



## **Notice of Wasatch County Planning Commission Meeting** **Thursday, May 14, 2026, at 6:00 PM**

---

**Public Notice** is hereby given that the Wasatch County Planning Commission will hold a regular session on Thursday, May 14, 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://wasatchcout.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. Prayer/Remarks
2. Pledge of Allegiance

#### **Business Items**

1. Approval of Minutes from the April 9, 2026, Meeting

#### **Regular Agenda**

1. Toll Southwest LLC, representing MEB Enterprises LLC, requests Preliminary Subdivision approval for Lake Creek subdivision, a 29-lot subdivision on 40 acres located at approximately 850 South 3600 East in Section 3, Township 4S, and Range 5E in the Residential Agriculture (RA-1) zone. (DEV-11816) – Doug Smith
2. MCM Engineering Inc., on behalf of Jody Senninger, requests Preliminary Subdivision approval for Valor Estates, a six-lot large scale subdivision on 11.068 acres, located at 847 S. 2400 E. in the Residential Agricultural (RA-1) zone. (DEV-10755) – Doug Smith

#### **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

APRIL 9, 2026

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

---

### BUSINESS ITEMS

#### ❖ APPROVAL OF THE MINUTES FROM THE MARCH 12, 2026 MEETING

##### MOTION

Commissioner Scott Brubaker made a motion to approve the minutes of the March 12, 2026 meeting as written. Commissioner Michael Murphy 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	Michael Murphy	<u>AYE</u>	NAY	ABSTAIN

#### ❖ ELECTION OF NEW CHAIR AND VICE CHAIR

##### MOTION

Commissioner Scott Brubaker made a motion to elect Charles Zuercher as Chair and Mark Hendricks as Vice Chair. Commissioner Michael Murphy seconded the motion.

**VOTE**                    **( 4 TO 0 )**

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

Scott Brubaker        **AYE**    NAY    ABSTAIN  
Michael Murphy       **AYE**    NAY    ABSTAIN

---

**REGULAR AGENDA ITEMS**

**ITEM #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)**

**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.

- Austin Corry presented his staff report. The proposed subdivision has 28 lots. There will be a trail that runs through Parcel Z. There will be a neighborhood park with trees.
- A related addendum to the Development Agreement requires that construction of the clubhouse commence prior to recording this subdivision. The developer is required to keep 20% of the project in open space. With this phase, they will still be above that requirement.

**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:

- Matt Christensen with Focus Engineering said the architectural and engineering plans for the clubhouse are complete. They are working on the landscaping plans and then they will submit a conditional use application. They want to record this plat, so there is "fire" behind getting the clubhouse started.
- Colton Chronister introduced himself as the homebuilder of this phase. He asked Austin Corry to confirm that they can keep moving forward with all the other approvals before they record the plat. Austin Corry explained the options to record the plat and the potential for the engineering to be "at-risk".

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

- The definition of the word "commence".
- Commission Hendricks asked about the possibility of clarifying which addendum is being referred to. Jon Woodard briefly discussed the Development Agreement and Settlement Agreement pertaining to this project. He recommends referring to it as the Development Agreement addendum associated with this phase.
- Chair Zuercher discussed the plans to break ground on the clubhouse. Doug Smith hopes that the requirement to commence construction prior to recording the plat for this subdivision will motivate the developer to get it started sooner rather than later.

- Chair Zuercher is glad to see that they are moving forward with the clubhouse. It is good to see it coming to fruition.

**MOTION**

**Commissioner Brubaker made a motion to approve Item Number 1, The Crossings at Lake Creek Phase 9 Final, with the conditions listed by staff 1-4, and that we use the words to clarify that it is the addendum associated with this phase and to adopt the findings.**

**Commissioner Hendricks seconded the motion.**

**VOTE ( 5 TO 0 )**

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

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

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 associated with this phase 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.

---

**ITEM #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)***

**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.

- The applicant is applying to move the location of the proposed lift station from the west side to the east side of Rail Trail in response to public comments.
- The proposed location is out of the right-of-way and meets setbacks. No variances are required. The County Council will act as the land use authority due to the open space plat note requiring the County Council to approve.
- The County received a letter from Mike Kosakowski citing three concerns: 1 – The project is not in the JSPA, therefore the JSPA Planning Committee is not the land use authority, 2 – The open space plat amendment requires that the County Council be the land use authority, 3 – Improper redactions.
- Doug Smith showed maps and explained why there is confusion over whether this location is in the JSPA. He explained that very few people will be able to see this lift station from the proposed location.
- Review of the Conditional Use approval requirements that must be met by the applicant.
- Review of the architectural renderings. The JSPA Planning Committee recommended that the rendering in the upper right corner be approved. If this project is in the JSPA, the project will need to comply with the JSPA design requirements. The applicant has agreed to comply with these requirements.
- He reviewed the other project plans and his findings.

**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:

- Max Covey, General Manager of JSSD said the old retaining wall is failing and bulging. This new lift station will prevent the need for another lift. The old lift stations have submersible pumps. This new design will keep his employees out of a confined space. Although this may not be in the JSPA area, they have agreed to design it as if it were. They also worked with the Stillwater HOA and agreed to this architectural rendering.

- Steve Jackson with Jackson Engineering said that by building and hunkering into hillside, the pump will be at ground level, and behind that will be the wet well. This is one of the benefits to this location.

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

- Commissioner Hendricks asked about where this was left with the JSPA Planning Committee. He said the JSSD was good to work with, especially being open to another location. Doug Smith reviewed the history of the project and informed the Commission that the JSSD Planning Committee recommended approval of the Conditional Use Permit.

**MOTION**

**Commissioner Hendricks made a motion to recommend approval of Item #2, JSSD Stillwater Sewer Lift Station Relocation Conditional Use Permit in light of the findings and subject to the conditions as outlined in the staff presentation.**

**Commissioner Cook seconded the motion.**

**VOTE** (5 TO 0)

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

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

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 24<sup>th</sup> meeting the Item was continued to the March 26<sup>th</sup> 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

**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)

**ITEM #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)***

**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 reviewed the proposed code. It allows staff to deny an application for a plat amendment for the same or a 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. It also allows staff to deny duplicate land use applications within four years of a denial. It will reduce staff and elected official frustration and will allow for changes in the political climate before applications are reconsidered. He reviewed his findings.

**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 public comment.

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

- The frequency that denied applications are resubmitted. Doug Smith explained that this has happened once or twice in the past few years.
- Whether four years is enough time. Jon Woodard explained that four years allows for changes in the elected officials.
- Whether Lot of Record determinations should be excluded from this code amendment. Jon Woodard agreed but reviewed an issue that came up in the North Fields. The applicant tried to challenge a Lot of Record determination. It took over 50 hours of staff time and the decision was upheld.
- Jon Woodard reviewed his proposed changes to the code text amendment to exclude a Lot of Record determination.
- The process staff will use to deny an application. Doug Smith reviewed the process. It will be staff-level decision, but it can be appealed.

**MOTION**

**Commissioner Brubaker made a motion to recommend this to go forward to County Council with the findings and the language change.**

**Commissioner Murphy seconded the motion.**

**VOTE            ( 5 TO 0 )**

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

Scott Brubaker      **AYE**    NAY    ABSTAIN  
Michael Murphy     **AYE**    NAY    ABSTAIN

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

1. 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.
2. 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.
3. A duplicate application submitted after a denial would most likely have the same outcome as the previous application, creating frustration for staff, applicants and elected and appointed officials.
4. 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.
5. 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.
6. The planning commission has held a public hearing on this ordinance and forwarded it to the County Legislative Body.
7. 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.

---

**ITEM #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. (JON WOODARD, 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 presented the proposed code amendment ordinance. He explained that illegal subdivisions create lots that have not been through a legal process and do not meet the County Development Standards. Sometimes people inadvertently create illegal parcels. He discussed the current code definition of a Lot of Record. If a parcel is a Lot of Record, it allows the owner to build a residential structure and ancillary residential uses as long they meet the requirements from the other County departments.
- The current process used to determine if a parcel is a Lot of Record.
- The issues with the current process and code and the proposed changes.
- Doug Smith is not sure the impact this will have. It could potentially make hundreds or thousands of previously denied lots or record valid lots of record if the date is changed from 1965 to 1971.

**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:



Mark Hendricks     **AYE**    NAY    ABSTAIN  
Kimberly Cook     **AYE**    NAY    ABSTAIN

Michael Murphy     AYE    NAY    **ABSTAIN**

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

1. 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.
2. 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).
3. A lot of record is a lot created before August 1965 (which predates the adoption of a code requiring an approval process)
4. 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.
5. The County does not have consistent meeting minutes until March 1971.
6. 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.
7. 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.
8. 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.
9. Properties that cannot correct the infractions are in limbo even if the property can meet county code requirements.
10. 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.
11. 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.
12. 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.

---

**ADJOURNMENT**

**MOTION**

**Commissioner Zuercher made a motion to adjourn.**  
**Commissioner Brubaker seconded the motion.**

**VOTE**            **( 5 TO 0 )**

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

Scott Brubaker     **AYE**    NAY    ABSTAIN  
Michael Murphy     **AYE**    NAY    ABSTAIN

Meeting adjourned at 8:00 p.m.

---

CHARLES ZUERCHER/CHAIRMAN

DRAFT

**Meeting Date:** May 14, 2026  
**Presenter:** Doug Smith  
**Requested Time:** 30 Mins

**Department:** Planning  
**Applicant:** Toll Southwest LLC

**Item Title:**

Toll Southwest LLC, representing MEB Enterprises LLC, requests Preliminary Subdivision approval for Lake Creek subdivision, a 29-lot subdivision on 40 acres located at approximately 850 South 3600 East in Section 3, Township 4S, and Range 5E in the Residential Agriculture (RA-1) zone. (DEV-11816)

**Issue:**

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County and is in compliance with regulations for a variable lot size development and if the proposal meets the purpose and intent of the requirements of the Residential Agriculture (RA-1) zone.

**Background:**

This proposal is located at approximately 850 South 3600 East in the RA-1 zoning district. The property is on the west side of 3600 East and is bordered by Hidden Meadows to the north, and the Crossings at Lake Creek to the west, both platted subdivisions. No opportunities for street connections are possible other than at the southwest corner.

**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 05-14-2026 - Item 1 - Toll Brothers Lake Creek Preliminary



---

## Item 1 – Toll Southwest LLC., preliminary approval for the Lake Creek subdivision consisting of 29 lots located at approximately 850 South 3600 East in the RA-1 zone

---

**Project:** DEV-11816 | Lake Creek 40-acre subdivision  
**Meeting Date:** 14 May 2026  
**Report Date:** 7 May 2026  
**Report Author:** Doug Smith, Planning Director  
**Council Action Required:** No  
**Type of Action:** Administrative

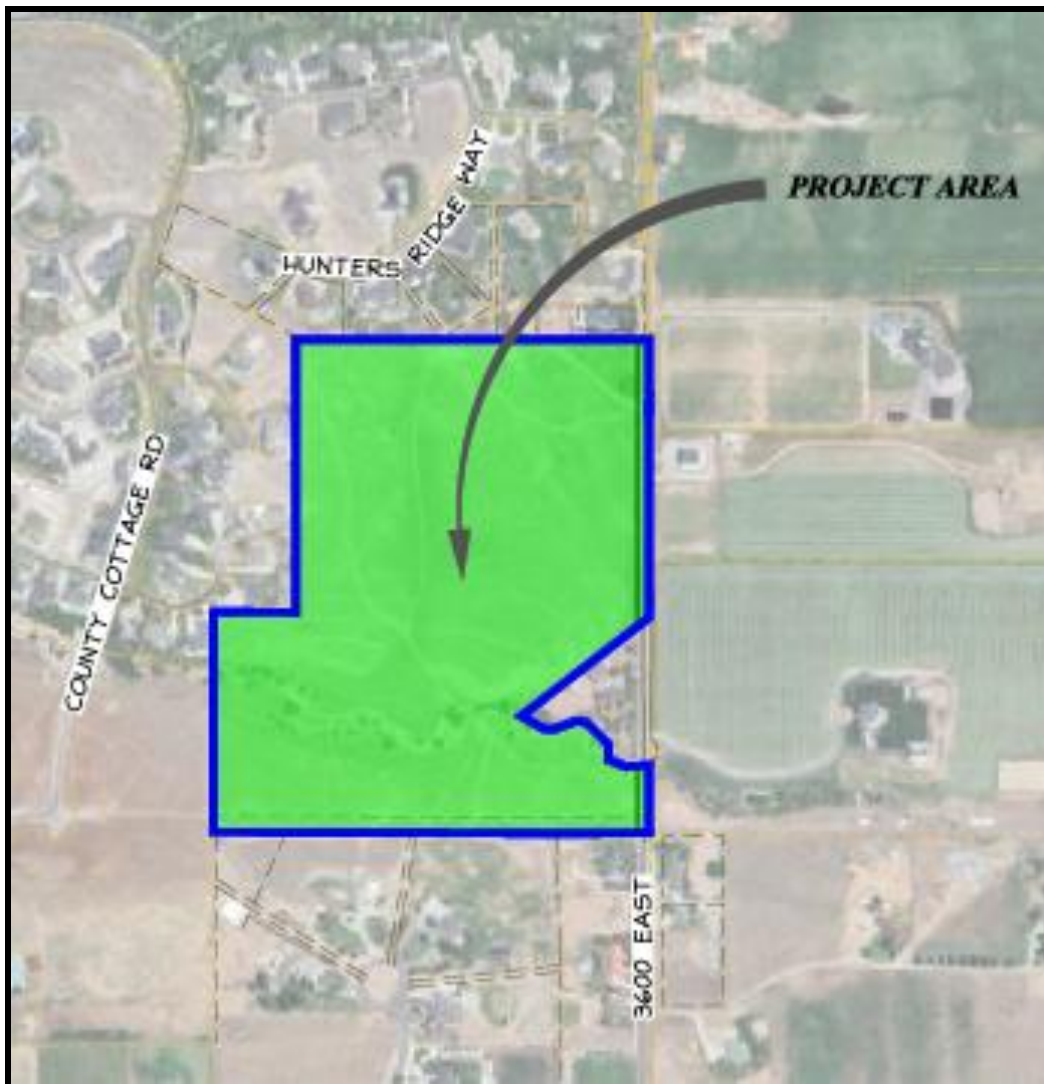
**Applicant:** Toll Brothers  
**Address:** 850 South 3600 East  
**Acreage:** 40  
**Open Space:** 12 acres equaling 30%  
**Zoning Designation:** RA-1  
**Density:** 29 lots

### DETERMINATION ISSUE

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County and is in compliance with regulations for a variable lot size development and if the proposal meets the purpose and intent of the requirements of the Residential Agriculture (RA-1) zone.

### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to revisions that are not anticipated to constitute a materially substantive change. Therefore, it is recommended that the Planning Commission APPROVE the proposed preliminary plan subject to the findings and conditions included in the staff report.



## BACKGROUND

This proposal is located at approximately 850 South 3600 East in the RA-1 zoning district. The property is on the west side of 3600 East and is bordered by Hidden Meadows to the north, and the Crossings at Lake Creek to the west, both platted subdivisions. No opportunities for street connections are possible other than at the southwest corner.

The applicant is proposing to use the variable lot size subdivision allowed in the RA-1 zone. In this location the code requires ½ acre minimum lot sizes and 30% open space. The purpose statement is below:

*16.27.04(E) Variable Lot Size Development: Variable Lot Size developments are allowed in specified areas of the RA-1 zoning district as a means of protecting agricultural operations, open spaces, unique features, or environmentally sensitive areas, as long as the overall density does not exceed the densities specified in the zone. Sensitive areas and areas worth preserving shall be incorporated into open space.*

The proposal does propose to protect a “unique feature” as well as a “sensitive area” in that it preserves the Lake Creek channel and provides for a trail along the creek from east to west that stubs into the Crossings and their future trail.

If approved the development will provide 12 acres of dedicated open space, which is 30% of the overall project and will have a total of 29 lots. The lots range in size from .54 -.78 acres in size. The development is serviced by Twin Creeks for sewer and water.

#### REGULATIONS FOR VARIABLE LOT SIZE DEVELOPMENTS

The subject property is in the RA-1 zone, and the proposal uses the Variable lot size development option. The regulations and intent of the variable lot side development is stated below:

---

Variable Lot Size Development: Variable lot size developments are a permissible development type in the RA-1 zone to provide flexibility for creative developments to incorporate usable open space in a development. If the variable lot size option is used, the following additional criteria will apply:

1. The overall density of the development shall be limited to the density permitted by the zone, including bonus densities, if applicable.
2. Lot size minimums (not density) may be adjusted in a way that does not violate the following:
  - a. Developments on the east end of the valley between Mill Road and 2400 East may have lots as small as 1/3 acre (14,520 square feet).
  - b. Developments between 2400 East and 3600 East may have lots a minimum of 1/2 acre (21,780 square feet).
  - c. Developments in all other areas of the RA-1 zone shall have minimum lot sizes of 1 acre (43,560 square feet).
3. The development shall include a large, undivided open space parcel totaling a minimum of five acres or 30% of the overall acreage of the development, whichever is greater, and in compliance with the requirements of 16.21.06. Alternatively, the open space parcel may be allowed, at the discretion of the County legislative body, for the donation as a civic or institutional facility if in compliance with the General Plan.
4. If a large-scale development is proposing clustering with variable lot sizes and open space, the county encourages the developer to have some of the open space along the collector roads to enhance the rural feel and provide a buffer for residents along the larger county roads.

---

#### KEY ISSUES TO CONSIDER

- Does the proposal comply with the purpose and intent statements of the RA-1 zone and variable lot size developments?
- Does the proposal meet the code requirements for variable lot size developments?
- Can the proposal comply with the requirements that would allow a cul-de-sac?
- Does the proposal comply with FEMA floodplain/floodway requirements?

## ANALYSIS

### – LAND USE AND DENSITY –

The RA-1 zone permits residential single family housing lots (land use 1111) at a minimum size of five acres, but with an ability to increase density to 1.3 a/u and reduce lot sizes to one acre upon meeting certain eligibility criteria. Developments between 2400 East and 3600 East may have lots that are a minimum of 1/2 acre (21,780 square feet) as part of a variable lot size development. Density is calculated using the net acreage of the project (gross density, minus property that falls under the physical constraints analysis). With 38.24 net acres, there is the potential for a maximum density of 29 lots, assuming all other aspects of the County Code can be met. Lots range in size from .54 - .78 acres.

### – SETBACKS –

Setbacks in the RA-1 zone are required to be 30 feet front and rear. Corner lots are considered to have two “front” yards with each street. Side yard setbacks for interior lots are 10 feet minimum with the two sides being required to be 24 feet total. The 3600 East Collector Road requires a more substantial setback of 50 feet for lots 7-11 in order to provide greater separation for the higher traffic facility, however due to the open space property between 3600 East and lots 7-11 the added setback requirement is met with the inclusion of the open space.

### – 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.

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.

The application shows that there are 1.76 acres in the FEMA floodplain. According to the applicant there are no other constrained lands on the site.

### – OPEN SPACE/LANDSCAPING–

The subdivision includes 12 acres of open space or 30% of the development as required by code. This area includes landscaping, a detention basin, the Lake Creek Channel and trails. The development must comply with code section 16.21.10. A landscape plan with species, quantities, sizes and irrigation must be provided at the final application. The code requires that open space protect unique features or sensitive areas as mentioned below:

*16.27.04(E) Variable Lot Size Development: Variable Lot Size developments are allowed in specified areas of the RA-1 zoning district as a means of protecting agricultural operations, open spaces, unique features, or environmentally sensitive areas, as long as the overall density does not exceed the densities specified in the zone. Sensitive areas and areas worth preserving shall be incorporated into open space.*

The proposal does protect a “unique feature” as well as a “sensitive area” in that it preserves the Lake Creek channel and provides for a trail along the creek from east to west that stubs into the Crossings and a future trail.

– SEWER & WATER –

All lots are required to provide adequate water rights for culinary use, as well as sufficient water to irrigate any land that has been historically irrigated. In addition, developments denser than five acres per unit are required to be connected to a public sewer system. Sewer will be provided by the TCSSD (Twin Creeks Special Service District), and water will be provided by Center Creek.

– BUILDING HEIGHTS –

Structures in the RA-1 zone are limited to 35 feet from natural grade. The height of buildings will be reviewed through individual building permits for each future lot.

– ROADS AND ACCESS –

The proposed development has access to 3600 East at two locations. County code requires blocks of 400 feet to no more than 1300 feet. As mentioned, the development is bordered on the north and west by two platted subdivisions and access is not an option in the area where plats are recorded.

The proposal shows a cul-de-sac on the north side of the Lake Creek channel. Cul-de-sacs are typically not allowed unless the following criteria can be met.

*16.27.29(C) Cul-de-sacs and non-through streets are prohibited, except that the land use authority may allow cul-de-sacs to be used only where unusual drainage, topography or land ownership configurations exist which make other designs undesirable or impossible, and where review of the conceptual connectivity plan or other street plans for the area do not require through circulation.*

Staff believes that due to the parallel roads, the requirement to cross a FEMA regulated floodway and floodplain, install an additional culvert and require another intersection for the trail the need to connect the cul-de-sac as a through street is not necessary.

Along the southwest portion of the development the applicant has stubbed a cul-de-sac into the property line. The final plat will need to provide platted right of way for the full 60’ right of way to the property to the west.

In discussion with the engineering department the following options can be looked at for final approval:

- 1) work with the adjoining property owner to get a temporary turnaround on their property. If that is not possible; then,
- 2) consider the following:
  - install the turnaround on the developing property;
  - make sure the right-of-way is recorded as if the road continues through;
  - have an easement on the plat for the temporary turnaround;
  - make sure easements and buildable areas of the affected lot are offset from the temporary turnaround (as if the turnaround is permanent); and,
  - require proper connection and improvements when the future property develops. In order to NOT mess with bonds, the future developer pays for the connection and required improvements. It is not uncommon for developers to pay for “offsite” improvements to make their development work.

– *STREETLIGHTS* –

Streetlights are required at the intersections on 3600 East. Streetlight renderings will need to be submitted at final in compliance with 16.21.16.

– *FLOOD HAZARDS* –

The site has a portion in the FEMA floodway. No lots are part of the floodway. There is a portion of lots 28 and 29 that are in zone X (500-year flood potential) which will require a note on the plat typically alerting people to the potential for flooding. This note has been provided on the plat.

– *TRAILS* –

The current trail plan shows a required eight-foot trail along 3600 east. The proposal also shows an 8' asphalt trail along the Lake Creek channel. Both trails are a requirement and are public. There are additional trails in the interior of the development that are labeled as private. Streets are public as well as sidewalks along all streets. Trails are required to be maintained by the HOA.

– *GEOTECHNICAL REVIEW* –

The applicant has provided a geotechnical report that has been reviewed by the county review engineer and determined that the soil's stability is generally acceptable.

### 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 subject property is 40 acres according to the applicant's survey.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. The RA-1 zone is a 5-acre minimum lot size zone but allows a greater density of 1.3 acres per unit if certain criteria outlined in 16.08.04(C) of the Wasatch County Code are met.
4. The application includes connections to public sewer and public water through Center Creek SSD and Twin Creeks SSD.
5. The proposal is using the variable lot size development code.
6. The proposed subdivision includes 29 lots with a density of 1.37 acres per unit.
7. The development shows a public trail along 3600 East and the Lake Creek Channel.
8. The public trails in the project are required to be maintained by the HOA.
9. The proposed subdivision has a stub street that connects to the Crossings at the southwest corner.
10. The proposal includes 12 acres of Common Space/open space that equals 30%.

11. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
12. Additional information will be required at final to comply with landscape requirements, floodplain requirements and street light requirements.
13. Preliminary approval does not grant a variance from County Code standards as a project proceeds with further stages in the approval process.
14. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.

– *CONDITIONS* –

1. The commitments made by the developer in the submittal documents shall be considered part of the approval.
2. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
3. At final a landscape plan that complies with the requirements of 16.21.10.
4. At final a “no rise” analysis will need to be provided for the culverts and any impacts to the floodway.
5. At final a streetlight detail in compliance with 16.21.16 for the two intersections onto 3600 East.
6. A full 60’ right-of-way dedication stubbed into the Crossings at the southwest property line and consideration of the options for the temporary turnaround.

### 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 Preliminary Plan 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 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 affected by a final decision made by the County Council can be appealed under the provisions outlined in

EXHIBITS

Exhibit A – Location .....9  
Exhibit B – Proposed Plat ..... 10  
Exhibit C – Site Plan..... 11  
Exhibit D – Road Connectivity ..... 12  
Exhibit E – Landscape Plan and trail plan ..... 13  
Exhibit F – Architecture ..... 15  
Exhibit G – Viewshed Analysis..... 18  
Exhibit H – DRC Report..... 20





# Exhibit C – Site Plan

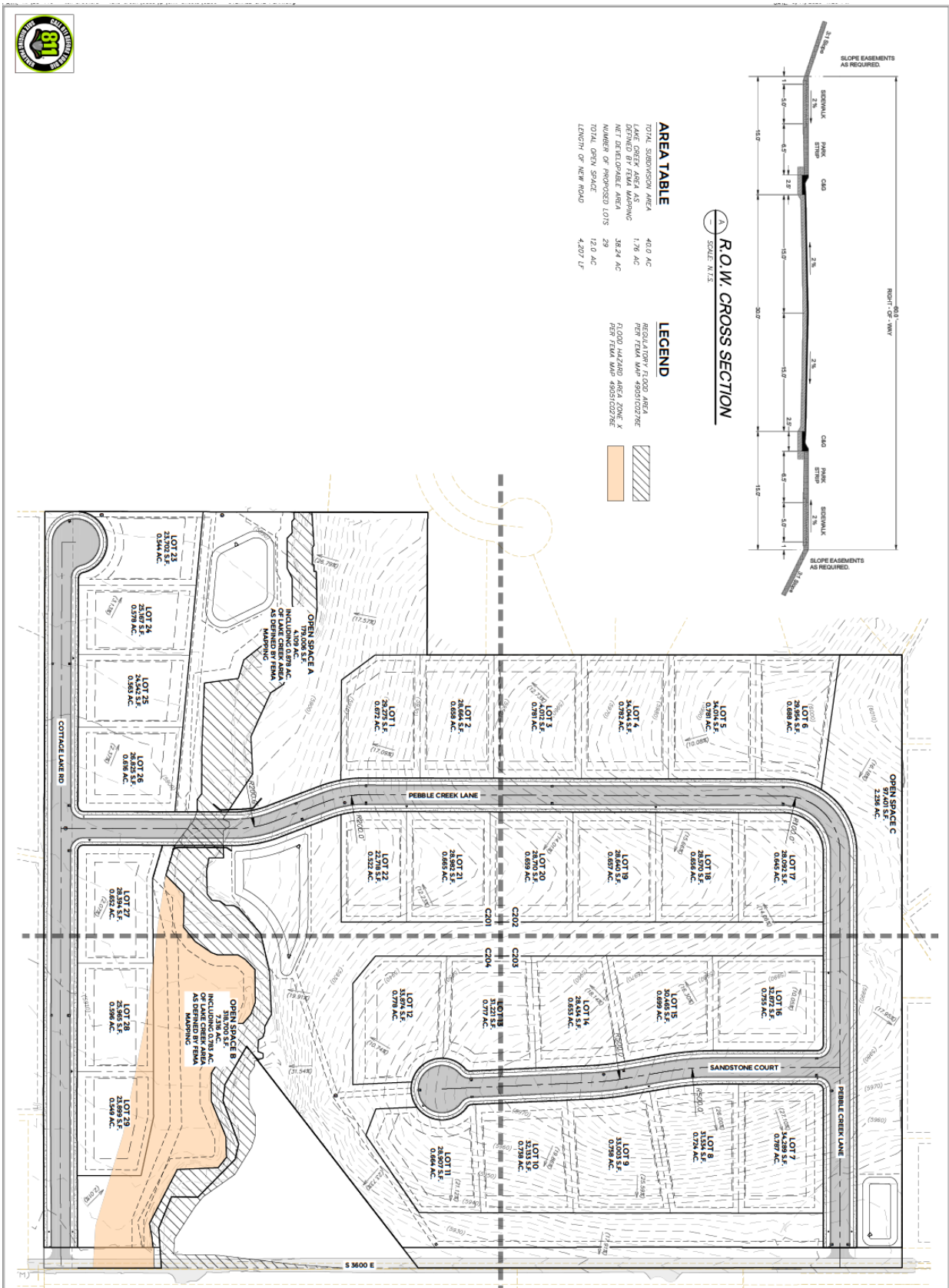
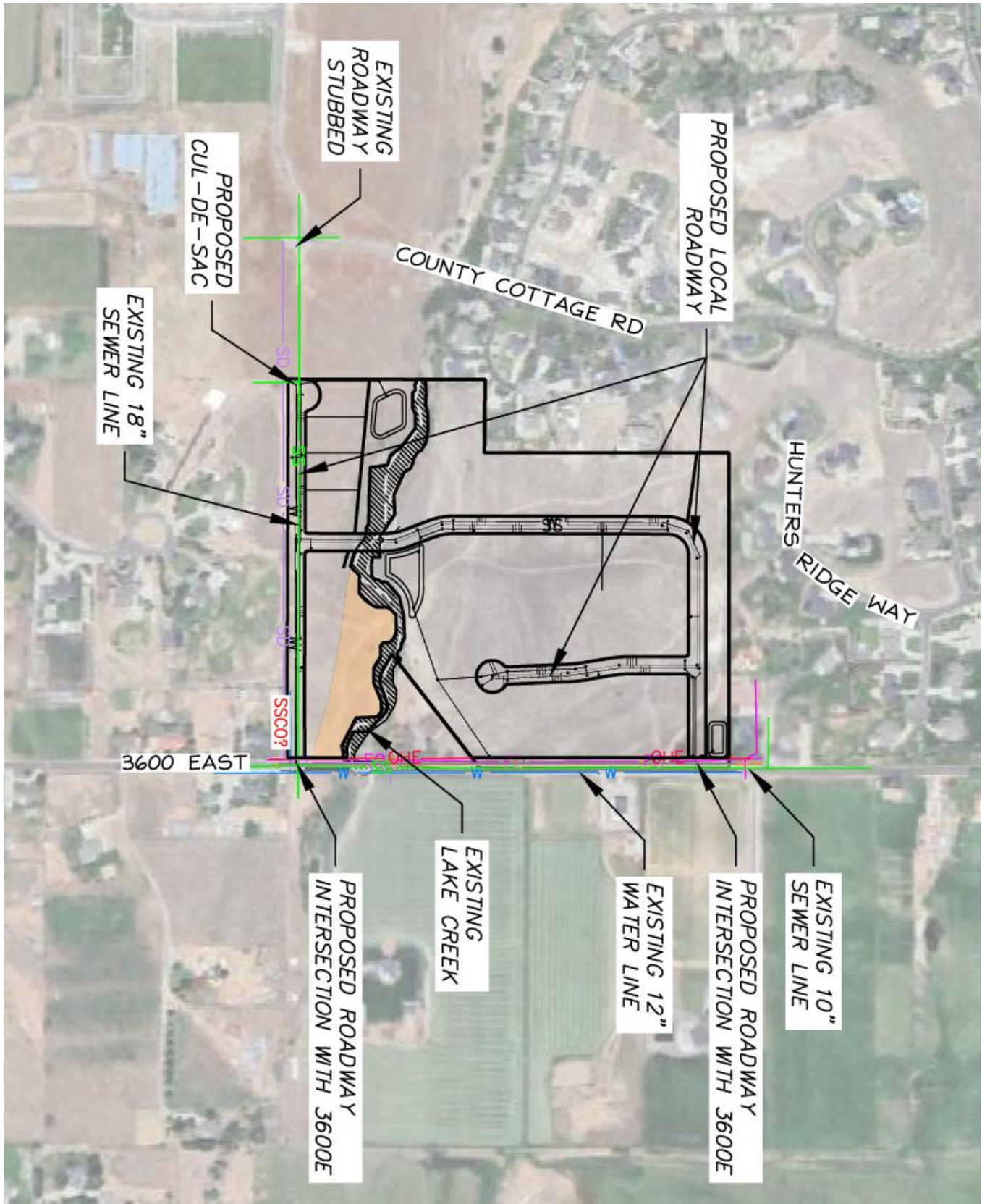
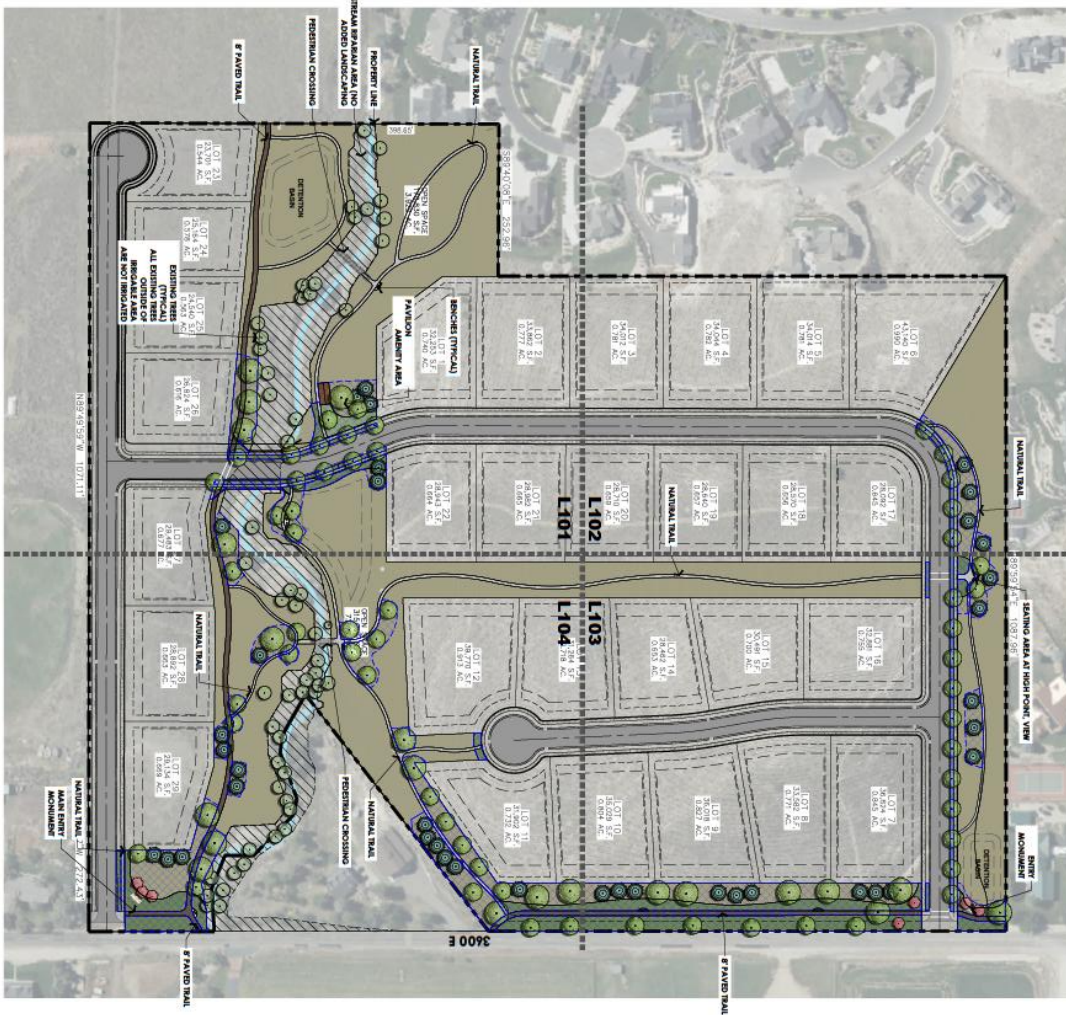


Exhibit D – Road Connectivity



PRELIMINARY LANDSCAPE PLAN



**SITE LEGEND**

SYMBOL	DESCRIPTION	DATE
[Green Shaded Area]	NATURAL LANDSCAPE	2/18/22
[Light Green Shaded Area]	EXISTING OPEN SPACE WITH UNIMPROVED GRADE AND INTERCOURSE ESTABLISHMENT OF NEW SEED	2/18/22
[Dark Green Shaded Area]	PLANTING AND MAINTENANCE PLAN FOR OPEN SPACE AT LOT 101, 102, 103 AND 104. (SEE THE TRAIL CROSSING SPECIAL SERVICE DISTRICT)	2/18/22
[Blue Dashed Line]	PAVED TRAIL	2/18/22
[Light Blue Dashed Line]	UNPAVED TRAIL	2/18/22
[Yellow Dashed Line]	CHARACTERIZED DRIVE	2/18/22
[Blue Dashed Line]	IMPOUNDMENT AREA - WATER WISE LANDSCAPING	10/20/21
[Red Dashed Line]	ASBESTOS MONITORING	10/20/21

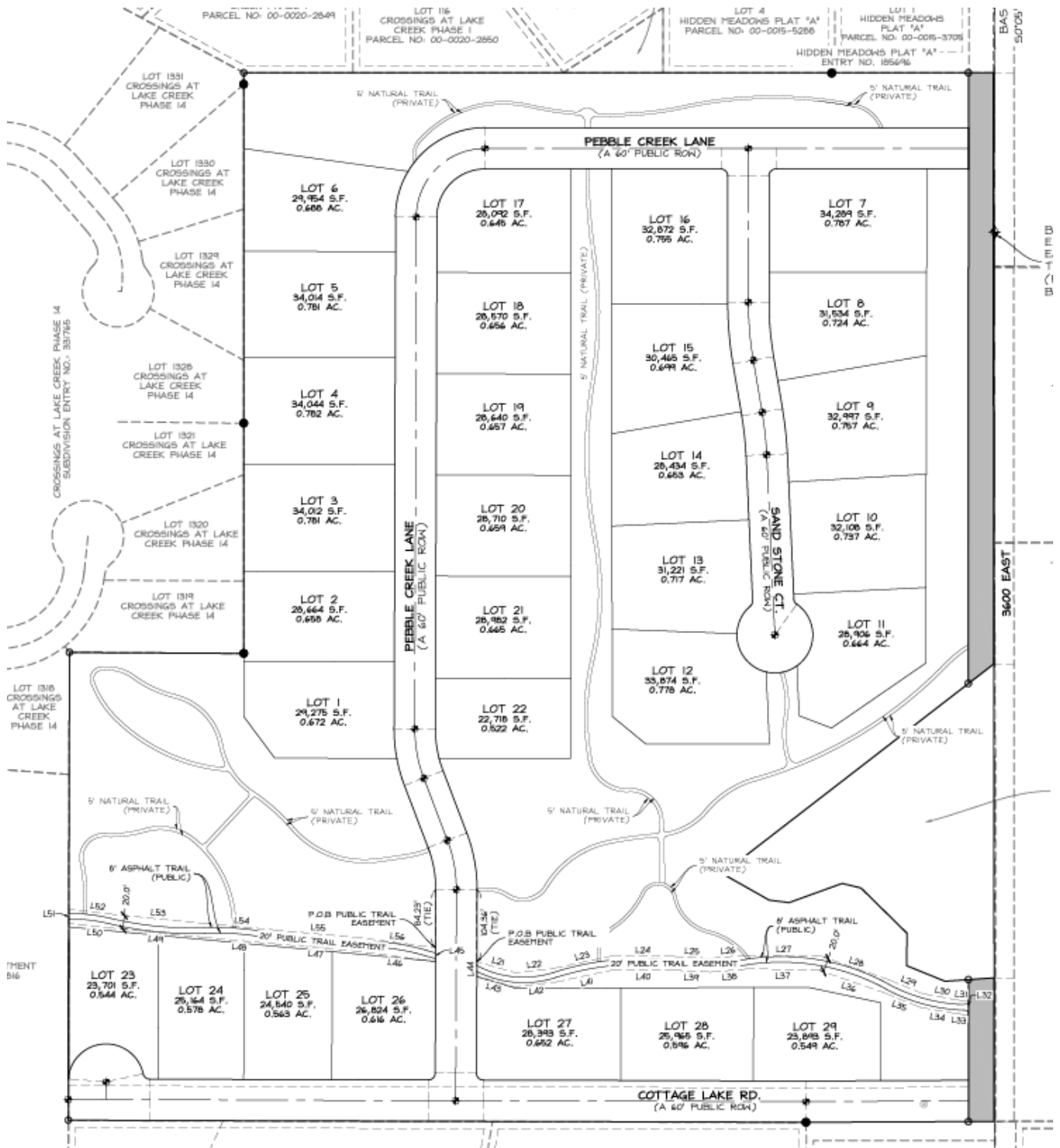
**PLANTS**

- [Green Circle]
- [Light Green Circle]
- [Dark Green Circle]
- [Blue Circle]
- [Red Circle]
- [Yellow Circle]

SPECIES: [Green Circle]  
 CONIFER: [Light Green Circle]  
 ORNAMENTAL TREE: [Dark Green Circle]  
 EXISTING TREE: [Blue Circle]



PRELIMIN



**ARCHITECTURE EXAMPLES**  
(ACTUAL PRODUCT TO BE DESIGNED)



# ARCHITECTURE EXAMPLES

(ACTUAL PRODUCT TO BE DESIGNED)

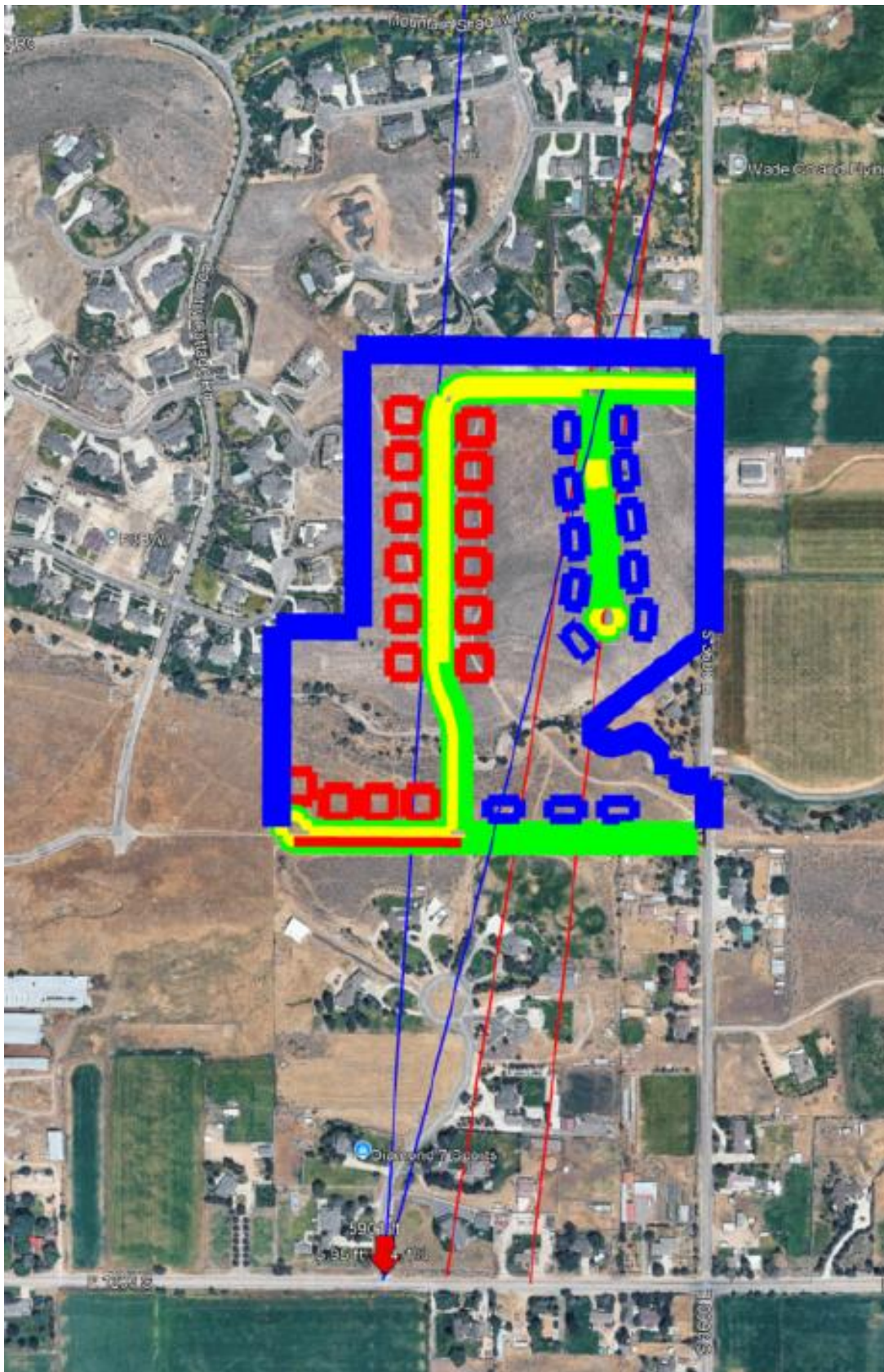


# ARCHITECTURE EXAMPLES

(ACTUAL PRODUCT TO BE DESIGNED)



Exhibit G – Viewshed Analysis



1200 S 3365 E  
Looking North



Lake Creek Rd 3600 E  
Looking Southwest





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

PROJECT ID: DEV-11816  
PROJECT NAME: PRELIM - LAKE CREEK 40 ACRES  
VESTING DATE: 12/12/2025  
REVIEW CYCLE #: 5

**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
County Surveyor	Ready for Decision
Planning Department	Ready for Decision

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

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

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

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

## OVERALL PROJECT COMMENTS

DRC Project Comments		
Comment ID	Entity	Comment
C-PLN-App-3	PLN - County Planning Approval	COA: the no rise analysis will need to be provided with the final application.  The trail crossings and the culvert for the road will need to have a "no rise" analysis done for anything done in the floodway.
C-PLN-App-5	PLN - County Planning Approval	COA: I will need to see that the streetlight complies with the code and has a full cutoff design with the luminaire inside the fixture. See 16.21.16(G) regarding street lights.
C-PLN-App-12	PLN - County Planning Approval	16.27.22: RIDGELINE/VIEWSHED REGULATIONS: It is the intent of this section to protect the valuable views of the ridgelines of Wasatch County by providing regulations, which will limit the building of structures on or near ridgelines that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.  We should look closer at the secondary ridgeline issue. The Crossings structures are on a secondary ridgeline however that development was approved through a settlement agreement in 2001 prior to our current ridgeline ordinance. See this section and D, 1. As the staff report is worked on there may be recommendations on heights and colors.
FIRE-App-1	SSD - Fire SSD Approval	Access, fire hydrant, fire flow need to meet Wasatch Fire District Single Family Dwelling Guidelines. See wasatchfire.org

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Engineering Dept		
Comment ID	Sheet Name	Comment
DRC-ENG9	03 - Site Plan	Note: The County will be improving 3600 East in 2026. It is recommended to coordinate with Public Works to avoid road cuts once the road is completed.
DRC-ENG22	09 - Drainage Plan	Note: A floodplain permit and associated no-rise analysis will be needed for the floodway crossing with final permit application.

DRC - GIS Dept		
Comment ID	Sheet Name	Comment
DRC-GIS1	02a - Plat	When you are preparing for your final plat submission, please send a copy of the plat PDF and CAD file to gis@wasatch.utah.gov. We will then prepare addresses, which should be listed on the plat. Please include a name and email address for us to send the addressing invoice to, along with

		preferred road names for review. The previous two names chosen for this area, Pebble Creek Lane and Sandstone Court, would still work. If the road at the south end of the plat is intended to connect with Cottage Lake Road to the west, it would retain that name.
--	--	---

DRC - Jordanelle SSD		
Comment ID	Sheet Name	Comment
DRC-JSSD1	01 - Cover Sheet	Coordinate detailed water, sewer, and secondary plan review comments with TCSSD plan review engineer

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN1	01 - Cover Sheet	16.27.10: PROCESS FOR DEVELOPING LARGE SCALE DEVELOPMENTS Please add the address and location of the of the project site. Please a vicinity map. Please add legal description of property. Please a unity density of project (ERU's) Please add existing land use of all properties within 500' of the proposed subdivision.
DRC-PLN2	02a - Plat	16.27.12 (D.)A closure sheet will be required for Final Plat approval. (E.) Please add a labeling system for each open space parcel plat (A,B,C...) (I.) Addresses will need to be shown on [lat when assigned by the GIS department. (X.) Please add a County Planning Department Signature box.
DRC-PLN3	05 - Physical Constraints Analysis	16.27.10 the application is required to have a physical constraints map identifying physical constraints as found in 16.27.25. Please ad notes to the map addressing each requirement.  Pleas show Net developable acreage calculation. This is the total land area of the property or properties less any area currently designated as sensitive lands as defined in 16.27.25. If future action is to be taken to modify or mitigate these constraints, this map should be updated to reflect any changes.  Please make it clear if the floodways are part of a wildlife migration corridor or not.
DRC-PLN4	02a - Plat	Please show location of trail easements on the plat. Add a note to the plat on who will maintain the public and private trails and for any dedication of open space and common areas. Please label streets as public or private and add street names.
DRC-PLN5	11 - Utility Plan	Please include a lighting plan that shows the streetlights will meet 16.21.16 (E.), (G.), and (J.)4.
DRC-PLN6	11 - Utility Plan	What is being proposed for the overhead power lines? Are they

		proposed to be buried?
DRC-PLN7	15 - DevAgreement	You may be required to have a development agreement if there is a portion of the ROW that you have responsibilities to maintain. We may want to discuss this further with the County attorney. This is due to the 3600 E frontage easements.
DRC-PLN8	03 - Site Plan	The applicant will need to show that the trails will connect all the way through 3600 E and with any existing or future trails with the Crossings
DRC-PLN9	03 - Site Plan	Please verify that all streets comply with 26.27.29(B.) and (C.)

### DRC - Recorder Office

Comment ID	Sheet Name	Comment
DRC-REC1	02a - Plat	As of this date, 2/13/2026, the owners of the property are MEB ENTERPRISES LLC. Between now and when the plat is recorded hope that a deed will be recorded to put it in TOLL BROTHERS LLC
DRC-REC2	02a - Plat	Not sure about the road name COTTAGE CREEK RD. There is a Cottage Creek Ct in Midway and those are very similar names. You will need to verify with the GIS Dept.

### DRC - Surveyor Office

Comment ID	Sheet Name	Comment
DRC-SUR1	02a - Plat	Sent letter to surveyor/ 12/29
DRC-SUR2	02a - Plat	# 1 Your length for the MW leg of the Prop 11 LLC is 43 feet longer than their deed. Please explain, # 2 You have not indicated any property dedicated to the 3600 East Right Of Way. Your ROS shows a fence along here however you have included this land in you subdivision plat. 3600 East has no dedicated right of way to being with. It is purely a perceptve r/w and the local owners have dedicated what they need to do to maintain a 60 foot right of way. Or as the planning department directs. # 3 You have placed your subdivision on to an older subdivision by 0.6 feet. In doing so you have merely restaked the previous subdivision and not accounted for the 29 years the pin has been in place.
DRC-SUR3	02a - Plat	# 1 The legal description of Road Dedication is incorrect. It may be the tie. # 2 Two of your boundary dimensions are incorrect. # 3 Your return comment on our Item # 3 is confusing. Your comment leads me to believe you found the original SW corner of of Lot 1 of Hidden Meadows. Only your record of survey does not say this. The ROS calls out the lot corner. In additional your ROS shows a wall on your parcel that may belong to others.

**Meeting Date:** May 14, 2026  
**Presenter:** Doug Smith  
**Requested Time:** 30 Mins

**Department:** Planning  
**Applicant:** MCM Engineering Inc

**Item Title:**

MCM Engineering Inc., on behalf of Jody Senninger, requests Preliminary Subdivision approval for Valor Estates, a six-lot large scale subdivision on 11.068 acres, located at 847 S. 2400 E. in the Residential Agricultural (RA-1) zone. (DEV-10755)

**Issue:**

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 6-lot subdivision on 11 acres in the Residential Agriculture (RA-1) zone. The planning commission shall be the land use authority for preliminary subdivision approvals where the application is only for single-family dwellings, two-family dwellings, or townhomes and the project is not in the Geologic Hazards Overlay Zone. (16.01.05).

**Background:**

The applicant is seeking approval for a large-scale subdivision made up of six lots. The proposal is on the east side of 2400 East at approximately 847 South in the RA-1 zoning district.

**Proposed Motion:**

TBD

**Impact:**

N/A

**Attachments:**

1. PC Staff Report 05-14-2026 - Item 2 - Valor Estates Subdivision



---

## Item 2 – Preliminary approval for Valor Estates a large scale 6-lot Subdivision at 847 South 2400 East in the RA-1 zone.

---

**Project:** DEV-10755 Valor Estates Subdivision  
**Meeting Date:** 14 May 2026  
**Report Date:** 7 May 2026  
**Report Author:** Doug Smith, Planning Director  
**Council Action Required:** No  
**Applicant:** MCM Engineering

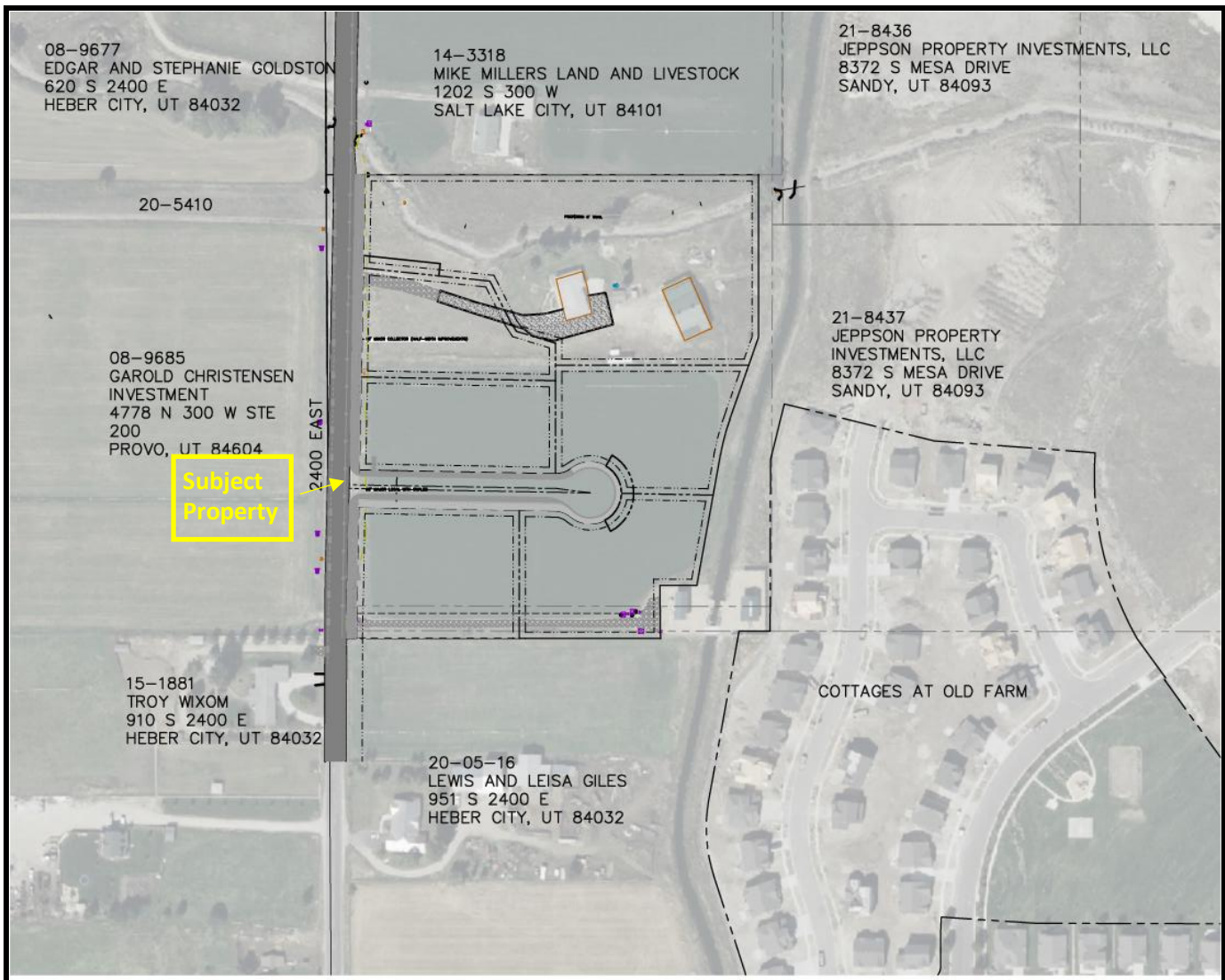
**Address:** 847 South 2400 East  
**Existing Land Use:** Agricultural  
**Proposed Land Use:** Residential  
**Parcel Size:** 11 Acres  
**Proposed Density:** 6 Lots (1.83 acres/lot)

### DETERMINATION ISSUE

Whether or not the application meets the applicable laws governing the use and development of land in Wasatch County for a proposed 6-lot subdivision on 11 acres in the Residential Agriculture (RA-1) zone. The planning commission shall be the land use authority for preliminary subdivision approvals where the application is only for single-family dwellings, two-family dwellings, or townhomes and the project is not in the Geologic Hazards Overlay Zone. (16.01.05).

### RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to revisions or conditions that are not anticipated to constitute a materially substantive change. Therefore, it is recommended by County Staff that the Planning Commission *Approve* the proposed preliminary plan based on the findings and subject to the conditions included in the staff report.



**BACKGROUND**

The applicant is seeking approval for a large-scale subdivision made up of six lots. The proposal is on the east side of 2400 East at approximately 847 South in the RA-1 zoning district.

The subject parcel is characterized as relatively flat land that’s has been irrigated and farmed. There is a FEMA floodplain and floodway on the property that is contained in lot 1. There is a zone X (500-year floodplain) that covers portions of Lot 1 and all of lot 2.

The parcel has an existing home and outbuildings on the proposed lot 1. All lots will be on sewer and water provided by Twin Creeks SSD.

This application went through 5 review cycles starting in June of 2025. It was signed off by planning in the third review cycle in February of this year. This project was reviewed by a former employee.

## PURPOSE AND INTENT OF THE RA-1 ZONE

The subject property is in the Residential-Agriculture Zone (RA-1) where the residential lots for detached single-family homes (land use 1111) are listed as permitted uses in the zone. The purpose outlined in the RA-1 zone is quoted below:

---

- A. The residential-agricultural zone (RA-1) is established to preserve the high quality of life for the citizens of Wasatch County by allowing residential development near the incorporated areas, while maintaining the rural atmosphere of Wasatch County. The intent of the zone is to increase lot sizes as development moves away from incorporated areas as a means of facilitating a transitional development area and to maintain, as much as possible, the rural character of the County.
  - B. The development options provided in the residential-agricultural zone (RA-1) are to promote the protection of natural resource areas, prominent features of the site, farmland and other large areas of open land, while permitting residential development at densities appropriate for the context of the area. Specific objectives are as follows:
    1. Provide a place in the county where residential dwellings may be constructed as a transition from population centers to more rural agricultural uses.
    2. Facilitate the provision of essential services needed by the residents within urbanizing areas of the county, particularly sewage and culinary water service, through the instrumentality of a special service district.
    3. Provide services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
    4. Provide a zone where residents can have farm animals in reasonable numbers and conduct agricultural activities with provisions that protect the rights of farmers and ranchers from complaints regarding noise, odors, length of working hours and general operation from surrounding non-agricultural neighbors.
    5. To maintain and protect Wasatch County's rural character by providing development options that can preserve important elements, including those areas containing unique and environmentally sensitive natural features. Subdivision design shall preserve natural or prominent features of the site first, and laying out the lots after the portions of the site worth preserving are addressed.
    6. To provide the option in specified areas for the development of varied lot sizes in clustered, single-family, low density residential uses, allowing for large areas of permanently protected open space for active or passive use by residents of the development or by the public.
- 

## KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with FEMA regulations.

- Compliance with requirements for cul-de-sacs

## STAFF ANALYSIS

### – LAND USE AND DENSITY –

The proposed large-scale subdivision includes 6 lots on 11 acres for a density of 1.83 acres per unit. The RA-1 code allows for a bonus density of up to one unit for every 1.3 net developable acres. The net developable acres of the property is 8.62 which allows for a maximum density of 6 lots.

The code also states that each lot has the entitlement to build one single family home. Currently, lot 1 in the proposed subdivision has an existing home on it and has met the lot's entitlement.

### – LOT SIZE –

Wasatch County Code 16.07.04 requires that lots within the RA-1 zone be a minimum of 1 acre. All 6 lots within the proposed subdivision are a minimum of 1 acre. Thus, the subdivision is in compliance with the lot size requirement.

### – LOT WIDTH AND FRONTAGE –

All lots/parcels within the RA-1 zone that are 1 acre or more must have a minimum lot width of 150 feet at the 30-foot setback. All corner lots are required to have a width of 150' on both frontages. The proposal is compliant with these standards.

### – ENVIRONMENTAL CONSTRAINTS ANALYSIS –

Wasatch County will not allow building or development on constrained lands. The applicant identified a FEMA floodplain as well as floodway in lot 1. There is also a zone X that encompasses the entirety of lots 1 and 2. There should be a note on the plat stating that lots 1 and 2 are within a FEMA zone X and that flood insurance is recommended. Lot 1 has a small portion of zone A as well as a floodway. A FEMA floodway should have no work done in the channel unless there are studies done to show that the work will not increase the elevation of the water upstream. At final there should be some notes on the plat regarding the floodway.

The culvert that will be used for the trail should go through a "no rise" permit process to ensure that the culvert will not affect upstream water levels or change the floodplain.

### – ROADS AND ACCESS –

The subject parcel is adjacent to 2400 East. Direct driveways onto 2400 East are not allowed. All corner lots must use the local road access. Lots 1 and 2 will use a shared driveway.

Code requires that cul-de-sacs are typically not allowed except in specific occasions as noted in the code below.

16.27.29 through Street Requirements: Developments that are required to provide a through street shall build the street to the required public standard and as a through street even if the development is proposed to be private or gated. Through streets shall connect higher classification streets and provide a traffic network. Cul-de-sacs and non-through streets are prohibited, except that the land use authority may allow cul-de-sacs to be used only where unusual drainage, topography or land ownership configurations exist which make other designs undesirable or impossible, and where review of the conceptual connectivity plan or other street plans for the area do not require through circulation.

As mentioned above, the application was made in June of 2025. The first submittal did show a cul-de-sac stubbed to the south property line that could have been a future connection to the south. The subsequent four

reviews did not show the cul-de-sac stubbed to the property line. There was discussion about the stubbed cul-de-sac and CUP (Central Utah Project) infrastructure as part of a DRC meeting. In discussion with the CUP and the previous engineering company it was mentioned that the change might have been due to access/impacts to the CUP infrastructure as well as alignment of the cul-de-sac and future lot layout with the property to the south. The last three review cycles showing the current cul-de-sac configuration were signed off by the planning department and no mention of the through street requirement was made.

– *FENCELINE* –

Wasatch County places high priority on protecting current agricultural land. This priority is addressed through Right to Farm regulations in Wasatch County Code. The proposed subdivision is located adjacent to agricultural farmland to the south. To uphold the Right to Farm Regulation code standards, the applicant shall maintain the existing fence and repair any portions that need to be repaired. For final application please provide pictures of the fencing and a description to ensure farm animals will not be able to get into the residential lots.

– *TRAILS* –

Wasatch County Master Plan establishes a goal to develop a connected multi-modal infrastructure to meet the demand of current and future residents. Part of the multi-modal infrastructure is a non-motorized trail system. The proposed subdivision will have an 8' asphalt trail along 2400 East in the public right-of-way as well as an 8' asphalt trail within a 20' easement along the Lake Creek channel. Maintenance of the trail will need to be determined as part of the final approval. It has been discussed that the trail along the creek is maintained by the County.

– *SEWER/WATER* –

The existing home on lot 1 is required to tie into the sewer and water within Twin Creeks. All other parcels will be on sewer and water.

– *PLAT NOTES* –

There are a number of notes on the plat some of which are redundant, and other notes that need to be added or amended. Changes to the notes have been added as conditions to be addressed at final.

## **DEVELOPMENT REVIEW COMMITTEE**

At the time of this staff report, a complete review by the various members of the Development Review Committee (DRC) has not yet been completed. Key items that have been raised to planning staff have been included in the staff analysis above. In order for the Planning Commission to make a motion, the DRC report must be completed prior to the Planning Commission hearing. If the report has not been completed, or if comments received in the report are inconsistent with this staff report, the Planning Commission may continue the item.

## **RECOMMENDED MOTION**

*Findings:*

1. The application is for a 6-lot subdivision on 11 acres.
2. The project has areas that are in a Zone A, floodway and zone X.
3. Lots are not allowed to have direct access onto 2400 East.
4. A number of notes on the plat will need to be corrected as stated in the conditions.
5. The proposal complies with the density for the RA-1 zoning district.
6. Code typically does not allow cul-de-sacs.
7. Due to CUP infrastructure and alignment of the original proposed stub street the stubbed cul-de-sac was changed after the first review in June of 2025.

8. Each lot in the proposed subdivision is over 1 acre in size.
9. There is an existing home on parcel one in the subdivision that will be required to tie onto sewer and water.
10. Each lot within the subdivision is compliant with lot frontage and width standards.
11. The development is adjacent to agricultural land to the south.

**RECOMMENDED CONDITIONS:**

1. A note on the plat stating that corner lots will not directly access 2400 East.
2. A note on the plat stating that lots 1 and 2 will use shared driveway accesses.
3. Note 1 on the plat can be removed because the trail is in the ROW and will be maintained by the County.
4. Note 6 will need to be amended for the 8’ trail along Lake Creek and a 20’ easement shown on the plat. Trail maintenance will be done by the County.
5. Note 7 will need to be clarified and at final show that the fencing provided is adequate for fencing out animals.
6. Note 9 can be deleted since it is a public road.
7. The existing home on lot 1 will need to connect to sewer and water.
8. Front PUE’s shall be 15’ not 10’.
9. There should be a note on the plat stating that lots 1 and 2 are within a FEMA zone X and that lot 1 has a floodway and floodplain and that flood insurance is recommended for lots 1 and 2.
10. A “no rise” analysis done for the culvert across the creek at final.

**POTENTIAL ACTIONS**

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

1. **Recommendation for Approval.** This action may be taken if the Planning Commission finds that the Preliminary Plan is compliant as proposed with Wasatch County Code and all other applicable ordinances.
2. **Recommendation for Approval with Conditions.** This action can be taken if the Planning Commission feels comfortable that remaining issues can be resolved prior to final approval.
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 can be taken if the Planning Commission finds that the proposal does not meet the intent of the ordinance.

**EXHIBITS**

Exhibit A – Vicinity Map .....7  
 Exhibit B – Proposed Subdivision Plat .....8  
 Exhibit C - Constraints analysis.....9  
 Exhibit D – Prior Layout.....111  
 Exhibit E – Plat Notes .....112  
 Exhibit F – DRC report .....133

Exhibit A – Vicinity Map

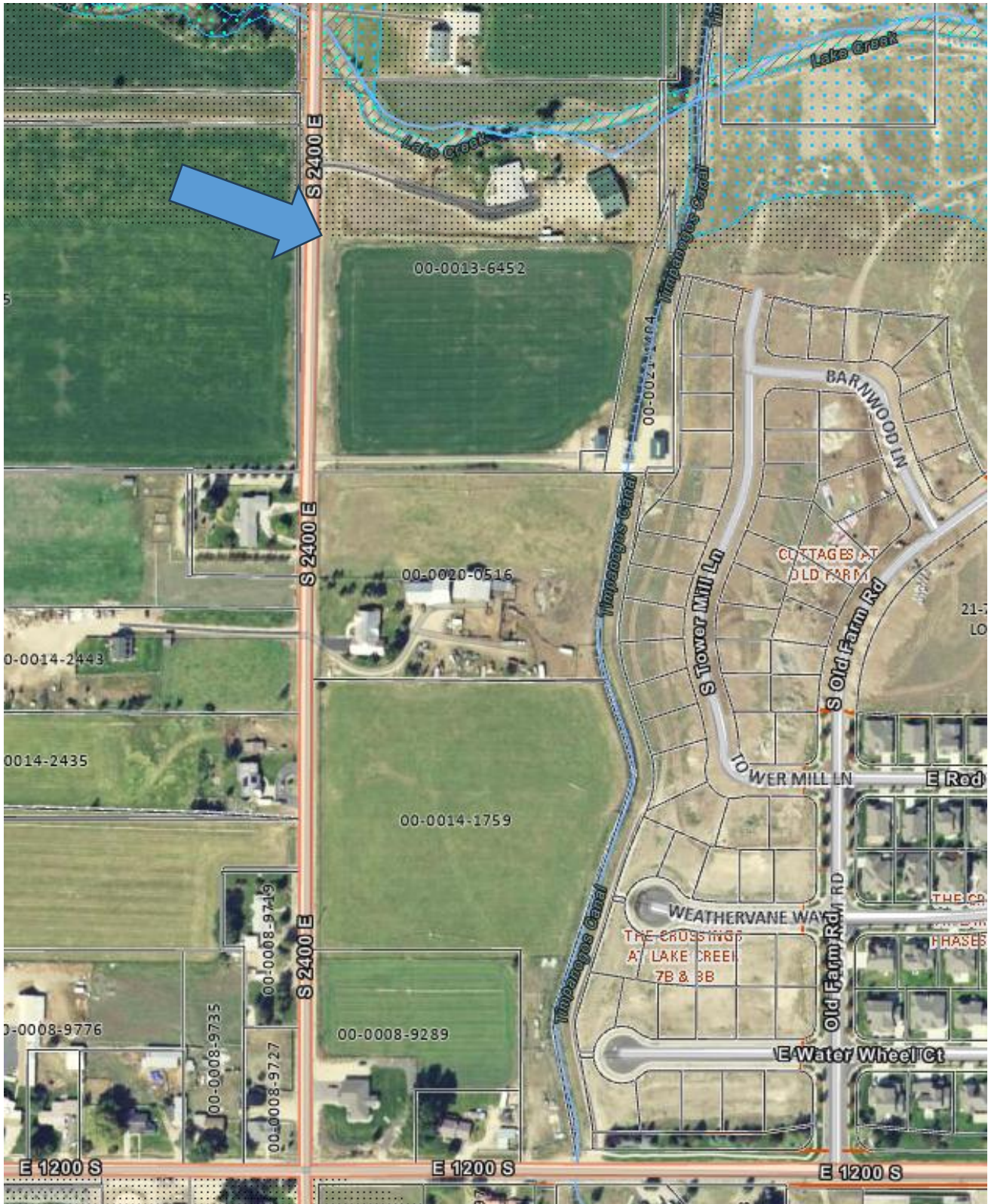
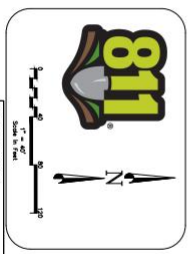
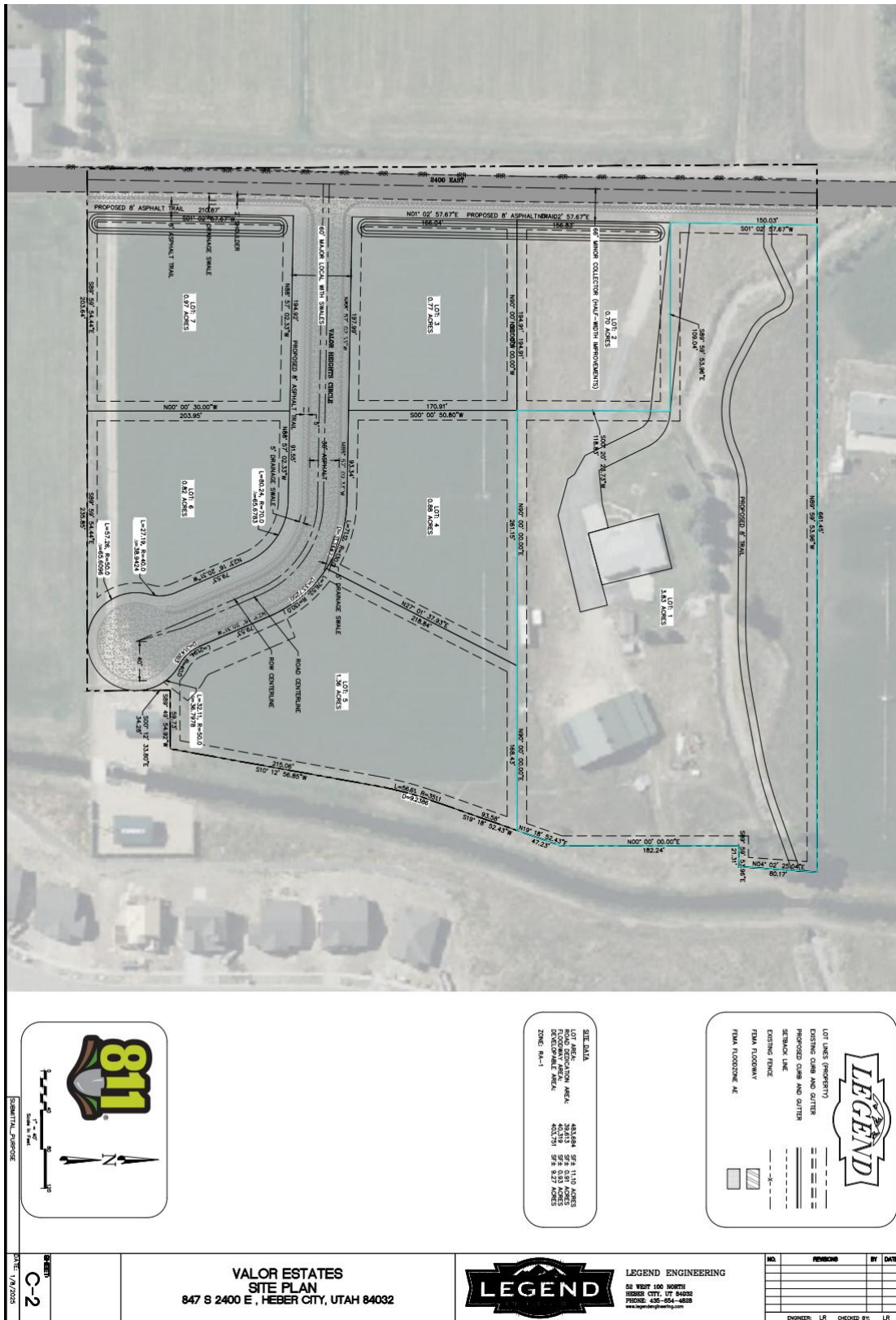








Exhibit D – Prior Layout



**SITE DATA**  
 LOT AREA: 483.84 SQ. FT. (1.10 ACRES)  
 ROAD EXCLUSION AREA: 28.613 SQ. FT. (0.65 ACRES)  
 DEVELOPMENT AREA: 455.227 SQ. FT. (1.03 ACRES)  
 ZONE: RA-1

**LEGEND**

- LOT LINES (PROPERTY)
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- STRIKED LINE
- EXISTING FENCE
- PAVA FLOORWAY
- PAVA FLOORWAY AT

DATE: 7/9/2023  
 SHEET: C-2

**VALOR ESTATES**  
**SITE PLAN**  
 847 S 2400 E, HEBER CITY, UTAH 84032



**LEGEND ENGINEERING**  
 53 WEST 100 NORTH  
 HEBER CITY, UT 84032  
 PHONE: 435-594-4500  
 www.legendeng.com

NO.	REVISION	BY	DATE

OWNER: LR    CHECKED BY: LR

## PLAT NOTES

- 1: THE 8 FOOT WIDE PUBLIC TRAIL EASEMENTS SHOWN ON THE PLAT WILL CONTAIN A 8 FOOT WIDE MEANDERING ASPHALT TRAIL THAT IS TO BE MAINTAINED BY WASATCH COUNTY FOR THIS SUBDIVISION.
- 2: LOT 1 DRIVEWAY EASEMENT AS SHOWN HERON TO BE USED TO ACCESS LOT 1 AND LOT 2 FROM 2400 SOUTH.
3. SNOW STORAGE EASEMENT AS SHOWN HERON AT THE END OF VALOR HEIGHTS CIRCLE, IS SUFFICIENT TO MEET THE MINIMUM REQUIREMENT FOR SNOW STORAGE. NO STRUCTURES, DRIVEWAYS OR ABOVE GROUND LEVEL LANDSCAPING MAY BE INSTALLED WITH THIS EASEMENT.
4. SHARED PORTIONS OF LOT 2, LOT 3 AND LOT 6, AS SHOWN HERON, HAVE STORM DRAIN EASEMENTS AND ARE ESTABLISHED FOR THE CONSTRUCTION OF STORM DRAIN RETENTION PONDS AND FACILITIES. THE OWNERS OF THOSE LOTS SHALL NOT MODIFY OR ALLOW TO BE MODIFIED THE FINISHED GRADE OF THESE EASEMENTS NOR CONSTRUCT OR ALLOW TO BE CONSTRUCTED AND STRUCTURES OR LANDSCAPING, EXCEPT FOR GRASS, ABOVE OR BELOW GROUND IN THESE AREAS. THE OWNERS OF THE LOTS SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL STORM DRAIN RETENTION PONDS ON THEIR LOT.
5.  $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED (MCM ENGINEERING) TO BE SET AT SUBDIVISION CORNERS AND REBAR LOT CORNERS.
6. THE UTILITY, CREEK AND TRAIL EASEMENT IS DEDICATED TO WASATCH COUNTY.
7. EXISTING FENCING WILL SEPARATE AGRICULTURAL FROM RESIDENTIAL. FENCING SURROUNDING SUBDIVISION IS PROHIBITED TO BE REMOVED. LOT OWNERS ARE RESPONSIBLE FOR ANY DAMAGE DONE TO FENCING ON OWNERS SIDE OF THE FENCE AND MUST BE REPAIRED BY OWNER.
8. RIGHT TO FARM NOTICE: THE PURCHASERS OF LOTS IN THIS DEVELOPMENT ARE HERBY NOTIFIED THAT THEY ARE PURCHASING PROPERTY ADJACENT OR NEARBY FARMLAND AND AGREE TO PROTECT THE RIGHT TO FARM OF THESE PROPERTY OWNERS. PROPERTY OWNERS ARE ADVISED THAT FARM HOURS START EARLY AND GO LATE ALL TIMES OF THE YEAR AND THE FARM ANIMALS CREATE NOISE AND ODORS THAT MAY BE OFFENSIVE TO SOME OWNERS. PROPERTY OWNER MAY EXPERIENCE OVER SPRAY FROM SPRINKLERS AND WATER SEEPAGE FROM IRRIGATION OF FARMLAND. IT IS ILLEGAL TO DUMP ANY GRASS CLIPPINGS OR MATERIAL ONTO SURROUNDING LANDS WITHOUT PERMISSION.
9. THE MAINTENANCE RESPONSIBILITY FOR VALOR HEIGHTS CIRCLE ROAD AND TRAIL AREAS ARE DEDICATED TO WASATCH COUNTY.
10. PORTION OF LOT ONE AS SHOWN HERON, HAS A CREEK ACCESS EASEMENT OF 15 FEET ON BOTH SIDES OF THE CENTERLINE OF THE CREEK. WITH A TOTAL OF A 30 FOOT EASEMENT FOR ACCESS ALONG THE CREEK.
11. PORTION OF LOT 5 AND LOT 6 AS SHOWN HERON HAVE A 40 FOOT PERPETUAL EASEMENT FOR AN ACCESS ROAD TO THE TIMPANOGOS CANAL PUMP STATION.



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

PROJECT ID: DEV-10755  
PROJECT NAME: PRELIM - VALOR ESTATES  
VESTING DATE: 5/19/2025  
REVIEW CYCLE #: 5

**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 RC reviewers have recommended the item to move forward.

Entity	Decision
Planning Department	Ready for Decision
Public Works 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-HLT1	DRC - Health Dept	Existing home must connect to sewer.
FIRE-App-1	SSD - Fire SSD Approval	Structures must meet the Single Family Dwelling Guidelines if applicable.
JSSD-App-1	SSD - Jordanelle SSD Approval	Continue plan review with JSSD staff and district engineer.
JSSD-App-2	SSD - Jordanelle SSD Approval	Before plan approval, developer must acquire feasibility letter from District.

## PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - GIS Dept		
Comment ID	Sheet Name	Comment
DRC-GIS1	02a - Plat	Valor Heights Circle will work for a street name. When you are preparing your final submission, please send a CAD file of the project to the GIS team at <a href="mailto:gis@wasatch.utah.gov">gis@wasatch.utah.gov</a> for addressing.
DRC-GIS2	02a - Plat	"Valor Heights Circle" will work for the road name. When you are preparing your final plat submission, please send a copy of the plat PDF and CAD file to <a href="mailto:gis@wasatch.utah.gov">gis@wasatch.utah.gov</a> and we can help you prepare addresses, which will need to be listed on the final plat.

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN11	03 - Site Plan	After doing research to see if the lot was a legal nonconforming lot, I found partial information that a caretaker unit was approved on a 9.92 acre lot in 1982. looking thru the Planning Commission book, I could not find the commission minutes or address for this. Current ordinance (16.21.46 ) Require caretaker units to have a minimum of 10 acres for approval. if a second unit exists on the property, you could potentially subdivide the care taker unit from the house as an option.  Carry over from previous review. Please address this comment.
DRC-PLN13	02a - Plat	The signature box for weed board, solid waste, and recreation district are not required.  Please verify that all the information listed in section 16.27.12 Final Plat is on the subdivision Plat. It appears some required information is not on the plat.

		<p>This is a carry over from the previous comment cycle. Please include a dedication box for the owners signature and notary.</p> <p>I am not seeing the note on the plat stating that a portion of the plat is in flood zone X and flood insurance is recommended.</p>
--	--	---

### DRC - Public Works Dept

Comment ID	Sheet Name	Comment
DRC-PW6	02A-Plat	I still don't see the 20' easement on the south side of the channel from the south bank out.

### DRC - Recorder Office

Comment ID	Sheet Name	Comment
DRC-REC1	02a - Plat	<ol style="list-style-type: none"> <li>1. This plat is very very preliminary.</li> <li>2. In the top left hand corner under VALOR ESTATES SUBDIVISION the incorrect Section, Township and Range is listed.</li> <li>3. There may be an issue with the point of beginning on the Boundary Description.</li> <li>4. There is no narrative (or notes) on the plat.</li> <li>5. There is no legend on the plat.</li> <li>6. There are no addresses on the plat.</li> <li>7. Not sure what the blue lines around lot 1 are. I'm sure that will be explained on the next version.</li> <li>8. There is no OWNERS DEDICATION language on the plat.</li> <li>9. The Surveyor has not signed or stamped the plat.</li> <li>10. The calls between lots 2 and 3 and kind of jacked.</li> <li>11. I would think there needs to be dedication language to the County for 2400 East. Again, without a legend it is hard to tell what some of the things are on this plat.</li> <li>12. Please do not use in a colored version of this plat. A black and white mylar works lovely. But make sure you show existing structures as they exist on lot 1. A colored mylar will be a nightmare to scan as we do not have a colored scanner.</li> </ol>

### DRC - Surveyor Office

Comment ID	Sheet Name	Comment
DRC-SUR1	02a - Plat	The preliminary plat lacks section corner ties and road way widths. Without these items we are unable to review the proposed plat.