



## 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	<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

❖ **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	<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

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## 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.

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**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 either 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.

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**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.

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**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.

  

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CHARLES ZUERCHER/CHAIRMAN