

**MINUTES OF THE  
WASATCH COUNTY PLANNING COMMISSION  
MAY 18, 2023**

PRESENT: Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Wendell Rigby, Doug Hronek  
EXCUSED: Commissioner Kimberly Cook, Commissioner Scott Brubaker  
STAFF: Doug Smith, Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney (*via Zoom*); Nathan Rosvall, Assistant Wasatch County Planner; Rick Tatton, Court Reporter (*via Zoom*).  
PRAYER: Commissioner Mark Hendricks  
PLEDGE OF ALLEGIANCE: Led by Commissioner Doug Grandquis and repeated by everyone

Chair Chuck Zuercher called the special meeting to order at 6:00 p.m. on Thursday, May 18, 2023. Chuck Zuercher also indicated that all the Planning Commissioners are present except Commissioner Kimberly Cook and Commissioner Scott Brubaker. Also the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032.

Chair Chuck Zuercher then read the following:

“As indicated on the screen, a required public hearing will be held for certain agenda items prior to Planning Commission action. After each such item has been presented, time to comment will be provided for all those who wish to speak. Public hearings and citizen comments are a legitimate source of information for the County to consider in making legislative decisions.

For items that do not require a public hearing, public comment may still be taken following presentation of the item, however, please keep in mind the following if public comment is accepted during these items: When making land use decisions, the Planning Commission can only rely on substantial evidence on the record, which is that amount and quality of evidence relevant to proving or disproving a specific requirement of the applicable law.

During any public comment period, each speaker will generally be limited to three minutes. Additional time may be given to individuals specifically invited to speak by the Planning Commission.”

Chair Chuck Zuercher then called the first agenda item.

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**ITEM 1      BRIAN BALLS, REPRESENTING COLEMAN MT FAMILY TRUST, AND CMC READY MIX, REQUESTS A CONDITIONAL USE PERMIT FOR ANCILLARY USES TO A CONCRETE BATCH PLANT PREVIOUSLY APPROVED IN DANIEL TOWN. ANCILLARY USES INCLUDE; ACCESS TO THE BATCH PLANT, FUELING AREA, CONCRETE WASHOUT FACILITY, CONCRETE CRUSHER, AGGREGATE STORAGE AND STORM WATER RETENTION POND. THE PROPOSAL IS LOCATED AT 2399 SOUTH 390 WEST ON PARCEL 09-6060 IN THE INDUSTRIAL (I) ZONE. (DEV-7495; NATHAN ROSVALL)**

**Staff**

Nathan Rosvall, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the CMC Ready Mix is building an approved concrete Batch Plant on a 5.02 acre parcel located in Daniel Town. The entire parcel with the 7.48 acres in Wasatch County jurisdiction is 12.5 acres in the Industrial Zones of Wasatch County and the Town of Daniel. The proposed site is located at 2399 South 390 West. It is located approximately 1500 feet southeast of Heber City Airport. The Planning Commission is only reviewing the uses listed above located on the Wasatch County side of the proposal and a concrete crusher is not an expressly allowed use listed in the Industrial Zone, so therefore must

be considered ancillary to the Batch Plant. Ancillary is defined as providing necessary support to the primary activities or operation of an organization institution, industry, or system.

Nathan Rosvall went through the key issues to consider.

1. The property is located in the Industrial zone of Wasatch County and is also in the Industrial Zone of the Town of Daniel.
2. Main operations of the plant will take place in the Town of Daniel's Industrial Zone and have already been approved by Daniel Town.
3. Concrete reclaiming with a crusher, concrete truck washing station, fuel pod and a storm water retention pond will be located on the Wasatch County portion of the parcel.
4. The northern 7.08 acres is in Wasatch County and contains the proposed ancillary uses that are needed for the operations of the batch plant.
5. A crusher is not listed as an allowed use in the industrial zone, therefore it must be considered ancillary to the main use. Ancillary is defined as providing necessary support to the primary activities or operation of an organization, institution, industry, or system.
6. Parcel 00-0009-6060 is the 7.48 acre parcel in Wasatch County.
7. Parcel 00-0020-4314 is the 5.02 acre parcel in the Town of Daniel.
8. Daniel incorporated as a town in February of 2006.
9. Town of Daniel will supply water.
10. The parcel is considered a non-conforming lot of record.
11. Landscape plan for the Daniel portion of the site includes a berm to be constructed with minimum 8' height and an 18 foot base, tree type for constructed berm and dust mitigation measures.
12. On the Wasatch County portion of the site, there will also be a xeriscape landscape strip at the entrance to the batch plant along with landscaped area around the retention pond. The landscaping will be irrigated until the drought resistant plants are able to establish themselves.
13. Rock entering the facility is pre-washed which greatly reduces dust when the rock is processed.
14. Facility roads will be made of milled asphalt or crushed gravel capped roads. This will control dust emissions from haul roads.
15. Concrete washout system will be held to the standards of the Utah Department of Environmental Quality (DEQ).
16. Aggregate storage piles will be controlled by maintaining sufficient moisture. Storage piles for use of concrete aggregates are washed material and does not have fugitive dust.

Nathan Rosvall then went through the DRC comments:

FIRE comments:

- Please show access widths, locations, distances and hydrant locations on site plan.

ENGINEERING comments:

- Information only: See the attached geotechnical report review letter from AGECE. The report was found satisfactory for development. The report contains a couple of recommendations to the applicant.
- Condition of Approval (for resolution before issuance of a grading permit): The 2 inch of grading around the property boundary likely isn't enough for conveyance.
- Condition of Approval (for resolution before issuance of a grading permit): Justify the infiltration rate of 5 in./hr. (e.g. with an infiltration test), or use a more standard number for clayey soils. Documents provided by various agencies show that soil types with clay in them (most of what was found in the geotechnical report) result in lower infiltration rates.
- Condition of Approval (for resolution before issuance of a grading permit): Clarify where the wash water goes and how water quality is managed for the concrete washout area.

GIS comments:

- Here is the address: 2399 South 390 West in Daniel, not Heber.

Nathan Rosvall then went through the proposed findings:

1. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to conditional uses.

2. The proposal is in an Industrial Zone with Industrial Zoning directly to the east, west and south, Heber City industrial zoning is to the North.
3. The crusher produces a 100 decibels at operating speed from 3-5 feet. This is equivalent to a household blender. Decibel levels from 200 feet at operating speed are 71 db. This is equivalent to an office environment. The nearest structure is to the north and is a business, Summit Line Construction at 550'. The nearest residential structure is to the south west at 1240 feet.
4. The proposed crusher is an integral part of the batch plant manufacturing process. The crusher will be used to reclaim used cement, by breaking down the cement and using resized rock to be utilized back into the batch plant manufacturing process. The crusher essentially repurposes waste into a usable product.
5. A crusher is not allowed as a stand-alone use in the Industrial Zone, so therefore must be considered ancillary and incidental to the batch plant. Ancillary is defined as providing necessary support to the primary activities or operation of an organization, institution, industry or system.
6. Notice has been sent to neighboring property owners within 500 feet of the property.
7. There are no known zoning violations on the property at this time.
8. The Development Review Committee has reviewed the project and provides a recommend for approval.

Nathan Rosvall then went through the proposed conditions:

1. All issues raised by the DRC, as noted in the DRC report dated 3/2/2023, shall be resolved to the satisfaction of the applicable review department prior to receiving a Conditional Use Permit.
2. Follow and maintain the conditions set forth by the dust mitigation plan, landscape plan, and the noise abatement mitigation plan.
3. Any new use or expansion will require a new Conditional Use Permit.
4. Any signs or other form of advertising must comply with Section 16.08.14(A)(1) and chapter 16.26 of Wasatch County Code.
5. No retail sales shall be conducted on-site as part of the internal operations of the batch plant.
6. The crusher and other uses must be considered ancillary (as defined) to the batch plant.
7. An updated Fugitive Dust Plan shall be maintained on-site.
8. Irrigation on the Wasatch County portion to be used until drought resistant plants have been established. Any trees or shrubs not living after a period of eighteen months from the time they are planted shall be replaced with trees or shrubs of a size equal to those trees or shrubs remaining still alive on site.

Doug Smith asked Nathan if he received any comments from the letters that were sent out. Nathan replied that he did not receive any comments from the letters that were sent out.

### **Applicant**

Todd Cusick, with CMC, addressed the Wasatch County Planning Commission and indicated that we were approved for seventy-five feet in height. Todd then gave a detailed report on how his plant operates and how it looks compared to other plants. Our access is on the north and will always be the access. There will be a water truck on site regarding dust control and water on the crushing facility. This plant is the only one found in the United States. The plant is made in Finland and designed for cold climates. Also Todd Cusick indicated that the batch plant is all enclosed and contained and Todd also was asked about the fuel storage and the containment area. .

Commissioner Mark Hendricks also asked how many plants operating in the valley and Todd Cusick replied that there are three. Todd also indicated that this plant is a mixer unlike any other ready mix plant in the U.S. at the moment. The plant is powered by electricity. The heat is by natural gas. Taylor Larsen from CMC explained the total containment process and triple protected in the containment process. Commissioner Mark Hendricks indicated that this looks like a good batch plant system and see no problem with giving them a conditional use permit.

### **Public Comment**

Chuck Zuercher then opened the hearing for public comment and there was none so the public comment period was closed.

### **Motion**

Commissioner Mark Hendricks made a motion that we approve the application for a Conditional Use Permit by Coleman Mt. Family Trust and CMC Ready Mix for the ancillary uses for this concrete batch plant located in Daniel with ancillary uses in Wasatch County in light of the findings and subject to the conditions that have been outlined in the staff report.

Commissioner Doug Grandquis seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Doug Grandquis, Wendell Rigby, Doug Hronek,

NAY: None.

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## ADJOURNMENT

### Motion

Commissioner Doug Grandquis made a motion to adjourn.

Commissioner Wendell Rigby seconded the motion.

The motion carries with the following vote:

AYE: Wendell Rigby, Doug Grandquis, Doug Hronek, Chair Chuck Zuercher, Mark Hendricks.

NAY: None.

Meeting adjourned at 7:00 p.m.

  
CHUCK ZUERCHER/CHAIR