



Notice of Wasatch County Planning Commission Meeting **Thursday, April 9, 2026, at 6:00 PM**

Public Notice is hereby given that the Wasatch County Planning Commission will hold a regular session on Thursday, April 9, 2026 at 6:00 PM in the Council Chambers in the Wasatch County Administration Building, 25 North Main, Heber City, Utah.

The public is welcome to attend and participate in this meeting real-time either in-person or by joining the Zoom Webinar at <https://wasatchcounty.gov/openmeeting>. A recording of the meeting may also be viewed afterwards at <https://wasatchcount.portal.civicclerk.com>.

Agenda

Order of agenda items subject to change without notice

Work Meeting 5:30 PM

This work meeting is for discussion purposes only. The public is welcome to attend, however formal presentation of items, public comment and actions will be reserved for the public hearing at 6:00 PM.

Regular Meeting 6:00 PM

1. Welcome
2. Prayer/Remarks
3. Pledge of Allegiance

Business Items

1. Approval of Minutes from the March 12, 2026 Meeting
2. Election of Chair and Vice Chair

Regular Agenda

1. Matt Christensen, representing TLC Investment Enterprise LLC, is requesting Final Subdivision approval for The Crossings at Lake Creek Phase 9. The proposed subdivision consists of 28 single-family residential lots and 2 open space parcels, encompassing a total of 10.47 acres. The property is located in Section 3, Township 4 South, Range 5 East, within the Residential Agricultural 1 (RA-1) zoning district. (DEV-11483) – Austin Corry

2. Jackson Engineering requests a Conditional Use Permit to relocate a sewer lift station to a new site in the Stillwater Master Association open space at approximately 1350 West Rail Trail Road (just north of the Stillwater development and south of the Keetley Road intersection) on the east side of the Rail Trail Road. Legislative approval is required for any development in the platted open space. **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 April 22, 2026.* (DEV-11805) – Doug Smith
3. Consideration of Ordinance 26-05 which amends sections 16.02.06 and 16.02.09 regarding the same or similar applications from being submitted that have formerly been denied. **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 April 22, 2026.* – Doug Smith
4. Discussion and possible recommendation of a proposed ordinance adding new language to 16.21.36 entitled, "Illegal or Non-Developable Lot Creation and Correction". The purpose of this section is to provide options to rectify illegally created parcels. **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 April 22, 2026.* – Doug Smith, Jon Woodard

9:30 PM Approval of Motions

Commission/Director Comments

Adjournment

The Public Is Invited to Participate in All County Planning Commission Meetings.

*County Council Public Hearings will be held at 6:00 PM in the County Council Chambers located at 25 N. Main Street, Heber City, Utah on the date specified.

In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify the Planning Department at 435-657-3205 at least one day prior to the meeting.



WASATCH COUNTY PLANNING COMMISSION MINUTES

MARCH 12, 2026

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

BUSINESS ITEMS

❖ APPROVAL OF THE MINUTES FROM THE JANUARY 8, 2026 MEETING

MOTION

Commissioner Scott Brubaker made a motion to approve the minutes of the January 8, 2026 meeting as written.

Commissioner David Thacker seconded the motion.

VOTE (4 TO 0)

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN	David Thacker	<u>AYE</u>	NAY	ABSTAIN

❖ APPROVAL OF THE MINUTES FROM THE FEBRUARY 12, 2026 MEETING

MOTION

Commissioner Mark Hendricks made a motion to approve the minutes of the February 12, 2026 meeting as written.

Commissioner Scott Brubaker seconded the motion.

VOTE (4 TO 0)

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN	David Thacker	<u>AYE</u>	NAY	ABSTAIN

REGULAR AGENDA ITEMS

ITEM #1 **JASON RICKARDS, REPRESENTING DEER KNOLL DR LLC, REQUESTS A PLAT AMENDMENT IN ORDER TO VACATE LOT 5A AND A PORTION OF DEER KNOLL DRIVE FROM THE DIAMOND BAR X RANCH SUBDIVISION, NO. 6 THIRD AMENDED. THE ROAD EAST OF THE INTERSECTION OF DEER KNOLL DRIVE AND ASPEN LOOP ROAD IS PROPOSED TO BE PRIVATE AND BE VACATED ALONG WITH LOT 5A INTO THE HOVAS DIAMOND BAR X RANCH SUBDIVISION WHICH WOULD REPLACE THE MILTON DIAMOND BAR X RANCH SUBDIVISION. THE PROJECT IS LOCATED IN THE PRESERVATION (P160) 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 MARCH 18, 2026. (DEV-10185; 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.

- Doug Smith explained that the vacate of the road and plat amendment was approved by the County in May of 2023. He explained that Good Cause exists because, among other things, it won't negatively affect Wasatch County residents and there is no known reason that it would cause any harm to the County. He said that the lot combination will help the lot become more conforming by a marginal amount but will become more conforming.

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:

- Christopher Pister, the applicant's representative working with Jason Rickards, thanked Amy Graves for her help on getting this project rolling again and didn't realize that it had expired.

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

- The planning commission felt that there were no issues with the proposal.

MOTION

Commissioner Hendricks made a motion to forward a recommendation of approval to the County Council based on the conditions and findings provided by staff.

Commissioner Thacker seconded the motion.

VOTE (5 TO 0)

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN	David Thacker	<u>AYE</u>	NAY	ABSTAIN
Harold Wilson	<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. This request for a plat amendment and road vacate was approved by the County Council in May of 2023.
2. A plat was never recorded and the 2023 approval expired.
3. This application is consistent with the approval granted in 2023.
4. Good cause for the street vacate exists because:
 - a. No properties owned by a party other than the applicant are currently accessed using the portion of the street being vacated.
 - b. There is no known public interest in the portion of the street being vacated.
 - c. No person is expected to be materially injured by the vacation.
 - d. The vacate will place the entirety of Deer Knoll Drive east of the intersection as a private road cleaning up a small approximately 250' segment east of the intersection.
5. Utah Code 17-79-713 allows the County, by plat or ordinance, to vacate a public street.
6. The Development Review Committee has reviewed the project and has recommended approval.
7. The proposal includes a combination of Lot 5A (0.83 acres) from the Diamond Bar X No. 6 plat and Lot 1 from the Milton Diamond Bar X for a total of 19.01 acres.
8. Lot 1 currently has a two-acre buildable area allowance which totals 11% of the lot.
9. The proposed lot 1 has a two-acre building envelope.
10. Lot combinations are commonly found to meet the good cause requirement as a positive benefit in non-conforming subdivisions as they bring projects into closer conformity with current regulations and result in fewer septic drain fields.

CONDITIONS

1. Potential access improvements to be verified by the Fire District prior to plat recording.
2. The applicant will need to obtain consent to the vacation from Diamond Bar X Ranch Inc. as the owner of parcel 08-3985 (the parcel directly to the north) in accordance with UCA §17-79-713(2)(c) prior to plat recording.
3. Any technical issues listed in the DRC report shall be resolved to the satisfaction of the applicable review departments.

ITEM #2 KURT HOFFMAN, REPRESENTATIVE FOR THE WASATCH COUNTY CHILDREN’S JUSTICE CENTER (CJC), REQUESTS A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL TO ADD PARKING STALLS, AN APPROXIMATELY 1,000 SQUARE FOOT CONFERENCE ROOM TO THE EXISTING CJC BUILDING AND BRING THE SITE AND STRUCTURE UP TO ADA STANDARDS. THE USE IS ON A .54-ACRE LOT LOCATED AT 1484 E 980 S IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. (DEV-11944, 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.

- Doug Smith explained the history of this half acre parcel for the CJC. He said for all intents and purposes it looks like a single-family home. He mentioned that they want to expand the facility to include seven additional parking stalls, enclose the dumpster, add a 1,000 square foot conference room and upgrade the site for ADA compliance. Doug then explained the different elements of the site plan.
- Doug then explained the findings of the application. He said that the DRC has forwarded
- Doug explained the conditions are as follows: the drive aisle needing to be 24 feet at the southwest area of the parking lot and that the parking stalls be 9 x 20 feet.

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 was no additional comment.

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

- Discussion of whether there were any comments that the planning department has received.

MOTION

Commissioner Thacker made a motion to approve the application based on the conditions and findings proposed by staff.

Commissioner Wilson seconded the motion.

VOTE (5 TO 0)

Charles Zuercher	AYE	NAY	ABSTAIN	Scott Brubaker	AYE	NAY	ABSTAIN
Mark Hendricks	AYE	NAY	ABSTAIN	David Thacker	AYE	NAY	ABSTAIN
Harold Wilson	AYE	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 CJC received a conditional use in 2005 and has been operating since the fall of 2005.
2. The CJC is bordered on the east and south by an elementary school and on the west by a single-family home.
3. The residential subdivision to the west was recorded in August of 2010.
4. The CJC operates primarily between the hours of 8 am to 5 pm 5 days per week.
5. The center does not function as a safe house, does not provide overnight accommodations, and does not permit alleged offenders on site.
6. The CJC has applied to amend the conditional use to add a 1,041 square foot meeting space and update the site on compliance with ADA standards.
7. As part of this review some of the non-conforming issues like lighting and a dumpster enclosure are required to be brought up to code.

8. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
9. Notice has been sent to neighboring property owners within 500 feet of the property.
10. There are no known zoning violations on the property at this time.
11. The Development Review Committee has reviewed the project and has forwarded the project for the Land Use Authority to render a decision

CONDITIONS

1. Drive aisle width for new parking area should be 24' wide.
2. Parking stalls are required to be 9x20 unless the bumper is over a landscaped area.

ITEM #3 WASATCH SPRINGS INVESTORS LLC REQUESTS A PLAT AMENDMENT FOR WASATCH SPRINGS PHASE 2, 2ND AMENDMENT BUILDING X TO REMOVE INTERIOR LOT LINES SO THAT THE BUILDING GOES FROM 4 UNITS INTO ONE SINGLE UNIT OF 6,240 SQUARE FEET. THE PROPOSAL IS LOCATED AT APPROXIMATELY 1016-1026 WEST WASATCH SPRING ROAD IN THE JORDANELLE BASIN OVERLAY (JBOZ) ZONE. (DEV-11742, 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.

- Doug Smith explained the application for in the Wasatch Springs development at 1026 W Wasatch Springs Rd. He explained that this address desired to delete the three adjoining lots and make the unit just one unit, with one door going into the building.
- Doug explained the findings of the application. He explained that the proposed use of the building is a specialized treatment and medical spa. He mentioned that Good Cause exists because the proposed application reduces the parking demand of the site and does not affect the overall density of the development. He said that the parking stalls provided for the site meet code requirements.

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:

- The applicant, Paul Wtson, said that Doug Smith presented the item well and said that he was happy to answer any questions.
- Commissioner Zuercher then opened up the conversation for public comment. There was none.

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

- Commissioner Thacker asked if the 24 parking stalls were designated for this building. Doug Smith said yes.
- Commissioner Hendricks said that the decision was easy. He asked if it affected taxation. Doug Smith was unsure.

MOTION

Commissioner Brubaker made a motion to approve the application with any conditions recommended by staff.

Commissioner Hendricks seconded the motion.

VOTE (5 TO 0)

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN	David Thacker	<u>AYE</u>	NAY	ABSTAIN
Harold Wilson	<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 proposal amends the plat from 4-1,560 square foot units in building X to 1-6,240 square foot building.
2. The architecture remains the same other than the removal of 3 accesses onto the street side of the building.
3. The proposed use of the building is a specialized treatment and medical spa which is allowed as a permitted use.
4. Good cause for the plat amendment exists because:
 - a. The proposed plat amendment does not alter the overall density of the development. There is still generally the same square footage of floor space as the previous plat but a single user for the entire building.
 - b. The plat amendment does not vacate or alter any easements or public streets.
 - c. The proposal can comply with the parking limitations for the site and, according to the applicant, will lower parking demand, which is at a premium on the site.
5. This proposed revision conforms to the Wasatch County development standards.
6. The Development Review Committee has reviewed the project and provided a favorable recommendation with a condition.
7. The proposal has been advertised in accordance with County and State requirements.

CONDITIONS

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

ITEM #4 **HEBER LIGHT & POWER REQUESTS A CONDITIONAL USE PERMIT TO UPGRADE THE TRANSMISSION LINE FROM THE HL&P PROVO RIVER SUBSTATION TO THE SOUTHEAST CORNER OF THE SEWER PLANT. MORE SPECIFICALLY THIS PROPOSAL WILL REPLACE .50 MILES OF EXISTING LINES RUNNING ALONG THE EAST SIDE OF THE OF THE HEBER VALLEY SPECIAL SERVICE DISTRICT. THE HEIGHT OF THE POLES IS PROPOSED TO BE 75-100' WITH A 3-WAY SWITCH POLE BEING 100-120' IN HEIGHT. THE NUMBER OF POLES IS TO BE CONSISTENT WITH THE CURRENT NUMBER. THE PROPOSAL IS LOCATED IN SECTION 1, TOWNSHIP 4S, AND RANGE 4E IN THE PUBLIC FACILITY (PF) ZONE. (DEV-11655, CADEN LYON)**

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.

- Caden went through a power point presentation.
- We have received no objections from the notice sent out.

- The substation across from the fisherman's parking lot will be removed.

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:

- Jason Norlan General Manager of Heber light and Power mentioned that they need to use metal when there is an angle to the line.
- Jason also commented that the sub-station across from the fisherman’s access will be removed.

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

- Commissioner Wilson mentioned that he will be abstaining due to former employment with Heber Light and Power.

MOTION

Commissioner Hendricks made a motion to approve the conditional use with all the findings and conditions. Commissioner Thacker seconded the motion.

VOTE (5 TO 0)

Charles Zuercher	AYE	NAY	ABSTAIN	Scott Brubaker	AYE	NAY	ABSTAIN
Mark Hendricks	AYE	NAY	ABSTAIN	David Thacker	AYE	NAY	ABSTAIN
Harold Wilson	AYE	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 proposal replaces 8 poles with 7 new poles.
2. Existing poles range from 45 feet to 78 feet in height
3. The poles that are being replaced and added range between 79 feet and 116 feet tall which is an average of about 22 feet higher than the existing poles are. There is only one new pole proposed that is over 100 feet tall.
4. The replaced and added poles will be wood and/or weathering steel with a rusted metal look.
5. The transmission line will go from a 46kV capacity to a 138kV capacity.
6. The upgraded line’s purpose is to increase transmission line capacity and reliability for current and future county residents.
7. The line has been designed to mitigate potential negative impacts by staying near to where existing poles currently are, removing structures on the east side of the ROW, reducing the double-circuit to a single-circuit line, deleting one pole, using non-specular wire (which is less reflective), replacing poles with wooden poles or rusted metal poles and not getting closer to residents.
8. Pole materials have been designed to blend as well as possible with the surrounding environment. As mentioned above, they will be either wood or self-weathering steel that is a brownish color and looks much like a wood pole.
9. No new easements are needed for the installation of the line.
10. Access from existing roads will be used for construction.

11. The staff analysis indicates that, in staff's opinion, the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
12. Notice has been sent to neighboring property owners within 500 feet of the property.
13. As of the date of this report no comments from residents have been received.
14. The proposal furthers the health, safety and welfare of the residents of the County by increasing reliability and capacity of the transmission line.
15. The Development Review Committee has reviewed the project and accepted the item for the Planning Commission to render a decision.

CONDITIONS

No conditions were listed

ADJOURNMENT

MOTION

Commissioner Zuercher made a motion to adjourn.

Commissioner Thacker seconded the motion.

VOTE (5 TO 0)

Charles Zuercher	<u>AYE</u>	NAY	ABSTAIN	Scott Brubaker	<u>AYE</u>	NAY	ABSTAIN
Mark Hendricks	<u>AYE</u>	NAY	ABSTAIN	David Thacker	<u>AYE</u>	NAY	ABSTAIN
Harold Wilson	<u>AYE</u>	NAY	ABSTAIN				

Meeting adjourned at 7:00 p.m.

CHARLES ZUERCHER/CHAIRMAN

Meeting Date: April 9, 2026**Presenter:** Austin Corry**Department:** Planning**Applicant:** TLC Investment Enterprise
LLC**Requested Time:** 30 Mins**Item Title:**

Matt Christensen, representing TLC Investment Enterprise LLC, is requesting Final Subdivision approval for The Crossings at Lake Creek Phase 9. The proposed subdivision consists of 28 single-family residential lots and 2 open space parcels, encompassing a total of 10.47 acres. The property is located in Section 3, Township 4 South, Range 5 East, within the Residential Agricultural 1 (RA-1) zoning district. (DEV-11483)

Issue:

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 28 lot subdivision on 10.47 acres in the Residential Agriculture (RA-1) zone. This determination is an administrative decision to be made by the Wasatch County Planning Commission.

Background:

The proposed phase 9 is located south of the Lake Creek floodway diversion and east of a recently approved phase 3. If approved, the project would be at 385 ERUs of the total 538 ERUs. Open space for the project would be 50.74 acres or 20.83% as proposed. As the project progresses, the timing elements outlined in Addendum 6 and previous development agreements, as well as the open space requirements will continue to be monitored for compliance with the applicable laws.

Proposed Motion:

Move to Approve item 1 consistent with the findings and subject to the conditions presented in the staff report.

Impact:

N/A

Attachments:

1. PC Staff Report 04-09-2026 - Item 1 - Crossings Ph9 Final Subdivision



Item 1 – Crossings at Lake Creek Phase 9 Final Subdivision

Project: DEV-11483 | Crossings at Lake Creek Phase 9
Meeting Date: 9 April 2026
Report Date: 25 March 2026
Report Author: Austin Corry, Assistant Director
Council Action Required: No
Type of Action: Administrative

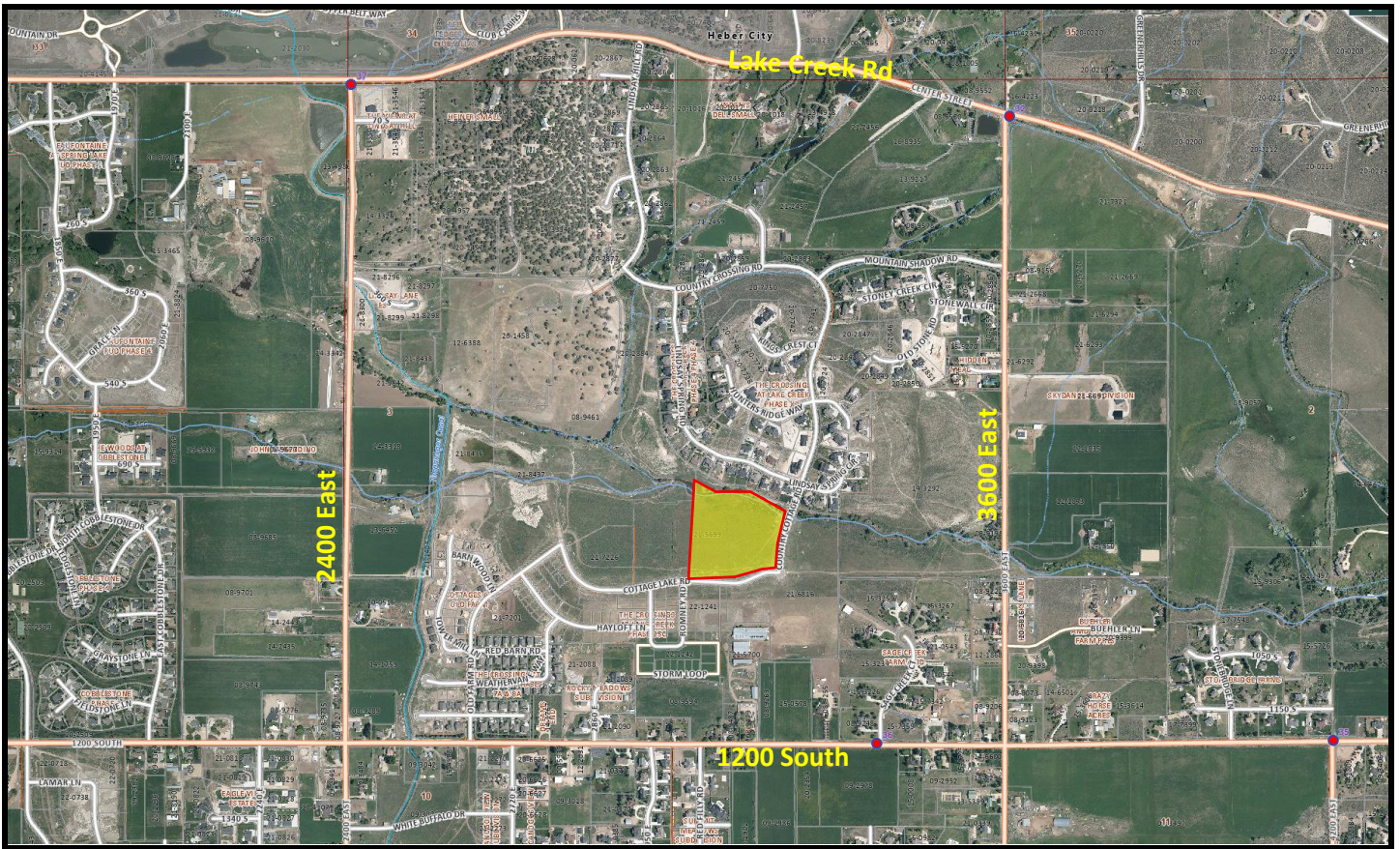
Applicant: Matt Christensen
Parcel Number: 21-5699
Property Acreage: 10.47
Proposed Density: 28 ERUs (0.37 a/u)
Zoning Designation: RA-1
Related Applications: Preliminary Approval, Settlement Agreement (2002), MDA (2005), MDA-Ad6 (2022)

DETERMINATION ISSUE

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 28 lot subdivision on 10.47 acres in the Residential Agriculture (RA-1) zone. This determination is an administrative 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 subject to conditions that are not anticipated to constitute a materially substantive change. Therefore, it is recommended that the Planning Commission APPROVE the proposed final subdivision based on the findings and subject to the conditions recommended in the staff report.



BACKGROUND

The Crossings at Lake Creek is a master planned community that received entitlements under the 1997 ordinance for a 538 unit development on 336 acres. This ordinance was in place prior to the cluster ordinance that was repealed in 2002. The overall density is based on compliance with the preliminary plan development rather than the specific density of each phase. After litigation occurred on this project in 2002, a settlement agreement was reached. This settlement agreement is also part of an existing development agreement which governs this property.

In 2021, the applicant approached the Council for a determination on some proposed changes to the approved preliminary plan that the Council determined were not a substantial change in light of commitments the applicant and County agreed to through a 6th addendum to the development agreement. This included, among other things, timing of amenities and substitutions for connectivity of roads and trails. As such, much of the staff analysis below is based upon the settlement and development agreements. Provisions that have not been outlined in those agreements are typically subject to the 1997 Wasatch County Code.

The proposed phase 9 is located south of the Lake Creek floodway diversion and east of a recently approved phase 3. If approved, the project would be at 385 ERUs of the total 538 ERUs. Open space for the project would be 50.74 acres or 20.83% as proposed. As the project progresses, the timing elements outlined in Addendum 6 and previous development agreements, as well as the open space requirements will continue to be monitored for compliance with the applicable laws.

KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with Settlement Agreement and Preliminary Plan Conditions.
- Compliance with obligations under Development Agreement.

STAFF ANALYSIS

– LAND USE AND DENSITY –

Permitted lot sizes for this phase are outlined in the development agreement as allowing a minimum of 6,000 square feet. The overall Crossings project is required to have lot sizes ranging from 6,000 square feet up to 2 acre lots. The proposal includes a range of sizes from 7,000 to 9,543 square feet generally, with one larger 14,086 square feet lot in the northwest corner.

– SETBACKS –

The Board of Adjustment granted a variance to some of the lots in this project in May 2005 which provided for different setback standards than would be found in the Wasatch County Code. This language is included on the plat since it is different than current county code requirements. The alteration was made to promote varying setback from the street to prevent a wall of homes on a single plain and facilitate side-entry garages. This ruling was summarized in the 2007 Development Agreement as follows:

That all homes built on lots between 6,000 and 9,999 square feet will have a minimum combined depth in front and back yards of thirty linear feet. All homes built on 10,000 square feet to 13,000 square feet or larger will have a combined depth in front and back yards of forty linear feet. (2) The minimum front yard or back yard setback will be ten feet. Back yard measurements will be made from the back plane of the home and will exclude the garage if the zero lot line placement is being utilized. (3) There will always be twenty feet between the structures regardless of the setback. (4) Corner lot setbacks on the main corridor entrance roadway off from 1200 South will be fifteen feet. There will be a minimum number of garages located on this corridor and Wasatch County will not require setbacks to be varied on the main corridor for the lots that front the main corridor. Corner side setbacks on all other lots will be a minimum of ten feet. (5) Also, to ensure varied setbacks, no more than two houses in a row may have the same front setback excepting those lots that front the main corridor. (6) All units must have a minimum of twenty feet of parkable space between the unit and the sidewalk. (7) Finally, if rear yard fencing is not used then in no case shall two units with ten foot rear setbacks be allowed to back each other.

Garage setbacks – There must be a minimum of 20' from the front of the garage to the sidewalk to allow off street parking.

– MODERATE INCOME HOUSING –

The settlement agreement, vesting the project under the 1997 code, grants rights to the developer to proceed without consideration of the now adopted Moderate Income Housing ordinance of the County.

– ENVIRONMENTAL CONSTRAINTS ANALYSIS –

Wasatch County Code 16.27.25 requires an environmental constraints analysis to be submitted with any preliminary application which outlines the potential constraints on development activity. The documentation provided by the developer asserts that the code requirements are complied with. Important to note is the presence of a FEMA regulated floodway (the Lake Creek channel) running through the phase. Special permitting both for federal and state regulations are needed in order to proceed with the project as proposed. Also, the plat is required to put buyers on notice of the construction near the regulated floodway.

If a full and complete representation has not been produced by the developer with the final application, or if any evidence later discovered indicates that such representation has not been accurately made after a full inspection, or there has been any change in circumstances indicating the likelihood of a failure to be able to meet the standards of WCC 16.27.25, the County may require that certain site specific reports be prepared. Additional evidence discovered may decrease the density originally approved for the project.

– OPEN SPACE & PARKS –

The initial approvals for the Crossings included proposed amenities throughout the project. Various different parks, trail connections, and amenity buildings are required by the development agreement. Addendum 6 to the development agreement further details the timing commitments from the applicant to construct the required amenities for the project. In addition to an overall 20% open space requirement for the Project, this phase includes construction of a public trail and a bridge crossing the lake creek channel. Parcel AA in the Southeast corner of the phase includes a small playground structure, trees, and turf. The border of the small park area adjacent to the lots uses a native grass seed mix and trees to buffer between the manicured park area and the private properties.

It should also be noted that Addendum 6 requires the developer to commence construction of the Clubhouse prior to recording 378 ERUs for the project. With this phase approval, the trigger point would be exceeded and therefore cannot be recorded until the conditions from Addendum 6 are satisfied. To date, the developer has not submitted any applications to the county to construct the Clubhouse. The applicant should be fully aware that WCC §16.01.16 includes timelines for performance once approvals are granted, and it is possible any application approvals being considered by the county at this time will expire if the developer does not comply with the development agreement.

– SEWER & WATER –

All lots are required to provide adequate water rights for the culinary use, as well as sufficient water to irrigate any land that has been historically irrigated. In addition, developments more dense than five acres per unit are required to be connected to a public sewer system. Sewer and water will be provided by the TCSSD (Twin Creeks Special Service District) who has issued a will-serve letter for the project. Irrigation services is through Lake Creek Irrigation. The Water Committee has placed a condition on their approval of the project that the applicant must provide a will-serve letter from Lake Creek Irrigation before they will sign the plat.

– ROADS AND ACCESS –

The phase is bordered on the south by Cottage Lake Road and east by Country Cottage Road which are main access roads that connect the entire project from 1200 South to Lake Creek Road. In order to reduce conflicts with the main corridor roads that are not intended to have driveway access, the internal roads to the phase are to be used for driveway access.

– ARCHITECTURE –

The original Master Plan was granted bonus density based on architectural commitments presented by the developer. Currently, the existing development agreement requires architecture to be reviewed by the Architectural Control Committee of the Crossings HOA, with standards outlined through various means such as the development agreement and CC&Rs.

– STORM WATER –

Alterations to the detention area in Phase 6A are being discussed by the developer to potentially convert the existing regional detention pond into a lake amenity. Those considerations appear to still be in early stages. However, this particular final subdivision application shows an intent to still utilize the existing regional detention pond used in previous approvals. As such, the proposal complies with the existing preliminary approval and would be able to move forward prior to any decisions regarding potential alterations that would impact the existing preliminary and future final approvals. Addendum 6 requires that the developer finalize their intent for the pond prior to 483 total ERUs being approved for Final Plat the project. Although the development agreement does not require a decision earlier, it is possible the developer will effectively determine the viable options through their decisions to continue utilizing the pond area for detention of the new phases.

– DEVELOPMENT AGREEMENT –

The details of the Preliminary Plan approval and development obligations were recorded through development agreement in 2005. The agreement requires an addendum to be recorded with each phase that further commits and details the open space amenities as the phases develop. The applicant is working with the attorney's office on finalizing that agreement but will need to finish the draft and record the document prior to plat recording.

DEVELOPMENT REVIEW COMMITTEE

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

RECOMMENDED MOTION

Move to Approve item 1 consistent with the findings and subject to the conditions presented in the staff report.

– FINDINGS –

1. The proposed final plat is a partial phase of the overall Crossings at Lake Creek master development.
2. The proposal includes 28 single-family detached home lots and 3.12 acres of open space on 10.47 acres total.
3. The density being proposed is consistent with what was approved in the original master plan and preliminary plan and 2002 settlement agreement allowing up to 538 ERUs in the project. As of the date of this report, 357 ERUs have been recorded on the project.
4. The development is required to maintain 20% minimum open space in the project. This plat would bring the total amount of open space in the project to 50.74 acres of 243.557 acres total platted phases. This equals 20.83% in the current process assuming this is the next recorded plat.
5. Addendum 6 of the development agreement requires the developer to commence construction of the Clubhouse prior to 378 ERUs being recorded. At the present time, the developer has not presented any plans to the county to begin the approvals for that process.

6. This proposed phase would exceed the 378 ERU threshold and, therefore, cannot be recorded until/unless the requirements of Addendum 6 are satisfied.
7. With conditions, the plans demonstrate compliance with the development agreement, codes as applicable, and the 2002 settlement agreement.
8. The proposal includes further construction of the regional public trail network, including areas where the trail crosses the Lake Creek regulatory floodway.
9. The applicant is required to have federal and state permits in order to perform any construction activities in a regulatory floodway and the applicant has indicated they have initiated the permitting process as required.
10. The application includes connections to public sewer and public water through Twin Creeks SSD.
11. 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.
12. The motion hereby adopts the facts of the case, analysis, conclusions and recommendations outlined in the staff report, with any changes noted.

– *CONDITIONS* –

1. The Development Agreement addendum must be completed and recorded in compliance with the Development Agreement requirements prior to plat recording.
2. Applicant must obtain necessary approvals and permits from the appropriate state and federal agencies for the alterations of the stream, floodway, and floodplain prior to application of a subdivision construction permit with the county engineering department.
3. The plat cannot be recorded until the Clubhouse construction is commenced in accordance with Addendum 6 to the development agreement.
4. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.

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 Subdivision request is compliant as proposed with Wasatch County Code and all other applicable laws.
2. Approve 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. Deny. 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 is approved, the applicant will need to comply with any conditions imposed on the approval. Permits to construct the subdivision infrastructure will be required to be obtained through the Wasatch County Engineering department prior to any construction activities on the subject property. The applicant will have two options for official recording of the mylar plat. The applicant may either withhold recording of the plat until all subdivision infrastructure improvements have been completed or the applicant may record the plat prior to completion of the infrastructure by posting a bond ensuring their completion. Per WCC 16.27.14 the lots may not be sold, advertised for sale or offered for sale in any manner until after the plat has been recorded.

If the requested subdivision 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.....8
Exhibit B – Proposed Subdivision Plat.....9
Exhibit C – Grading Plan11
Exhibit D – Landscape Plan.....12
Exhibit E – DRC Report13

Exhibit A – Vicinity Plan

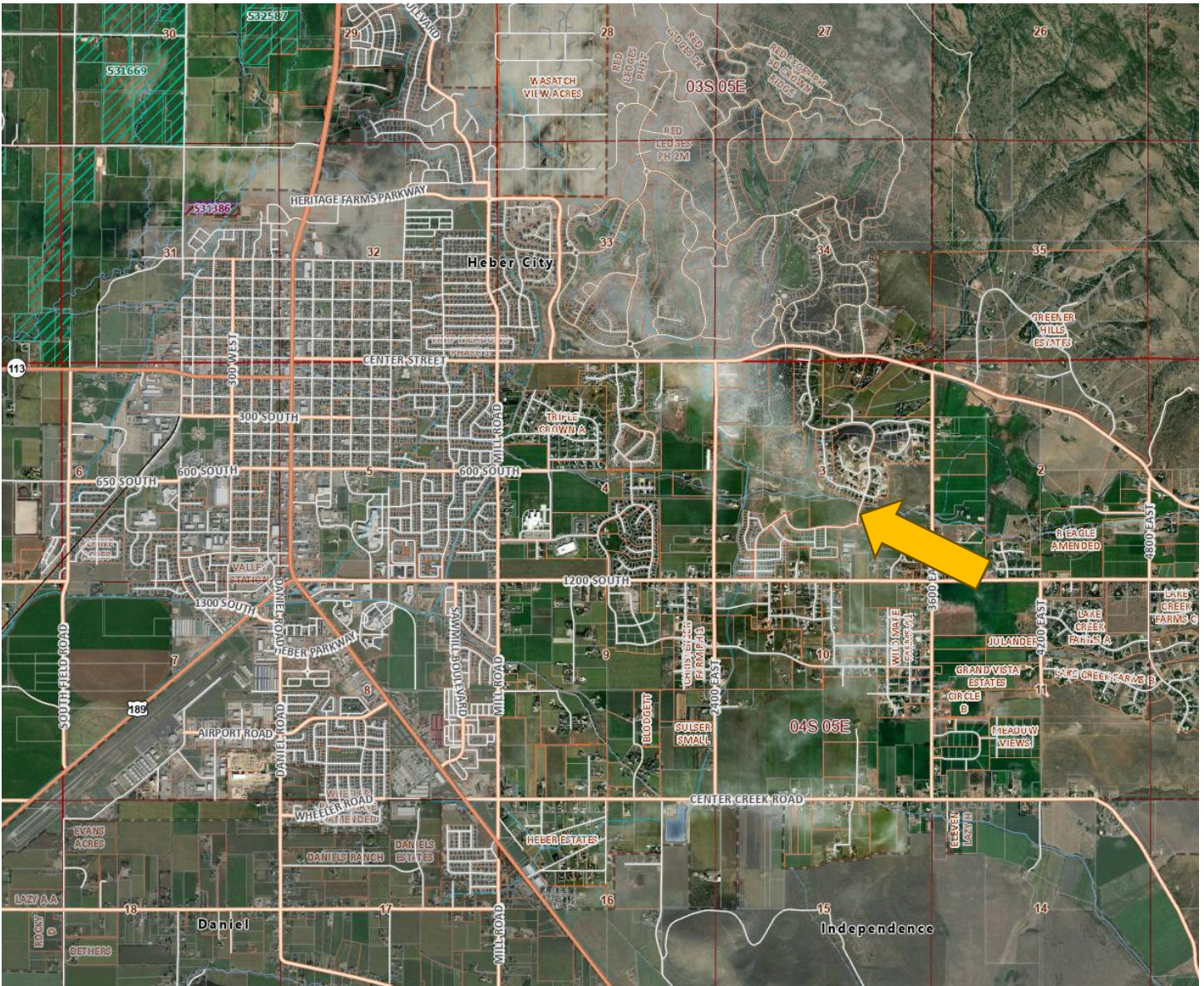


Exhibit D – Landscape Plan

PLANT SCHEDULE

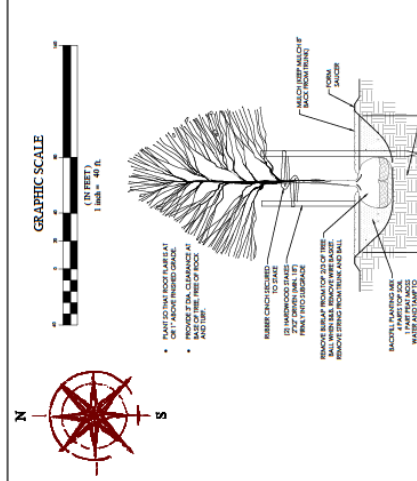
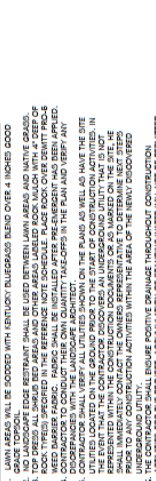
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
TREES					
●	A4	Aster / Heermann Yellowseed	Adam Street Heermann Maple	1.5' Cal.	16
●	B5	Spring redbud	Summer Snow Japanese Tree Lilac	1.5' Cal.	12
●	25	Zelkova serrata	Queen View Japanese Zelkova	1.5' Cal.	18
SHRUBS					
○	PK4	Rosa rugosa	White Spire Shrub Rose	5' gal.	7
○	PK2	Rosa rugosa	Cherokee Fragrant Rose	5' gal.	10
ORNAMENTAL GRASSES					
■	GR1	Andropogon scoparius	Styphelia Blue Oak Grass	1' gal.	10
■	GR2	Panicum polyanthum	Little Spire Shrub Rose	1' gal.	11
PERENNIALS					
■	PR1	Native Grass Seed Mix	Kentucky Bluegrass	seed	14,213 sq ft
■	PR2	Decorative Rock Mulch		rock	2,610 sq ft

REFERENCE NOTES SCHEDULE

SYMBOL	CODE	DESCRIPTION	QTY
1	BENCH		
2	PLAYGROUND		
3	DECORATIVE ROCK MULCH		6,720 sq ft

LANDSCAPE NOTES

1. LAWN AREAS WILL BE SOCCED WITH KENTUCKY BLUEGRASS BEND OVER 4" INCHES GOOD GRADE TOPSOIL.
2. GRAVE TOPSOIL.
3. TOP DRESS ALL AREAS WITH 2" OF TOPSOIL.
4. CONTRACTOR TO CONDUCT THEIR OWN QUANTITY TAKEOFFS IN THE PLAN AND VERIFY ANY QUANTITIES WITH THE ARCHITECT'S TAKEOFFS.
5. CONTRACTOR SHALL VERIFY ALL UTILITIES SHOWN ON THE PLAN AS WELL AS HAVE THE SITE RECONSTRUCTED WITH THE CORRECT AND ACCURATE DOCUMENTS AS TO GRADES ON THE SITE PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN THE AREA OF THE NEWLY DISCOVERED UTILITIES.
6. CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE THROUGHOUT CONSTRUCTION ACTIVITIES FOR THE PROJECT. ACCUMULATION OF STANDING WATER WILL NOT BE PERMITTED.



REGULATION AREA WITH NATIVE GRASSES: 24,032 sq ft
 IRRIGATION AREA WITHOUT NATIVE GRASSES: 13,759 sq ft



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

PROJECT ID: DEV-11483
PROJECT NAME: FINAL SUB - THE CROSSINGS AT LAKE
CREEK PHASE 9
VESTING DATE: 10/9/2025
REVIEW CYCLE #: 4

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
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

DRC Project Comments		
Comment ID	Entity	Comment
DRC-ENG26	ENG - Engineering	With the subdivision construction permit application the estimate will need to be updated to the latest county template on their website and will need to include a 10% contingency.
DRC-JSSD1	DRC - Jordanelle SSD	Continue plan review with JSSD staff and engineer.
DRC-JSSD2	DRC - Jordanelle SSD	Acquire Will Serve Letter prior to platting.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG26		With the subdivision construction permit application the estimate will need to be updated to the latest county template on their website and will need to include a 10% contingency.

Meeting Date: April 9, 2026
Presenter: Doug Smith
Requested Time: 30 Mins

Department: Planning
Applicant: Jackson Engineering

Item Title:

Jackson Engineering requests a Conditional Use Permit to relocate a sewer lift station to a new site in the Stillwater Master Association open space at approximately 1350 West Rail Trail Road (just north of the Stillwater development and south of the Keetley Road intersection) on the east side of the Rail Trail Road. Legislative approval is required for any development in the platted open space. **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 April 22, 2026. (DEV-11805)*

Issue:

Whether the application meets the standards required by Wasatch County Code (WCC) 16.23 for approval of a Conditional Use Permit allowing the relocation of a sewer lift station and if the proposal meets code requirements. The Conditional Use Permit for this proposal is approved by the legislative body due to a note on the open space plat that any development in the open space has to be approved by the County Council.

Background:

The proposal was initially located within the public right-of-way of the Rail Trail Road, south of its intersection with Old Keetley Road and north of the Hailstone at Stillwater Phases 1 and 2 subdivisions on the west side of the Rail Trail Road. At the JSPA planning committee meeting held on February 24th the JSPA planning committee continued the item to the date of March 26th and asked the applicant to look into moving the lift station to the east side of the road to an area that would be less conspicuous than the proposed site. The new location would be in the Stillwater open space area, outside of the right-of-way and would meet the setback requirements.

Proposed Motion:

Based on the analysis in this staff report, Planning Staff recommend that the Planning Commission recommend approval of the Conditional Use Permit based on the findings included in the staff report.

Impact:

N/A

Attachments:

1. PC Staff Report 04-09-2026 - Item 2 - JSSD Sewer Lift



Item 2 – JSSD Stillwater Sewer Lift Station Relocation Conditional Use Permit

Project: DEV-11805 | JSSD Stillwater Sewer Lift Station Relocation
Meeting Date: 9 April 2026
Report Date: 2 April 2026
Report Author: Doug Smith, Planning Director
Council Action Required: Yes
Type of Action: Administrative

Applicant: Steve Jackson Engineering
Address: Adjacent to Stillwater Open Space Exhibit Map Recorded Plat
Parcel No(s): Stillwater master HOA Open Space.
Acreage: easement
Zoning Designation: JSPA/JBOZ
Land Use Number(s): 4840

DETERMINATION ISSUE

Whether the application meets the standards required by Wasatch County Code (WCC) 16.23 for approval of a Conditional Use Permit allowing the relocation of a sewer lift station and if the proposal meets code requirements. The Conditional Use Permit for this proposal is approved by the legislative body due to a note on the open space plat that any development in the open space has to be approved by the County Council.

RECOMMENDATION

Based on the analysis in this staff report, Planning Staff recommend that the Planning Commission recommend approval of the Conditional Use Permit based on the findings included in the staff report.



BACKGROUND

The proposal was initially located within the public right-of-way of the Rail Trail Road, south of its intersection with Old Keetley Road and north of the Hailstone at Stillwater Phases 1 and 2 subdivisions on the west side of the Rail Trail Road. At the JSPA planning committee meeting held on February 24th the JSPA planning committee continued the item to the date of March 26th and asked the applicant to look into moving the lift station to the east side of the road to an area that would be less conspicuous than the proposed site. The new location would be in the Stillwater open space area, outside of the right-of-way and would meet the setback requirements. No variances are needed and the approval can be granted by the planning committee not the County Council.

The proposed lift station will serve the Stillwater development as well as other developments in the general area. Relocation is necessary due to the failure of an existing block retaining wall that supports a Wasatch County roadway and poses a structural risk to the current lift station.

Conditional Use Permit applications require notification to all property owners within 500 feet of the subject property which was done for the meeting in February. Notice was mailed on December 9, 2025. With the previous location within the right-of-way the County Council would have had to approve the lift station. The new location and the 500’ distance from any residents impacts the same residents as the previous application (see exhibit C).

The Planning Department received several written comments for the location of the previous site. The comments raised concerns about potential impacts to neighboring properties, including proximity to a ravine, visual impacts, and the potential odor from the facility.

There is a similar sewer lift station within Heber City in much closer proximity to residential dwellings. This existing sewer lift station has not received any complaints from the neighbors regarding smell or noise.

For a general understanding of the proposal the applicant has provided the following information:

“The Jordanelle Special Service District (JSSD) provides public utility services within the Jordanelle Basin within Wasatch County for culinary water and sanitary sewer utilities. With the mountainous terrain within the service area sanitary sewer collection systems collect by gravity to local and regional low points and then require pumping facilities to convey the collected sewer flows to elevations that can then again gravity flow ultimately delivered to the JSSD Water Reclamation Facility located on Old Hwy 40 below the Jordanelle Dam.

The Stillwater Lodge and the residential units within the Hailstone at Stillwater and the Shores both have sanitary sewer flows that are directed via gravity pipelines to an existing sewer pumping station or lift station referred to as the JSSD Stillwater Sewer Lift Station. The sewage flows are collected within a below ground vault or wet well. Pumps within the lift station then pull the sewage from the wet well and pump the sewage through a pressurized sewer pipeline to a gravity sewer line located in SR319 which conveys the sewage to another sewer lift station located within the Jordanelle State Park. The pumps start and stop based on the level of the fluid within the wet well through electrical level sensing equipment. Including with the level sensing equipment are alarms which can alert the JSSD operations staff if the fluid level reaches a designated set point. The facility is connected to the JSSD SCADA control system which allows for remote monitoring of operation and alarms from the lift station via radio to the staff’s cellular phones.

The pumping equipment includes redundant pumps so that if one pump should fail a backup pump is engaged to maintain the full pumping capacity of the facility. Also included within the facility is an emergency backup generator that can power the facility in the event of a power failure to the facility. The facility is also equipped with odor control system to minimize smell of sewage from the facility. JSSD operation staff visit the facility regularly through the weeks to confirm the facilities are operating properly. Regular maintenance of the pumps and generator are conducted to ensure dependable operations of the facility.”

There has been a question raised by a neighboring property owner as to whether the site is in the JPSA or the JBOZ. Depending on the overlay the property is in a different planning commission is required to review the proposal. The jurisdictional question could be argued either way. For sake of argument planning staff and legal counsel has decided to take it to both bodies for a recommendation to the County Council. Regardless of what overlay zone the site is located in the applicant has agreed to use the stricter standard outlined in the JSPA.

WHAT THIS UPDATED APPLICATION DOES

- Relocates the proposal across the street from the original proposal in HOA open space
- The proposal is outside of the right-of-way
- The proposal meets the required setbacks for the zone (58’ to the ROW line)
- There are no variances needed for this application
- The JSPA Planning Committee recommended approval of the proposal
- The new location does not require new mailings
- The County Council will need to approve the proposal due to a requirement for the council to approved development in the open space.

KEY ISSUES TO CONSIDER

- Neighborhood compatibility and impact.
- Compatibility with the General Plan.
- Compliance with zoning requirements.
- Compatibility with the architectural requirements

STAFF ANALYSIS

– GENERAL PLAN RECOMMENDATIONS –

The General plan does not specifically address utility buildings in the JSPA but does have the following goals and policies regarding infrastructure and sewer systems.

16. GOAL: Provide cost effective infrastructure that meets the needs of unincorporated areas of the County.

Policy 16.1.3 – The use of public sewer collection systems shall be the primary method of sewer disposal. All residential developments with densities greater than one (1) unit per five (5) acre shall be connected to a public sewer collection system and treatment facility except for non-conforming lots of records.

The proposed sewer lift station complies with this policy, as it will continue to serve the same area as the existing lift station. The relocation is necessary due to the risk of failure associated with an existing block retaining wall that supports a Wasatch County roadway adjacent to an existing lift station. To prevent potential service interruptions for existing residents, the lift station must be relocated prior to roadway repair activities.

The below County Code section 16.21.43 allows for exemptions for certain utility uses if approved by the County Council after a recommendation by the JSPA planning committee. Code section 16.21.21(C) allows for projections into yards which in this scenario is the front setback. Code requires that structures are 30' from the right-of-way line. The proposed lift station is 14' 9" from the edge of the asphalt.

– COMPATABILITY OF PROPOSED USE –

Wasatch County Code (WCC) §16.01.05(B) allows utility buildings and structures to be approved administratively as a conditional use. However, because the proposed structure received several complaints and was continued to a date certain the item will need planning committee approval from the Jordanelle Special Planning Area (JSPA) Planning Committee, pursuant to the authority granted in WCC §16.21.43 and 16.21.21(C).

If this new location would have initially been submitted and no complaints received it could have gone through an administrative staff approval.

– CONDITIONAL USE PROCEDURE –

Wasatch County Code 16.23.07(F) outlines the findings that are required in order for the Land Use Authority to approve a conditional use permit. The required findings are as follows (Applicant and Staff analysis responses are provided in **bold**):

16.23.07 GENERAL STANDARDS AND FINDINGS REQUIRED

These standards shall be in addition to any standards set forth in this land use ordinance for the zoning district wherein the proposed conditional use will be established. If there is a conflict between these standards and those set forth for the appropriate zoning district, the more specific standard control. The county shall not issue a conditional use permit unless the issuing department or commission finds:

- A. *The application complies with all requirements of this title;*

Applicant Response: The Conditional Use Application complies with all requirements of title 16.23.07.

Staff Response: Due to the sewer lift station being in the public right-of-way, it will not meet the setback requirements of the JSPA and JBOZ. It will be required to meet design requirements and all other requirements of the ordinance. Code Section 16.21.43 allows certain use categories, including utilities

(Use Category 4300), to be exempt from specific code requirements with approval from the County Council. Code section 16.21.21 allows for reductions in setbacks for utility uses. Staff finds that, with approval from the County Council, the sewer lift station can meet code requirements.

- B. *The business shall maintain a business license, if required;*

Applicant Response: Jordanelle SSD will own and operate the sewer lift station facility. JSSD maintains current business license.

Staff Response: Staff finds the sewer lift station meets this requirement.

- C. *The use will be compatible with surrounding structures in use, location, scale, mass, design and circulation;*

Applicant Response: The sewer lift station is a utility facility necessary to provide sanitary sewer services to the surrounding Stillwater community. The structure, use, location, scale, mass, and design meet the needed requirements for a facility to perform the needed function.

Staff Response: What is visible for the most part will be a 13x15' shed with hardi-plank siding and a natural rock wainscot. There will also be an at grade concrete vault. The building will obviously be smaller in scale than the residential dwellings around it.

- D. *The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;*

Applicant Response: There are no adverse visual or safety impacts associated with the proposed facility. JSSD has coordinated with Wasatch County Engineering and Public Works departments to identify a site and location for the facility away from existing residential structures and at a location that meets the operational requirements and accessibility requirements.

Staff Response: The applicant has agreed to meet the design guidelines for the JSPA overlay zone. The proposed structure is a required utility service for the local community. The proposed use has been reviewed by the public works department and the engineering department for safety aspects and the setback from the road. Material requirements and percentages will be enforced at the building permit stage.

- E. *The use is consistent with the Wasatch County general plan;*

Applicant Response: The facility is compatible with the Wasatch County General Plan by providing needed sanitary sewer service for the surrounding community.

Staff Response: Staff finds that the proposed use complies with Goal and Policy 16.1.3 of the Wasatch County General Plan.

- F. *The effects of any future expansion in use or scale can be and will be mitigated through conditions;*

Applicant Response: The proposed facility will not need future expansion.

Staff Response: Any future expansion of the facility would require conditional use approval.

- G. *All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise and vibrations have been adequately mitigated through conditions;*

Applicant Response: All issues noted in 16.23.07.G have been accounted for with the proposed location

and type of structure.

Staff Response: The proposed sewer lift station is not located within a designated floodway and meets the required setbacks from existing waterways. The site is not situated on a ridgeline or within any identified sensitive environmental area. The design of the facility will be consistent with surrounding development and will not adversely impact adjacent traffic capacity. The location was selected and approved by the Wasatch County Public Works Department and Engineering Department. The applicant has indicated that the lift station includes built-in odor control mechanisms intended to mitigate potential odor impacts. Lighting if any is required to be full cutoff and directed downward. Based on the information provided, staff finds that environmental and site-related impacts, including drainage, erosion, soil stability, and odor, lighting have been adequately addressed through the proposed design.

H. The use will not place an unreasonable financial burden on the county or place significant impacts on the county or surrounding properties, without adequate mitigation of those impacts;

Applicant Response: The use will not place unreasonable financial burden on the county or place significant impacts on the county or surrounding properties. The relocation of the facility will remove potential financial burden on the county as the existing facility is endangered by the County roadway and the failing retaining wall.

Staff Response: Staff finds that the proposed lift station meets this requirement.

I. The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County; and

Applicant Response: The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County, rather the facility will support public health by collecting and disposal of the local community's sanitary sewage.

Staff Response: Staff agrees with the applicant and finds that the proposed use will support public health and welfare.

J. Any land uses requiring a building permit shall conform to the international uniform building code standard.

Applicant Response: The facility shall conform to the international uniform building code standard.

Staff Response: Any land use requiring a building permit must comply with the International Uniform Building Code and obtain all required building permit approvals prior to the commencement of construction.

– COMPLIANCE WITH THE JSPA DESIGN HANDBOOK –

As mentioned, there is an argument whether the proposal is in the JSPA or JBOZ. The applicant has agreed to comply with the JSPA architectural requirements. The JSPA code does not specifically mention utility buildings but regulates materials and colors for dwellings, mailboxes, bus shelters, signs and kiosks. Staff believes the intent of the code would be to regulate utility buildings as well. The applicant has stated their willingness to comply with any requirements necessary.

The JSPA code states the following for wall material:

3.12 wall surfaces that can distract or look out of place from the natural landscape and shall predominantly consist of wood, natural stone, natural stone veneer, fiber-board or Cemi-plank consistent with the below materials.

The following is recommended to be required for this utility structure:

1. A minimum of 30% of the total adjusted exterior surface area shall be natural stone or natural stone veneer, and the remaining exterior surface area shall be wood, COR-TEN or blackened steel, fiber board, Cemi-plank or cementitious siding with the appearance of stained natural wood.
2. 4' eave overhang due to the overhead garage door.
3. Stone retaining walls due to the JSPA code recommendations.
4. Applicant must follow the color palette in the handbook.

The color palette shall reflect a similar range of hues as shown below:



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 make a decision.

RECOMMENDED MOTION

Move to Recommend Approval of item 2 consistent with the findings presented in the staff report.

– FINDINGS –

1. A neighboring property owner has argued that the proposal is not in the JSPA but the JBOZ. It could be argued wither way.
2. The application is being reviewed by the JSPA planning committee as well as the planning commission.
3. Due to a note on the open space plat the County Council will need to review and approve the proposal.
4. The General Plan policy 16.1.3. requires that all uses in the JSPA use a centralized sewer system and that the utility infrastructure should be cost effective.
5. The existing sewer lift station is adjacent and below a failing retaining wall.
6. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code

related to Conditional Uses.

7. Notice has been sent to neighboring property owners within 500 feet of the property for the initial proposal.
8. At the February 24th meeting the Item was continued to the March 26th date.
9. The proposal could be an administrative approval but for the written objections of several property owners that require JSPA planning committee approval and a requirement for council approval due to development in open space.
10. The applicant has agreed to comply with the stricter JSPA Design Handbook requirements.
11. There are no known zoning violations on the property at this time.
12. The Development Review Committee has reviewed the project and has forwarded the project for the Land Use Authority to render a decision

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 proposed Conditional Use is consistent and compatible with the General Plan.
2. Recommendation for Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved through conditions or modifications to the proposed project.
3. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action may be taken if the Planning Commission finds that the Conditional Use is not appropriate at this time and/or is not supported by the General Plan.

CONDITIONS

1. At building permit the plans must reflect the JSPA design requirements which are:
 - a. Stone and appropriate siding
 - b. Compliance with JSPA color palette
 - c. 4' Eave overhang due to the garage door
 - d. Full cutoff lighting
 - e. Rock retaining walls
2. Fencing around the site should not be allowed. The JSPA code discourages fencing (section 7.6)

NEXT STEPS

If the requested Conditional Use Permit is approved, the applicant shall be required to comply with all conditions of approval and may proceed with obtaining any required building permits. Failure to comply with the conditions of approval may result in revocation of the Conditional Use Permit in accordance with Wasatch County Code §16.23.06.

If the requested conditional use permit is denied, the applicant would not be allowed to operate a utility facility at this site.

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

EXHIBITS

Exhibit A – Applicant request 10
Exhibit B – Elevation and Site Plan 11
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Exhibit E – Objection Letters 21
Exhibit F – Rendering and Plans 23
Exhibit G - Note on open space plat.....26

JSSD Stillwater Sewer Lift Station – Wasatch County Planning CUP Application

01-Project Description:

The Jordanelle SSD needs to relocate an existing sewer lift station located at approximately 1500 W Hailstone Drive. The existing block retaining wall supporting the Wasatch County roadway Hailstone Drive is failing creating concern for the existing sewer lift station structure. JSSD has coordinated with Wasatch County Engineering and Public Works Departments to identify a new location for the sewer lift station along the Rail Trail Road right-of-way for the construction replacement facility. Site address is approximately 1455 W Rail Trail Road. The sewer lift station receives sewage flows from the Stillwater community and the pumps the sewage to SR319 to connect to the gravity sewer collection system.

This application is for a Conditional Use Permit for JSSD to construct a sewer lift station. The facility will have a below ground wetwell and dry pit for the pumps and an above ground structure for electrical equipment and entrance.

The facility is primarily unoccupied with period operation staff visits.

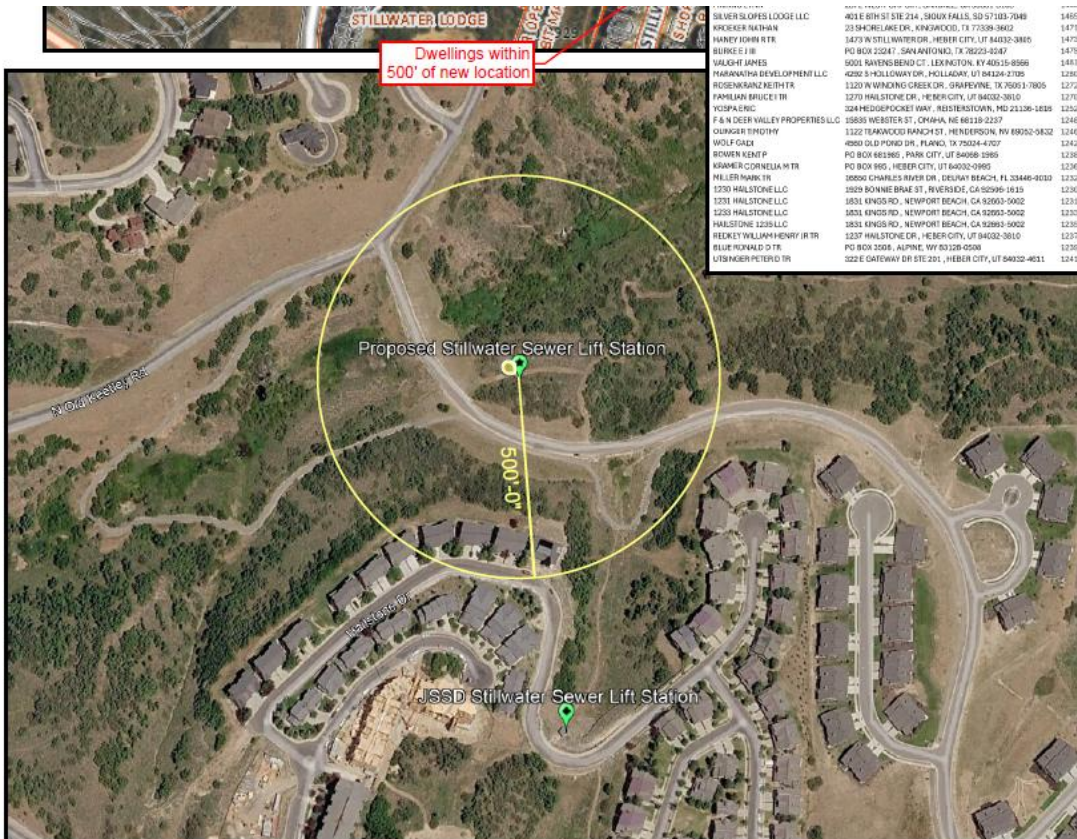
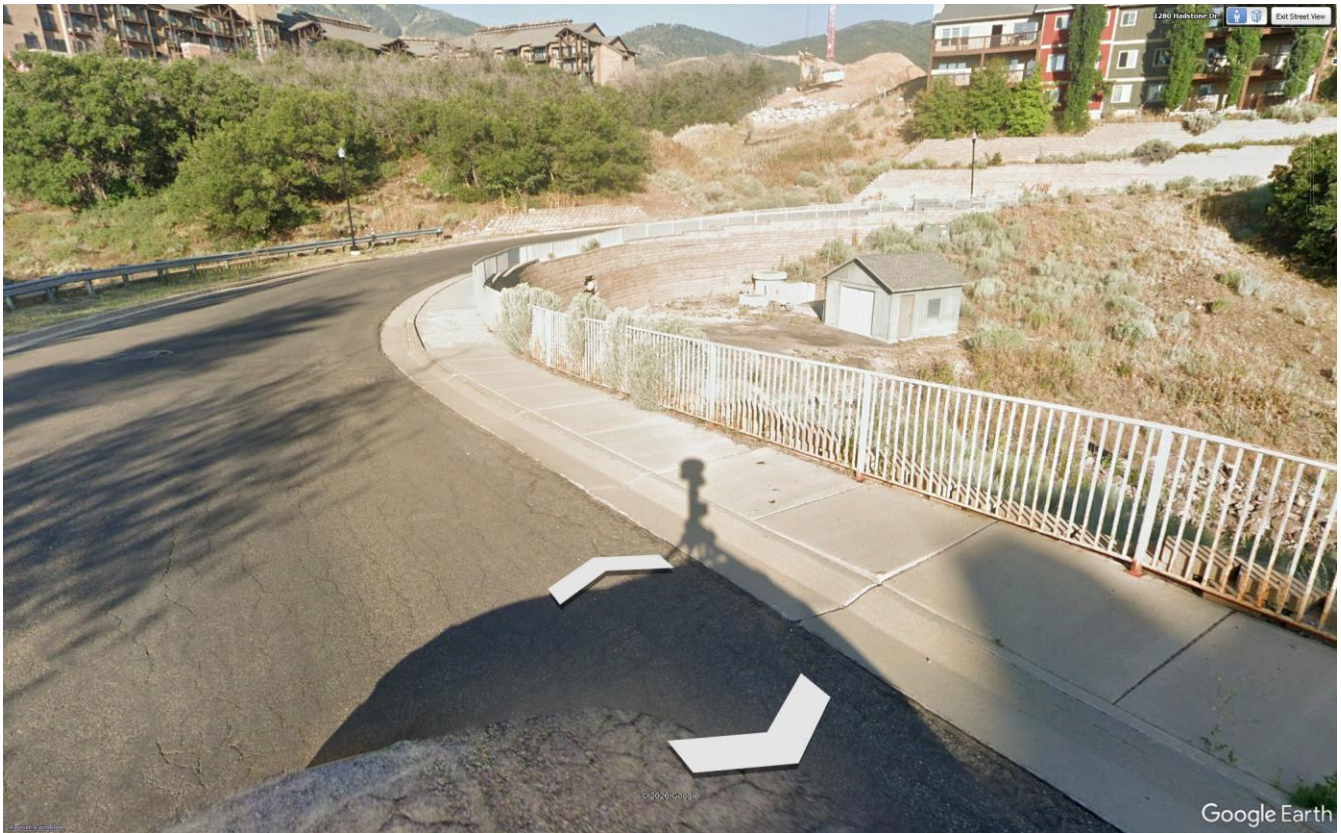
The facility will be operational year-round.

This replacement facility is to mitigate potential damage to the existing JSSD Stillwater Sewer Lift Station to ensure long-term sewer services for the Stillwater community.





Exhibit C – Context pictures













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

PROJECT ID: DEV-11805
PROJECT NAME: CUP - JSSD STILLWATER SEWER LIFT
STATION RELOCATION
VESTING DATE: 11/21/2025
REVIEW CYCLE #: 5

REVIEW CYCLE STATUS: APPROVED

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
Planning Department	Approved
MAG Regional Trail Planner	Approved
Engineering Department	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.

OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
C-PLN-App-1	PLN - County Planning Approval	The JSPA code recommends rock retaining walls over poured concrete. Can rock be used?
C-PLN-App-2	PLN - County Planning Approval	<p>The JSPA handbook requires 30% stone and the rest to be cemi-plank. There may also need to be consideration for the eave overhang.</p> <p>Again as with the previous comment:</p> <p>3.15 All garage doors facing a street shall have a minimum eave overhang of four feet (4') measured from the fascia to the garage door.</p>
C-PLN-App-3	PLN - County Planning Approval	Please provide an example of the lighting on the site if any.
C-PLN-App-5	PLN - County Planning Approval	A

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN2	0-JSSD Stillwater Sewer Lift Station Relocation CUP Plan Set 9-17-25	<p>16.21.43: EXEMPTIONS FOR SPECIFIC USES</p> <p>The following land uses, as identified in the land use classification appendix, may be exempt from specific code requirements: (4800) Utilities, (6721) police protection and related activities; and (6723) fire protection and related activities, (6729) other protective functions and their related activities, NEC (includes, but is not limited to, customs inspection, immigration offices, FBI offices, children's justice centers).</p> <p>This application can be processed administratively.</p> <p>The applicant is exempt from meeting setbacks, and needs to comply with section 5.01.06 of the Wasatch County Code.</p>

Exhibit E – Initial Objection Letters

Amy Graves

From: Rosie <rosierogerspc@gmail.com>
Sent: Tuesday, December 16, 2025 6:52 PM
To: Amy Graves
Cc: Steve Rogers
Subject: Relocation of Sewage Lift Station

[You don't often get email from rosierogerspc@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

The Notice of this Planned relocation of this sewer lift station does not adequately explain why the existing sewage lift station is being relocated and the location of the existing sewer lift station

It does not define who Jackson Engineering, the requiter, is and why the sewer lift station needs to be relocated

The Planned location of the sewer lift station is directly below and off the back deck of our property. We are in the Views at Stillwater community

We Oppose this new location as it would ruin the current view below out deck, add sewage smell to our outdoor living area and reduce the property value of our home

Please let us know when the Public Hearing is planned

Thank you,

Steve & RosieRogers

801-971-8935

Amy Graves

From: Denise Konrad <denise5konrad@gmail.com>
Sent: Wednesday, December 17, 2025 9:50 AM
To: Amy Graves
Subject: 1455 W Rail Trail Road New Sewer Lift Station

[You don't often get email from denise5konrad@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I Strongly oppose the location of a new sewer lift station on W Rail Trail

I bought my property here at 1434 Hailstone after reviewing area development plans and discovering that my view was of a ravine which could not be built in. This ravine is home to significant wildlife and has since had a beautiful paved walking/biking path built.

I am confident that a better inconspicuous location exists to serve all the new construction which is not part of my immediate undeveloped view or the beautiful recreation path that already exists. The planned location is also immediately adjacent to the recently improved Jordanelle trailhead which is a state park site. Why further encroach on what little natural recreation space is left.

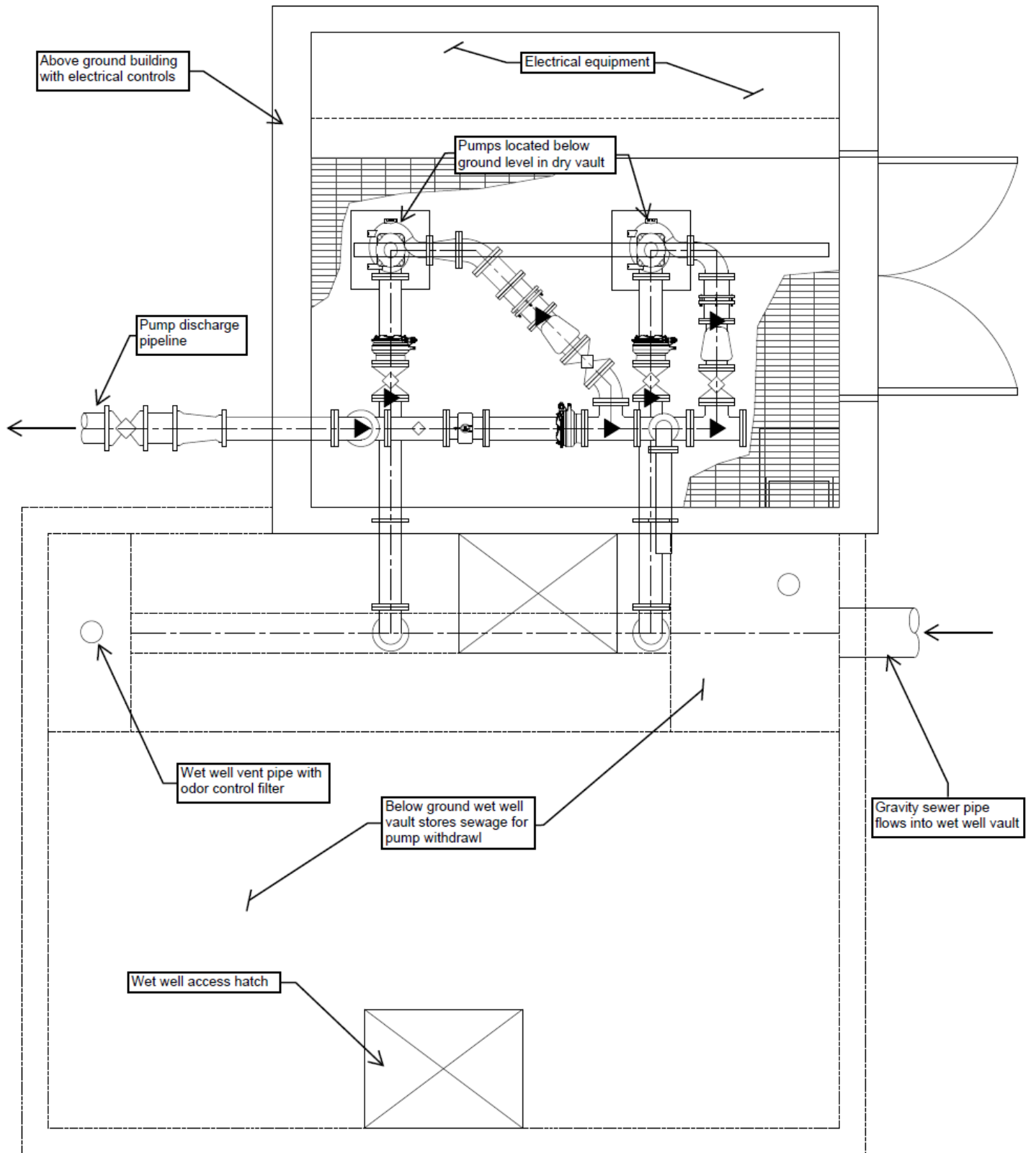
Furthermore, why would new development not have its own planned for sewage pumping instead of placing it directly beneath established housing? The existing location is very hidden in a small ravine and was very well placed, why move it?

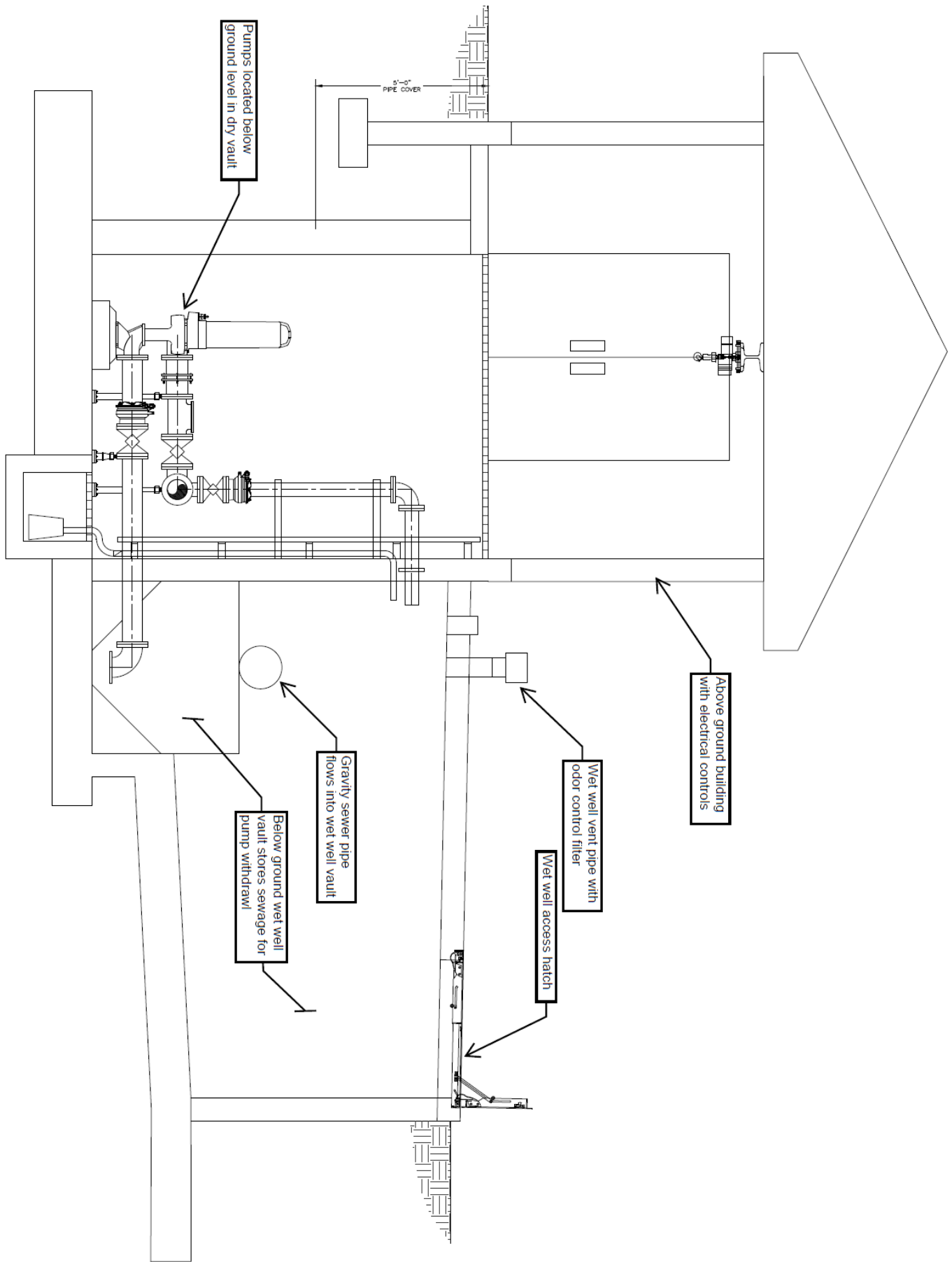
Denise Konrad
1434 Hailstone Drive

Exhibit F – Rendering and Plans

JSSD Stillwater Sewer Lift Station
Sample Building Materials







STILLWATER OPEN SPACE EXHIBIT MAP

Located in the Southeast Quarter of Section 24,
Township 2 South, Range 4 East,
Salt Lake Base and Meridian

The real property described shall be subject to an open space easement in favor of Wasatch County. No structure or other development shall be permitted on this real property except as approved by the County Legislative Body. The Home Owners Association shall be responsible to maintain this real property in its natural state. Maintenance provided by the Home Owners Association shall meet or exceed a standard of reasonableness or safety as established by the County. In the event that the Home Owners Association fails to maintain the real property, the County may, (but is not obligated to) maintain it. The market value of the cost of this maintenance is hereby agreed to and shall constitute a valid lien on the property the project 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. *WHR*

WASATCH COUNTY RECORDER # <u>385372</u>	
State of Utah, County of Wasatch, recorded and filed at the request of <u>STILLWATER MASTER ASSOCIATION</u>	
Date <u>12-27-12</u>	Time <u>11:47 A.M.</u> Book <u>1070</u> Page <u>1846-1865</u>
<u>\$64.00</u> Fees	<u>ELIZABETH PALMIER</u> Wasatch County Recorder

Meeting Date: April 9, 2026
Requested Time: 30 Mins

Department: Planning
Presenter: Doug Smith

Item Title:

Consideration of Ordinance 26-05 which amends sections 16.02.06 and 16.02.09 regarding the same or similar applications from being submitted that have formerly been denied. **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 April 22, 2026.*

Issue:

Whether or not ordinance 26-05 should be adopted that would not allow a duplicate application to be processed after a denial for a period of four years.

Background:

The County has had applications submitted that are the same or similar proposals on the same property as a previous proposal that were denied.

Current code does not set a time frame for when a reapplication of a similar project on the same property or a similar land use application can be resubmitted. Without this time frame as part of the code the same or similar applications can be made indefinitely creating extra work and frustration for the applicants, staff and elected and appointed officials.

The proposed code sets a time frame of four years before a similar resubmittal on the same property, or a land use regulation or application can be applied for.

Proposed Motion:

Move to recommend approval consistent with the findings, recommendations and modifications (if any) presented in the staff report.

Impact:

N/A

Attachments:

1. PC Staff Report 04-09-2026 - Item 3 - Ordinance 26-05



Item 3 – Ordinance 26–05, amending sections 16.02.06 and 16.02.09 regarding duplicate applications submitted that were formerly denied.

Project: DEV-0000 | Regulations on duplicate applications
Meeting Date: 9 April 2026
Report Date: 2 April 2026
Report Author: Doug Smith, Planning Director

Council Action Required: Yes
Type of Action: Legislative
Applicant: County initiated
Affected Code Section(s): 16.02.06 and 16.02.09

DETERMINATION ISSUE

Whether or not ordinance 26-05 should be adopted that would not allow a duplicate application to be processed after a denial for a period of four years.

RECOMMENDATION

Based on the analysis and discussions with the attorney’s office, Planning Staff is of the opinion that the proposed ordinance should be approved by the County Council based on the findings included in the staff report.

BACKGROUND

The County has had applications submitted that are the same or similar proposals on the same property as a previous proposal that were denied.

Current code does not set a time frame for when a reapplication of a similar project on the same property or a similar land use application can be resubmitted. Without this time frame as part of the code the same or similar applications can be made indefinitely creating extra work and frustration for the applicants, staff and elected and appointed officials.

The proposed code sets a time frame of four years before a similar resubmittal on the same property, or a land use regulation or application can be applied for.

What this code does:

- Allows the staff to deny an application for a plat amendment for the same or similar proposal on the same property for a period of four years unless the applicant demonstrates that the proposal does not increase density, decrease open space or affect land covered by a conservation easement or common area.
- Allows staff the ability to deny a duplicate land use application (rezone, subdivision approval) within four years of a denial.
- Allows staff the ability to deny a duplicate land use regulation (zoning ordinances, General Plan amendments) within four years of a denial of a duplicate land use regulation.

Impacts of the proposal:

- Lowers frustration of staff, applicants and appointed and elected officials.
- Would preclude the same or similar application from being submitted for 4 years possibly frustrating applicants.
- Provides for a potentially different political make-up with a time frame between review of the same application.
- Added time between reviews provides for potential changes in demographics, development patterns, or political or staff perspectives that may affect a decision on a duplicate application/project.

STAFF ANALYSIS

This ordinance is in response to a recently submitted application that is similar to a previously denied application for the same property. The intent of this code is to lessen frustration on the part of the applicant, staff and appointed and elected bodies as well as allow different perspectives after some years have passed after the denial of a project. Typically, the legislative body has been consistent in their determinations and cognizant of setting precedence. In recent actions, staff feels that previously denied decisions would be upheld by the legislative body however, to get to that point would take time and effort.

Staff has looked for similar ordinances in neighboring communities and has only found language in the Summit County code which is as follows:

11-6-10: RE-APPLICATION FOLLOWING DENIAL: If any application for development approval is denied for failure to meet the substantive requirements of this title, an application for all or a part of the same property shall not be considered for a period of one year from the date of denial unless the subsequent application for development is substantially different from the previously denied proposal. (Ord. 278, 5-61996)

COMPLIANCE WITH THE GENERAL PLAN –

The General Plan does not have language that addresses this type of code amendment however, it is assumed that any denial of a plat amendment, land use regulation or land use application would have been, in part, denied due to inconsistency with the General Plan. Unless the General Plan has changed the same inconsistency would apply to a resubmitted application.

RECOMMENDED MOTION

Move to recommend approval consistent with the findings, recommendations and modifications (if any) presented in the staff report.

– FINDINGS –

- Current WCC would not preclude an application from being resubmitted right after the denial of the same or similar application either for a land use application/regulation or plat amendment.
- The proposed code introduces a time frame for the resubmission of a similar application for a plat amendment/vacate or land use regulation or application.
- A duplicate application submitted after a denial would most likely have the same outcome as the previous application creating frustration for staff, applicant and elected and appointed officials.
- A time frame between applications allows for possible changes to the makeup of the County Council and planning commission, changes in perspectives, land use patterns, demographics etc.
- A time frame for a re-submission of a duplicate application saves time, money and effort on the part of the staff, applicant and appointed and elected officials.
- The planning commission has held a public hearing on this ordinance and forwarded it to the County Legislative Body.
- The County has properly noticed public hearings before the County Legislative Body and has fulfilled all requirements of Wasatch County Code 3.03.01 for the enactment of an ordinance, including conducting a first and second reading, and making this ordinance available to the public on the County Website.

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 General Plan and proposed amendments are consistent and compatible.
2. Recommendation with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved through conditions or modifications to the proposed text.
3. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Recommendation for Denial. This action may be taken if the Planning Commission finds that the proposed code amendment is not appropriate at this time and/or is not supported by the General Plan.

EXHIBITS

Exhibit A – Proposed Code Text Amendment.....4

Exhibit A – Proposed code amendment

ORDINANCE NO. 26-05

Amends sections 16.02.06 and 16.02.09 that regulates duplicate applications submitted on the same property for a similar proposal or land use applications and regulations for similar proposals that have formerly been denied.

RECITALS

WHEREAS, Wasatch County does not have a code that prohibits the resubmittal of duplicate applications that have been denied; and

WHEREAS, the proposed code would prohibit duplicate applications from being processed for a period of four years; and

WHEREAS, submitting a duplicate application soon after a denial creates frustration for the applicant, staff and elected and appointed officials; and

WHEREAS, the proposed code would allow the staff the ability to dismiss the application; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance 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 Title 7, 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 17-53-208, 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; 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:

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	_____

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 17-53-208, 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 *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; 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.

Notary Public

Residing in:
My commission expires:

Meeting Date: April 9, 2026
Requested Time: 30 Mins

Department: Planning
Presenter: Doug Smith, Jon Woodard

Item Title:

Discussion and possible recommendation of a proposed ordinance adding new language to 16.21.36 entitled, "Illegal or Non-Developable Lot Creation and Correction". The purpose of this section is to provide options to rectify illegally created parcels. **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 April 22, 2026.*

Issue:

Whether or not code section 16.21.36 should be amended to add language to allow options to rectify illegally created lots.

Background:

Wasatch County will issue building permits on only two types of lots. A building lot either has to be a lot of record, sometimes referred to as a "grandfathered" lot, or a lot in a platted subdivision. If a lot is not one of these two it is considered to have been illegally created unless it is an agricultural split for agricultural purposes which does not allow a building right unless further approvals are obtained.

Proposed Motion:

Move to *recommend approval* consistent with the findings, recommendations and modifications (if any) presented in the staff report.

Impact:

N/A

Attachments:

1. PC Staff Report 04-09-2026 - Item 4 - Ordinance 26-06



Item 4 – Ordinance 26–06, amending 16.21.36 to provide options to rectify illegally created lots.

Project: DEV-0000 | Proposed code provisions to provide options to rectify illegal lots
Meeting Date: 9 April 2026
Report Date: 2 April 2026
Staff Report Author: Doug Smith, Planning Director

Ordinance Author: Jon Woodard and Doug Smith
Council Action Required: Yes
Type of Action: Legislative
Applicant: County initiated
Affected Code Section(s): 16.21.36

DETERMINATION ISSUE

Whether or not code section 16.21.36 should be amended to add language to allow options to rectify illegally created lots.

RECOMMENDATION

Based on the analysis and discussions with the Attorney’s Office and findings in this staff report, Planning Staff is of the opinion that the proposed ordinance should be approved by the County Council based on the findings included in the staff report.

BACKGROUND

Wasatch County will issue building permits on only two types of lots. A building lot either has to be a lot of record, sometimes referred to as a “grandfathered” lot, or a lot in a platted subdivision. If a lot is not one of these two it is considered to have been illegally created unless it is an agricultural split for agricultural purposes which does not allow a building right unless further approvals are obtained.

In order for a lot to be considered a “lot of record” it needs to have a title search done. For the most part lots that were created prior to the adoption of a zoning ordinance, in August of 1965, are considered a lot of record. To make that determination the deed that originally created the lot (pre-1965) has to be the same acreage and description as the current deed. A lot considered to be a lot of record can be any acreage in any zone and only has to show that they have legal access, water and can pass perk for a drain field. The review of these applications can be very time-consuming. If a lot was created after August 1965, the applicant must show that it was done legally because the ordinance adopted in 1965 required County approval. The problem is the County has no consistent meeting minutes until March of 1971. Below is the definition for a lot of record from 16.04.

NONCONFORMING LOT OF RECORD: A lot or parcel that: a) legally existed as a lot or parcel developable as a detached single family dwelling, before its current land use or zoning designation; b) has been shown continuously to be an independently existing piece of property since its creation or since before enactment of zoning (August 11, 1965) ; c) has not decreased in size since its creation, except for lot line adjustments approved in writing by the county, as defined in Utah Code Annotated section 17-27a-103, as currently amended; and d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

Below is the code section for non-conforming lots of record and what they are exempt from:

16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning and development standards applicable to the particular zone the nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee a building permit.

Wasatch County has a requirement that before a property can be developed it has to correct any illegal parcels that were created from the parcel proposed to be developed and the parent parcel dating back to when there was a lot of record. The intent of this code section is to correct illegally created lots that may not meet; acreage, frontage, access, water requirements, septic requirements or comply with constraints etc. There may be no option to make remnant parcels legal if not corrected during the development process. There are numerous problems that can be created by illegal lots. The current code section regarding rectifying illegal lots is below:

16.21.36 ILLEGAL LOT CREATION An illegally created lot may not be developed. Any person owning an illegal parcel, or portion thereof, may develop said property only after correcting the infraction and conforming to the standard of the current county ordinances. It is the burden of the lot owner to prove that any lot was legally created. A division or partition of agricultural land for agricultural purposes does not create a lot that can be developed.

To complicate matters properties can be illegally subdivided, recorded in the recorder's office and sold to different owners limiting the ability of the property owner wanting to develop to correct the infractions. There are current situations where a property is many times greater in acreage than the underlying zone requires but cannot subdivide because one or more parcels have been split off of it over the years that were not done illegally. The property owner wanting to develop has no control over the illegal parcels and no way to rectify them and therefore no way to develop the property.

The issues:

- Lots either need to be a lot of record or a "grandfathered" lot or a platted lot in a subdivision to be able to be issued a building permit or be further developed.
- Any property that has any partition of land divided off without approvals has to rectify the illegal split before any further development can be allowed (16.21.36).
- A lot of record is a lot created before August 1965 (which predates the adoption of a code requiring an approval process)
- Lots subdivided after 1965 have to comply with zoning regulations in place at the time and show that they went through the required County process outlined in the 1965 code.
- The County does not have consistent meeting minutes until March 1971.
- The property owner wanting to develop their property may no longer own or control properties that were illegally subdivided and therefore cannot correct the infractions.
- Planning has typically approved a lot of record on a lot with a home that was issued a valid building permit if the acreage of the lot has not decreased since the issuance of the building permit. This proposal codifies that.
- There are no building permit records until 1979, and those records were not the actual permits but notes saying who applied and the general area of the permit.
- Properties that cannot correct the infractions are in limbo even if the property can meet county code requirements.
- Illegal splits can create sub standards parcels, that do not have frontage, water, access, septic suitability, and compliance with constraints like slopes and ridgelines etc.
- A property can be many times greater than the acreage for the underlying zone but cannot be developed because of one or more illegal parcel splits.
- Parcels split for agricultural purposes are not illegal however they are only legal for Ag. uses. Once proposed for anything other than Ag. pursuits the development code fully applies including what the partition did to the original lot of record.

What this code does:

1. Changes the "easily determined" LOR date from August 1965 (when a land use ordinance was enacted) to March 1971 (when we have consistent PC and CC minutes).
2. Lots created prior to March 1971 could be considered lots of record.
3. Allows a property to be considered a lot of record if a home was built prior to 1979 (the first year we have building permit records) has been on the tax records before 1979, and acreage has not changed and any alterations have been approved by the county.
4. Allows a parcel to be a lot of record if there was a building permit or certificate of occupancy issued on the property and the acreage has not changed since the issuance of the permit.
5. Parcels can be combined to create a lot that existed prior to 1971 and be considered a lot of record.
6. Allows for illegally created lots from a previous lot of record to be platted in compliance with current requirements.

7. Allows Ag splits to be further developed if the Ag split meets current zoning, is traced back to the original lot of record and all contiguous parcels under the same ownership are planned together to meet access standards.
8. A parcel resulting from an Ag split may proceed through the development process without including all other parcels from the parent parcel if the parcel can be platted in accordance with the current code as a single lot or multiple lots and all other parcels are provided access in accordance with County requirements.
9. Provides for illegally created parcels from a lot of record to be platted in a new subdivision that meets county code.
10. Allows Ag. splits to be lots of record if a dwelling has been approved on the parcel either by building permit or a certificate of occupancy.

STAFF ANALYSIS

This has been worked on for several months between the attorney's office and the planning department. This proposal has big implications for previously denied applications for lots of record and big implications for parcels that currently cannot be developed due to illegally subdivided parcels.

Staff has done some research and has found that Summit County has a similar ordinance. Jon Woodard, Deputy County Attorney, has discussed this with their legal counsel and had some concerns about their ordinance. The Summit County ordinance is attached as exhibit E.

– FINDINGS –

- Lots either need to be a lot of record or a "grandfathered" lot or a platted lot in a subdivision to be able to be issued a building permit or be further developed.
- Any property that has any partition of land divided off without approvals has to rectify the illegal split before any further development can be allowed (16.21.36).
- A lot of record is a lot created before August 1965 (which predates the adoption of a code requiring an approval process)
- Lots subdivided after 1965 have to comply with zoning regulations in place at the time and show that they went through the required County process outlined in the 1965 code.
- The County does not have consistent meeting minutes until March 1971.
- The property owner wanting to develop their property may no longer own or control properties that were illegally subdivided and therefore cannot correct the infractions.
- Planning has typically approved a lot of record on a lot with a home that was issued a valid building permit if the acreage of the lot has not decreased since the issuance of the building permit. This proposal codifies that.
- There are no building permit records until 1979, and those records were not the actual permits but notes saying who applied and the general area of the permit.
- Properties that cannot correct the infractions are in limbo even if the property can meet county code requirements.
- Illegal splits can create sub standards parcels, that do not have frontage, water, access, septic suitability, and compliance with constraints like slopes and ridgelines etc.
- A property can be many times greater than the acreage for the underlying zone but cannot be developed because of one or more illegal parcel splits.
- Parcels split for agricultural purposes are not illegal however they are only legal for Ag. uses. Once proposed for anything other than Ag. pursuits the development code fully applies including what the partition did to the original lot of record.

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. Approval. This action may be taken if the Planning Commission finds that the General Plan and proposed amendments are consistent and compatible.
2. Approval with Conditions. This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved through conditions or modifications to the proposed text.
3. Continue. This action can be taken if the Planning Commission needs additional information before making a recommendation, if there are issues that have not been resolved, or if the application is not complete.
4. Denial. This action may be taken if the Planning Commission finds that the proposed code amendment is not appropriate at this time and/or is not supported by the General Plan.

EXHIBITS

Exhibit A – Proposed Code Text Amendment.....6
Exhibit B - Portions of 1965 code.....13
Exhibit C - 1972 zoning map.....19
Exhibit D - Example of illegal subdivision issues.....21
Exhibit E - Summit County Ordinance.....22

ORDINANCE NO. 26-XX

ILLEGALLY SUBDIVIDED LOTS AND POSSIBLE CORRECTIONS

RECITALS

WHEREAS, the County code does not allow lots that have been illegally subdivided or altered to be able to further develop; and

WHEREAS, applicants can subdivide and meet current county regulations but for the illegal parcels that have been subdivided out of the property; and

WHEREAS, parcels that resulted from agricultural splits that are lawful for agriculture, but cannot be lawfully developed need a process to become legal parcels; and

WHEREAS, in many instances the applicant no longer controls all of the parcels resulting from the illegal subdivision(s) or agricultural split(s), and struggle to correct the infractions; and

WHEREAS, in some instances the county has issued building permits on parcels that should be allowed to be legal lots; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance 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 and is consistent with the goals and policies of the Wasatch County general plan;

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 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; 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:

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 _____

Exhibit A

1

2

4.09.02: WASATCH COUNTY FEES

C.	Fees Of <u>The</u> Wasatch County Planning <u>And</u> Zoning Department:	
	2. Other fees:	
	<u>Lot Determination or Correction Application</u>	<u>\$300.00</u>

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16.21.36: ILLEGAL OR NON-DEVELOPABLE PARCEL CREATION, AND CORRECTION

An illegally created lot may not be developed. Any person owning an illegal parcel, or portion thereof, may develop said property only after correcting the infraction and conforming to the standard of the current county ordinances. It is the burden of the lot owner to prove that any lot was legally created. A division or partition of agricultural land for agricultural purposes does not create a lot that can be developed.

A. Purpose and Scope

1. The purpose of this section is to establish procedures for addressing non-developable parcels or illegally created lots and to provide mechanisms for their correction in compliance with applicable state and county laws.
2. This section applies to all parcels within the County that do not comply with all requirements to be a developable parcel under this title.

B. General Provisions

1. An illegally subdivided parcel, or portion thereof, may not be developed unless corrected to conform with current county ordinances.
2. Illegally subdivided parcels or agricultural splits may create other non-conformities besides the parcel in question. Correction may need to include all affected parcels.
2. The burden of proof lies with the property owner to demonstrate that a parcel was legally subdivided by a preponderance of evidence, or if another option that allows for development under this section is used, the burden is on the property owner to demonstrate all the requirements for the applicable option are met by a preponderance of evidence.
3. The Planning Department is authorized to create applications that aid in their administration of this section.

C. Legal Lot Determination or Correction Application and Process

1. If the planning director or his designee determines that there is not readily available evidence that proves that a parcel was lawfully subdivided or altered as a developable parcel, in order to develop the parcel, the applicant must apply for a Lot Determination or Correction Application on a form created by the Planning Department.
2. The applicant shall pay all applicable fees with the application.

37

- 38 3. At a minimum, the property owner must provide the planning department with the
39 original deed and all subsequent deeds and other documentation necessary to meet
40 the property owner's burden of proof.
- 41 4. Valid Building Permit: For purposes of this section, a parcel is considered to have
42 a valid building permit if the applicant demonstrates:
- 43 a. The tax records from before 1979 show a structure, and the structure has
44 not been altered from its design and use since 1979 without a permit and
45 the acreage is the same as it was in 1979, or
- 46 b. The property has a structure that received a building permit approved by
47 the planning department; and that structure has not be altered from its
48 permitted design and use without a permit and the acreage is still the same
49 as when the permit was issued.
- 50 5. Certificate of Occupancy: For purposes of this section, certificate of occupancy
51 means a certificate issued by the building official indicating that a building or
52 structure complies with the applicable provisions of the building code and may be
53 used or occupied for the purpose stated and the acreage has not changed since the
54 issuance of the certificate of occupancy.

55 D. Agricultural Splits

- 56 1. Since at least 1953, Utah Code has allowed landowners to *divide or partition of*
57 *agricultural land for agricultural purposes*, without treating such divisions as
58 "Subdivisions"— a legal classification necessary to create a developable parcel¹¹.
59 Utah Code § 17-27-27 (1953); Utah Code § 17-79-102(81)(c)(i) (Jan. 1, 2026).
- 60 2. For purposes of this section, an *Agricultural Split* is defined as: a bona fide
61 division or partition of agricultural land for agricultural purposes. The property
62 owner proves an *Agricultural Split* by showing by the preponderance of the
63 evidence that:
- 64 a. The property existed as a non-conforming lot of record prior to any
65 agricultural splits.
- 66 b. If contiguous agricultural splits, that are part of a lot of record, as noted in
67 sub section a, are in the same ownership and less than all the lots are
68 proposed to be subdivided or developed, a preliminary plan, as required in
69 code section 16.27.10(B, 2, f), will be required, which shall include all the
70 parcels planned together including a connectivity plan and labeled for
71 future phases.
- 72 c. All resulting parcels must have been continuously on greenbelt for a
73 period of ten years after the split.
- 74 d. None of the property subject to the split may have a structure on it, unless
75 the structure is an agricultural building pursuant to section 16.01.07(B) or
76 is in compliance with sub-section C and
- 77 e. For any agricultural parcel resulting from an agricultural split after April 1,
78 2026, the owner must comply with Utah Code 17-79-708(2) (January 1,
79 2026, as amended), including the owner of record completes, signs, and

¹¹ "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Utah Code § 17-79-102(81)(a) (Jan. 1, 2026).

80 records with the county recorder a notice: 1) describing the parcel of
81 agricultural land by legal description; and 2) stating that the parcel of
82 agricultural land is created as land in agricultural use, as defined in Utah
83 Code 59-2-502 (January 1, 2026, as amended), and will remain as land in
84 agricultural use until: 1) a future zoning change permits another use, or
85 current zoning allows a proposed use and 2) all subdivision plat
86 requirements of this title are complied with, and all the applicable land use
87 ordinance requirements are complied with.

88 f. A property may go through multiple agricultural splits, and each one may
89 meet the requirements for an agricultural split only if all preceding
90 agricultural splits involving that parcel meet the requirements for an
91 agricultural split. However, divisions or partitions of land that occurred
92 after the agricultural splits that created the subject parcel, and not
93 undertaken by or with consent of the subject parcel's owner, do not affect
94 the determination of whether an agricultural split occurred on the subject
95 parcel.

96 3. An agricultural split does not in itself create an illegal parcel for it or the
97 remainder if the original parcel was a lot of record, but it does not create any
98 developable lots unless expressly allowed in this Section.

99 4. Parcels determined to have been created by an agricultural split may or may not
100 be able to meet code requirements for development, in accordance with this
101 section. As a result, a determination that a legal agricultural split has occurred
102 does not guarantee an ability to develop the parcel beyond its agricultural use.

103 5. A parcel resulting from an agricultural split may be determined to be -allowed to
104 proceed through a development process without including all other parcels from
105 the original parent parcel if the applicant files a Lot Determination or Correction
106 Application that demonstrates either of the following:

107 a. Valid Building Permit: The parcel received a valid building permit or
108 certificate of occupancy, as defined above, and the parcel has not changed
109 its boundary unless approved through a boundary line agreement approved
110 by the planning department.

111 b. Lawful Subdivision: The parcel meets the requirements for a subdivision,
112 except for the requirement that the parcel was not lawfully subdivided.
113 The applicant must prove all of the following:

114 i. The parcel can be platted as a single lot or multiple lots in
115 conformance with current code requirements including section D,
116 2, b, as demonstrated by a proposed subdivision plat approved
117 concurrently with the Lot Determination or Correction
118 Application². The property owners will then then need to apply for
119 and receive approval for a conforming subdivision

120 ii. The parcel qualifies as an agricultural split, as defined above, and

121 iii. All parcels that were split off of the Lot Of Record parcel from
122 which the subject agricultural split parcel was created must, in
123 addition to D, 2, b either meet the minimum frontage requirement

² This can be done as a condition of approval of the Lot Determination or Correction Application, in the reasonable discretion of the planning director or his designee.

124 for the zone, or have a recorded easement providing the parcel(s)
125 access that would allow for the owner of the parcel to build,
126 maintain, and use a private access road or conforming driveway
127 built to county standards for a single lot. The feasibility of the
128 road or driveway shall be demonstrated by engineered drawings
129 with an easement, including slope easements, demonstrating that
130 the road or driveway can be built at a future date. The approval of
131 the subdivision on the subject parcel in no way implies that the
132 other parcels that were divided or partitioned from the non-
133 conforming lot-of-record parcel are developable, may receive
134 building permits, or are compliant with applicable law.

135 **E. Correction Options for Illegal Divided Parcels**

136 1. The following options may be used to correct illegal or non-developable parcels
137 to allow development:

- 138 a. **Grandfathering:** The applicant demonstrates the parcel was created
139 before March 1971 and meets the historic minimum area, width, and
140 frontage requirements of the applicable zoning designation in the
141 applicable land use ordinance at the time the parcel was divided, the parcel
142 has not decreased in size since its creation.
- 143 b. **Verification of Valid Building Permit:** The applicant demonstrates the
144 parcel received a valid building permit, and the parcel has the same
145 description and acreage as it was when the building permit was issued
146 except for lot line adjustments approved in writing by the county.
- 147 c. **Certificate of Occupancy:** The parcel has a valid certificate of
148 occupancy, and the parcel has the same description and acreage as it was
149 when the certificate of occupancy was issued except for lot line
150 adjustments approved in writing by the County.
- 151 c. **Compliance with Current Codes:** The applicant demonstrates that all
152 parcels created from a non-conforming lot of record that were divided or
153 altered in a manner that did not result in developable lots can be platted in
154 a new subdivision, which meets all current county codes, as demonstrated
155 ~~by subdivision plat approved~~ concurrently with the Lot Determination or
156 Correction Application³. The property owners will then then need to apply
157 for and receive approval for a conforming subdivision.
- 158 d. **Parcel Combination:** The applicant demonstrates that all parcels divided
159 or partitioned from a non-conforming lot of record that were divided or
160 altered in a manner that did not result in developable lots are combined to
161 result in the same boundaries and acreage as the non-conforming lot of
162 record, and the resulting parcel meets the property access requirements for
163 a non-conforming lot of record.

164 **F. Compliance with State Law**

165 1. All provisions of this section shall comply with Utah Code Ann. § 17-79-101 et
166 seq. (January 1, 2026, as amended) and other applicable state laws.

³ This can be done as a condition of approval of the Lot Determination or Correction Application, in the reasonable discretion of the planning director or his designee.

167 2. Any provision found to conflict with state law shall be deemed unenforceable to
168 the extent of the conflict.
169

SUBDIVISION REGULATIONS

WASATCH COUNTY

April, 1965.

Adopted by Ordinance August 1965

SUBDIVISION CODE

ORDINANCE NO. 176

An ordinance regulating subdividing, platting, selling, and improving of real property within the unincorporated area of Wasatch County; providing penalties for violations, and repealing all ordinances and parts of ordinances in conflict therewith.

Be it ordained by the Board of County Commissioners of the County of Wasatch as follows:

That Wasatch County adopt as a Subdivision Code the

Subdivision Regulations
Wasatch County
April, 1965

That by reference the above regulations, three copies of which are on file in the office of the county clerk, are made part of this ordinance.

That the rules and regulations of this ordinance may be modified by a majority of the Board of County Commissioners as to all subdivisions which have had their preliminary plan approved prior to the passing of this ordinance.

It is necessary that this ordinance become effective immediately upon first publication. This ordinance shall be published in the Wasatch Wave and shall be in full force and effect from and after the date of first publication.

Passed by the Board of County Commissioners of the County of Wasatch this 11 day of August, 1965.

Walter Montgomery
WALTER MONTGOMERY, Chairman

Elmo A. Jacobsen
ELMO A. JACOBSEN, Commissioner

Don L. Hicken
DON HICKEN, Commissioner

ATTEST:
Wayne C. Whiting
WAYNE C. WHITING, Clerk

SUBDIVISION CODE

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Passed by the Board of County Commissioners of the County of Wasatch this 11th day of August, 1965.

WALTER MONTGOMERY,
Chairman

ELMO A. JACOBSEN,
Commissioner

DON L. HICKEN,
Commissioner

ATTEST:
WAYNE C. WHITING,
Clerk

(SEAL)

Sec. 10-1. LAND SHALL BE SUBDIVIDED BEFORE RECORDING.

That from the effective date of this Ordinance no person shall subdivide any tract of land which is located wholly or in part within the unincorporated limits of Wasatch County, Utah, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land nor shall any person offer for recording any deed conveying such a parcel

of land or any interest therein unless he shall first have or cause to have made a plat thereof, which plat shall be recorded before such sale or exchange or purchase is effected, and which shall be in accordance with all of the requirements of this Ordinance. Provided, however, that land may be subdivided and land may be sold without the necessity of recording a plat, if all of the following conditions are met:

- A. The subdivision contains less than ten (10) lots.
- B. A plan has been submitted to and approved in writing by the Planning Commission.
- C. The subdivision is not traversed by the mapped lines of a proposed street as shown on the Master Plan of Wasatch County, and does not require the dedication of any land for street or other public purposes.
- D. Each lot in the subdivision meets the frontage, width, and area requirements of the Zoning Ordinance.

Sec. 10-9. PENALTY

Any person, firm, or corporation who shall transfer or sell any lot or land in a subdivision, as defined in this Ordinance, which subdivision has not been approved by the Planning Commission and Board of County Commissioners of Wasatch County, Utah, and recorded in the office of the County Recorder (except as set forth in Section 10-1 of this Ordinance) shall be guilty of a misdemeanor for each lot or parcel so transferred or sold; and the description of such lot or parcel of land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The County may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by Civil Action in any court of competent jurisdiction.

c. Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use and is more than twenty-six (26) feet wide, except when approved by the Planning Commission as a summer homes or planned dwelling group subdivision. Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable.

Gravel for roadway base: Where applicable, gravel for roadway base shall consist of a gravel fill at least 6 inches thick and shall be installed with a minimum of 95% compaction. The gravel must be well graded from coarse to fines in order to obtain the necessary compaction qualities.

Other types of bases such as treated soil, commercial slag, etc., may be used if comparable supporting qualities can be obtained and if approved by the Board of County Commissioners.

Hard Surfacing of Roadway Base: Upon request, the Planning Commission will furnish a copy of the County's Standard Specifications for Street Paving. If these specifications are not used it will be necessary to submit the proposed specifications for approval.

This Resolution adopted this 11 day of Aug.,

1965

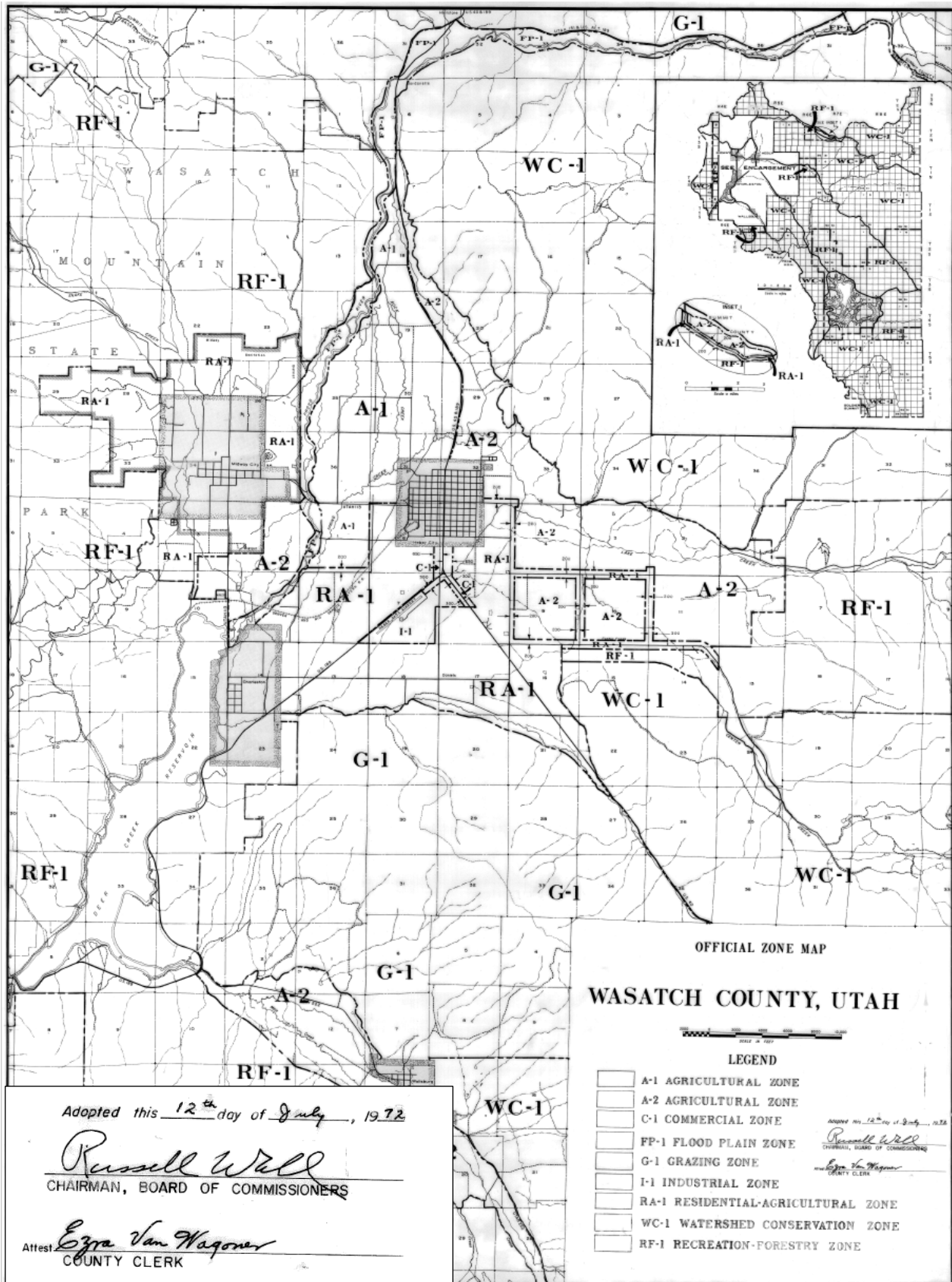
ATTEST:

Wayne O. Lutwig
County Clerk.

Walter Montgomery
Chairman,
Board of County Commissioners.



Exhibit C – 1972 Zoning Map



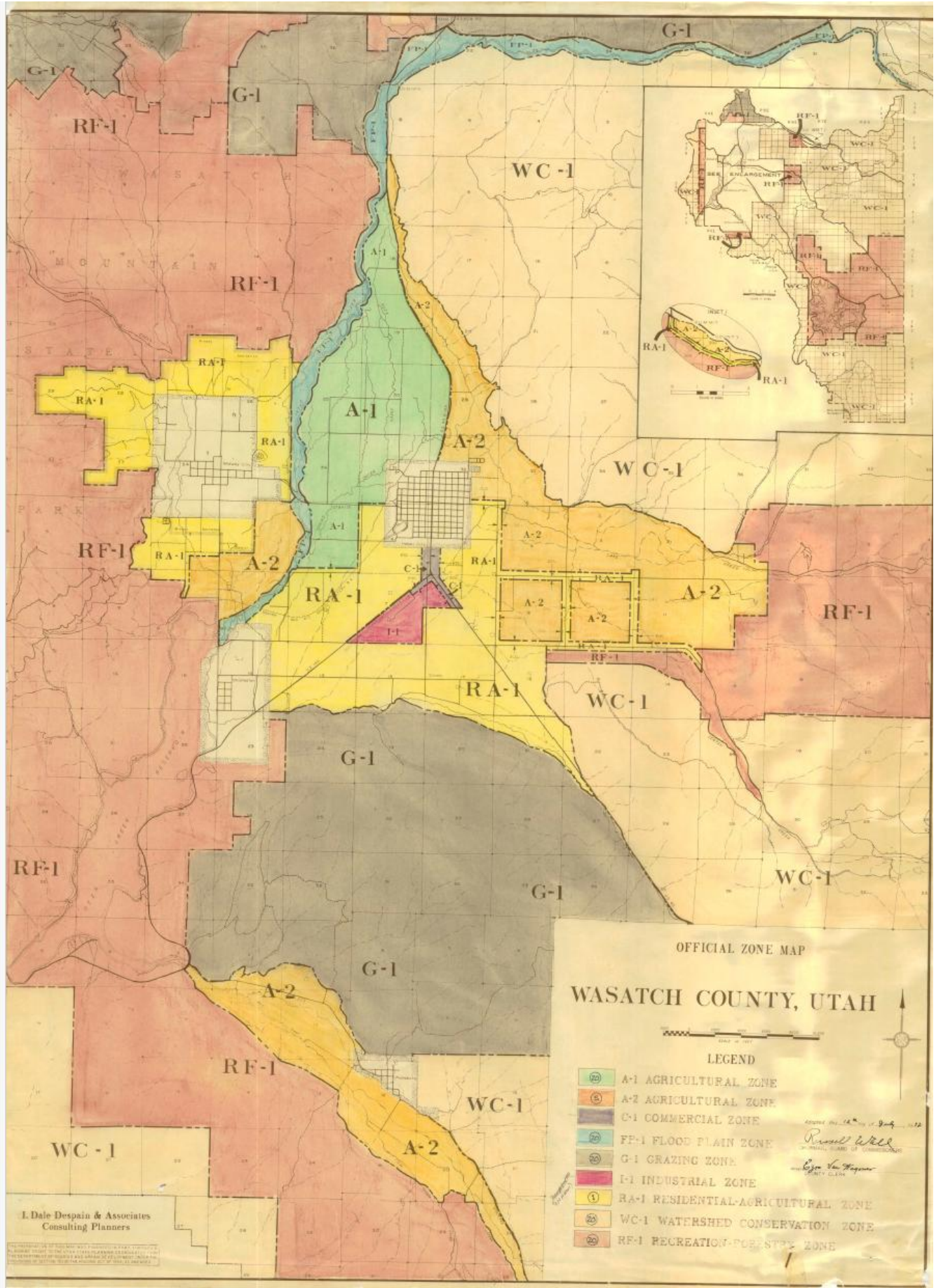


Exhibit D – Example of illegal subdivision and issues



Exhibit E – Summit County Code for correcting illegal lots

11-4-2: - LOT/PARCEL REQUIREMENT FOR DEVELOPMENT, SUBDIVISIONS AND/OR USES:

A. A Conforming Parcel: A conforming parcel is defined as one (1) of the following:

1. A lot within a recorded subdivision which was created through a lawful Eastern Summit County Development Code land division process and which is intended for development purposes;
2. A parcel which was created through a lawful Eastern Summit County Development Code land division process after May 6, 1996, and which conforms to the minimum size requirements of the applicable zone at the time of a development application;
3. A parcel created under Utah Code Annotated section 17-27a-605(4), as amended;
4. A grandfathered parcel; or
5. A parcel created by a bona fide division or partition of land for agricultural activities.

B. A Non-Conforming Parcel: A non-conforming parcel is a parcel not meeting the definition of a conforming parcel. A decision by the Community Development Director determining that a parcel is a non-conforming parcel may be appealed to the County Council within ten (10) calendar days from the date of the decision in accordance with section 11-7-16 of this title.

C. Eligibility for Development:

1. For development purposes and in order to apply for development, a parcel must be a conforming parcel.
2. A non-conforming parcel is eligible for development of a single-family dwelling, subdivision, or other development action, permit, or use identified in section 11-3-16 of this title, by an action of the County through one of the following development processes, as defined and outlined in this title, provided all criteria can be met.
 - a. Parcel Boundary Adjustment: Parcel boundary adjustment, including the combination of a non-conforming parcel with a conforming parcel.
 - b. Subdivision: In cases where property descriptions were created in a manner not consistent with this title, a retroactive subdivision may be considered. The application shall include all associated properties from which the non-conforming parcel was derived.
 - c. Subdivision Plat Amendment: Subdivision plat amendment, including the expansion of a subdivision to include land outside of a subdivision, regardless of whether said land is a conforming parcel or a non-conforming parcel.
 - d. Special Exception: Special exception as granted by the County Council if the criteria for approval as outlined in section 11-4-11 of this chapter can be satisfied. (Ord. 868, 6-14-2017)

D. Standards for Verification: The following factors shall be taken into consideration in determining "conforming parcel" status, namely:

1. If a government action creates a public road that bisects a "conforming parcel", the parcels on either side of the road are considered to be separate "conforming parcels". If a government action results in the widening of a road within a "conforming parcel", the parcel shall maintain its "conforming parcel" status.
2. If the Union Pacific Rail Trail which follows the historic rail bed divides a "conforming parcel", then the parcels on either side of the Rail Trail are considered to be separate "conforming parcels".
3. If a property owner petitions to have only a portion of a "conforming parcel" annexed into a city, the portion of the property remaining under County jurisdiction loses its "conforming parcel" status unless the property is subdivided in accordance with this title prior to or concurrent with the annexation.
4. Government survey lot(s), although shown as individual lots on ownership plat maps, are not considered to be "conforming parcels" unless the lot(s) otherwise conform to the definition of "conforming parcel" and there is clear evidence that the government survey lot was owned, conveyed or patented independent of the quarter section of which it was part.
5. Section lines do not divide a parcel into two (2) or more "conforming parcels" unless the parcel(s) otherwise conform to the definition of a "conforming parcel".
6. If the description of a "conforming parcel" has changed due to an updated survey for the purpose of confirming property boundaries, and the description does not create additional, separately described parcels, the "conforming parcel" status will remain intact.

7. Multiple accessor parcel or Property Tax identification numbers are not conclusive proof of "conforming parcel".