WASATCH COUNTY PLANNING COMMISSION MINUTES

SEPTEMBER 10, 2026

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

BUSINESS ITEMS

- **APPROVAL OF THE MINUTES FROM THE AUGUST 13, 2026 MEETING**

MOTION

- **Commissioner Brubaker made a motion to approve the minutes of the August 13, 2026 meeting as written.**
- **Commissioner Thacker seconded the motion.**

VOTE **(5 TO 0)**

Charles Zuercher	**AYE**	NAY	ABSTAIN	Scott Brubaker	**AYE**	NAY	ABSTAIN
David Thacker	**AYE**	NAY	ABSTAIN	Daniel Lyman	**AYE**	NAY	ABSTAIN
Harold Wilson	**AYE**	NAY	ABSTAIN				

REGULAR AGENDA ITEMS

ITEM #1 **A PROPOSED CODE AMENDMENT TO 16.21.17(B,3) REGARDING RESIDENTIAL FACILITIES FOR PERSONS WITH DISABILITIES AND AN AMENDMENT TO 16.04 ADDING A DEFINITION FOR "DISABLED PERSONS".**

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 SEPTEMBER 16, 2026 **(DOUG SMITH AND ALEX STOEDTER)**

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. Key points addressed in the Staff's presentation to the Planning Commission included the following.

- Staff has requested that this item be continued to the October 8, 2026 meeting.

MOTION

- **Commissioner Lyman made a motion to continue Item 1 to the October 8, 2026 meeting.**
- **Commissioner Brubaker seconded the motion.**

VOTE **(5 TO 0)**

Charles Zuercher	**AYE**	NAY	ABSTAIN	Scott Brubaker	**AYE**	NAY	ABSTAIN
David Thacker	**AYE**	NAY	ABSTAIN	Daniel Lyman	**AYE**	NAY	ABSTAIN
Harold Wilson	**AYE**	NAY	ABSTAIN				

ITEM #2 **PAUL BERG, REPRESENTING KEW CONSULTING LLC, REQUESTS PRELIMINARY APPROVAL FOR HERITAGE HILLS, A 23-LOT CONSERVATION SUBDIVISION WITH 2 ADDITIONAL LOTS THAT ARE CONSIDERED LOTS OF RECORD. THE SUBDIVISION IS LOCATED IN SECTIONS 5 & 8, TOWNSHIP 4S, AND RANGE 6E IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) AND MOUNTAIN (M) ZONES. THE PROPOSAL ALSO INCLUDES A COUNTY INITIATED REQUEST TO AMEND THE MASTER TRAIL PLAN TO CHANGE THE TRAIL ON LAKE CREEK ROAD EAST OF 6400 EAST FROM THE NORTH SIDE OF LAKE CREEK ROAD TO THE SOUTH SIDE OF LAKE CREEK ROAD. *IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LAND USE AUTHORITY, AT A PUBLIC HEARING ON SEPTEMBER 16, 2026* (PLAN-PRELIM-26-003; 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. Key points addressed in the Staff's presentation to the Planning Commission included the following.

- Doug Smith presented the staff report.

APPLICANT AND PUBLIC COMMENT - Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Paul Berg, applicant, asked if the Commission had any questions.

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

- Commissioner Brubaker asked for further details about the topography on the lots that are being clustered. Mr. Berg, showing an image from the PowerPoint presentation, noted the building pads that are shown on any lots that have constraints on them.

- Commissioner Wilson asked where the location of the 20-foot trail easement is determined. Mr. Berg replied that it is determined by the flood channel and has been surveyed.
- Commissioner Brubaker asked about moving Lots of Record. Jon Woodard replied that this isn't standard practice, but due to the unique circumstances of the property being platted as a whole, the silence of the code allows this to take place. If it were simply attempting to move a Lot of Record, the answer would not be the same.
- Commissioner Lyman noted finding #6 specifically that this project seems to be doing this very well.

MOTION

- **Commissioner Lyman made a motion to recommend approval of item #2 consistent with the findings and subject to the conditions in the staff report as well as a recommendation for the Council to consider an amendment to the trails master plan in November.**
- **Commissioner Thacker seconded the motion.**

VOTE (5 TO 0)

Charles Zuercher	**AYE**	NAY	ABSTAIN	Scott Brubaker	**AYE**	NAY	ABSTAIN
David Thacker	**AYE**	NAY	ABSTAIN	Daniel Lyman	**AYE**	NAY	ABSTAIN
Harold Wilson	**AYE**	NAY	ABSTAIN				

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

1. This proposal was granted master plan approval on December 17, 2025.
2. The development has two land use zones M (Mountain) and RA-1.
3. The RA-1 portion of the development cannot be part of the conservation development but will be processed as part of the large-scale development.
4. The road that is part of the RA-1 portion of the development provides access to two lots in the M zone.
5. The M zone portion of the development is proposed to be developed as a conservation subdivision.
6. The Legislative body must determine that the proposal meets the purpose and intent statements of the conservation ordinance by determining that the proposal accomplishes the intent of the Conservation development code by maintaining the rural character, protecting scenic views, providing greater design flexibility and efficiency, decreasing the amount of disturbance, encouraging active and passive recreation, reduces erosion and sedimentation, creates an attitude of stewardship, provides for safer circulation in a wildland area, reduces exposure to natural hazards, minimizes the threat and damage from wildfires and protects large tracts of land from development in perpetuity.
7. The proposal meets the density requirements for the conservation development.
8. The proposal complies with the code requirements for the RA-1 zone.
9. The proposal provides 305.05 acres of open space with access to public trails and surrounded by other open space parcels in other developments.
10. The open space will need to be dedicated with the first phase.
11. All lots will be serviced by Twin Creeks for both water and sewer.
12. Changes to the Master Trial Plan, which is part of the County General Plan, will need to be made within the time frame and noticing requirements of State and County codes.
13. This is a recommendation to the County Council. The Planning Commission is not the approving body.

CONDITIONS

1. As per code section 16.27.6.5(C, 11) the open space is required to be dedicated with the first phase. This must be worked out prior to final approval.
2. The County Council will need to approve an amendment to the master trail plan if the 8' asphalt trail is on the south side of Lake Creek Road and comply with State and County codes regarding the amendment.
3. At final any lots with building envelopes greater than 25% will need site specific soils reports.
4. All conditions and requirements of the DRC shall be complied with.

ITEM #3 **RILEY STREIT, REPRESENTING CANNON DEVELOPMENT COMPANY, LLC, REQUESTS FINAL SITE PLAN AND CONDITIONAL USE PERMIT REVIEW FOR A CLUBHOUSE, POOL, AND PICKLEBALL COURTS FOR THE CROSSINGS AT LAKE CREEK LOCATED AT 2822 EAST COTTAGE LAKE ROAD IN THE RESIDENTIAL AGRICULTURAL 1 (RA-1) ZONE. (CUP-26-003; AUSTIN CORRY)**

STAFF PRESENTATION - The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

APPLICANT AND PUBLIC COMMENT - Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Cole Cannon, applicant representative, addressed the commission and stated that they are excited about building the clubhouse. Mr. Cannon mentioned that they have received a letter of support from the HOA for the clubhouse.
- Mr. Cannon addressed the commission about timing and the building permit and bonding. He noted he wants to ask for changes to Addendum 6.

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

- Commissioner Lyman asked about condition number 5 and how that condition, regarding lighting, would be verified. Mr. Corry replied that their building permit would need to include any exterior lighting plans, but that the application documents state there will be no exterior lighting except for two street lights in the parking lot.
- Questions were asked about the expiration date of the plat for 6A. It was explained that if an engineering permit has been issued, it extends the plat expiration to the expiration date of the engineering permit.
- Commissioner Lyman asked about the number of ERU's and the limits on what can be platted. Mr. Corry explained that the number of approved ERUs exceeds the trigger in Addendum 6, so no more plats will be recorded until they proceed with construction of the clubhouse.
- Commissioner Lyman asked about how long it would be when they hit 501 ERU's. Mr. Corry replied that timing is determined by the applicant for how quickly they want to proceed with submitting.
- Jon Woodard mentioned addendum 6 and that is not the subject of the item on the agenda today.

MOTION

- **Commissioner Brubaker made a motion to approve Item 3 conditional use permit and site plan subject to the conditions of approval in the staff report and the findings and timing.**
- **Commissioner Lyman seconded the motion.**

VOTE **(5 TO 0)**

Charles Zuercher	**AYE**	NAY	ABSTAIN	Scott Brubaker	**AYE**	NAY	ABSTAIN
David Thacker	**AYE**	NAY	ABSTAIN	Daniel Lyman	**AYE**	NAY	ABSTAIN
Harold Wilson	**AYE**	NAY	ABSTAIN				

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

1. The proposal is for a non-commercial clubhouse in the Crossings at Lake Creek development.
2. The subject property operates under a vested land use entitlement established in a settlement agreement executed in 2002 that has an expiration date of October 2027.
3. Since the execution of the settlement agreement in 2002, development of the property has proceeded gradually over multiple phases across more than two decades, with remaining phases and important amenities still pending as the project approaches its vested expiration date.
4. Wasatch County has continuously processed development applications, phase approvals, and site-specific requests submitted by the applicant in a timely manner consistent with applicable code provisions and executed agreements and that overall development timelines and phasing schedules have been established and controlled by the applicant.
5. Community amenities, including a central clubhouse and associated recreational facilities were fundamental components of the preliminary plan and served as key considerations for the density approved under the 1997 Planned Residential Development code.
6. In response to applicant-proposed modifications to remaining phases, the County and the developer entered into Addendum 6 to the Development Agreement in 2022. This agreement aimed to clarify outstanding developer obligations, preserve master plan consistency, and establish enforceable schedule for delivering long-promised community amenities.
7. Addendum 6 created binding ERU triggers tying final plat recordation to amenity construction milestones, specifically requiring commencement of the clubhouse prior to recording 379 total ERUs and completion prior to 501 total ERUs.
8. During approval of Phase 9 in April 2026, the total project ERUs approved reached 385 ERUs. Because this exceeded the 279 ERU threshold, the County appropriately conditioned the approval to withhold plat recordation until the clubhouse approvals and construction milestones were actively pursued.
9. The Conditional Use Permit and Site Plan approval for the clubhouse represents the initial formal step by the applicant toward satisfying the ERU amenity triggers established under Addendum 6.
10. The proposed clubhouse is situation within a proposed Phase 6A, which was approved in April 2025, but remains unrecorded at the applicant's discretion.
11. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
12. Notice has been sent to neighboring property owners within 500 feet of the property.
13. There are no known zoning violations on the property at this time.
14. The Development Review Committee has reviewed the project and believes the conditional use permit is generally consistent with the preliminary approvals; however, full compliance requires the satisfaction of all underlying land use, site plan, and platting pre-requisites prior to building permit issuance.

CONDITIONS

1. Any necessary permitting from state and federal agencies for grading or construction within the floodplain must be obtained by the applicant prior to Wasatch County permits being issued.
2. If the LOMR process reveals additional constraints that were not presented by the application documents, the applicant is required to immediately notify the county and proposed mitigation measures to address the issues.
3. At building permit, the Base Flood Elevation will need to be noted in relation to the pickleball courts, any electrical, and any other work done in the zone AE.
4. All required infrastructure and platting conditions for Phase 6A must be satisfied and the Phase 6A plat recorded prior to application for a building permit for the clubhouse facility.
5. Per the application commitments, all exterior lighting shall be full-cutoff, dark sky compliant lighting and limited to only the amount and locations necessary for safety.

ADJOURNMENT

MOTION

- **Commissioner Lyman made a motion to adjourn.**
- **Chair Zuercher seconded the motion.**

VOTE **(5 TO 0)**

Charles Zuercher	**AYE**	NAY	ABSTAIN	Scott Brubaker	**AYE**	NAY	ABSTAIN
David Thacker	**AYE**	NAY	ABSTAIN	Daniel Lyman	**AYE**	NAY	ABSTAIN
Harold Wilson	**AYE**	NAY	ABSTAIN				

Meeting adjourned at 7:00 p.m.

Charles R. Zuercher

CHARLES ZUERCHER/CHAIRMAN