being by me duly sworn, did say that he/she is the *President*, of *TLC Investments*, that said Plat was signed on behalf of said entity by authority of its bylaws or a resolution of its board of directors and said person acknowledged to me that said entity executed the same.

*Tracey M. Cannon*  
NOTARY PUBLIC

#### OWNER'S ACKNOWLEDGMENT

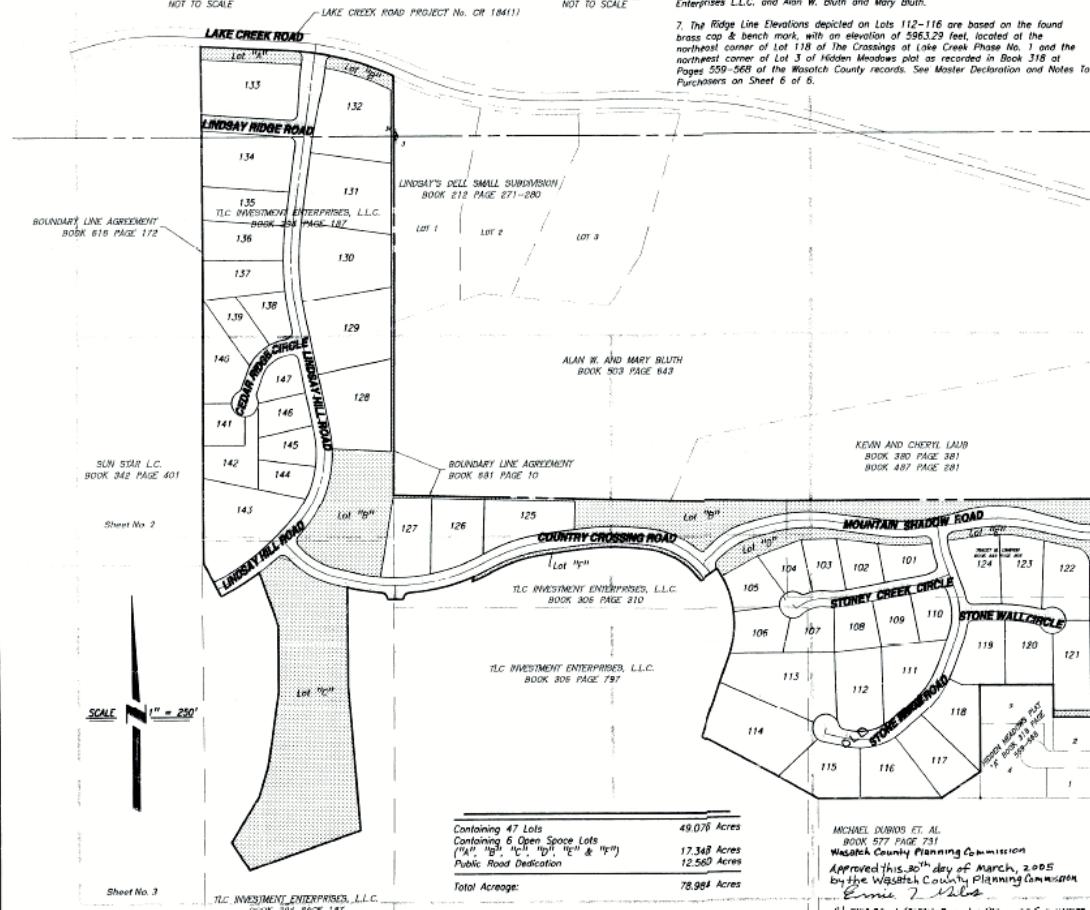
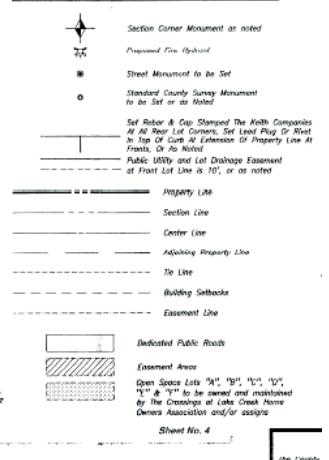
STATE OF UTAH )

COUNTY OF Wasatch )

On this 21<sup>st</sup> day of January, 2005, there personally appeared before me, *Tracey M. Cannon*, who being by me duly sworn, did say that he/she is the *OWNER*, of The Crossings at Lake Creek Phase No. 1, LLC., that said Plat was signed on behalf of said entity by authority of its operating agreement, and said person acknowledged to me that said entity executed the same.

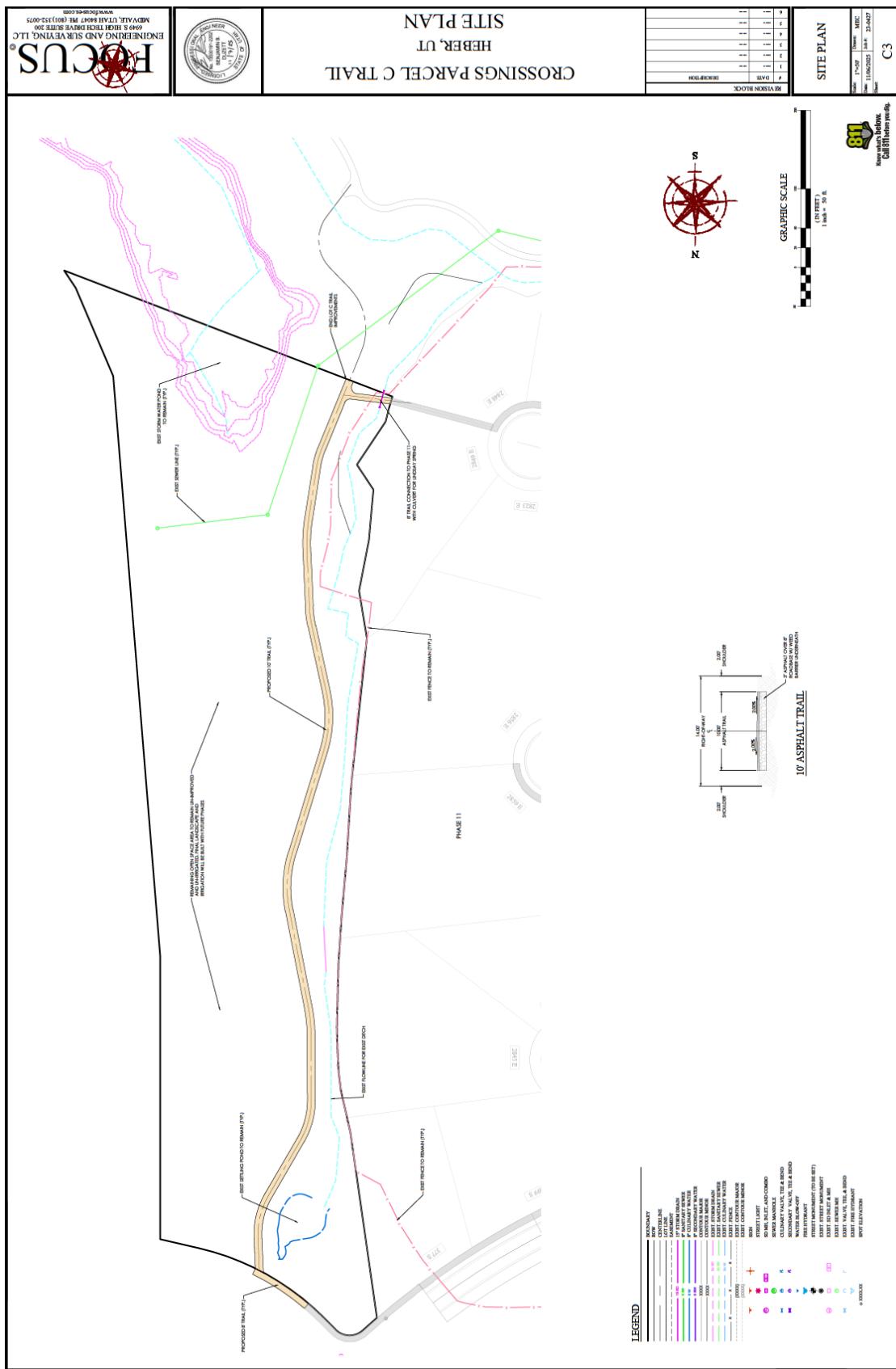
*Tracey M. Cannon*  
NOTARY PUBLIC

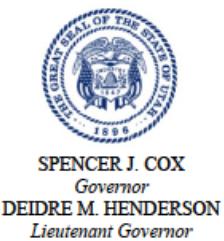
#### LEGEND:



## *Exhibit C – Proposed Amended Plat*

## *Exhibit D – Site Plan*





SPENCER J. COX  
*Governor*  
DEIDRE M. HENDERSON  
*Lieutenant Governor*

## State of Utah

### DEPARTMENT OF NATURAL RESOURCES

#### Division of Water Rights

JOEL FERRY  
*Executive Director*  
TERESA WILHELMSEN  
*State Engineer/Division Director*

### ORDER OF THE STATE ENGINEER

#### For Stream Alteration Application Number 24-55-19SA

Stream Alteration Application Number 24-55-19SA in the name of Cannon Development Company LLC was filed on June 21, 2024, in order to return the Lindsay Springs channel back to its previous alignment associated with Lindsay Springs, a natural stream located in Wasatch County, Utah. The purpose of the proposed alteration is to facilitate construction of an adjacent residential development.

The application was made available for comment on the Division of Water Rights' (Division) webpage, provided to pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, ending on July 11, 2024.

Comments received are summarized as follows:

- 1) Tracie Harrison representing the Utah Division of Emergency Management provided the following comment: An Applicant will need to verify if they will be required to get a floodplain development permit from the local Floodplain Administrator (FPA) in the community they are doing the work in. An Applicant needs to make sure they are in compliance with the National Flood Insurance Program (NFIP) and with the local floodplain regulations by contacting the community FPA. Even state agencies need to obtain the local floodplain development permits as per the federal regulations 44 CFR 60.3. This may include obtaining a Letter of Map Change (LOMC) from FEMA. As well as any other federal or local permits required to develop in Special Flood Hazard Areas (SFHA). The community FPA should know what is required in these areas. If there is a question as to what is needed, individuals can call or e-mail my office (385-499-2077, [tjharrison@utah.gov](mailto:tjharrison@utah.gov)).
- 2) Norm Henderson, an adjacent property owner, found the original application lacking in required information and suggested that the application unreasonably and unnecessarily affects the natural stream environment and endangers aquatic wildlife.
- 3) Bo Landin, an adjacent property owner, has expressed concerns regarding the abandonment of the original alignment causing detriment to riparian vegetation and the ecosystem.
- 4) Connor Jones representing the U.S. Army Corps of Engineers will require separate Department of the Army authorization for the proposed project.

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300  
telephone (801) 538-7240 · facsimile (801) 538-7467 · [www.waterrights.utah.gov](http://www.waterrights.utah.gov)

ORDER OF THE STATE ENGINEER  
Stream Alteration Application Number  
24-55-19SA  
Page 2

As a result of discussions with the U.S. Army Corps of Engineers and the Division, the applicant has proposed to return the Lindsay Springs channel to its original alignment. Plans for restoring the channel were provided to the U.S. Army Corps of Engineers and the Division on April 25, 2025. Upon review, the Division finds these plans acceptable.

The State Engineer has reviewed the application, the information provided in support of the application, comments received and has conducted additional investigations as directed by statute. Action on an application to alter a natural stream by the State Engineer is governed by the provisions of Utah Code Ann. § 73-3-29 and Administrative Rule R655-13.

It is the opinion of the State Engineer that the stream alteration application can be approved without:

- 1) Impairing vested water rights.
- 2) Unreasonably or unnecessarily affecting recreational use or the natural stream environment.
- 3) Unreasonably or unnecessarily endangering aquatic wildlife.
- 4) Unreasonably or unnecessarily diminishing the natural channel's ability to conduct high flows.

It is, therefore, **ORDERED** and Stream Alteration Application Number **24-55-19SA** is hereby **APPROVED** subject to the following conditions:

- 1) The expiration date of this Order is **April 30, 2027**. Work affecting the bed and/or banks of the stream may not be conducted after this date. Extension of the Order is subject to review by the Division. A request for extension must be submitted in writing to the Division and include an explanation for project delay.
- 2) A copy of this Order must be kept onsite at any time the work authorized under this order is in progress.
- 3) Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
- 4) Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. If necessary, flows must be diverted away from the construction area through use of a non-erodible cofferdam or other means of bypass.

ORDER OF THE STATE ENGINEER  
Stream Alteration Application Number  
24-55-19SA  
Page 3

- 5) Impacts to the stream channel and surrounding environment must be minimized. Vegetation should not be destroyed, but if some disturbance is necessary, then revegetating with native species will be required, especially in the case of woody shrubs. The channel contours and configuration must not be changed except in the case of bank contouring for stabilization purposes.
- 6) Fill materials should be free of fines, waste, pollutants, and noxious weeds/seeds.
- 7) Equipment should work from the top of the bank or from the channel to minimize disturbance to the riparian area and to protect the banks. Heavy equipment should avoid crossing and/or disturbing wetlands.
- 8) Equipment must be properly cleaned off-site prior to construction. If necessary during and/or after construction, fueling and cleaning of equipment must occur well away from any stream channels.
- 9) Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease,oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.

This Order does not grant authorization under Section 404 of the Clean Water Act. The applicant is advised to continue coordination with the U.S. Army Corps of Engineers to ensure all federal permissions have been granted prior to project implementation.

Documents associated with this Order and the submitted application are included in the stream alteration file and available for viewing on the Division's website at:

<https://waterrights.utah.gov/cgi-bin/strmview.exe>

This Order does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal. It is recommended that the applicant coordinate with potentially impacted landowners prior to initiating stream alteration activities.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to alter the stream under the above referenced application per Utah Code §§ 73-3-29 and Administrative Rule R655-13.

ORDER OF THE STATE ENGINEER  
Stream Alteration Application Number  
24-55-19SA  
Page 4

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Your contact with the Division is Chuck Williamson, who can be reached at telephone number 801-538-7404.

Dated this 30th day of April, 2025.



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Teresa Wilhelmsen, P.E., State Engineer

BY: Matthew L. Call, P.E., Assistant State Engineer

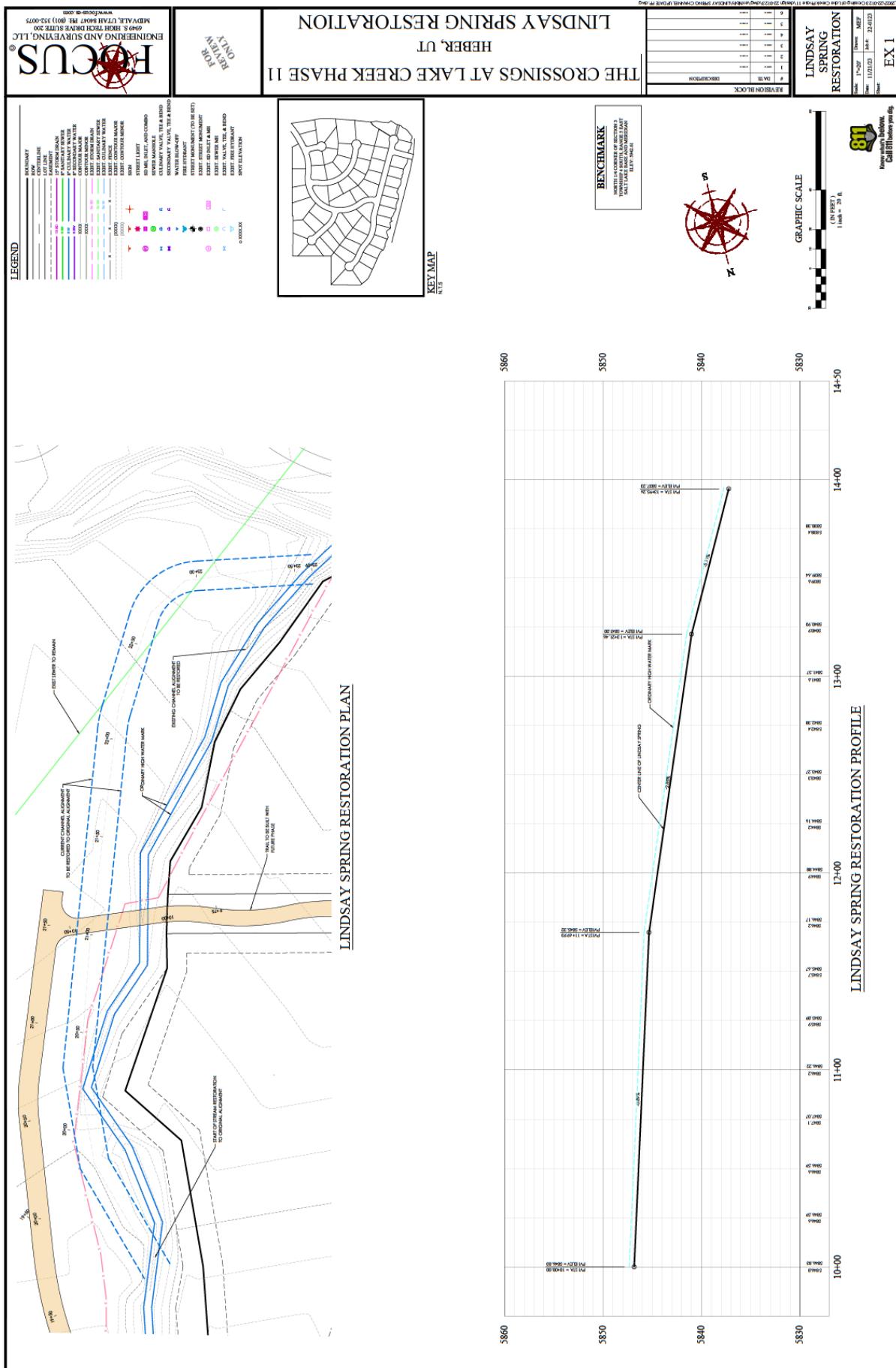
ORDER OF THE STATE ENGINEER  
Stream Alteration Application Number  
24-55-19SA  
Page 5

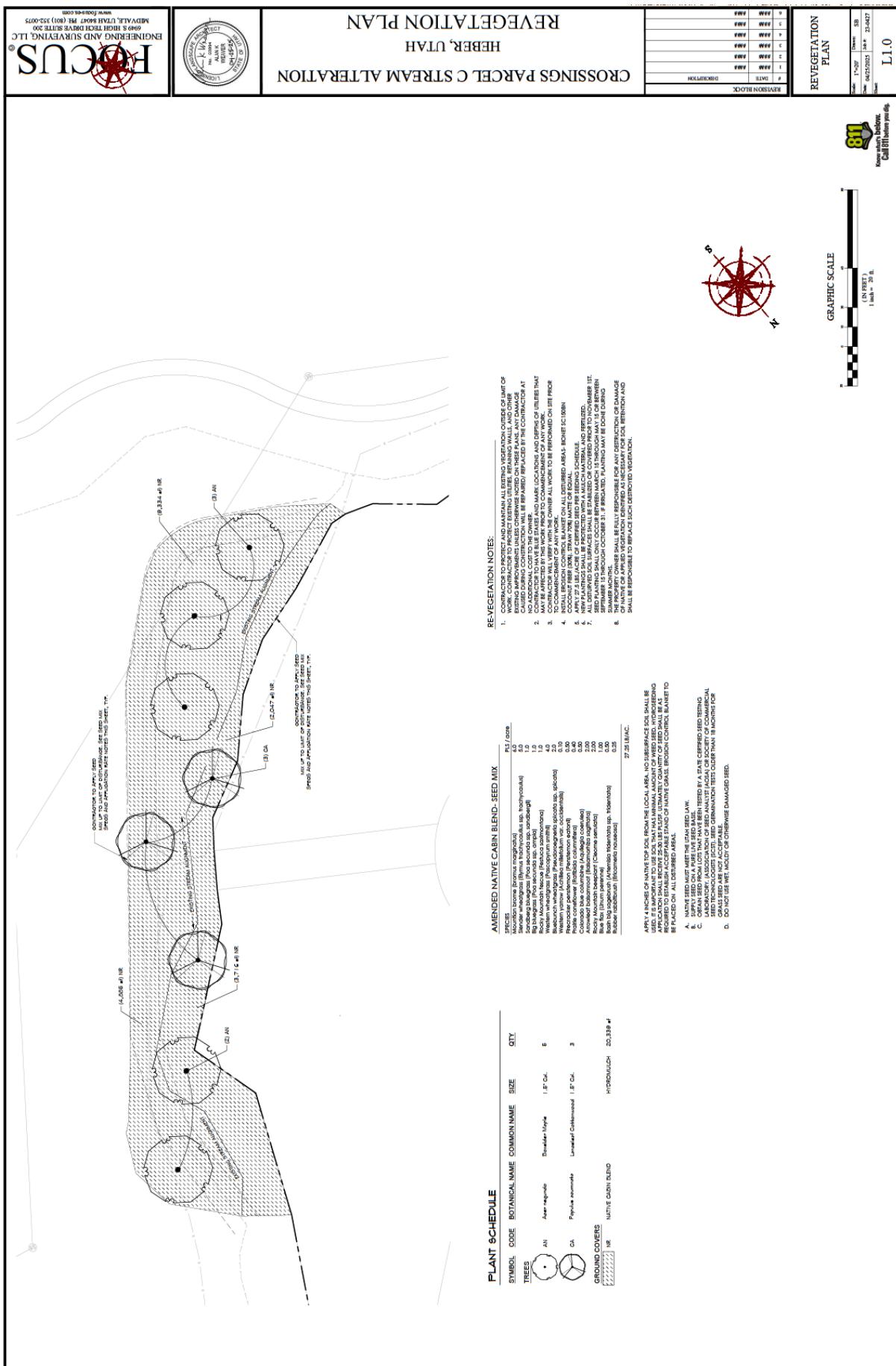
Mailed a copy of the foregoing Order this 30th day of April, 2025, to:

Cannon Development Company LLC  
Logan Cannon  
124 South 600 East  
Salt Lake City, UT 84102

Ryan Hamilton - Regional Engineer, [rhamilton@utah.gov](mailto:rhamilton@utah.gov)  
Connor Jones - U.S. Army Corps of Engineers, [connor.d.jones@usace.army.mil](mailto:connor.d.jones@usace.army.mil)  
Nolan Hahn - EPA, [Hahn.Nolan@epa.gov](mailto:Hahn.Nolan@epa.gov)  
Mark Farmer - Division of Wildlife Resources, [markfarmer@utah.gov](mailto:markfarmer@utah.gov)  
Tracie J. Harrison - Division of Emergency Management, [tjharrison@utah.gov](mailto:tjharrison@utah.gov)  
Norm Henderson, [nhenderson2179@gmail.com](mailto:nhenderson2179@gmail.com)  
Bo Landin, [blandin@scandinature.com](mailto:blandin@scandinature.com)  
Mathew Christensen - Focus Engineering, [mchristensen@focus-es.com](mailto:mchristensen@focus-es.com)  
Logan Cannon, [logan@cannon-assoc.com](mailto:logan@cannon-assoc.com)

BY: Tiffany Gonzales  
Tiffany Gonzales, Executive Secretary





## Stream Restoration for Pole Ditch Report

October 31, 2025

(SPK-2024-00419)

The voluntary restoration of the Pole Ditch waterway is complete as of October 31, 2025. The stream restoration plan was approved May 8, 2025 by Connor Jones of the Army Corp of Engineers (Project ID SPK-2024-00419) and Charles “Chuck” Williamson of Utah Department of Natural Resources, Division of Water Rights.

Pole Ditch is located West of Lindsay Spring Road and North of Lake Creek, Latitude 40.500911°, Longitude -111.368339°, Heber City, Wasatch County, Utah. The engineering and landscape was created by Mathew Christensen of Focus Engineering.

The approval for the voluntary restoration included 8 conditions. This report will address each one individually. For any request for clarification or additional information, please contact Logan Cannon by email at [Logan@cannon-assoc.com](mailto:Logan@cannon-assoc.com) or by cell phone at 801.918.9375.

### CONDITIONS

1. You are responsible for the restoration work and ensuring that all contractors and workers are made aware and adhere to the restoration plan.

The contractor, Highmark Landscaping was provided with all the approved plans including the conditions of the approval. Focus Engineering, was responsible for the survey staking. The only known variance was to preserve as many native and living trees as possible. This small variance was approved both by Connor and Chuck via email prior to work commencing.

2. The Corps shall be notified at least 24 hours before the restoration work is initiated. The Corps shall also be notified within 7 days of the completion of the restoration activities. Such notification shall be provided via written letter or by electronic mail.

The Corp and State of Utah were notified that work was beginning on October 24, 2025 and both parties were also notified of completion on October 31, 2025 via email with pictures that are also included in this report.

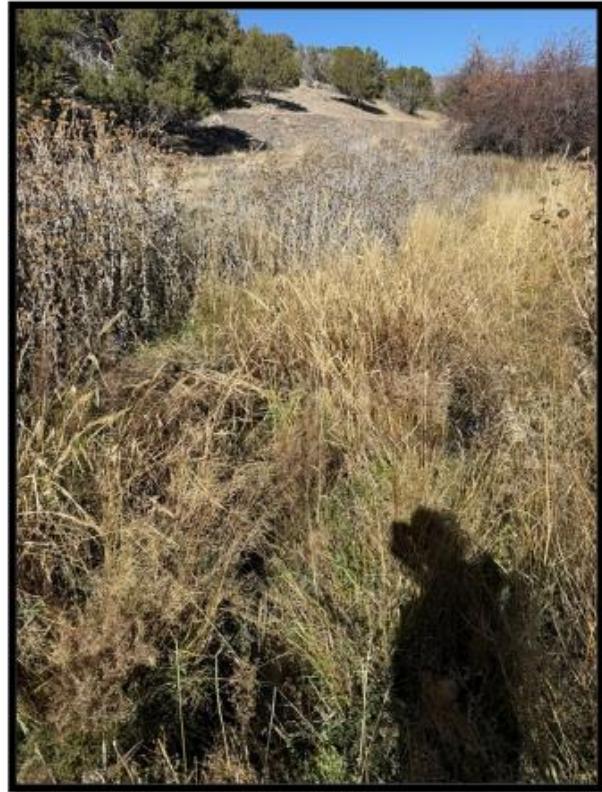
3. Photos of the restoration area shall be taken prior to initiating work and following the completion of restoration. The pre- and post-restoration photos shall be taken from the same location/aspect and provided to the Corps in the post-restoration report, described in condition 8 of this letter.

Due to heavy vegetation, it wasn't possible to get the same locations and angles in the before and after images. All "before" images are taken from the west side of the restored stream location.

**BEFORE:**



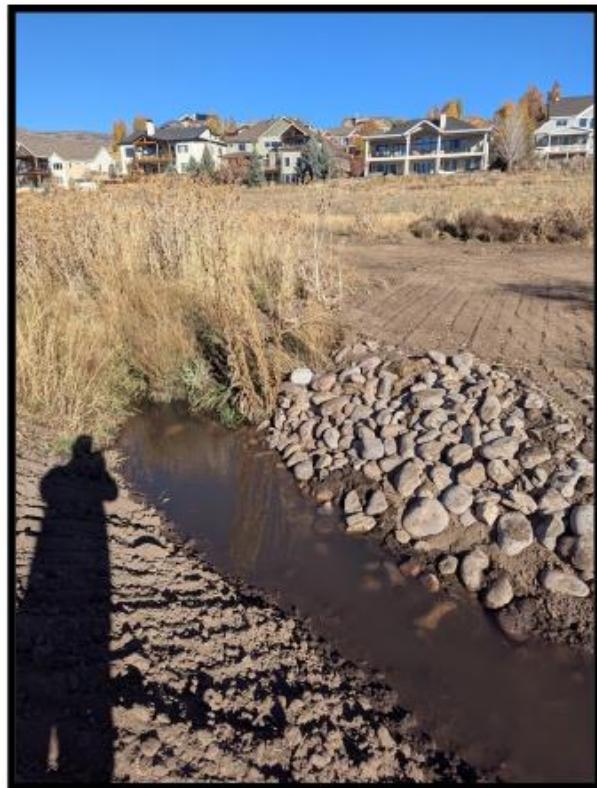
**BEFORE (page 2)**



AFTER:



AFTER (page 2)



**AFTER (page 3)**



4. Representatives from the Corps shall be allowed to inspect the site during and/or after completion of the restoration activities, in order to ensure the activities are being completed in accordance with the restoration plan.

The invitation has been extended and this point is agreed to, it is at the Corps discretion at this time.

5. Best management practices shall be employed at all times during the restoration work to minimize and/or prevent discharges of soil material into adjacent aquatic resources.

The best techniques were used, the new restored Pole Ditch was constructed prior to any water being introduced into the channel, sediment mats and rip rap were also installed to spec. We also installed irrigation lines to the trees to ensure they will survive until they take root. The entire area was overseeded to spec as well.

6. All unauthorized fill material shall be disposed of in upland sites that are sufficiently distant from aquatic resources to ensure that there is no potential for future aquatic resource impacts associated with erosion or siltation of the material.

This site is nearly cut/fill neutral. Any excess material was used to fill the previous ditch location or spread in the open space. No piles were left for future erosion. Additionally the plantings and seeding greatly improve this ditch and the aquatic resources in the area. Cattle should no longer be in this irrigation ditch either which was a major source of erosion and damage prior to any work happening in the area.

7. Restoration activities shall be completed within 6 months of receipt of this letter. This deadline may be modified only by written authorization from the Corps, Utah Regulatory Office, and only upon demonstration of good cause by the landowner.

The work was 100% complete prior to the November 8, 2025 deadline. No extension was needed.

8. Within 30 days following the completion of restoration, you shall complete and submit a post-restoration report documenting the completion of restoration activities. This report shall include the pre- and post-restoration photographs required by condition 3 (above), a timeline summary of restoration activities, and documentation demonstrating that the area has been restored in accordance with the approved restoration plan, and this approval document.

This report fulfills this requirement. To reiterate the timeline, work commenced on Friday October 24, 2025 and completed Friday October 31, 2025 for a total 7 days. Water was not diverted into the restored ditch until after grading within the ditch was complete, including the rip rap and fiber rolls. The photographs illustrate that the site is restored to the approved plan. The approval document is at the end of this report for reference.

This concludes the voluntary stream restoration project and all activities related to it as the owner of the property for Pole Ditch, project ID SPK-2024-00419.



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

May 8, 2025

Regulatory Division (SPK-2024-00419)

Cannon Development Company LLC  
Attn: Mr. Logan Cannon  
124 South 600 East  
Salt Lake City, Utah 84102-1909  
[logan@cannon-assoc.com](mailto:logan@cannon-assoc.com)

Dear Mr. Cannon:

We are writing in response to the unauthorized work in waters of the United States along Pole Ditch located West of Lindsay Spring Road and North of Lake Creek, Latitude 40.500911°, Longitude -111.368339°, Heber City, Wasatch County, Utah (Enclosure 1).

We are in receipt of your April 25, 2025, revised restoration plan titled "*Lindsay Spring Restoration Plan*" dated April 25, 2025, by Focus Engineering & Surveying (Enclosure 2) in which you propose to restore Pole Ditch to its previous alignment as shown in *The Crossings at Lake Creek Phase 11 Lindsay Spring Restoration* map.

You are authorized to proceed with voluntary restoration, as described in the restoration plan and subject to the following conditions:

1. You are responsible for the restoration work and ensuring that all contractors and workers are made aware and adhere to the restoration plan.
2. The Corps shall be notified at least 24 hours before the restoration work is initiated. The Corps shall also be notified within 7 days of the completion of the restoration activities. Such notification shall be provided via written letter or by electronic mail.
3. Photos of the restoration area shall be taken prior to initiating work and following the completion of restoration. The pre- and post-restoration photos shall be taken from the same location/aspect and provided to the Corps in the post-restoration report, described in condition 8 of this letter.
4. Representatives from the Corps shall be allowed to inspect the site during and/or after completion of the restoration activities, in order to ensure the activities are being completed in accordance with the restoration plan.

5. Best management practices shall be employed at all times during the restoration work to minimize and/or prevent discharges of soil material into adjacent aquatic resources.

6. All unauthorized fill material shall be disposed of in upland sites that are sufficiently distant from aquatic resources to ensure that there is no potential for future aquatic resource impacts associated with erosion or siltation of the material.

7. Restoration activities shall be completed within 6 months of receipt of this letter. This deadline may be modified only by written authorization from the Corps, Utah Regulatory Office, and only upon demonstration of good cause by the landowner.

8. Within 30 days following the completion of restoration, you shall complete and submit a post-restoration report documenting the completion of restoration activities. This report shall include the pre- and post-restoration photographs required by condition 3 (above), a timeline summary of restoration activities, and documentation demonstrating that the area has been restored in accordance with the approved restoration plan, and this approval document.

Please refer to identification number SPK-2024-00419 in any correspondence concerning this project. If you have any questions, please contact me at the Utah Regulatory Field Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010-7744, by email at [connor.d.jones@usace.army.mil](mailto:connor.d.jones@usace.army.mil), or telephone at 801-295-8380 ext. 8317.

Sincerely,



Connor Jones  
Project Manager  
Utah Regulatory Section

Enclosures

cc:

Mathew Christensen, Focus Engineering, [mchristensen@focus-es.com](mailto:mchristensen@focus-es.com)



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

PROJECT ID: DEV-11210  
PROJECT NAME: PLAT AM - THE CROSSINGS PLAT 1 LOT C  
AMENDMENT  
VESTING DATE: 8/20/2025  
REVIEW CYCLE #: 3

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### **REVIEW CYCLE STATUS: READY FOR DECISION**

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

**When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.**

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
Engineering Department	Ready for Decision
County Surveyor	Ready for Decision
Planning Department	Ready for Decision

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

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

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

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

## OVERALL PROJECT COMMENTS

### PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN5	02b - Amended Plat	The trail alignment needs a 'public trail' label or reference as to what it is, including a reference to the easement note for public access.
DRC-PLN10	23-0427 - Response Memo 091625	Response to PLN5 states the plat was corrected, but I was unable to find any label or legend for the trail alignment.
DRC-PLN11	23-0427 CROSSINGS PARCEL C TRAIL	The landscape plans here are not matching those committed to the Army Corps of Engineers in the restoration permit. There are larger areas of disturbed ground than this plan suggests. All disturbed areas need to be landscaped in compliance with code and the Army Corps permit.

## **SUMMARY OF ORDINANCE 26-01.**

This ordinance codified changes that mostly responded to hundreds of pages of code enacted by the Utah legislature. The following is a summary of the effect of the proposed modifications to the text of the code designed to be understood by a lay person. However, in order to understand the effect of the modifications, a person should review a copy of the proposed ordinance, which is available on the Wasatch County Website, or through the Planning Office.

### **1. Clearer rules before building permits or occupancy are issued**

- The update clarifies when the County may issue building permits and certificates of occupancy in subdivisions.
- It now states more plainly that a certificate of occupancy is issued for a *building* (not a lot), and only after all required improvements are finished or bonded and approved by Engineering.
- The update explicitly states that if all performance bonds for a subdivision have already been released, the Engineering Release is automatic.

### **2. “Engineering Release” requirement**

- A new process is introduced requiring developers or builders to obtain an Engineering Release before the County will issue building permits or occupancy certificates.
- To comply with new Utah Code, the County may require multiple Engineering Releases on a single subdivision plat, instead of following its prior practice of a single engineering signoff on allowing all lots to get building permits or certificates of occupancy in a subdivision.
- Brings the process through with the County verifies that infrastructure like roads, utilities, and fire protection systems are complete or properly bonded before building permits or occupancy are issued, in conformity with HB 368.

### **3. Integration with recent Utah Code amendments**

- References to Utah Land Use And Development Code and related 2025 amendments are added to align County procedures with new state requirements about completion assurances and bonding.
- This harmonizes County practice with new state law.

### **4. Infrastructure and landscape bonding clarified**

- The amendments allow sidewalks, public landscaping and other infrastructure categories to be bonded separately from other subdivision infrastructure if a developer chooses, consistent with the new state law.
- This gives developers more flexibility and mirrors the Legislature’s recent allowance for separate performance bonds.
- Follows new state law limiting when privately owned landscaping must be bonded for.
- Clarified of the roles of the planning department and the engineering departments in administering bonds.

### **5. Expanded and updated fee schedules**

- The Planning, Engineering, and Building fee tables are reorganized and in some cases **adjusted to match current costs**.
- This primarily ensures **fees reflect the actual cost of inspections and reviews**.

## 6. Bonding administration and extensions clarified

- The rules on **when and how performance and warranty bonds must be provided, and rules on when they are extended, released, or forfeited** are updated.
- These changes **don't raise bond amounts**, but make deadlines, renewal periods, and release processes easier to follow and consistent with Utah law.
- Provides recorded **warning to future lot owners** that the subdivision may have incomplete infrastructure that the county cannot ensure will be completed, which may prevent them from being able to get building permits or certificates of occupancy in the future.
- May make it cheaper for some developers to bond upfront, but create more difficulty and expense for the developers and the county later in the process.

## 7. Cleanup and consistency edits

- Many small wording changes make the code **more consistent across titles 14 and 16** — for example:
  - Standardizing phrases like “building on a lot or parcel in a subdivision.”
  - Using “Engineering Coordinator” instead of varied titles.
  - Replying more heavily on current Utah Code through direct references (May 7 2025 versions).

## 8. Planning and administrative authority adjustments

- Updates **WCC 16.01.05** so the **Planning Commission handles extensions** on approvals it or the Council originally issued, while **staff may grant extensions** for other approvals or for applications.

## 9. Revisions to 16.01.16 (Vesting and Expiration)

- Adds language explaining that when **one approval or application expires**, any **earlier approvals that depended on it also expire** if they would have otherwise lapsed.
- Previously, the code simply had all prior approvals expire.

**ORDINANCE NO. 26-01**

AN ORDINANCE AMENDING WASATCH COUNTY CODE TITLES 4, 7, 14, AND 16 TO  
COMPLY WITH HB 368 (2025), AND RELATED UPDATES.

**RECITALS**

**WHEREAS**, the Utah State Legislature enacted House Bill 368 (2025 (“HB 368”)) and other changes to CLUDMA; and

**WHEREAS**, additional processes will be required of the Engineering, Planning, and Building departments as a result of HB 368; and

**WHEREAS**, the fee schedule in Title 4 has been updated to account for the costs the County will incur; and

**WHEREAS**, based on calculations of the affected departments, the fee schedule has been updated to account for the costs the County will incur; and

**WHEREAS**, a minor change was made to the house numbering provisions of Title 7 to bring it into conformity with the standards applied by the Wasatch County Fire District; and

**WHEREAS**, HB 368 necessitated changes to the Building Department Code and the Engineering Department Code (Title 14), and related updates were also made to this Title of the Wasatch County Code; and

**WHEREAS**, HB 368 necessitated changes to the Land Use And Development Code (Title 16), and related updates were also made to this Title of the Wasatch County Code; and

**WHEREAS**, the County Legislative Body has determined that the proposed request is in compliance with the General Plan or is otherwise required by Utah Code; and

**WHEREAS**, Utah Code 17-79-502 requires Wasatch County to provide a notice of the proposed modifications, give notice of public hearing as provided in Utah Code 17-79-205(1)(a), to hold a public hearing; and

**WHEREAS**, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

**WHEREAS**, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County.

**NOW THEREFORE**, the County Legislative Body of Wasatch County ordains that the Wasatch County Code be amended as follows:

**SECTION I: *Enactment*.** The following amendments, additions, and deletions to Titles 4, 7, 14 and 16, are hereby enacted: *See attached Exhibit A.*

**SECTION II: *Repealer*.** If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

**SECTION III: *Amendment of Conflicting Ordinances*.** To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION IV: *Effective Date*.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statutes.

**SECTION V: *Severability*.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION VI: Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-64-502, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county, if reasonably possible; or post a complete copy of this ordinance in nine (9) public places within the County.

**APPROVED and PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Attest:

WASATCH COUNTY COUNCIL:

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Joey Granger  
Wasatch County Clerk / Auditor

Karl McMillan, Chair  
Wasatch County Council

**VOTE**

Karl McMillan, Chairman  
Spencer Park  
Luke Searle  
Coleen Bonner  
Erik Rowland, Vice Chair  
Kendall Crittenden  
Mark Nelson

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## **ADOPTION OF ORDINANCE AFFIDAVIT**

STATE OF UTAH )  
 )  
 ) : ss.  
COUNTY OF WASATCH )

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-64-502, Utah Code Annotated, 1953, as amended, by:

- [ ] (a) Causing this ordinance to be entered at length in the ordinance book;
- [ ] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [ ] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in a newspaper of general circulation within the geographical jurisdiction of Wasatch County, if reasonably possible; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2026.

Joey Granger  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this \_\_\_\_ day of \_\_\_\_\_, 2026.

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## Notary Public

Residing in:  
My commission expires:

## Exhibit A

### [General Fee Ordinance]

#### **4.09.02: WASATCH COUNTY FEES**

C.	Fees Of The Wasatch County Planning And Zoning Department:	
1.	Development fees:	
	Development Review Committee (DRC) Pre-application / pre-submittal meeting	\$100.00
	Overall Site Plan/Subdivision (Preliminary)	\$2,500.00, plus \$50.00 per lot/unit/ERU, plus costs <sup>1</sup>
	Site Plan (Final)	\$1,000.00, plus \$10.00 per lot/unit/ERU, plus costs <sup>1</sup>
	Large Scale Subdivision (Final)	\$1,500.00, plus \$20.00 per lot/unit/ERU, plus costs <sup>1</sup>
	Minor Development Revisions	\$500.00, plus costs <sup>1</sup>
	Master Plan/Physical Constraints Analysis/Density Determination	\$3,000.00, plus \$10.00 per acre, plus costs <sup>1</sup>
	Small Scale Subdivision	\$600.00, plus costs
2.	Other fees:	
	Non-Conforming Use Determination	\$155.00
	Land Use Verification Letter	\$26.00
	Boundary Line Adjustment	\$65.00
	Conditional Use Permit	\$700.00, plus costs <sup>1</sup>
	Temporary Use Permit	\$100.00, plus costs <sup>1</sup>
	Zoning Map Amendment	\$2,500.00, plus costs <sup>1</sup>
	Minor Subdivision Plat Amendment	\$500, plus costs
	Subdivision Plat Amendment/Street Vacation	\$1000.00, plus costs <sup>1</sup>
	General Plan Amendment	\$2,500.00, plus costs <sup>1</sup>
	Zoning Code Text (Title 16) Amendment	\$2,500.00, plus costs <sup>1</sup>
	Land Use Appeal (Appeals Hearing Officer)	\$1,500.00, plus costs <sup>1</sup>
	Variance Request	\$600.00, plus costs <sup>1</sup>
	Special Meeting Fee	\$800.00

	Additional Meeting Fee <sup>2</sup>	\$200.00, per item on agenda
	Sign Permit Fee - Permanent	\$10.00 per sq. ft.
	Sign Permit - Temporary	\$2.00 per sq. ft.
	Condominium Conversion	\$50.00 per unit, plus costs
	Miscellaneous Services (general or not otherwise listed)	\$100.00, plus costs
	Mass Gathering Permit	As provided in the Wasatch County mass gathering ordinance
	Trailer/Mobile Home (Cash Bond)	\$2,500.00
	Bond <del>Processing</del> Fee	<u>\$300.00-\$100.00 per application for each cash bond, or \$500 per application for each letter of credit, + 0.1% of the improvements covered by the bond, plus any actual additional costs, either cash or letter of credit.</u>
	<u><a href="#">Bond reduction or release fee</a></u>	<u>\$0 for first request to release a performance or warranty bond.</u> <u>\$500 +0.1 % of the amount requested to be reduced reduction.</u> <u>\$100 + 0.2% of the amount requested to be reduced or released for each reinspection request.</u>
	<u><a href="#">Development Acceptance Inspection Fee, initiates Warranty Start (if no performance bonding in place)</a></u>	<u>\$600 + 0.1% of the remaining items required to be inspected for warranty start</u>
	Fee In Lieu- WCC 16.30.05	\$28,000 per AUE
	Agriculture Protection Area or Industrial Protection Area or amend an existing Agriculture Protection Area or Industrial Protection Area	\$500.00 plus actual costs <sup>1</sup>

F.	Engineering Department:	
1.	Bonds:	
	Bond Fee (Cash Bond)	<u>\$500 per application + 0.1% of the improvements covered by the bond, plus any actual additional costs.</u>
	Bond Fee (Letter of Credit)	<u>\$900 per application + 0.1% of the improvements covered by the bond, plus any actual additional costs.</u>
	Bond Reduction <u><a href="#">and Release</a></u> Fee	<u>\$0 for first request to release a performance or warranty bond.</u> <u>\$600 +0.1 % of the amount requested to be reduced reduction.</u> <u>\$750 per reduction after first reduction</u> <u>\$100 + 0.05% of the amount requested to be reduced or released for each reinspection request.</u>
	<u><a href="#">Engineering Release Application Fee (for Building Permit or Certificate of Occupancy)</a></u>	<u>\$500 for each application, plus any actual additional costs.</u> <u>\$250 for each re-inspection associated with an application, plus any actual additional costs.</u> <u>\$100 for the application if the only outstanding item is completion of a sidewalk.</u> <u>No fee if the Performance Bond is fully released and infrastructure is completed in lieu of an Engineering Release.</u>

	<u>Development Acceptance Inspection Fee, initiates Warranty Start (if no performance bonding in place)</u>	<u>\$600 + 0.1% of the remaining items required to be inspected for warranty start</u>
2.	Driveway and Encroachment <sup>1</sup> Permit:	\$225 + \$0.10 per square foot Weed Fee Required (see "Weed Fee") Shared driveways must apply for and pay the fees associated with the "Subdivision Construction Permit"
3.	Grading Permit	\$500 minimum fee up to a 1/2 acre; \$200 for each additional 1/2 acre OR 5% of engineer's estimate, as approved by the county's engineer coordinator, plus 10% Cash Warranty bond (if necessary) of approved engineer's cost estimate (per 14.02.04), plus any overage of inspection costs (whichever is greater) <sup>1</sup> Weed Fee Required (see "Weed Fee")
4.	Right-of-Way Excavation Permit <sup>1</sup>	
	Base Fee	\$750 (Up to 25 square feet)
	Weed Fee	Weed Fee Required (see "Weed Fee")
	Excavation in hard surface or asphalt (For cut(s) perpendicular to the roadway)	\$3.50 per sq. ft. for >25 square feet + Base Fee
	Excavation in road base or within 5 feet of hard surface area (for cut(s) perpendicular to the roadway)	\$1.50 per sq. ft. for >25 square feet + Base Fee
	All other areas or projects that run parallel within the right of way	\$0.50 per linear foot + Base Fee
5.	Subdivision Construction Permit	
	Permit Fee <sup>1</sup>	5% of engineer's estimate, as approved by the county's engineering coordinator, plus any overage of inspection costs
	Performance Bond	100% of the approved engineer's cost estimate
	Cash Warranty Bond	10% of the approved engineer's cost estimate
	Weed Bond	\$500 Minimum up to 1 acre; \$500 for each additional acre
6.	Weed Fee	\$125 Minimum up to 1/2 acre; \$125 for each additional 1/2 acre
7.	Other Fees:	
	Exception Applications	\$700

	Appeals to County Manager	\$600
	Appeal (Appeals Hearing Officer)	Per Section 2.C of this chapter
	Minimum Fine for Non-permitted work in County Right-of-Way	\$2500 per occurrence
8.	<b>NOTES:</b> <sup>1</sup> Wasatch County reserves the right to estimate/calculate costs to ensure coverage. Fees would consist of the Base Fee (if applicable) plus inspection costs.	

G.	Building Inspection Department:	
	1. Inspection fees:	
	Total valuation of structure:	
	\$1.00 to \$500.00	\$23 .50
	\$501.00 to \$2,000.00	\$23.50 for the first \$500.00, plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
	\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00, plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
	\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00, plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
	\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00, plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
	\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00, plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
	\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00, plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
	\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00, plus \$3.65 for each additional \$1,000.00, or fraction thereof
	2. Other inspections and fees:	
	Plan review fee	65% of building permit fee
	Investigation fee	Same as building permit fee (to be added to building permit fee)
	Inspections outside of normal business hours	\$47.00 per hour (min. of 2 hours) or actual cost, whichever is greatest
	Re-inspection fees	\$47.00 per hour or actual cost, whichever is greatest
	Inspections for which no fee is specifically indicated	\$47.00 per hour (min. of $\frac{1}{2}$ hour) or actual cost, whichever is greatest
	Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour (min. of $\frac{1}{2}$ hour) or actual cost, whichever is greatest
	Appeal (Appeals Hearing Officer)	\$1,500. plus costs
	<u>Identical Plans Fee</u>	<u>70% reduction in the Inspection and Plan Review Fees.</u>
3.	"Actual cost" includes administrative and overhead costs (including, but not limited to, supervision, equipment, hourly wages, and fringe benefits of the employees involved)	
4.	Temporary Power Inspection Fee	\$75.00
5.	Wildland Urban Interface Review	
	a.	Single Family & Commercial \$275.00

	b.	Twin Homes	\$150.00 Per Unit
	c.	2 or more unit Town Homes	\$90.00 Per Unit
	d.	Garages	\$90.00 Per Unit
	e.	Decks	\$40.00
6.		Open Notice & Certificate of Occupancy Recording Fee	\$10.00
7.		Information System Fee	.02 percent of the Building Permit Valuation with a min. of \$5.00 dollars.

## [PUBLIC SAFETY CODE]

### 7.10.01: HOUSE AND ROAD NUMBERING

1. Identification Required: A number shall be affixed to each dwelling unit or business or industrial building for all existing buildings; hereinafter, all buildings shall receive an address designation at the time a development lot is created or a building permit is issued for the structure, whichever is sooner. All dwellings or buildings with street addresses shall display their numerical designation prominently on the front of the building in numbers at least threefour inches (34") in height.
2. Official Map: The Wasatch County GIS department shall assign addresses and maintain a map that shall list street names and address range designations. These designations shall be regarded as the official county street and address range designations map.

## [BUILDING SAFETY CODE]

### 14.01.06: BUILDING PERMIT APPLICATIONS

- A building permit application shall be made in accordance with the Utah Code, the Wasatch County Code, the international codes administered by the building department, and the policies and applications of the building official.
- B. Applications for Building permits, including footing and foundation permits for lots in new developments, shallwill not be issuedaccepted until all required improvements have been completed or provided for as required in Section 14.02.04(F), as demonstrated by an Engineering Release.
- C. A building permit application is required to contain:
  1. The name, address, and contact information of:

- a. the applicant, including a statement of whether the applicant is the owner or the owner's authorized agent (IRC 105.1);
  - b. the person submitting an application shall be the property owner, or ~~the application shall include a signed and notarized writing by swear under penalty that they have permission from~~ the property owner ~~authorizing the applicant to submitmake~~ the ~~building permit~~ application ~~on their property~~;
  - c. the owner name and contact information, if an authorized agent is used; and
  - d. the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;
2. A site plan for the construction project that:
  - a. is drawn to scale;
  - b. includes a north arrow and legend; and
  - c. provides specifications for the following:
    - 1) lot size and dimensions;
    - 2) setbacks and overhangs for setbacks, including a statement that the applicant will verify in the field that the structure complies with the setback;
    - 3) easements;
    - 4) property lines;
    - 5) topographical details, if the slope of the lot is greater than 10%;
      1. include building area of 5000 square feet with less than 30% slope;
    - 6) retaining walls, with dimensions;
    - 7) hard surface areas;
    - 8) curb and gutter elevations as indicated in the subdivision documents;
    - 9) utilities, including water meter and sewer lateral location;
    - 10) street names;
    - 11) driveway locations, (if in Wildland urban interface, include width and slopes of driveway);
    - 12) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
    - 13) landscaping plan for any ~~property that will be common area, or for non-residential uses~~ public landscaping improvements, if applicable;
    - 14) Fire hazard severity form;
    - 15) the location of the nearest hydrant; and
    - 16) Floodplain information, if applicable;
3. 'Unsecured' construction plans and drawings, stamped and signed by engineer, including:
  - a. elevations, only if the construction project is new construction, or if the elevation or height of an existing structure is changing;
    - 1) Natural grade line and height from that line to the highest point of the roof required on elevation drawings, including a statement that

the applicant will verify the height if the structure from natural grade (as defined in Section 16.04.02) in the field;

- b. floor plans for each level, including the location and size of doors and windows;
  - 1) Room uses must be labeled with the proposed use; 'flex' or 'bonus' are not acceptable labels;
  - c. foundation, structural, and framing detail;
  - d. electrical, mechanical, gas, and plumbing design;
    - 1) If a generator is reflected on either the electrical plan or the gas schematic, a separate, additional permit for the generator is required, and the plans should note that a Certificate of Occupancy for the structure will not be issued until the generator permit is obtained and the generator installation has passed inspections;
    - 2) Propane Permit Application;
    - 3) Electrical Agreement with utility;
  - e. architectural plans reference to the currently applicable international code; and
- 4. Documentation of energy code compliance;
  - a. Manual J & D/Heat loss using Logan or Vernal as location;
  - b. Signed REScheck;
- 5. Structural calculations, except for trusses, which reference compliance with the currently applicable international code;
  - a. Complete Truss Package Reviewed file (including review letter from engineer of record, truss layout, and all truss sheets stamped by the truss manufacturer) required to be submitted, reviewed and approved prior to requesting a roof nailing inspection;
- 6. A geotechnical report, including a slope stability evaluation and retaining wall design, if;
  - a. the slope of the lot is greater than 15%; and
  - b. required by the county; or
  - c. If required on the plat; and
- 7. A statement indicating that actual construction will comply with applicable local ordinances and building codes; and
- 8. Additional Information as necessary for the County to complete a plan review and verify compliance with Utah Code, applicable International codes, and Wasatch County Codes, including:
  - a. Proof that the applicant obtained final approvals from any other required reviewing agencies, such as:
    - 1) Health department for culinary water and septic;
    - 2) Special Service Districts applicable;
    - 3) Fire District; and
- 9. Plan check deposit and other permit fees besides the actual building permit fee must be paid to building department to cover the plan review fees in order for the application to be deemed complete, and the amount will be sent to the applicant with the initial review for completeness (because the fee cannot be calculated without an application); and

10. The Building permit fee is paid after building permit has been reviewed, as is required to calculate and verify the correct fee; and
11. Building permit applications for parcels over 1 acre shall include the total disturbed area, including the footprint of the structures being applied for, and the area of areas improved for motor vehicles, such as driveways and parking areas.

D. Changes: Any changes requested to an approved building permit, including to the contractor, shall only be processed or issued after required fees have been paid. If the ownership of the property changes in any way, and a change to a building permit is requested, a new application is required, and required fees shall be paid.

E. Duplicate Plans. If an applicant makes applications using identical ~~floor plans, plans, as defined in UCA § 17-79-102(25) (November 6, 2025, as amended)~~, the applicant may not be required to pay for the full plan review fees if the applicant ~~informs the building department in advance, and coordinates having the plan set reviewed initially for one permit, and then after the approval of the first permit, follows up fully complies with the other permits that have provisions of CLUDMA for~~ identical plans, ~~noting the previous approval. Applicable building permit fees. Generally applicable rules apply to identical plans except as modified by CLUDMA~~<sup>1</sup>. If an applicant submits an application as an identical plan, and it does not qualify as an identical plan, all penalties, prohibitions, fines, and criminal penalties allowed under Utah Code are ~~still required. hereby adopted.~~

F. Unless requested by the building official, the engineering coordinator, or the planning director, an issued building permit makes it so a grading permit or a driveway and construction permit are not needed on a property for improvements included in the building permit. The county may require an engineering permit due to the unique issues on a property or if the improvements included in the building permit include designs that require plan review or inspections. An engineering permit is always required if the total disturbed area is 1 acre or more. When required, the engineering permit shall be included in the building permit application.

G. No excavation or other site work that requires a building permit may be done until a building permit is issued.

H. ~~A notice of open building permit will be recorded on the property with the building permit being approved, and a notice of a certificate of occupancy when the permitted improvements have passed final inspection. For lots in subdivisions with incomplete infrastructure as provided in WCC § 14.02.04, the notice of open building permit shall indicate that a certificate of occupancy will only be issued if the 'Completion of Infrastructure Before Issuance Of Building Permits and Certificates of Occupancy' requirements of WCC § 14.02.04 are met for the subdivision.~~

#### 14.01.07: CERTIFICATES OF OCCUPANCY

Certificates of Occupancy shall be issued in accordance with the policies, procedures, and standards of the building department, applicable international code, Utah Code, Wasatch County Code, and the development approvals. Without limiting other requirements, a certificate of occupancy may not be issued until ~~an Engineering Release is issued indicating that any infrastructure allowed to be required under applicable law is complete, including UCA § 10-20-802 or equivalent (November 6, 2025 as amended). Additionally, the sidewalks which front the structure or are on the same lot as the structure are must be completed and~~ in good repair. Any

<sup>1</sup> See UCA § 17-79-102 & 809 (November 6, 2025, as amended).

infrastructure or ~~common~~public landscaping which was damaged by the construction activity authorized by the building permit shall be repaired prior to a certificate of occupancy being issued.

## [ENGINEERING DEPARTMENT CODE]

### 14.02.04: EXCAVATION, FILL, CONSTRUCTION, SWPPP, AND EROSION CONTROL

A. Permits: Approved permits are required before land may be disturbed by excavation, fill, construction, cutting, grading or grubbing, or before alteration of infrastructure including roads, sidewalks, trails, berms, drainage ditches, ponds, driveways, any improvement or alteration of road, and landscaping in a county road, except as provided herein. A permit is not approved until signed by the Engineering Coordinator, and anyone else the Engineering Coordinator reasonably requires. Permit types and instruction for use are:

1. Driveway and Encroachment Permit: This permit is required for persons connecting their driveway to a Road, landscaping in the County road, or for building a driveway without an approved building permit. The County Manager has sole discretion on whether or not to allow landscaping in the County road. In order to be eligible for a *Driveway and Encroachment Permit* to build a driveway, the length of the driveway must be less than 200' long with a grade of less than 10%, with no structures like retaining walls or stacked rock walls. A *Grading Permit* will be required for any driveway or Road construction not covered in this section. Application shall be made using the form which is provided by the Engineering Department, which shall include the following information, and the applicant shall meet the following requirements:
  - a. The application must be by the person or company responsible for the work.
  - b. Provide a drawing showing the location and dimensions of the work.
  - c. The length of the driveway must be 200 feet in length or less; with a grade of 10% or less; with no bridges, retaining walls or slope retention. Anything in excess requires the Grading Permit Application. Shared Driveways shall require a Subdivision Construction Permit Application.
  - d. When impacting traffic provide a Traffic Control Plan (TCP) in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
  - e. Provide an Erosion Control and Re-Vegetation Plan as required.
  - f. Provide plans for restoring soils, landscaping, and replacing disturbed shoulders as required, including with minimum 4" compacted road base.
  - g. The applicant, its employees, officers, agents, and subcontractors shall hold harmless and indemnify Wasatch County, its employees, officers, and agents, from all costs associated with claims which arise as a result of the applicant's negligent acts or omissions, including but not limited to judgements and cost of defense, and shall provide insurance meeting the following minimum requirements:

1. A certificate of insurance listing Wasatch County as a certificate holder.
2. All insurance policies required shall give Wasatch County 30-days notice in the event of cancellation and 10 days for non-payment of premium.
3. The required insurance coverages shall remain in effect for a minimum of the term of the work and permit, and in addition to requiring proof of required insurance through that term, the County may also require proof the insurance will not expire within 30 days.
4. A minimum of \$1,000,000 of noncontributory CGL per occurrence, \$2,000,000 general aggregate, and \$2,000,000 products-completed operations aggregate. CGL shall include personal injury, medical expenses, death, and property damage. Claims made policies must remain in effect for 3 years from the completion date.
5. Workers Comp at or above Utah minimums.
6. Commercial Automobile Liability insurance that provides coverage for owned, hired, and non-owned automobiles, in the minimum amount of \$1,000,000 combined single limit or \$750,000 bodily injury and \$250,000 property damage.
7. All insurance shall be licensed in Utah and have an A- or greater rating under A.M. Best, or an A or greater rating under Moodys or Standard & Poors.
  - h. Payment of applicable fees, see 4.09.02.
  - i. Proof of meeting any other requirements under Applicable Law or under the APWA Utah Chapter.
  - j. The applicant, if not the property owner, shall demonstrate they have permission from the property owner.
  - k. Any additional information the engineering coordinator reasonably requests.

2. Grading Permit: This permit is required for excavating, constructing berms, drainage ditches, ponds, driveways that are not eligible for a *Driveway and Encroachment Permit*, structures, slope retainage, stockpiling or transporting common or granular material, and fill activities that affect over 1,000 square feet. On agricultural property, grading activities solely to promote farming activities for the benefit of the property, such as plowing or leveling of fields, do not require a permit. Application shall be made using the form which is provided by the Engineering Department, which shall include the following information, and the applicant shall meet the following requirements:

- a. The application must be by the person or company responsible for the work.
- b. Provide an Engineer-Stamped set of plans if structures, retaining walls over 4 feet high, embankments or engineered fills (berms and ponds) are involved. Include: Engineers estimate, vicinity map, dimensions of "grading" with depths of cut and fill, location of property lines, location of

buildings or structure within 15 feet of work, and location of all drainage features. Once all work is complete, schedule a Final Inspection and provide a PDF electronic copy of the as-built plans identifying any changes.

- c. When impacting traffic provide a Traffic Control Plan (TCP) in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- d. Provide an Erosion Control and Re-Vegetation Plan as required.
- e. Provide plans for restoring soils, landscaping, and replacing disturbed shoulders as required, including with minimum 4" compacted road base.
- f. Any permits from the State of Utah required, including from the Utah Division of Water Rights for FEMA floodplains and Water Quality Division permits for projects affecting over an acre.
- g. A cash warranty bond in accordance with section 14.02.04 will be required.
- h. The applicant, its employees, officers, agents, and subcontractors shall hold harmless and indemnify Wasatch County, its employees, officers, and agents, from all costs associated with claims which arise as a result of the applicant's negligent acts or omissions, including but not limited to judgements and cost of defense, and shall provide insurance meeting the following minimum requirements:
  - 1. A certificate of insurance listing Wasatch County as a certificate holder.
  - 2. All insurance policies required shall give Wasatch County 30-days notice in the event of cancellation and 10 days for non-payment of premium.
  - 3. The required insurance coverages shall remain in effect for a minimum of the term of the work and permit, and in addition to requiring proof of required insurance through that term, the County may also require proof the insurance will not expire within 30 days.
  - 4. A minimum of \$1,000,000 of noncontributory CGL per occurrence, \$2,000,000 general aggregate, and \$2,000,000 products-completed operations aggregate. CGL shall include personal injury, medical expenses, death, and property damage. Claims made policies must remain in effect for 3 years from the completion date.
  - 5. Commercial Automobile Liability insurance that provides coverage for owned, hired, and non-owned automobiles, in the minimum amount \$1,000,000 combined single limit or \$750,000 bodily injury and \$250,000 property damage.
  - 6. Workers Comp at or above Utah minimums.
  - 7. All insurance shall be licensed in Utah and have an A- or greater rating under A.M. Best, or an A or greater rating under Moodys or Standard & Poors.

8. The engineering coordinator shall have discretion to increase insurance requirements in instances where due to unusual circumstances, such as a large project, environmental hazards, or increased risks to safety, greater amounts are reasonable.
9. The engineering coordinator shall have discretion to lower the CGL, Automobile, and Workers Compensation insurance requirements if the applicant demonstrates that they own all affected property as a natural person, and will perform all work on their own, as a natural person, and the nature of the work minimizes the risk to the county and to adjacent property owners.
  - i. Payment of applicable fees, see 4.09.02.
  - j. Proof of meeting any other requirements under Applicable Law or under the APWA Utah Chapter.
  - k. The applicant, if not the property owner, shall demonstrate they have permission from the property owner.
  - l. Any additional information the engineering coordinator reasonably requests.
3. Right of Way Excavation Permit: This permit is required for any excavation work within a roadway, primarily for utility installation. Before excavating in any road, or removing any pavement or other materials forming an improvement thereon, or before engaging in any construction requiring persons, equipment, or materials to encroach upon a county road a person shall make written application for and obtain a permit from the engineering coordinator. Maintaining a private road by sealing with oil, chip seal, tar, or laying fresh asphalt on an existing private road does not require a Right of Way Excavation Permit so long as the road will not be expanded, downsized, or excavated. Application shall be made using the form which is provided by the Engineering Department, which shall include the following information, and the applicant shall meet the following requirements:
  - a. The application must be by the person or company responsible for the work.
  - b. Call Bluestakes and provide a Bluestakes ticket number.
  - c. Provide a drawing showing the location and dimensions of the work.
  - d. Indicate if and what asphalt is being cut, and why alternatives are not practical.
  - e. Indicate how T-patch requirements, and minimum patching requirements will be met.
  - f. When impacting traffic provide a Traffic Control Plan (TCP) in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
  - g. Provide an Erosion Control and Re-Vegetation Plan as required.
  - h. Provide plans for restoring soils, landscaping, and replacing disturbed shoulders as required, including with minimum 4" compacted road base.
  - i. Any permits from the State of Utah required, including from the Utah Division of Water Rights for FEMA floodplains and Water Quality Division permits for projects affecting over an acre.

- j. The applicant, its employees, officers, agents, and subcontractors shall hold harmless and indemnify Wasatch County, its employees, officers, and agents, from all costs associated with claims which arise as a result of the applicant's negligent acts or omissions, including but not limited to judgements and cost of defense, and shall provide insurance meeting the following minimum requirements:
  - 1. A certificate of insurance listing Wasatch County as a certificate holder.
  - 2. All insurance policies required shall give Wasatch County 30-days notice in the event of cancellation and 10 days for non-payment of premium.
  - 3. The required insurance coverages shall remain in effect for a minimum of the term of the work and permit, and in addition to requiring proof of required insurance through that term, the County may also require proof the insurance will not expire within 30 days.
  - 4. A minimum of \$1,000,000 of noncontributory CGL per occurrence, \$2,000,000 general aggregate, and \$2,000,000 products-completed operations aggregate. CGL shall include personal injury, medical expenses, death, and property damage. Claims made policies must remain in effect for 3 years from the completion date.
  - 5. Workers Comp at or above Utah Minimums.
  - 6. Commercial Automobile Liability insurance that provides coverage for owned, hired, and non-owned automobiles, in the minimum amount of \$1,000,000 combined single limit or \$750,000 bodily injury and \$250,000 property damage.
  - 7. All insurance shall be licensed in Utah and have an A- or greater rating under A.M. Best, or an A or greater rating under Moodys or Standard & Poors.
- k. Payment of applicable fees, see 4.09.02.
- l. Proof of meeting any other requirements under Applicable Law or under the APWA Utah Chapter.
- m. The applicant, if not the property owner, shall demonstrate they have permission from the property owner.
- n. Any additional information the engineering coordinator reasonably requests.

4. Subdivision Construction Permit: This permit is necessary to install infrastructure for a subdivision, split a parcel, create a shared driveway, or any other surface or infrastructure improvements that are not included in the other Title 14 permits. Application shall be made using the form which is provided by the Engineering Department, which shall include the following information, and the applicant shall meet the following requirements:

- a. The application must be by the person or company responsible for the work.

- b. Planning approval and report.
- c. Two sets of 24 x 36 detailed stamped construction drawings, one 11 x 17, and an electronic PDF set.
- d. A copy of approved engineer's estimate stamped by Wasatch County engineering coordinator.
- e. When impacting traffic provide a Traffic Control Plan (TCP) in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- f. Provide an Erosion Control and Re-Vegetation Plan as required.
- g. ~~Performance, Warranty Bonds, and~~ Weed bonds ~~required~~.
- h. Pre-construction meeting with planning, engineering, and building departments.
- i. A final inspection, and as built electronic drawings in PDF format will be required prior to the work being approved.
- j. The applicant, its employees, officers, agents, and subcontractors shall hold harmless and indemnify Wasatch County, its employees, officers, and agents, from all costs associated with claims which arise as a result of the applicant's negligent acts or omissions, including but not limited to judgements and cost of defense, and shall provide insurance meeting the following minimum requirements:
  - 1. A certificate of insurance listing Wasatch County as a certificate holder.
  - 2. All insurance policies required shall give Wasatch County 30-days notice in the event of cancellation and 10 days for non-payment of premium.
  - 3. The required insurance coverages shall remain in effect for a minimum of the term of the work, and permit, and in addition to requiring proof of required insurance through that term, the County may also require proof the insurance will not expire within 30 days.
  - 4. A minimum of \$1,000,000 of noncontributory CGL per occurrence, \$2,000,000 general aggregate, and \$2,000,000 products-completed operations aggregate. CGL shall include personal injury, medical expenses, death, and property damage. Claims made policies must remain in effect for 3 years from the completion date.
  - 5. Workers Comp at or above Utah minimums.
  - 6. Commercial Automobile Liability insurance that provides coverage for owned, hired, and non-owned automobiles, in the minimum amount \$1,000,000 combined single limit or \$750,000 bodily injury and \$250,000 property damage.
  - 7. All insurance shall be licensed in Utah and have an A- or greater rating under A.M. Best, or an A or greater rating under Moodys or Standard & Poors.

8. The engineering coordinator shall have discretion to increase insurance requirements in instances where due to unusual circumstances, such as a large project, environmental hazards, or increased risks to safety, greater amounts are reasonable.
  - k. Payment of applicable fees, see 4.09.02.
  - l. Proof of meeting any other requirements under Applicable Law or under the APWA Utah Chapter.
  - m. The applicant, if not the property owner, shall demonstrate they have permission from the property owner.
  - n. Any additional information the engineering coordinator reasonably requests.

B. Subdivision Bonding:

1. Definitions:
  - a. PERFORMANCE BOND: An instrument, in a form approved by the county, with a sum ~~not fixed as a penalty based on agreed upon estimated costs of improvements~~ binding the developer to the county, to complete certain actions according to the standards in this code and the Wasatch County standards handbook, and any other applicable regulation or condition imposed by the county as a condition of approval including any common amenities, improvements on development parcels or common area in infrastructure improvements or amenities approved that allowed additional density; conditioned, however, that the payment of the penalty may be avoided by the performance by the developer of the acts agreed to in the bond documents.
  - b. WARRANTY BOND: An instrument, approved by the county, with a sum fixed guaranteeing the quality and/or conformance of completed and accepted improvements or other promised performance according to the standards in this code, the Wasatch County standards handbook, and any other applicable regulation or condition imposed by the county as a condition of approval.
2. Performance Bond: For Subdivision Construction Permits, a performance bond shall be posted with Wasatch County prior to any final approved plat recorded in a principal amount of one hundred ~~percent (100%) of the total estimated cost of any improvement or other performance required by or promised to Wasatch County as part of the development, provided the improvements or other performance are not completed and accepted by Wasatch County prior to any final approved plat being recorded.~~ and ten percent (110%) of the total estimated cost of the portion of any improvement not inspected and accepted or approved by the County. Bonding for infrastructure improvements are required and are administered by the Engineering Department pursuant to WCC § 14.02.04. Bonding for landscaping is administered by the planning department. Completion of trails may be required as part of the landscaping bond or the infrastructure improvement bond, but the same trail will not be bonded for twice. Typically, hard surface trails will be included in the infrastructure bond, and soft surface trails will be included in the landscaping bond. The bond must include protection for the county legislative body, must

meet county standards and county code. The bond shall consist of cash, and the bond agreement shall be on a form approved by the County Attorney. The Bond Agreement shall require the infrastructure improvements necessary for building ~~codespermits~~ and ~~fire codes to be met and continue to be met using standard management practices and frequency in the Wasatch Back, certificates of occupancy~~ to be completed ~~before building permits can be issued, in addition to all infrastructure improvements necessary under applicable law~~. The ~~County Manager~~Engineering Coordinator, or his designee, in his sole discretion, may accept a letter of credit from an FDIC insured financial institution, ~~or that has~~ an ~~escrow as approved by the office within 50 miles of Wasatch~~ County ~~that will accept a draw~~. Any letter of credit must expire not less than 1 year after the reasonably anticipated completion date of the improvements, as determined in the discretion of the county ~~engineer~~Engineering Coordinator. If the performance bond remains in effect for more than a year, the developer ~~shall~~may be required by the Engineering Coordinator to annually provide an updated cost estimate, and shall bond for any additional costs. In no event shall the County be responsible to complete bonded for improvements, in part, because the Utah Code has limited the ability of the County to adequately ensure the completion assurance will be adequate to complete the bonded for improvements, though the County may, in its sole discretion, complete bonded for improvements. The bond, including any ~~escrow or~~ letter of credit, must be subject to the laws of the State of Utah and Wasatch County, and must provide the forum of a court of competent jurisdiction in Salt Lake County or Wasatch County. The bond may name the developer or the contractor as the "principal". Each bond shall be accompanied by a bond agreement between the developer, county and financial institution (if applicable and necessary). The estimated cost shall be based upon the estimate of the ~~engineering coordinator~~Engineering Coordinator, who shall take into account some or all of the following factors when making his estimate:

- a. The developer's engineering estimate;
- b. The estimate of any reviewing engineer or other qualified reviewer;
- c. The average cost paid for the same type of performance in Wasatch County in the past; and
- d. Any other relevant information.

3. **Sidewalk Performance Bond. Pursuant to UCA § 17-79-901(5)-(9) (November 6, 2025, as amended) a developer may post a separate performance bond for concrete sidewalk improvements (as opposed to asphalt trail improvements). Those sidewalk improvements shall be administered in accordance with UCA §17-79-901(5)-(9) ( November 6, 2025 as amended). If the developer does not post a separate performance bond, the sidewalks shall be processed the same as other infrastructure improvements, and shall be treated as part of the transportation system infrastructure improvement category. UCA §17-79-805(3)(a) (November 6, 2025, as amended).**

3.4. **Failure Of Performance, Extension Of Time:** In the event that any performance required by a performance bond is not completed within the time period allowed for under the performance bond, the developer or contractor may petition the county for an extension of time in which to complete the required performance. A

~~one~~One-year ~~extension~~extensions of time may be granted by the county upon application by the developer and upon a showing of good cause and diligent effort by the developer to complete the required improvements within the required period, provided such application is submitted at least sixty (60) days prior to the time of expiration of the performance bond, and the issuer of the bond is willing to extend the time of the assurance. The bond amount ~~shall~~may be increased ten percent (10%) for each year extension granted by the county. If at the end of the performance bond term, the county determines that the required improvements or other promised performance has not been completed according to Wasatch County standards and other requirements placed upon the developer, the county, in its sole discretion may:

- a. Refuse to accept the improvements or other performance and require the developer to bring the improvements or other performance to county standards; ~~and~~
- b. Receive any part of the bond which is necessary to complete the promised performance or to repair any inadequate performance and proceed with work to bring the performance to county standards; ~~and/or~~
- c. Partial Advance other remedies and enforcement actions as allowed by Wasatch County Code or Utah Code.

5. Approval of Infrastructure and Releases of Performance Bonds (Bond Reduction):

- a. Request for the County to Approve Infrastructure: A developer or contractor shall request the County approve infrastructure as complete and, if applicable, accept the infrastructure. This may be indicated on a performance bond release request or a warranty bond application. A developer or contractor may not request that the County approve infrastructure as complete unless a compliant warranty bond is either in place or has been applied for. The request may be for all infrastructure, or may be for individual infrastructure improvement categories. The County may refuse to approve an infrastructure improvement category as complete if the completion of other incomplete infrastructure will interfere with the infrastructure that is the subject of the request.
- b. Release of a Performance Bond: A developer or contractor shall request the release of a performance bond using the form provided by the County, and paying applicable fees. The form shall include provisions to administer this section and applicable provisions of CLUDMA<sup>2</sup>, in the reasonable discretion of the engineering coordinator or his designee. Releases shall be processed pursuant to UCA § 17-79-805 & 707 (November 6, 2025, as amended).
- c. Release of a Infrastructure Improvement Category: Pursuant to UCA § 17-79-805 (November 6, 2025, as amended) a developer or contractor may request a full release of one or more infrastructure improvement categories using the form provided by the County, and paying applicable fees. The form shall include provisions to administer this section and applicable provisions of CLUDMA<sup>3</sup>, in the reasonable discretion of the engineering

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<sup>2</sup> Includes UCA § 17-79-805 & 707. (November 6, 2025, as amended)

<sup>3</sup> Includes UCA § 17-79-805 & 707. (November 6, 2025, as amended)

coordinator or his designee. Releases shall be processed pursuant to UCA § 17-79-805 & 707 (November 6, 2025, as amended).

4.d. Partial Release of Performance Bond: The county may approve partial bond releases (bond reductions) of the performance bond prior to final release. Each release must be approved by ~~all of the following: county engineering director, county manager, and county attorney. A Bond Reduction Fee, pursuant to section 4.09.02, will be assessed for each release.~~ coordinator or their designee. Partial releases shall be requested on the County form, and must be accompanied by applicable fees. The releases approved by the county shall not exceed the contractor's bond and shall not exceed the ~~the~~ percentage of work completed for each infrastructure improvement category, and, at no time prior to final acceptance or approval of the improvements by the county, may the total amount of the bond be allowed to be reduced lower than the greater of: a) one hundred ten percent (110%) of the value of the ~~county manager or~~ engineering coordinator's estimate of the incomplete infrastructure improvements ~~or other promised-included in the performance; bond for each infrastructure improvement category~~, or b) the amount required by the warranty bond in the event the performance bond and warranty bond are ~~on the same document together.~~ Until complete, the County shall maintain a balance of a minimum of 25% of the total ~~bond amount: amount included in the performance bond for each infrastructure improvement category~~. UCA § 17-79-805 (November 6, 2025, as amended).

5.6. Warranty Bond; A: The developer or contractor must have posted a warranty bond in the amount of ten percent (10%) of either the county engineer's the approved engineer's estimate of completion of all public infrastructure, or the actual cost of completing the public infrastructure, is required for the County in order to accept or approve request a full release of a performance bond or any infrastructure improvement category performance bond. If the performance bond was cash, or prior a separate cash warranty bond is in place, the County shall retain 10% of the engineer's estimate as applicable to allowing a final plat to be recorded maintain the necessary warranty bond. It is recommended that includes any public infrastructure. The warranty bond shall be cash. the warranty bond be cash. If the performance bond was a letter of credit, and the letter of credit also covers the warranty bond, the developer shall be required to demonstrate that the expiry date on the face of the letter of credit or applicable amendment is more than 550 days (a year and a half) from the date of the release application, or such adjusted additional time as may be applicable to account for longer warranty periods. The bond shall be valid for a period of one year from the time of final acceptance of construction to guarantee compliance with until the requirements of this chapter, but for release of the improvement warranty have been met, which may be for up to two years if the County Manager or engineering coordinator finds good cause. a year or more as allowed under Utah Code. The bond shall be released upon approval of the engineering coordinator and the County Manager or their designee. The warranty bond shall be on a form approved by the County Attorney, and applicable application fees shall be paid. In some cases, the warranty bond

will be on the same document as the performance bond. The warranty bond must provide that in the event the completed and accepted improvements or other promised performance covered by the bond fail, are not structurally sound, or are found to be less ~~thatthan~~ the accepted standard during the term of the bond, that the ~~county~~County has the right to require repair and/or replacement, and in the event of failure by the developer to adequately respond, the county shall have the right to recover against the warranty bond and repair or replace the covered improvements or other promised performance. ~~In the event the performance and warranty bond are on the same document, the performance bond may not be released for an amount lower than the amount required for the warranty bond.~~

**6.7.** Weed Bond: A cash weed bond is required on all Subdivision Construction Permits. The bond is refundable after a 3 year period after a project has received final approval or until the Wasatch County noxious weed manager approves the bond release. The weed bond agreement, and release forms can be found on the Wasatch County's web site in the Engineering department under forms. A non refundable weed fee is charged on the other Title 14 permit types.

**7.** ~~Approval Of Bonds: Any bond submitted to the county pursuant to this section must be on a form approved by the county, which form will be available from the county attorney's office, submitted to the county department requesting the bond and approved by the county as meeting the requirements of this code. Property bonds will not be acceptable in any form.~~

**8.** Required Time Period For Performance: All improvements must be completed by the date set in the bond according to ~~the~~ county approved plans and specifications unless the county manager or engineering coordinator agrees in writing to extend the duration. Any ~~eserow, or~~ letter of credit ~~for a performance bond~~ shall be ~~extended to matchnot expire less than 180 days sooner than~~ the ~~revisedreasonably~~ anticipated completion date, and in no event shall expire prior to the bonded for improvements being completed and approved by the county. ~~Any letter of credit for a warranty bond shall not expire less than 550 days (a year and a half) after the final completion date.~~ It is the express obligation of the developer and/or contractor to either complete the improvements before the performance bond expires, or, in the case of a warranty bond, to repair and/or replace the substandard improvements before the warranty bond expires, ~~or to provide the county with a new bond and bond agreement approved by the county to guarantee and/or warrant the improvements. The new bond and bond agreement must be provided to the county one year in advance of the expiration of the performance bond, or one month before the expiration of the warranty bond. It shall not be a defense to the validity of the bond or bond agreement that the time to perform as listed in the bond or bond agreement has expired.~~ The obligations in the bond and bond agreement shall continue until such time as the applicable statute of limitation expires under Utah law.

**9.** Improvements Covered By Bonds: Bonds may be requested for any improvements required by Wasatch County standards, this code, the development review committee, planning staff, the county engineer, the weed control board, the planning commission and the county council. These improvements may include on-site and off-site improvements, including, but not limited to, roads, curb and

gutter, storm drains, sewer, water, street lighting, signs, sidewalks, landscaping, open space, fencing, amenities, weed control, parks and trails.

10. No Third Party Rights: All performance and warranty bonds and agreements are between the county, developer (or contractor if applicable) and a financial institution included in the bond. No other party shall be deemed a third party beneficiary or have any rights under this section or any bond or agreement entered into pertaining to performance and warranty bonds. Any other person or entity, including, but not limited to, owners of individual units or lots, shall have no right to bring any action under and performance or warranty bond or agreement as a third party beneficiary or otherwise.

C. Permit And Bond Required:

1. Before doing any work which would require a Subdivision Construction Permit, Driveway and Engineering Permit, ~~a~~ Grading Permit, or a Right of Way Excavation Permit, a person shall make written application for and obtain a permit from the engineering coordinator. The permit shall be valid for the time shown on the permit and may be extended by the engineering coordinator for additional time. ~~A~~If the total cost to guarantee the conditions of the permit together with guaranteeing any restorative work will be \$5,000 or more, a bond will be required ~~prior to approval of for a Grading Permit or~~ a Driveway Encroachment Permit, ~~Grading Permit, or Right of Way Excavation Permit~~ in the form of cash or a letter of credit from an FDIC insured financial institution, in a form approved by the engineering coordinator and the Wasatch County Attorney, for the cost to guarantee that the conditions of the permit together with guaranteeing that any restorative work is completed properly, including the cost of restoring the road, lane or public way to its condition prior to excavation. ~~This bond is not required if the total cost to guarantee the conditions of the permit together with guaranteeing any restorative work will be less than \$5,000.~~

Applicants installing utility infrastructure, such as through a franchise agreement, involving any excavation and encroachment permits may request permission from the engineering coordinator to secure a continuing annual completion bond in lieu of separate bonds for each excavation or encroachment permit. Weed bonds shall be provided for Subdivision Construction Permits.

D. Emergency Conditions: Under emergency conditions, a person may excavate, grade, or place fill, including in a county road or remove any pavement or other materials forming an improvement thereon, or may encroach upon a county road or public way, if doing so is necessary to prevent imminent loss of life or serious damage to property. The responsible person has the burden of proving by clear and convincing evidence that the emergency excavation, grading, or placement of fill appeared necessary to prevent the imminent loss of life or serious damage to property given the facts and circumstances perceived by the responsible person at the time of the event, and that the activity could not wait till after receiving a permit. The person shall bear responsibility for all liability. In such emergencies, the person making the excavation or encroachment shall contact and obtain a permit from the engineering coordinator at the earliest possible time, but in no case later than the first working day following the emergency excavation or encroachment. All other provisions and specifications set forth in this section shall be applicable to excavations and encroachments arising out of emergency conditions.

E. Winter Season: Permits for excavation or encroachment can be issued during the winter season with the express approval of the county manager or engineering coordinator, which may be withheld at his or her sole discretion. Best engineering practices must be followed for ~~winter timewintertime~~ work.

F. Completion of Site ImprovementsInfrastructure Before Issuance Of Building Permits:  
Building permits and Certificates of Occupancy: In accordance with LUDMA, including UCA § 10-20-802 or equivalent (November 6, 2025 as amended), the following requirements must be met for the issuance of building permits or certificates of occupancy.

1. Prior to any building permits being issued in a subdivision, or a certificate of occupancy being issued in a subdivision, or for an individual lot, as may be applicable for sidewalks, the owner or developer shall apply for an Engineering Release, using a form from the engineering coordinator, and paying any applicable fee. The Engineering Release shall only be issued if the applicant demonstrates to the engineering coordinator or their designee that the requirements of this subsection have been met for the respective building permit or certificate of occupancy. If all infrastructure performance bonds have been released on a subdivision due to passing the final infrastructure inspection, the Engineering Release shall automatically be issued by the Engineering Department.
2. Building Permit: A building permit, including a footing and foundation permits for lots in new developmentspermit, shall not be issued until all for any lot or parcel in a subdivision unless:
  - a. All fire hydrants required improvements in by the development final subdivision approval are operational and approved;
  - b. All roads that may be used during construction from the final subdivision approval shall have signage installed or at intersections, curb and gutter installed if applicable, and the road surface shall either be completed by the developer and are accepted in writing by Wasatch County and approved, or improved with road base consistent with the county engineering standards for the subdivision;
4. Exception: In accordance with Utah Code 17-27a-604.5(2023, as amended), the property owner may request building permits be issued without all the required improvements in the development being completed. The property owner shall file a Pre-Subdivision Completion Building Permit Waiver with the engineering department. The applicant will be required to demonstrate that all of the requirements under the international codes are met and will continue to be met using standard maintenance practices and frequency in the Wasatch Back. The County, including the engineering, planning, building, fire and other related departments, shall maintain a Pre-Subdivision Completion Building Permit Waiver form, and may make other information requests reasonably necessary to evaluate compliance with international code requirements. A building permit may not be issued until either the infrastructure is approved or accepted by the County, or the Pre-Subdivision Completion Building Permit Waiver is approved by the County. Only the property owner of the subject property may appeal approval or denial of a Pre-Subdivision Completion Building Permit Waiver. Appeal shall be

~~made to the same manner as an appeal of a land use decision under Wasatch County Code within 10 days of the approval or denial.~~

c. Irrigation, sewer and culinary infrastructure, and power or gas infrastructure used to heat the houses as shown on the applicable land use applications, shall be completed and approved, or if they can be installed without damaging the improved surface of the road, the infrastructure is approved and irrevocably paid for or bonded for,

d. Applicable plats are recorded and any required bonding is in place,

e. Roads meeting Appendix D of the International Fire Code are approved and completed or secured through an approved bond; and

f. Any infrastructure necessary for the health, life, and safety of the occupant is provided for.

3. A certificate of occupancy shall not be issued for a building on a lot or parcel in a subdivision unless:

a. All requirements for issuance of a building permit are met;

b. Permanent roads in the subdivision are completed and approved by the County, including any drainage, required street lights, traffic control devices and striping;

c. Any irrigation, sewer and culinary infrastructure, and power and/or gas infrastructure used to heat the houses as shown on the applicable land use applications, are completed and approved;

d. Any infrastructure necessary for the health, life, and safety of the occupant is complete and approved; and

e. Any sidewalks are complete as allowed to be required UCA § 17-79-901 (November 6, 2025, as amended).

G.B. Excavation Procedures:

1. Any person making any excavation affecting or impacting a county road or public way shall erect and maintain about the excavation site sufficient guards, signals, barricades and lights to give warning to approaching vehicular and pedestrian traffic. The guards, signals, barricades and lights shall remain in place until the road is restored to its original condition and all construction associated with excavation completed, including the removal of all rocks, dirt and construction materials from the road or public way.
2. All excavations shall be restored to ninety five percent (95%) compaction unless otherwise provided by this code.
3. The engineering coordinator shall inspect all excavation projects to ensure that the affected or impacted county road or public way is restored to an appropriate condition in accordance with generally applicable county standards.
4. Any person making any excavation affecting or impacting a county road or public way shall indemnify and hold harmless the county from any and all claims, liabilities, demands or damages for any and all injuries to persons or property arising out of such excavation.
5. If an excavator refuses to restore to a reasonable safe condition any county road or public way affected or impacted by the excavation, the engineering coordinator may cause the road or public way to be restored at the expense of the excavator.

H.C. Cleaning And Operation Of Excavation Equipment On County Roads:

1. Any person making any excavation affecting or impacting a county road or public way shall provide for a suitable process to clean the excavation equipment before operating that equipment upon any county road or public way.
2. At or near the excavation site, the excavator shall establish a cleaning area and crew to clean mud, dirt or rocks from the wheels and exterior body of all excavation equipment. The cleaning area shall allow for adequate drainage and shall not constitute a safety hazard to oncoming vehicular or pedestrian traffic.
3. All trucks and equipment leaving the excavation site carrying earthen materials or loose debris shall be covered so as to prevent dropping of materials and debris on county roads and public ways.
4. Ramps constructed over curbs and gutters shall not interfere with or block the passage of water along the gutter and shall be constructed of materials that will not erode in adverse weather conditions.
5. Excavators under this chapter shall install erosion and runoff controls so as to prevent stormwater, surface water and debris from draining, washing or being carried onto any county road or public way.
6. Excavators under this chapter shall be responsible for the immediate removal of mud, dirt or debris deposited on county roads or public ways as a result of the excavation.
7. If an excavator under this chapter fails to remove mud, dirt and debris deposited on a county road or public way as a result of the excavation, the engineering coordinator may provide for the removal at the excavator's expense. The excavator shall be responsible for the costs of removal and any costs expended to collect, including attorney fees. The county may suspend the excavation permit or withhold a certificate of occupancy for any structure related to the excavation until such time as the costs of removal are paid in full.

**I.D.** Construction Encroaching On County Roads:

1. Any person engaging in construction of any kind that requires persons, equipment or materials to encroach upon a county road or public way shall erect and maintain during the period of encroachment sufficient guards, signals, barricades and lights to give warning to approaching vehicular and pedestrian traffic. The guards, signals, barricades and lights shall remain in place until the persons, equipment or materials are permanently removed.
2. Any person engaging in construction of any kind that requires persons, equipment or materials to encroach upon a county road or public way shall indemnify and hold harmless the county from any and all claims, liabilities, demands or damages for any and all injuries to persons or property arising out of such encroachment.
3. The application and permit shall specify the portion of the county road or public way that may be encroached upon, and hours during which this may occur.
4. The area of permissible encroachment shall be fenced and provision shall be made for the continuation of safe pedestrian travel along the county road or public way encroached upon.

**J.E.** Specifications For Restoration And Repair Of County Roads: The specifications and standards for restoration and repair of county roads, lanes or public ways after excavation and encroachment are contained in appendix A, B and C at the end of this chapter.

K.F. Construction Standards: Any construction within or encroaching upon any county road, lane or public way shall meet the construction standards as set forth in the Wasatch County design and construction standards handbook (1995), as amended from time to time, which is hereby adopted.

L.G. Prohibited Conduct:

1. It shall be unlawful to engage in activities regulated by this chapter without obtaining the required permit, or to engage in activities regulated by this chapter that exceed the scope of the activities authorized in the required permit.
2. It shall be unlawful for any person subject to the provisions of this chapter to fail to erect and maintain the guards, signals, barricades and lights required in this chapter.
3. It shall be unlawful for any person to knowingly, intentionally or recklessly remove, tamper with or destroy any guard or barricade, or extinguish any signal or light erected or maintained in accordance with the requirements of this chapter.
4. It shall be unlawful for any person responsible for an excavation affecting or impacting a county road or way to intentionally or knowingly fail or refuse to restore a county road or public way to a reasonably safe condition after having received written notice from the engineering coordinator ordering restoration.
5. A violation of any other provision of this chapter shall constitute a class C misdemeanor. Each day a violation of this section persists shall constitute a separate offense.

M.H. Stormwater Pollution Prevention and Erosion Control

1. Requirements.

- a. It shall be unlawful for any responsible person to make, enlarge or change any excavation, regrade existing contours, place fill or strip vegetation that disturbs 1 acre or greater, or that are part of a common plan of development or sale that is over 1 acre, without providing a storm water pollution prevention plan and a copy of the NOI filed with the State of Utah to the Engineering Coordinator.
- b. It shall be unlawful and punishable as provided to change or expand the excavation, regrading of existing contours, placement of fill or stripping of vegetation that disturbs 1 acre or greater, or that are part of a common plan of development or sale that is over 1 acre, without first providing a modified storm water pollution prevention plan and a copy of the NOI filed with the State of Utah to the Engineering Coordinator.
- c. It shall be unlawful to proceed with any construction activities that require a Utah construction general permit UTRH00000 or UTRC00000, as amended or superseded, without obtaining the permits from the Utah Department of Environmental Quality or their appointeedesignee.
- d. Any area where the vegetation, native or otherwise, is to be removed for the purpose of construction or similar activities, it shall be required to provide permanent stabilization for all disturbed areas. Vegetative stabilization shall be equal to or better than the vegetation that is to be removed or disturbed. Calculations demonstrating "in kind" stabilization shall be presented in the SWPPP document and must be approved by the Engineering Coordinator prior to land disturbance. Any exposed or de-

nuded areas created during new development shall be landscaped or revegetated with native or adapted vegetation and plant material approved by the Engineering Coordinator. New vegetation shall be equivalent to or exceed the density and erosion-control characteristics of the original vegetative cover to mitigate adverse environmental effect and maintain visual synchrony.

1. On slopes of twenty five percent (25%) or greater, plant materials shall be selected that will minimize erosion and reduce surface runoff.
- e. Limits of Disturbance: Limits of disturbance (LOD) for developments shall be established to show the specific area(s) of a site in which construction and development activity must be contained. In establishing LOD, the following criteria and standards shall be considered and applied:
  1. Minimize visual impacts from the development, including, but not limited to, screening from adjacent and downhill properties, ridgeline protection, and protection of scenic views.
  2. Erosion prevention and control, including, but not limited to, protection of steep slopes and natural drainage channels.
  3. Fire prevention and safety, including, but not limited to, location of trees and vegetation near structures.
  4. Conservation of water by reduction in amounts of irrigated areas and similar considerations including, but not limited to, preservation of existing native vegetation.
  5. Wildlife habitat protection, including, but not limited to, identification of migration corridors and routes preservation of critical wildlife habitat.
  6. Protection of endangered plant life.
  7. Stream corridor and wetland protection and buffering.
  8. Preservation of the maximum amount of natural topography, tree cover, and vegetation.
- f. Limits of Disturbance may be Noncontiguous: LOD necessary to accommodate proposed development may be noncontiguous in order to best meet the criteria and standards set forth in this section. Before any disturbance, including grading, grubbing or excavation, may commence on any lot or parcel, whether approved by Wasatch County as part of a grading permit or a building [permit, all corners or the perimeter of the lot or parcel must be staked and flagged and a brightly colored temporary fencing must be installed around the perimeter of the limit of disturbance to secure the excavation material on site and avoid encroachment to the adjacent property. This temporary fence must be visible from the road and the adjacent property.
2. Permanent Erosion Control Measures: In addition to other requirements in the Wasatch County Code, the following requirements must be implemented for permanent Erosion Control.

- a. Drainage/Snowmelt Plan: Surface water from rooftops shall not be allowed to drain directly, or flow onto adjacent lots, except with a written agreement between the owner of such lots that is recorded.
- b. Detention/Stormwater Facilities: Where detention basins and other stormwater facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent feasible. It is required that all such facilities are designed to fit attractively into the natural environment.
- c. Design Requirements: Required stormwater runoff collection facilities shall be designed to retain stormwater runoff on development sites for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods for 100 year storm events, except in areas where master storm drainage systems have been approved.
- d. Divert Surface Water: Required stormwater runoff collection facilities shall be designated to divert surface water away from cut faces or sloping surfaces with fill. French drains are not acceptable.
- e. Pavement Designs with Curb and Gutter: All improvements shall prevent water from flowing off roadways, except in planned, approved areas.
- f. Stabilization at Discharge Point: Drainage at discharge points shall have riprap or be otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- g. Waste Material from Construction: Waste shall not be used as riprap to control stream bank and channel erosion. Soil and other solid materials shall not be deposited within a natural or human made drainage course nor within irrigation channels.
- h. Catchment Ponds: Sediment catchment ponds may be required by a contractor downstream from each development, unless sediment retention facilities are otherwise provided.
- i. Grade of Exposed Slopes: No cut or fill slope that is created as part of any roadway construction, whether public or privately owned, shall exceed the critical angle of repose.
- j. Cuts and Fills: Where cuts and fills are necessary for future buildings or other infrastructure, these will be minimized to fit naturally with the native contours. All disturbance shall be landscaped and revegetated, or otherwise stabilized.

**N.I.** SUPERVISION AND INSPECTION: The county Engineering Coordinator shall from time to time inspect, or cause to be inspected, all work done pursuant to permits to ensure the compliance with and enforcement of the provisions of chapter 14.02: Engineering Department. Applicants and/ or responsible persons are required to keep information and documents showing compliance with this chapter for 2 years after the project is complete, and to comply with requests for information by the County showing compliance with this chapter.

**O.J.** Failure to Comply:

1. It shall be unlawful to engage in activities regulated by this chapter without obtaining the required permit(s), or to engage in activities regulated by this chapter that exceed the scope of the activities authorized in the required permit.
2. Failure to comply with Stormwater Pollution Prevention and Erosion Control requirements as outlined in this chapter and the Utah construction general permit UTRH00000 or UTRC00000 is unlawful, and each provision violated shall constitute a separate offense, and shall be in addition to other violations of this chapter.
3. It shall be unlawful for any responsible person subject to the provisions of this chapter to fail to erect and maintain the guards, signals, barricades and lights required in this chapter.
4. It shall be unlawful for any responsible person to knowingly, intentionally or recklessly remove, tamper with or destroy any guard or barricade, or extinguish any signal or light erected or maintained in accordance with the requirements of this chapter.
5. It shall be unlawful for any person responsible for an excavation affecting or impacting a county road or way to intentionally or knowingly fail or refuse to restore a county road or public way to a reasonably safe condition after having received written notice from the engineering coordinator ordering restoration.
6. Law enforcement authorities of Wasatch County, including law enforcement officers, the Engineering Coordinator, or persons authorized by the Engineering Coordinator, may:
  - a. Forfeit any bonds associated with the project or permit.
  - b. Initiate criminal action by citation or information.
  - c. Work with the Wasatch County Attorney to initiate a criminal action.
  - d. Install or repair erosion control or sediment control measures as needed, and recover all costs, fees, and expenses, including enforcement costs and attorney's fees, from any responsible persons, jointly and severally. The county shall have the right to utilize performance bonds, warranty bonds, or other bonds held by the County associated with a project or property to recover costs the County incurs in installing or repairing erosion control measures on the project or property. Additionally, the County may attach market value of the cost of this maintenance, which 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. In no event shall the County be required to install or repair erosion or sediment control for another.
  - e. Issue a stop work order on the entire construction site. A stop work order may be personally served, may be mailed to responsible person by certified mail, or may be posted in a prominent location upon the property where the violation exists. If a stop work order has been issued, it shall be a separate violation for any work to continue on the property directing no further work shall be performed or approved until authorized by the Engineering Coordinator. The stop work order shall include:
    1. The activity or action that must stop immediately.
    2. The name of the responsible person(s).

3. The location of the violation.
4. Date(s) the violation occurred.
5. Explanation of the violation, including the Wasatch County Code sections violated.
6. Obligation to bring the violation into compliance, including the date by which the project/ property must be brought into compliance.
7. Notice of the appeals process.

f. Notice of Violation. The Engineering Coordinator may serve upon a responsible person a written notice of the violation whenever the Engineering Coordinator finds that there has been a violation of this title. A notice of violation may be personally served, may be mailed to responsible person by certified mail, or may be posted in a prominent location upon the property where the violation exists. A notice of violation under this title must include:

1. Name of responsible person(s);
2. The location of violation;
3. Date(s) the violation occurred.
4. Explanation of the violation, including the Wasatch County Code sections violated.
5. Obligation to bring the violation into compliance, including the date by which the project must be brought into compliance.
6. Notice of the appeals process.

g. Civil Penalties. Any responsible person found in violation of the provisions of this chapter may be fined \$750 per violation per day for each provision violated, in addition to other penalties provided herein. The Engineering Coordinator, in his or her discretion, may waive all or a portion of the civil penalty for good cause.

h. The Engineering Coordinator may issue further notices of the violation as needed. After penalties begin accruing, remediation of the violation will not relieve the responsible person from payment of any accrued penalty, nor will payment of a civil penalty relieve the responsible person from the obligation to correct the violation.

i. The Engineering Coordinator and the responsible person may enter into correction agreements wherein the responsible person agrees to correct violations, and the Engineering Coordinator agrees to waive penalties, subject to the correction agreement being executed and completed within the timeframes provided for therein. In no event shall the Engineering Coordinator be required to enter into a correction agreement.

j. Recordation of notices of violation.

1. If the engineering coordinator issues a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an appeal has been filed, the Engineering Coordinator has authority to record a notice of violation with the Recorder's Office of Wasatch County.

2. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation or order, and other information deemed necessary by the Engineering Coordinator.
3. The recordation does not: (i) place a lien on the property; (ii) encumber the property, or (iii) serve as a notice of interest in the property, but merely places future interested parties on notice of any continuing violation found upon the property.
4. A notice of the recordation shall be served on the property owner by personal service or U.S. mail to the best address known to the Engineering Coordinator, which may include the last address on file with the Wasatch County Recorder.
5. Compliance. When the violation has been corrected, the responsible person will request an inspection by the Engineering Coordinator. If after inspection, all violations have been corrected, necessary permits issued and finalized, and civil penalties and administrative fees paid, the Engineering Coordinator shall issue a notice of correction of violation to the responsible person and shall record such notice of compliance with the Recorder's Office of Wasatch County.
7. A violation of any provision of this chapter shall constitute a class C misdemeanor punishable by a fine not to exceed seven hundred fifty dollars (\$750.00), or a jail term of up to ninety (90) days, or by both such a fine and jail term. Each day each violation of this chapter persists shall constitute a separate offense.

P.K. ~~Appeals of Stop Work Orders, Notices of Violation, and Civil Fines, Permit~~

~~Denials, and Certain Road Widths Appeals~~: A responsible person may appeal a stop work order, a notice of violation, a civil fine, or a permit denial. ~~Any person appealing a land use authority's decision under CLUDMA made by the engineering department must appeal following these processes. Appeals of engineering decisions made in the course of processing a Title 16 application shall be appealed with the Title 16 application approval or denial, unless specifically allowed by the engineering coordinator in writing at the time the decision is made.~~ The recordation of notices of violation cannot be appealed, because the notice of violation must instead appealed prior to the notice of violation being recorded.

1. First Appeal: The notice of appeal shall be in writing and filed with the Wasatch County Manager. It shall state: "Appeal", and shall include applicable fees, the name of the appellant, a description of the property or project at issue, the stop work order, notice of violation, fine, or permit denial that is being appealed, the basis for which the appellant claims the engineering department has wrongfully or incorrectly applied the code, and shall provide all supporting evidence and arguments the appellant has supporting their claim. Upon receipt of an appeal, the Wasatch County Manager or his designee will conduct an informal meeting with the appellant. The Wasatch County Manager or designee will provide reasonable notice to appellant of this meeting. The Wasatch County Manager or designee will make a final determination within two business days of the meeting, and will send by certified mail a copy of the determination to appellant. If the applicant fully

prevails on the appeal, and the appeal final determination is not appealed, the applicant will be returned their appeal fee.

- a. Time. Appeals must be mailed or hand delivered to the County Manager's office no later than ten calendar days after notice of the ~~stop work order, notice of violation, or permit denial was provided to the appellant in the manner provided for herein, or upon actual receipt of the notice, whichever is first decision.~~
2. Second Appeal. The second notice of appeal must mailed or hand delivered to the Wasatch County Manager's office, along with applicable fees for an appeal before the Appeals Hearing Officer, within 10 days of the notice being mailed as required. The Appeals Hearing Officer shall conduct a hearing in accordance with the Administrative Code section of the Wasatch County Code. If the applicant fully prevails on the appeal, and the Appeals Hearing Officer decision is not appealed, the applicant will be returned their appeal fees.
3. Appeal of Requirement For Pavement Over 32 Feet or Appeal of Subdivision Improvement Plans.
  - a. Appeals of Land Use Applications under the Wasatch County Land Use and Development Code in which the Engineering Department is serving on the DRC shall be conducted in accordance with WCC 2.02.02, without first appealing to County Manager.
  - b. Pursuant to UCA 17-~~27-507(2023)~~79-812 (November 6, 2025), as amended), appeals of a municipal requirement for pavement in excess of 32 feet on a residential roadway may be appealed to a panel of qualified experts as provided in WCC 2.02.02, without first appealing to the County Manager.
  - c. Pursuant to UCA 17-~~27a-604.2 (2023)~~79-706 (November 6, 2025), as amended), a Subdivision Land Use Application (UCA 17-~~27a-604.2 (2023)~~79-706 (November 6, 2025), as amended)), in which the county failed to respond to within 20 business days from the fourth or final review of a new revision in a complete review cycle, of subdivision improvement plans, the dispute or failure to respond may be appealed to a *panel of qualified experts* in accordance with WCC 2.02.02, without first appealing to the County Manager.

Q.L. Protection of Wetlands, Natural Streams, and Drainages

1. Disturbance of jurisdictional wetlands and waterways are prohibited without written authorization from the Army Corps of Engineers or Utah State Engineers Office, or both as applicable. Jurisdictional wetlands shall be reviewed by the Army Corps of Engineers prior to any permits being issued.
2. Disturbance of natural streams and drainages are prohibited except for perpendicular crossings. Crossings are required to be designed to pass the 100-year storm event as well as any anticipated debris in the drainage. Additional reviews may be required to ensure floodways, upstream and downstream flows are not affected by the stream crossings. Depending on the classification of the waterway, more permits may be required by agencies with jurisdiction over the waterway.

R.M. Protection of Steep Slopes

1. Slope shall be computed on the existing slope of the land before any grading for the proposed development has commenced, as determined by a digital slope cell calculation or from a topographic map having a scale of not less than one inch equals 60 feet, and a contour interval of not more than two feet. Average slope of a development and slope cell sizes shall not be derived from lower resolution topographic data.
  - a. Percent slope for cells shall be computed by dividing the contour interval by the horizontal distance between contour intervals then multiplying 100 percent, or by a comparable digital slope analysis.
  - b. For the purpose of determining the applicability of a project to this article's standard, the average slope formula above or a comparable digital slope analysis shall be used.
2. Unless expressly allowed in title 14 and 16 no development activities, including clearing, excavation, grading, and construction, are allowed on slopes greater than thirty percent.
3. Any disturbance of 30% slopes shall be approved by the Engineering Coordinator prior to disturbance, and revegetation shall be completed as soon as practicable to minimize potential erosion hazards. Disturbance of greater than 30% slopes is only allowed as follows:
  - a. JSPA and Areas with vested rights through MIDA: Disturbance of steep slopes will be minimized to the extent practicable but are not prohibited.
  - b. Driveways: Lots of record where no other feasible alternative exists shall be allowed to cross slopes up to 50% for a reasonable short distance; must be approved by the Engineering Coordinator.
    1. Driveway design follow WCFD standards.
    2. Retaining walls are preferred to long cut and fill slopes.
  - c. Roadways: Roadways shall be designed to not impact 30% slopes. Except when no other feasible alternative exists, roadways may be allowed to cross 30% slopes for not more than 500-foot intervals and not more than a total of 10% of the total road length as measured along the center line of the roadway. The total road length as measured along the center line of the roadway. The total road length only includes the portion of the roadway being constructed pursuant to the permit. The applicant is required to demonstrate that no feasible alternative exists.
  - d. Trails: Disturbance of 30% slopes is minimized to the maximum extent practicable.
  - e. Private motorized accesses: The intent of the private motorized access is to preserve historic accesses that do not meet a county standard in a Conservation Development, or to allow for private roads connecting undeveloped areas of private property in manner that allows for and is limited to agricultural or non-commercial recreational access.
    1. For historic access in conjunction with a Conservation Development, the road must not be allowed to deteriorate from the historic status of the road, to facilitate emergency access, primarily for fire suppression purposes. No lot frontage is allowed. The road

may be approved in the same manner as the manner for a new road, as outlined below.

2. For new roads, the Private motorized access must be private, in excess of 50 feet and be less than 20 feet wide, and may not have a hard surface. No lot frontage is allowed. Not to be used for meeting any emergency access or secondary access requirement of the Wasatch County Code or Fire Code for development. Such a road may not impact slopes greater than 50% . Must be approved by the engineering coordinator by way of a grading permit, or grading permit, or in conjunction with a subdivision construction permit for a historic access.
- f. Utilities and transmission lines: Utilities for public infrastructure may impact slopes up to 50% when no other feasible alternatives exist. The applicant is required to demonstrate no feasible alternative exists.

## [LAND USE AND DEVELOPMENT]

### **16.01.05: AUTHORITY PROVISIONS**

...

- A. The Planning Commission shall be the Land Use Authority for:  
...  
8. Extensions on the expiration of approved applications for which the County Council or the Planning Commission were the land use authority.
- B. Administrative staff are authorized to approve the following applications as the Land Use Authority on behalf of the Planning Commission for the following items, unless a public hearing is required or if the Planning Director determines the item should be taken to the Planning Commission to serve as the land use authority:  
...  
7. Extensions on the expiration of approved applications for which anyone besides the County Council or the Planning Commission were the land use authority, and for extensions on the expirations of pending applications.

### **16.01.16: VESTING AND EXPIRATION OF APPLICATIONS OR APPROVALS**

- A. Except as provided in Subsection F of this Section, if within twelve (12) months after a complete application has been submitted pursuant to the requirements of this Title, the applicant fails to receive approval of the application, the application shall expire and any vested right to proceed with the application shall terminate.
- B. General Approvals: All approvals granted pursuant to this land use and development code shall expire one hundred eighty (180) days after such approval is given, unless another expiration is provided for a specific application or approval.

C. Master Plan, Physical Constraints, Density Determination, or Concept Plan: Except as provided in Subsection F of this Section, Master Plan, Physical Constraints, Density Determination, and/or Concept Plan approval of developments shall expire if application for preliminary or phased preliminary plan application has not been submitted for consideration and diligently advanced within five years from the date of receiving master plan, physical constraints, density determination, and/or concept plan approval. Projects that have already been approved prior to the effective date of this ordinance shall have at least until July 1, 2020 to file a preliminary application or a phased preliminary plan application, and advance applications and approvals as required to avoid the expiration of the approvals.

1. Projects with an approved phased preliminary plan application: Phased preliminary applications must be advanced within the timelines of the phased preliminary plan approval, which shall not be for more than 5 years between each preliminary application, and may not be for more than 20 years from the preliminary plan approval, or the approvals expire.
2. Exception for Projects with Water Reservations: Projects that have had Master Plan, Physical Constraints, and Density Determination granted, have maintained these approvals, and so long as they have entered into an agreement with a Special Service District to reserve water, have paid all fees to maintain the water reservation, and the water reservation remains in effect through the Special Service District, that project shall have not less than until July 1, 2025 to file a preliminary application or a phased preliminary application, and advance applications and approvals as required to avoid the expiration of the approvals. The burden shall be on the applicant to prove they qualify for this exception as part of their application for Preliminary.

D. Preliminary Development Approvals: Except as provided in Subsection F of this Section, preliminary approvals of developments shall expire if an application for final approval has not been submitted for consideration within one year from the date of receiving preliminary approval. Preliminary approval also expires if a preliminary approval that has been approved for multiple final approvals does not apply for an additional final approval at least five years after the last final plat on the project was recorded, or if more than ten years have passed since the preliminary approval was granted, whichever is earlier.

E. Final Development Approvals: Except as provided in Subsection F of this Section, final approval of development shall expire if the plat is not recorded, or an engineering development permit for the construction of improvements has not been obtained within one year from the date of receipt of final approval by the planning commission. If an engineering development permit is obtained and construction commenced prior to recording a plat, the plat must be recorded within one hundred eighty (180) days of the final completion as determined by the County Engineer. A final approval also expires for projects that have not recorded a plat and have received an engineering development permit if the permit lapses or expires for a year, or if no material progress has been made on installing infrastructure for a subdivision for a period of a year.

F. Upon written request of an applicant, the expiration date of an application or its approval, as the case may be, may be extended for ninety (90) days beyond the expiration date provided that:

1. an application for an extension of time is submitted prior to the expiration date; and
2. the Planning CommissionLand Use Authority or its designee finds, based on substantial evidence placed in the record:
  - a. Substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
  - b. In the case of an unapproved application, no changes to this Title have occurred or are being considered that may affect the application; and
  - c. In the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the Wasatch County Code.
3. In no case shall the time period be extended for more than twelve (12) months from the original expiration.
4. If a property owner has a development approval, and they make a new land use application that requires a consequential change from the development approval, the development approval will not be granted any extensions and will expire if not pursued within the existing expiration date. Furthermore, if the new land use application is approved, the previous development approval is deemed to have been withdrawn by the applicant.

G. Any timeWhenever any approval or application expires under this section, ~~all~~any prior approvals which wereland use approval that was necessary to receive that now expired approval or application also expires, as if the applicant has not implemented~~prior approval would have expired but for~~ the now-expired approval with reasonable diligence~~or application~~.

H. Recorded final plats and that portion of those approvals which were necessary for the final plat to be approved and recorded do not expire as a result of this Section 16.01.16. Development Agreements similarly continue to be enforceable as they apply to recorded final plats, even after the Development Agreement or the other land use approvals associated with the Development Agreement expire.

I. An applicant whose application has been approved shall continually conform to all conditions of approval. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's development rights authorized by such application.

J. Expirations of applications or approvals are administered and determined by the planning director, or their designee. Notice of expiration is not required to be generated or sent by the County.

K. Approvals are vested under the law that governed the approved application. Any subsequent land use or engineering applications that rely on a prior approval are also vested under the law that governed the prior approved application. In the event that both the applicant and the applicable department head or their designee agree to apply a more recent law, or any portion thereof, to an application or an approval, the more recent law shall apply.

#### 16.09.15: OTHER REQUIREMENTS

- A. Signs: Sign regulations are discussed in detail at [chapter 16.26](#) of this title. Please refer to that chapter for specific regulations. The following additional regulations apply to this zone:
  1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant; and
  2. Home occupation signs not exceeding two (2) square feet in area.
- B. Landscaping: For any new lots or previously created lots in the mountain zone (M), noncombustible landscaping shall be required for a minimum distance of thirty five feet (35') around the structure. The thirty five foot (35') area is intended to create defensible space, which does not mean that the area is required to be clear cut, but that dead fuel shall be removed, and highly combustible landscaping shall be avoided. The use of planting materials that will conserve water is recommended and native plants are encouraged, but the entire property must be kept free of noxious weeds.
- C. Walls And Fences: Fences in the mountain zone (M) shall be minimal, and shall only fence in the area considered as the "limits of disturbance" and shall not be over one acre in size to protect the dwelling and landscaping around the dwelling, if any. Any other fencing will only be permitted if the design does not inhibit the movement of deer, elk or other wild animals on the property.
- D. Sewer and Water Requirements: See section 16.27.11 of this title.
- E. Compliance With Land Use Requirements Not Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all County departments and other Special Service Districts with authority over the property must be met before the permit may be issued. This includes, but is not limited to, appropriate road access, septic suitability, water supply and water quality, electricity, heat, transportation to and from schools, etc.
- F. Plan For Services: Property in the mountain zone (M) may be remote from services, such as emergency services, winter road maintenance, sewer, water systems and schools. Any plan submitted must show how the proposed development will address these issues without requiring the county to extend urban services to those areas. ~~Agreed upon levels of service must be completed prior to issuing building permits for any residential, commercial, or industrial structures.~~

#### 16.21.02: EVERY LOT CREATED SHALL MEET MINIMUM STANDARDS OF THIS TITLE

Except as may otherwise be provided in this chapter ~~or required by Utah Code~~, no lot shall be approved and no building permit shall be issued for a lot unless such lot shall have the area, width, depth, geotechnical studies, culinary and irrigation water, sanitary sewage disposal, road frontage, and any other requirement stated in this title or any subsequent amendments thereto, as required by the regulations for the zone in which the lot is located and the applicable subdivision type. Exceptions will be allowed for lots that are considered legally nonconforming.

#### HISTORY

#### 16.21.10: GENERAL LANDSCAPE STANDARDS

The purpose of the landscaping standards and requirements shall be to enhance and conserve property values by encouraging pleasant and attractive surroundings that create the necessary atmosphere for the orderly development of a pleasant community. Landscaping contributes to the relief of heat, noise, glare and buffers unattractive uses, through the proper placement of plants and trees, and should also be designed to conserve the public's water resources. Each zone may set forth additional standards that apply for that zone. Both the requirements of this section, as well as more specific sections, such as Title 10, shall be required. In the event of a direct conflict, the more specific section shall apply.

- A. Applicability: The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.
- B. Maintenance: Landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This includes proper pruning, mowing, weeding, removal of litter, fertilizing, replacement of dead plants and the regular watering of all plantings.
- C. Landscape Plan Required: A site plan showing the proposed landscape development, watering system and use of the property shall be submitted to the planning department whenever landscaping or alteration of existing landscaping is required by this Title. Landscape and irrigation plans shall be prepared by a landscape architect licensed in the State of Utah. The same plan used to show parking layout or other requirements may be used to show landscaping, providing all proposed landscaping is detailed adequately on the site plan. Whenever the submission and approval of a landscape plan is required by this Title, such plan shall be an integral part of any application for approval. Single-family residential lots shall be exempt from this landscape plan requirement except for open space and common areas within the development which must be landscape by the developer as part of the development plans.
- D. Preservation of Existing Vegetation: Developments shall be designed to incorporate existing large trees, clusters of trees, or clusters of large shrubs unless the Planning Commission, after recommendation from the Fire District, finds that such preservation is a fire hazard or violates applicable fire laws. The Planning Commission shall review the appropriateness of removal of such vegetation if proposed in a development application.
  1. The Planning Commission, at its sole discretion, may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into the design of a development versus the problems such vegetation may create for the development in terms of general construction techniques, the impact removal may have on the character of the area, the topography of the site, and harmful conditions the vegetation may create.
- E. Required Landscaped Area: All of the area contained within the front and side yards not being used by approved parking areas or permitted agricultural uses shall be landscaped. Living vegetation including turf grass, shrubs, perennials, or ornamental grasses shall cover a minimum of 35% of the required landscape area within three (3) years of

planting. Tree canopies or weeds may not count toward this percentage. The remaining unbuilt area not covered by living vegetation shall be covered by bark or wood mulch, decorative stone, hardscape, or any combination of these materials. Living plants should be dispersed aesthetically throughout the yard.

F. Size And Number Of Plants: All areas required to be landscaped shall meet the following requirements:

1. At least one tree shall be planted along the roadway for each fifty feet (50') frontage along any road.
2. One tree for each one thousand (1,000) square feet of landscape area. Such trees shall be at least two inch (2") caliper and shall be at least six feet (6') tall at time of planting.
3. At least one shrub shall be planted for each five hundred (500) square feet of landscape area. At least fifty percent (50%) of the shrubs planted shall be five (5) gallons or larger, and the remainder may not be smaller than one gallon.

G. Plant Selection: Landscape design shall recognize the climatic and geologic limitations of Wasatch County and the need for water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to minimize the use and runoff of water. To promote water conservation, every effort should be made to use drought-tolerant species that can withstand dry conditions once established. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.

1. Living ground covers may be used together with mulch to provide complete coverage of bare ground. Mulch, including decorative stone, shall not be used by itself as a substitute for required landscaping.
2. Areas with slopes greater than 25 percent, or 4:1 grade, shall be landscaped with deep-rooting, water-conserving plants.
3. Parkstrips and other landscape areas less than eight (8) feet wide shall be landscaped with water-conserving plants.
4. Landscapes in Commercial, Industrial, and Institutional Developments are not required to have turf areas that exceed 20% of the total landscaped area outside of active recreation areas.
5. The use of invasive species or noxious weeds are prohibited.

H. Irrigation Design Standards: Supplemental irrigation shall be designed to irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs.

1. Turf and non-turf areas shall be irrigated on separate valves.
2. Drip emitters or bubblers shall be used to irrigate plants in non-turf areas.

3. Sprinklers shall have matched precipitation rates with each control valve circuit and are encouraged to have pressure regulation measures where variation in water pressure occurs within the irrigation system.
4. Landscape areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

I. Landscape Installation Timing: Landscaping adjacent to nonresidential developments, attached single-family, and multi-family residential developments shall complete the required landscaping prior to bond release and prior to certificate of occupancy for the respective development. Unless allowed under Utah Code, failure to complete landscaping as required shall not be the sole reason for denying a building permit or a certificate of occupancy. See UCA 17-79-901(2025). Common areas, open space, entry features, or common amenities for all development types shall have landscaping completed prior to 50% of certificates of occupancy being issued, unless agreed upon by the County that specific landscaping will be damaged or destroyed during construction, in which case a specific timeframe shall be presented and approved by the County for those landscaping improvements through which the landscaping will be completed as soon as possible after 50% of certificates of occupancy have been issued. Detached Single-Family Residential lots shall have a period of eighteen (18) months from the date of certificate of occupancy to complete landscaping.

1. Any trees or shrubs not living after a period of eighteen (18) months from the time they are planted shall be replaced with trees or shrubs of a size equal to those trees or shrubs remaining still alive on site.

J. Active Recreation Areas and Farming: Areas that are dedicated to active play where turf grass may be used as the playing surface such as sports fields, play areas, and other similar uses, and areas intended for farm production may be granted an exception to some of the standards of this chapter at the discretion of the Planning Commission after considering the use of the site and its ability to serve the intended active play or farming need.

#### **16.27.12: FINAL PLAT REQUIREMENTS**

A final plat shall be prepared for all developments. Each plat shall consist of a sheet of approved mylar having outside or rim line dimensions of twenty four inches by thirty six inches (24" x 36"). The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1 $\frac{1}{2}$ ") on the left hand side of the sheet for binding, and at least one-half (1/2) on the other three (3) sides of the sheet. The plat shall be so drawn that the top of the sheet is either the north or east, whichever accommodates the drawings best. All lines, dimensions and markings shall be made on the mylar with approved waterproof black "India drawing ink", or equivalent. Font size shall be 10-point or larger. The actual map shall be drawn to a scale within the range of one inch equals ten feet (1" = 10'), to one inch equals one hundred feet (1" = 100'), unless approved otherwise by the planning department. Details and the workmanship on finished

drawings shall be neat, clean-cut and readable. A poorly drawn or illegible plat is sufficient cause for rejection. The final plat(s) shall contain the following information:

- A. Subdivision name (72-point font or larger) and the general location of the development placed at the top and center of the page;
- B. A north point and scale on the drawing and the date;
- C. Accurately drawn boundaries, showing the proper bearings and division, properly tied into state plane coordinates and tied to no less than two (2) known section monuments. These lines should be heavier than street and lot lines to clearly define said development boundaries.
- D. Also provided with the plat shall be a closure sheet of the subdivision boundary as well as for each lot within the subdivision;
- E. The names, widths, lengths, bearings and curve data on centerlines of all streets, alleys, trails or easements; also the boundaries, bearings and dimensions of all parcels within the development, as intended to be dedicated to the use of the public or common ownership by the development property owners; the lines, dimensions, bearings and numbers of all lots and other parcels reserved for any reason within the development.
  1. All lots and parcels shall be numbered consecutively under a definite system.
  2. All streets and trails shall be labeled as public or private, and streets shall be named or numbered in accordance with the street naming and numbering system of the county;
- F. The location of existing watercourses (including irrigation and piping);
- G. The location of all required monuments;
- H. The description and locations of all monuments set and established by the county or the United States government that are adjacent or near to the proposed development;
- I. Addresses as assigned by the GIS department;
- J. A notice of potentially harmful conditions where such conditions exist;
- K. Front public utility easements: A fifteen-foot (15') public utility easement except where the zoning has less than a thirty-foot (30') building setback, in which case, the front public utility easement shall be ten feet (10'). If the development includes a village center or commercial use, the county planner, in coordination with the development review committee, shall identify the appropriate location for the public utility easement;
- L. Side and rear yard public utility easements: A ten foot (10') public utility easement. If the development includes a village center or commercial use, the county planner, in coordination with the development review committee, shall identify the appropriate location for the public utility easement;
- M. Owner's dedications which shall contain the following elements, if applicable:
  1. The owner shall dedicate and convey to the owners of the lots in all phases of the development all open space, common areas, private trails, private roads, and any other property labeled on the plat as common;
  2. The owner shall dedicate all property labelled on the plat as public to the public, and all utility easements to the public for use of utility companies as allowed by Wasatch County;
  3. The owner shall dedicate to Wasatch County, or such other entity as has been approved by the County Council, an open easement in all open space, which shall

typically contain the following elements: the owner hereby grants Wasatch County an open space easement in all property shown on this plat as open space. No structure or other development shall be permitted on the open space except as approved by the Wasatch County legislative body. Open space will be labeled as common area, though plat notes shall indicate the required open space easement, unless otherwise approved under Section 16.21.06.

N. A note that includes the following: *NOTE TO LOT PURCHASERS: Certificates of Occupancy (C of O) will not be issued if infrastructure is not completed and approved. Under Utah law, a subdivision plat may be recorded, lots may be sold, and building permits may be issued before all infrastructure is completed. The County may hold bonds to help ensure the developer completes infrastructure, but the developer remains solely responsible for completing all required infrastructure. In no event is the County responsible to construct any private or public infrastructure, or maintain any public infrastructure prior to the county accepting it. Lot owners should do their due diligence to understand what, if any, required improvements have not been completed that could hold up occupancy of a structure. Occupancy of any building without a C of O is prohibited.*

N.O. Lienholder's consent, if applicable;

O.P. Owner's surveyor's certificate of accuracy of survey;  
P.Q. County surveyor's approval;  
Q.R. Planning commission approval, if applicable;  
R.S. Special service district approval, if applicable;  
S.T. County manager's approval of the plat and the acceptance of dedications of public lands, streets and easements;  
T.U. County fire marshal's approval;  
U.V. County attorney's approval as to form;  
V.W. Health department approval;  
W.X. Public works approval;  
X.Y. County planning office approval;  
Y.Z. Wasatch County water board;  
Z.AA. Engineering department approval;  
AA.BB. Notary public's acknowledgement for each owner's dedication.  
BB.CC. A two-inch by three-inch (2" x 3") space at the bottom right hand corner for the Wasatch County Recorder.

#### 16.27.21: BONDS GUARANTEEING CONSTRUCTION OF IMPROVEMENTS

A. Definitions:

1. LANDSCAPING: Landscaping, as used in this section, is required landscaping that will be dedicated to and maintained by the County, or are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.a public landscaping improvement, as defined in UCA § 17-79-707 (November 6, 2025, as amended).

2. PERFORMANCE BOND: An instrument, in a form approved by the county, with a sum based on estimated costs of improvements in accordance with Utah law not fixed as a penalty binding the developer or contractor to the county, to complete ~~certain actions according to the standards in this code and any other applicable regulation or condition imposed by the county as a condition of approval including any common amenities, improvements on development parcels landscaping or common areas in infrastructure improvements or amenities approved that allowed additional density; conditioned, however, that the payment of the penalty may be avoided by the performance by the developer of the acts agreed to in the bond documents.~~

3. WARRANTY BOND: An instrument, approved by the county, with a sum fixed guaranteeing the quality and/or conformance of completed and accepted improvements or other promised performance according to the standards in this code and any other applicable regulation or condition imposed by the county as a condition of approval.

B. Performance Bond: ~~For Subdivision Construction Permits, a performance~~ Performance bond(s) shall be posted with Wasatch County prior to any final approved plat being recorded in a principal amount of one hundred and ten percent (~~100~~110%) of the total estimated cost of the portion of any landscaping or infrastructure improvement or other performance required by or promised to Wasatch County as part of the development, provided the improvements or other performance are not completed ~~inspected~~ and accepted or approved by ~~Wasatch~~the County, prior to any final approved plat being recorded. The Bonding for infrastructure improvements are required and are administered by the Engineering Department pursuant to WCC § 14.02.04. Bonding for landscaping is administered by the planning department. Completion of trails may be required as part of the landscaping bond or the infrastructure improvement bond, but the same trail is not required to be bonded for twice. Typically, hard surface trails will be included in the infrastructure bond, and soft surface trails will be included in the landscaping bond. The landscaping bond must include protection for the county legislative body, must meet county standards and county code. The bond shall consist of cash, and the bond agreement shall be on a form approved by the County Attorney. The Bond Agreement shall require the infrastructure improvements necessary for building codes and fire codes to be met and continue to be met using standard management practices and frequency in the Wasatch Back, landscaping to be completed ~~before building permits can be~~ prior to certificates of occupancy being issued. The County Manager Planning Director, or his designee, in his sole discretion, may accept a letter of credit from an FDIC insured financial institution that has an office within 50 miles of Wasatch County that will accept a draw. Any letter of credit must expire not less than 1 year after the reasonably anticipated completion date of the improvements, as determined in the discretion of the planning director. If the performance bond remains in effect for more than a year, the developer shall may be required by the Planning Director, to annually provide an updated cost estimate, and shall bond for any additional costs. In no event shall the County be responsible to complete bonded for improvements, in part, because the Utah Code has limited the ability of the County to adequately ensure the completion assurance will be

adequate to complete the bonded for improvements, though the County may, in its sole discretion, complete bonded for improvements. The bond, including any letter of credit, must be subject to the laws of the State of Utah and Wasatch County, and must provide the formforum of a court of competent jurisdiction in Salt Lake County or Wasatch County. The bond may name the developer or the contractor as the "principal". Each bond shall be accompanied by a bond agreement between the developer, contractor, county and financial institution (if applicable and necessary). ~~In no event shall the County be responsible to complete bonded for improvements, in part, because the Utah Code has limited the ability of the County to adequately ensure the completion assurance will be adequate to complete the bonded for improvements, though the County may, in its sole discretion, complete bonded for improvements.~~ The estimated cost shall be based upon the estimate of the planning director ~~(typically for landscaping),~~, who shall take into account some or all of the following factors when making their estimate:

1. The developer's landscaping estimate;
2. The estimate of any reviewing landscape architect or other qualified reviewer;
3. The average cost paid for the same type of performance in Wasatch County in the past; and
4. Typical costs based on industry standards.

4.5. Any other relevant information.

C. Failure Of Performance, Extension Of Time: In the event that any performance required by a performance bond is not completed within the time period allowed for under the performance bond, the developer mayor contractor shall petition the county for an extension of time in which to complete the required performance. ~~A one-one-year extension~~extensions of time may be granted by the county upon application by the developer and upon a showing of good cause and diligent effort by the developer to complete the required improvements within the required period, provided such application is submitted at least sixty (60) days prior to the expiration of the performance bond, and the issuer of the bond is willing to extend the time of the assurance. If at the end of the performance bond term, the county determines that the required improvements or other promised performance has not been completed according to Wasatch County standards and other requirements placed upon the developer, the county, in its sole discretion may:

1. Refuse to accept the improvements or other performance and require the developer to bring the improvements or other performance to county standards; and
2. Receive any part of the bond which is necessary to complete the promised performance or to repair any inadequate performance and proceed with work to bring the performance to county standards; and/or
3. Advance other remedies and enforcement actions as allowed by Wasatch County Code or Utah Code.

D. Warranty Bond: ~~AThe developer or contractor must have posted a warranty bond in the amount of ten percent (10%) of either the county planning director's approved the original engineer's or landscape architects estimate of completion, or based on the actual cost of completing the Landscaping, is required for the County approved plans in order to accept or approve any required improvement, or prior to allowing request a final plat to be recorded that includes required Landscaping. The inspection of completed landscaping.~~

If the performance bond was cash, or a separate cash warranty bond shall be cash is in place, the County shall retain 10% of the cash as applicable to maintain the necessary warranty bond. It is recommended that the warranty bond be cash. If the performance bond was a letter of credit, and the letter of credit also covers the warranty bond, the developer shall be required to demonstrate that the expiry date on the face of the letter of credit or applicable amendment is more than 550 days (a year and a half) from the date of the final release application, or such adjusted additional time as may be applicable to account for longer warranty periods. The bond shall be valid for a period of one year from the time of final acceptance of construction to guarantee compliance with the requirements of this chapter, but may be for up to two years if the County Manager or planning director finds good cause for release of the improvement warranty under Utah Code have been met. The bond shall be released upon approval of the planning director. The warranty bond shall be on a form approved by the County Attorney, and applicable application fees shall be paid. In some cases, the warranty bond will be on the same document as the performance bond. The warranty bond must provide that in the event the completed and accepted improvements or other promised performance covered by the bond fail, are not structurally sound, or are found to be less than the accepted standard during the term of the bond, that the county has the right to require repair and/or replacement, and in the event of failure by the developer to adequately respond, the county shall have the right to recover against the warranty bond and repair or replace the covered improvements or other promised performance. ~~In the event the performance and warranty bond are on the same document, the performance bond may not be released for an amount lower than the amount required for the warranty bond.~~

E. Release Of Landscaping Bonds: The developer shall request the release of a performance bond or landscaping bond using the form provided by the County, after paying applicable fees. The form shall include provisions to administer this section and applicable provisions of CLUDMA<sup>4</sup>, in the reasonable discretion of the planning director or his designee. Releases shall be processed pursuant to UCA § 17-79-805 & 17-79-707 (November 6, 2025, as amended).

E.1. Partial Release Of Performance Bonds (Bond Reduction): The county may approve partial bond releases (bond reductions) of the performance bond prior to final release. Each release must be approved by the county planning director, ~~county manager and county attorney, or their designee~~. Partial releases shall be ~~assessed a two hundred dollar (\$200.00) fee for each release to cover any administrative costs requested on the County form, and be accompanied by the applicable fees~~. The releases approved by the ~~county~~ County shall not exceed the contractor's bond and shall not exceed the percentage of work completed and, at no time prior to final acceptance or approval of the improvements by the county, may the total amount of the bond be allowed to be reduced lower than the greater of: a) one hundred ten percent (110%) of the value of the ~~county manager or the~~ planning director's estimate of ~~other promised the incomplete landscaping and/or trail improvements included in the~~ performance bond; or b) the amount required by the warranty bond in the event the performance bond and warranty bond are ~~on the same document together~~. Until complete, the County shall maintain a balance of a minimum of 25% of the total performance bond amount.

<sup>4</sup> Includes UCA § 17-79-805 & 707 (November 6, 2025, as amended).

~~F. Approval Of Bonds: Any bond submitted to the county pursuant to this section must be on a form approved by the county attorney's office, submitted to the county department requesting the bond and approved by the county as meeting the requirements of this code. Property bonds will not be acceptable in any form.~~

~~G.F. Required Time Period For Performance: All improvements must be completed by the date set in the bond according to county approved plans and specifications unless the planning director agrees in writing to extend the duration. and an updated application is provided with a new expiration date. Any letter of credit for a performance bond shall be extended to match not expire less than 180 days sooner than the revised reasonably anticipated completion date, and in no event shall expire prior to the bonded for improvements being completed and approved by the county. Any letter of credit for a warranty bond shall not expire less than 550 days after the final completion date.~~ It is the express obligation of the developer and/or contractor to either complete the improvements before the performance bond expires, or, in the case of a warranty bond, to repair and/or replace the substandard improvements before the warranty bond expires, or to provide the county with a new bond and bond agreement approved by the county to guarantee and/or warrant the improvements. The new bond and bond agreement must be provided to the county one year in advance of the expiration of the performance bond, or one month before the expiration of the warranty bond. It shall not be a defense to the validity of the bond or bond agreement that the time to perform as listed in the bond or bond agreement has expired.. The obligations in the bond and bond agreement shall continue until such time as the applicable statute of limitation expires under Utah law.

~~H.G. Supervision And Inspection: A representative of the county may, from time to time, enter onto the property to inspect or cause to be inspected all work done which is covered by a performance or warranty bond. No advance notification is required to be given to the developer and/or contractor. If the developer/contractor requests that the county inspect the project, notification shall be given to the inspector at least forty eight (48) hours prior to the request. any applicable fees shall be paid.~~ The performance or warranty bond shall not be released without an inspection by the county to determine whether the improvements are complete, meet county standards, are structurally sound, and need to be repaired or replaced and whether all applicable provisions of this title are satisfied.

~~H.H. Improvements Covered By Bonds: Bonds may be requested for any improvements required by Wasatch County standards, this code, the development review committee, planning staff, the county engineer, the weed control board, the planning commission or the county council. These improvements may include on-site and off-site improvements, including, but not limited to, roads, curb and gutter, storm drains, sewer, water, street lighting, signs, sidewalks, landscaping, open space, fencing, amenities, weed control, parks and trails. in accordance with UCA § 17-79-805 & 707 (November 6, 2025, as amended)..~~

~~H.I. No Third Party Rights: All performance and warranty bonds and agreements are between the county, developer (or contractor if applicable) and a financial institution included in the bond. No other party shall be deemed a third party beneficiary or have any rights under this section or any bond or agreement entered into pertaining to performance and warranty bonds. Any other person or entity, including, but not limited to, owners of~~

individual units or lots, shall have no right to bring any action under and performance or warranty bond or agreement as a third party beneficiary or otherwise.

#### 16.27.31: PROPERTY ACCESS REQUIREMENTS

A. Must Prove Right To Access: No building permit in a new subdivision shall not be issued unless the applicant demonstrates they have access for a building vehicular travel that is to be constructed on satisfies all of the following conditions:

1. For a lot or parcel that does not eitherin a platted subdivision:
  - a. The lot or parcel must abut a dedicated public street or highway, road or a private roadway, built to road which the owner has the right to use,
  - b. The road must be improved to the county standards that is either owned in place when the subdivision was approved,
  - c. The road shall be improved as required by the property owner requesting the WCC 14.02.04, Completion of Infrastructure Before Issuance Of Building Permits (2025, as amended), before a building permit, or certificate of occupancy is issued;
  - d. The road must meet all access road requirements of WCC Title 15, International Code Council, and shall not be deemed a health, safety, or welfare issue by the Engineering Coordinator or the Fire Marshal.

2. For building permits on Lots of Record:

- A.a. The lot or parcel must abut a dedicated public road or a private road which the owner has the right to the county, or has a recorded right of way sufficientuse or have legal access to meet county standards.a dedicated road or private road;
- b. The road and access to the road must meet all access road requirements of WCC Title 15, International Code Council, and Utah Code, and shall not be deemed a health, safety, or welfare issue by the Engineering Coordinator or the Fire Marshal.

B. Access To Business Uses: PrivateIn addition to other requirements, private roads providing access to professional, commercial or industrial properties shall not go through properties zoned for residential use.

C. County Standards For Subdivision Applications; Exception:

1. Any road necessary to meet the access requirements for the subdivision that are not already constructed at the time this code is adoptedof a subdivision application must be built to currentthe county standards the application is vested under, including a roadway which wasroads previously dedicated to the county by plat recordation or other means.-
- C.2. If the roadway is a portion of an internal subdivision road which connects to roads constructed under prior standards, the planning directorEngineering Coordinator may, upon good cause shown, allow the unconstructed portion of the road to be built to the same standard the connecting roads wereare or should have been built to, but in no case less than the standard required by the fire code.

D. Two Access Points: At Where a road in a proposed subdivision provides access to 31 or more ERUs, whether from a single subdivision, multiple developments, and/or existing

~~lots of record, the development activity triggering or contributing to the threshold must provide at least two (2) separate routes for ingress and egress from any large scale development (31 or more ERUs/units) shall be provided that allows access to. Each route must connect to either a state road (state-maintained road) or a public class Class B road (as identified by Wasatch County) at two (2) separated distinct points. If both the two (2) required access routes connect to the same through road, they must comply with the fire code separation requirements. Two (2) accesses that loop onto a dead end road do not count as appropriate access. Dead end roads would need to must be extended to create through roads. access.~~

**D.1.** If the class B road is gravel, the road as well as the access points, must be brought up to the county standard.

~~Note: For the purpose of this chapter, "abutting a county road" means the road to the property shall meet county standards.~~

- 2.** ~~If the road turns into a seasonal road in one direction that provides access maintained in such a manner as to allow seasonal access for two wheel drive vehicles and accesses state or federal property of over 500 acres, in the discretion of the Engineering Coordinator, the road may only be required to be paved in the direction leading away from the state or federal property, considering the health, safety, and welfare of people, the general plan, any long term transportation plans of applicable highway authorities, and the long term reliability of the accesses to carry vehicular traffic.~~
- E.** **Maximum Number Of Units Serviced By Private Driveway:** There shall be no more than three (3) units/lots using a private driveway for access, provided the driveway is twenty feet (20') wide.

## [Administrative Land Use Committee]

### **2.02.23: ADMINISTRATIVE LAND USE COMMITTEE**

- A. Establishment and Membership:** There is hereby established an Administrative Land Use Committee (ALUC), consisting of three (3) members as follows:
  1. The chair of the ALUC shall be the chair of the Wasatch County Council, or their designee from the council;
  2. The chair of the Planning Commission, or their designee from the commission; and
  3. The chair of the JSPA PC, or their designee from the JSPA PC.
  4. The designee (s), if any, forming the ALUC may change from meeting to meeting. If any designee is not present at a meeting, another member of the applicable

public body may serve in their place as appointed by the chair of the applicable public body.

- B. Compensation: The members of the ALUC shall be compensated the same for meetings of the ALUC that they would be paid for serving as a member of the respective public body which qualified them for service on the ALUC.
- C. Powers and Duties: The ALUC shall be governed by the bylaws of the Wasatch County Planning Commission. The ALUC shall exercise all powers and duties authorized by state law. In addition, the Committee shall:
  - 1. Fulfill any duties required under this chapter;
  - 2. Act as the land use authority for land use applications authorized to the ALUC under 16.01.05 of this Title.
- D. Meetings and Quorum: The ALUC shall meet from time to time as necessary to perform its duties. Three (3) members of the ALUC shall constitute a quorum and the vote of two (2) ALUC members shall be required to render any decision or take any action. ALUC members may appear electronically at a public meeting. The committee shall maintain minutes and records of its proceedings in accordance with the requirements of state law.
- E. Non-Waiver: The approval by the ALUC of any plans, drawings or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval.
- F. Appeals: Appeals of final decisions of the ALUC shall be made in the same manner as appeals of land use decisions made by the Planning Commission.