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## 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

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### 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.**

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### 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 | 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**

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 in 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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**ITEM #2**      **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 & 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)***

**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**

1. 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      **AYE**    NAY    ABSTAIN  
Mark Hendricks      **AYE**    NAY    ABSTAIN

Michael Murphy      **AYE**    NAY    ABSTAIN  
Kimberly Cook      **AYE**    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 that 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 | <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**

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 roads 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)

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|------------------|------------|-----|---------|
| Charles Zuercher | <u>AYE</u> | NAY | ABSTAIN |
| Mark Hendricks   | <u>AYE</u> | NAY | ABSTAIN |

|                |            |     |         |
|----------------|------------|-----|---------|
| Michael Murphy | <u>AYE</u> | NAY | ABSTAIN |
| Kimberly Cook  | <u>AYE</u> | NAY | ABSTAIN |

Meeting adjourned at 8:15 p.m.

  
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CHARLES ZUERCHER/CHAIRMAN