

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MAY 17, 2023**

The Wasatch County Council met in regular session live and by Zoom at 4:00 p.m. The following business was transacted.

PRESENT: Chair Spencer Park
Mark Nelson
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan
Eric Rowland

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager via Zoom
Wendy McKnight, from the Clerk's Office
Rick Tatton, Court Reporter via Zoom
Mike Davis, the MIDA Coordinator
Doug Smith, the Wasatch County Planner via Zoom
Austin Corry, the Assistant Wasatch County Planner via Zoom
Shelby Thurgood, Assistant Wasatch County Attorney
Joey Granger, Clerk, Auditor
Mike Davis, MIDA Coordinator
Dave Van Wagoner, Maintenance Director
Tiarra Cooper, County Manager's Secretary
Diane Burgener, Wasatch County Treasurer

PRAYER: Councilman Kendall Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Luke Searle and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday May 18, 2023 and indicated that all the Wasatch County Council are present: The Record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative building at 25 North Main, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made a part of the record.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there are any legislative issues for future meetings and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any administrative issues for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there were any public comments on matters not on the agenda and there was none

APPROVAL OF THE MINUTES FOR MAY 3, 2023 MEETING

Councilman Mark Nelson made a motion to approve the minutes of May 3, 2023 as written. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Steve Farrell

AYE: Karl McMillan

AYE: Luke Searle

NAY: None.

Abstain: Kendall Crittenden (absent for minutes) via

zoom

Abstain: Erik Rowland (absent)

COUNCIL

WASATCH OPEN LAND BOARD TO PRESENT AN ANNUAL REPORT

Heidi Franco, from Open Lands, presented a power point presentation and then addressed the Council and indicated that the report will be included in the minutes. There was more progress made. We have saved another 185 acres with the Open Space bond money. In 2021 we spent \$2.3 million of the Open Space bond money. Then in 2022 you approved the \$250,000 for Muirfield Nature Park conservation easement in Heber City. Also approved up to \$2 million towards the Lundin Family Farm which is not progressing at this point. This year the Giles notice of interest that was \$700,058 but it was up to the \$700,090. The balance of the bond funds is that you had that \$1.642 million and paid out the \$250,000. You have set aside the \$790,090 but it was really \$700,058. According to my calculations that leaves you out of the first five million that you took for the bond money. My calculation say that you have \$800,052 left right now out of that first five million.

Councilman Steve Farrell indicated that you spent the first five million with two million for the Kohler property. Three hundred thousand for Mountain Spa. Two hundred and fifty for Heber City. Seven fifty-eight. The two million for Kohler. We should have close to one point six four. The Lundin transaction probably won't take place for a number of years. Dustin Grabau indicated that any of the future projects come in we will do more aggressive the first in and we might need to issue sooner or later depending on the size of those project.

Councilman Kendall Crittenden indicated that we won't need to draw that until we have a project that sees this one point million. Councilman Steve Farrell indicated that we have ample time to issue the next five million dollar bond. Heidi Franco indicated that the good news about the Muirfield Nature Park Conservation easement is that and Heber City is following that to expand that park. The design has almost been approved and should be built by next year and open for public use if they want to climb over the fence. But that fence should be taken down pretty quickly. Also there is some great progress that is coming in and asking for help. Also have worked extensively with UDOT and sent in a public comment letter last year about the proposed Heber Valley Parkway. We assisted and supported you in passing the Agricultural Preservation code which is a wonderful tool to preserve the agricultural heritage in Wasatch County. Also continuing to work with Midway City and they are trying to come with solutions for the small parcels that aren't large enough to really qualify for NRCS money and continuing to consider other outreach for land owners and help educate them on their choices.

DISCUSSION/CONSIDERATION OF UTAH MOUNTED THUNDER FOUNDATION PRESENT.

Rick Johnson, President of Utah Mounted Thunder Foundation presented a power point presentation and then addressed Wasatch County Council and indicated that we are the Cowboy Mounted Shooting Club of Utah. There is an event that is scheduled for October 19 through 21.

Last year you were gracious to fund us with \$15,000 and are asking for another three year contract. Last year we met all the goals that we have put in place and the Thomas group and what we would like to see with the facility to get over the line is the RV connections which would increase the revenue by forty or fifty percent. Last year we left in Wasatch County over a quarter of a million dollars in this valley to what we spent coming in. I am asking again is that same commitment and would love to put together another three year commitment of \$15,000 is what you gave us last time. The shoots that we are putting on now are nationally recognized. We are putting on quality shoots with quality people. What we are doing is shooting balloons off horses at a dead run and there are ten targets. We also have a very big youth program. We are pushing to keep the old west alive. I would love a three year commitment and last year you gave me just one year to just make sure what we are doing. If we can do it in three year increments. We would like the \$15,000 for each year if we can get that. Our goal is to keep doing exactly what we are doing.

Councilman Mark Nelson asked if you are okay with the programming with this going ahead with the just stand alone event. Rick Johnson replied yes.

Councilman Erik Rowland asked if there is any contract that you would have to draft to do something like this. Dustin Grabau replied that if the Council wanted that we would have to work with the attorney's office on the basis of that contract. Rick Johnson replied that we don't need contract. I think as long as I have support of the Council that we understand that we are trying to grow this bigger. I am happy to come and talk to the Council every year. The money goes for different things which are expenses of the shoot to be put on but money in and money out to the people that are coming. We pay it back out on fees and winnings. Our staff isn't paid one dime and do it for free.

Councilman Steve Farrell indicated that the money was taken out of the TRT money last year and can't be used for prizes and just used for advertising. Dustin Grabau replied that we used the Council's budget. Also we have five different arenas going in the valley from Tremonton down to Payson.

Councilman Erik Rowland made a motion that we engage in a three-year agreement of \$15,000 per year for the Utah Mounted Thunder Foundation and based on terms that can be agreed upon by both parties with our attorney's help. We will put a three year commitment and every year he comes back and makes the presentation. Tom Bonner, the Recreation Director, replied that we can do a three year contract with Rick and dollars could come through ESSD and we could just bill the County for those dollars and the Council can pay however you want. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Mark Nelson
AYE; Erik Rowland
AYE: Steve Farrell
AYE; Kendall Crittenden**

AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

Dustin Grabau asked for some clarification. The County is not entering into agreements but Tom Bonner is going to and Tom Bonner will just bill us for it. Do you want this paid in advance to them or are we providing matching funds? Rick Johnson indicated that he does need the money before the event. Tom Bonner indicated that can be taken care off because we do it all the time. Councilman Steve Farrell replied that we would be better off with having a contract with Tom but the \$15,000 come through the Council and through the county managers. Jon Woodard, the Assistant Wasatch County Attorney, replied that would be with authorization for this for the next three years. That would be fine especially where they are entering into the arena agreement.

CONSIDERATION OF A RESOLUTION #23-07 AUTHORIZING A BANK ACCOUNT FOR MANAGING INMATE ACCOUNT FUNDS.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that Zion's Bank requires something authorizing the opening of an account. I gave them this resolution and asked if this would work and they said yes. It specifically is for inmate accounts. We need to update the current Council and it used to say recorder and it should say treasurer. We need you to authorize this as amended.

Councilman Kendall Crittenden made a motion that we authorize Resolution 23-07 authorizing the bank account for managing inmate account funds as amended.

Councilman Steve Farrell asked why do we need this and should work through the sheriff's office. Diane Burgener, Wasatch County Treasurer, replied that what it does is keep is separate and right now the inmate funds are mixed with County's money. This is a separate account to keep the inmates money separate from any County fund so that they are not intermingled at all and easier for them get it. The fund is paid through the features that they have through with the Sheriff's office. The inmates are actually paying for all the costs. Councilman Steve Farrell asked how much is in this County. Diane Burgener replied \$60,000. Also is this a typical practice for other counties. Jon Woodard replied this is a state wide practice.

Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland

AYE: Steve Farrell

NAY: None.

TAX SALE UPDATE ERRONEOUS PARCEL CLEANUP.

Joey Granger, the Clerk/Auditor, addressed the Wasatch County Council and indicated that whenever we get ready for a tax sale we have a committee where we meet and go over the listing of anybody that has five years' worth of unpaid property taxes. In this process we include the recorder's office, the surveyors, treasurers, my office and the assessor's because many years past it has been a great way to find problems with parcels that have been matched incorrectly or some other issues are or parcels that have been developed and taxes have been missed at the time of the development so they are basically property that don't exist anymore because they have been dissolved or basically divided out of a parent parcel. They are fragment parcels and not been included there. We have a couple of different ones this year. The first three on the list of the Ivory parcels we actually address these last year but were not able to get some of the cleanup finished we just wanted to make sure we got them on the list again for everyone to be aware of. The very first Ivory one has four different parcels and have identified as either open space or common area if you remember. That is a quit claim deed and those amounts need to be abated and determined that Heber City actually maintains those pieces. Councilman Steve Farrell the first one is probably been abated or deleted last year we didn't get the tax abated. Joey Granger replied that we approved it and we never got it rebated.

Councilman Steve Farrell so why don't we do it by off your list and will make the motion we abate the taxes relating to parcel 20-2394 20-3344, 20-3829, 20-3830 as presented. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Spencer Park

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

Councilman Steve Farrell replied that those are the same things that the five years are up this year on number 2. Joey Granger applied that three is the same issue as number one, those ones were actually already abated so we don't need to go back over those but number 2 are new ones that were found in this years. They only have five years instead of the previous years.

Councilman Kendall Crittenden asked did they go to Heber too or all of these the same? Councilman Steve Farrell indicated that all of them need to be deleted. Joey Granger replied that

the Quit Claim Deed ones just needed to be abated so they could be deeded over to Heber City. The rest of them are parcels that don't exist or have been taxed incorrectly. That is what I remember. Councilman Kendall Crittenden replied that before you get it cleared up if I were to go into that map and search for parcel 20-2682 I would find something. Councilman Steve Farrell replied that not necessarily. Councilman Steve Farrell replied that it must of got a number sometime but might not be on the map is what you are saying Steve. Joey Granger replied yes. Or it is an overlap of a different parcel so it is not actually a parcel because of over the top of something else. That is not my area of expertise so I just know when we go over these we do look at things and look at them on the map and the surveyor and the recorder's office they are really researching that stuff. That is where I get my information from. I count real well.

Councilman Steve Farrell replied that we just need a motion on Item No. 2 to delete. Joey Granger replied two and the first number three are the same things. If you will abate those and authorize deleting those. Councilman Steve Farrell replied that we don't need to do anything with three Joey because we took care of it last year and it just didn't get recorded. Joey replied that the first line of three I can rescind that with the supplement and will just take that out because you are right we don't need to address it. It was last year. It just is on my list. The real number three is the second one and the extensions for Edwards, Kelly and Denbow. Councilman Steve Farrell replied that the treasurer has the authorization to go ahead and work with the taxpayer. Joey Granger replied that I do believe I have to let you know. I don't think we have to approve it. As far as what is going to tax sale those would be on the list but because we have entered into an extension agreement they will not be on the list. Councilman Kendall Crittenden replied do we need to finish your motion on Number Two Steve.

Councilman Steve Farrell replied that I think we need a motion to delete parcel 20-2682, 20-4726 to delete and abate any existing taxes. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None.

Chair Spencer Park replied that we don't need to do the first item number 3. Councilman Kendall Crittenden we don't need to do the second number three either. Joey Granger replied that this is a new set. This is a different area. The Cascades is the County and the only thing that was left on this to abate is that there was a ten dollar fee that was never taken off so it has been sitting there growing interest on a ten dollar. It is not even taxes that we are dealing with. The rest of them are actual, the Little Hobble Creek Ranch those are actual errors in parcels for sure so they are

overlaps. They were green belt taxes so they are a very small amount as well. That is a cleanup. Then the NC Sunrise was again what like Steve says it is like pregnant parcels. This was a parcel that was never paid before it was subdivided. Small amount of taxes there as well. Then the CMJ Investment fund is also a small piece that should have gone away at the time of a subdivision. The same thing. They all need an action. Councilman Steve Farrell replied that they need to be on the public record.

Councilman Eric Rowland made a motion that we delete and abate parcels 20-5873, 29-9091, 20-9092, 13-3509, 14-1775, 6-1551, 20-1401, 20-1399 as listed here. That covers four and five. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE; Chair Spencer Park

AYE; Karl McMillan

AYE; Kendall Crittenden

AYE; Steve Farrell

AYE; Erik Rowland

AYE; Mark Nelson

AYE; Luke Searle

NAY: None.

Joey Granger replied that the last one there is an old five year old taxes due on this but we did find an issue with some noticing and changes in parcels from the centrally assessed book. Every year we get an update from central assess where my office and the Recorder's Office we get together and we reconcile those parcels and make sure that they are showing correct on both ends. Two years there was a change in this parcel number for some reason and maybe because I was new. We had some error happen from that so we need a couple of years of noticing before we can legally put it on so we meet those requirements. We don't need a motion on that one, it is just to let you know and then we did have a couple of homes that came up as well. We have had some extensions that we are able to pull them off. Councilman Steve Farrell replied that the tax committee needs to be complimented for a job well done.

BOE APPROVAL OF ON GOING 2022 /STATE APPEALS

Joey Granger indicated that we found a few things that were missed so number one and number 2 were evidences that were provided within their lines and things like that and the appellants were able to provide for us and prove that we had missed it. So we needed to give them a chance to get those approved for 2022. The first three were all the same and were basically shouldn't have been approved through our regular BOE process but for whatever reason we didn't have the evidence at the time but they proved that they had given it to us.

Councilman Kendall Crittenden so that number one they proved the primary and 2022 as a

secondary. It just didn't get printed. Joey replied that we were able to go back and find their evidence did show that they should have been on it.

Councilman Steve Farrell indicated that what we need is a motion to reopen the 2022 County Board of Equalization and make the corrections as presented and approve the changes. Councilman Erik Roland seconded that motion and the motion carries with the following vote:

AYE: Chair Spencer Park:

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Eric Rowland

AYE: Mark Nelson

NAY: None.

Joey replied that state appeals are just a little bit different they may make us just open the hearing or just give us an order to make the changes. Councilman Steve Farrell replied that he talked with Todd this morning and there is thirty-six left and if the state finds that did something in error they may ask to come back and reopen a Board of Equalization to take care of it. Joey replied that there is usually two different ways they will do it and say that the evidence is here and everything was there and just order us to make the change or says that go ahead and open it and you guys decide as a board again like the beginning of an appeal. Councilman Steve Farrell replied there are 36 outstanding state appeals. Joey replied that she will report back to us when they are done.

Councilman Steve Farrell replied that we just opened it and make a motion that we close the 2022 Board of Equalization. Councilman Luke Searle and the motion carries with the following vote:

Joey asked do we want to put it on an agenda going forward. We have talked about this a few times but would be easier to put it like the SSD's or just handle it. Councilman Steve Farrell replied that we miss that often so I think we just do as an agenda item.

AYE: Karl McMillan

AYE; Luke Searle

AYE: Kendall Crittenden

AYE: Chair Spencer Park

AYE; Steve Farrell

AYE: Erik Rowland

AYE: Marl Nelson

NAY: None.

CONSIDERATION OF AWARDING A CONTRACT FOR REHABILITATION OF THE ADMINISTRATION BUILDING STEPS.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and we have had some damage related to the weather on our steps both front and back. We received three bids and the lowest bid is the one that we are recommending approval is for \$14,700. Commissioner Luke Searle asked when the last time you did that repair was. Dustin Grabau replied that it was fourteen years ago.

Councilman Steve Farrell made a motion to award the rehabilitation of the Administration Building Steps front and rear to Synergy Concrete Specialists in the amount of \$14,700.00. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE; Karl McMillan

AYE; Luke Searle

AYE; Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

CONSIDERATION OF AWARDING A CONTRACT FOR AUDITOR SERVICES

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we have a potential contract for services supporting the Clerk/Auditor Office. We have been working on trying to fill a position that would do any of the same things that contractors do. In the 2032 budget, Wasatch County included a position intended to provide expertise on the financial operations of the County. Thus far, the County has been unable to fill that position through conventional means. Since those efforts, staff have identified a consultant who would be available on a contract basis to provide many of the same services. The Clerk/Auditor is in the process of collecting contract information and will share it during the Council meeting. Staff recommends approving the contract for these services due to the time constraints of the annual audit and the urgency of adopting best practices of financial operations. The bid now is for \$37,000 for roughly a six week period with the option to continue on an as needed basis. Joey Granger indicated they are familiar with how audits work. It would be very much a process orienting and getting any staff up to speed with new requirements or our own audit findings of what needs to be put in place and some of the new practices and standards of what needs to be done. Dustin Grabau indicated we still want to fill this position but this is kind of a bridge temporarily.

Councilman Steve Farrell asked that this is not taking the place of an independent auditor. Joey Granger replied that there is no intention of replacing that position. Time is of the essence and I am real busy and we have elections coming up. I definitely need one more person that already has the experience with these challenges that I have to be able to come in and get right to work. It would save a lot of training and a lot of things on that front that I would have to deal with.

Dustin Grabau indicated that the price is \$37,341 for that period from June to July. It would be \$5500 dollars weekly which again is the cost that it would be with wages and benefits of the position that we have budgeted for. We are hoping that the Council will approve the awarding of this contract contingent on review by the attorney's office but this contract would potentially include additional time beyond the original six months.

Joey Granter replied that if we don't get somebody in place in the next six months we could potentially bring the person back in for another six to ten weeks to help finish up the year or whatever that might look like. Councilman Steve Farrell asked how these people were found and did you do an RFP request to fill this position. Dustin Grabau replied that we did not. The reason why we didn't is just because our financial auditors are coming this week and ideally publish an RFP for these services. The lady has a lot of references inside the State of Utah and familiar with the state laws.

Commissioner Mark Nelson made a motion that we approve the Dustin and Joey's recommendation. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Chair Spencer Park
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Hansen

NAY: None.

DISCUSSION AND DIRECTION ON CHANGES TO THE COUNTY SNOWPLOW ORDINANCE AND ROAD OPENING PROCEDURES

Dustin Grabau, addressed the Wasatch County Council and indicated that by moving the gate at Cascade Springs that line of where we plow to be actually set by ordinance. We would potentially be seeking changes to that ordinance as we are looking to you for guidance on changes to that. What is potentially being discussed is the housing development has a connection on the other side of this and would be happy to work with them what the snow removal looks like.

Councilman Steve Farrell indicated that with the understanding that they plow where the existing

gate is even after moving the gate. Dustin Grabau replied that Wasatch County adopted an ordinance outlining the parts of public roads that are plowed seasonally for snow removal. In working with the Wasatch County State Park and local property owners, there is a potential need to move the gate at one of these borders on Cascade Springs Road further west to a new mutually beneficial location. Additionally due to the large amount of snow on high-altitude roads, County Public Works recommends delaying normal opening time lines to align with adjacent jurisdictions. County staff proposed delaying active work on road openings until the viability of doing so can be reevaluated over Memorial Day weekend. One of the advantages in moving the gate is that in its current location it is very easy to go around. If we were to leave it this would like being easy for anyone with an OHV to go around it and people can go with normal street vehicles the way it is set up. By moving it would be more a difficult location for somebody to circumvent the gate. The State Park wants it, we want it and the neighborhood wants it so overall it would be a benefit to the County.

Jon Woodard indicated that at the time when we initially adopted this ordinance we were having a whole bunch of developments and sometimes individual property owners would come in and would want the County to start plowing places that we had never plowed before. We don't want to do that for a number of reasons and one of the primary ones is the increase of road maintenance that comes up as you plow through the winter in the higher elevations. The goal of this was to be a fixed line in the sand and in going forward we won't generally move this. The goal of this really was as building permits and developments come in they would want us to move it up and we are not going to do that. I think if we want to do that we should be sure to articulate other reasons besides development pressures for moving this line. If the Council would like to go this direction just give me some firm guidance and where you want it to be.

Dustin Grabau indicated just to the west where the entrance to the western entrance to the Highlands at Soldier Hollow is where we intend to place it. We can work with public works on this specific location. If you agree with this and then we would propose those changes.

Jon Woodard indicated that we will place that in the ordinance and there will be two readings but Shelby Thurgood wants to talk about another issue related to roads that we also need to address. The snowplow ordinance has been very successful and the prime purpose was to prevent kind of how much we were maintaining. Where we are having issues that Shelby is going to address is older subdivisions like Brighton Estates, Swiss Mountain Estates where what has historically happen is what is clear and they can be trickier issues.

Dustin Grabau indicated that over the past few years Wasatch County has created and modified an ordinance that outlines the procedures and requirements for private entities to perform snow removal on public roads that are seasonally closed. In similar circumstances, there is a desire for property owners to maintain public roads above the standards required by law and the policy of the Council in order to appropriately facilitate the authorization of a maintenance agreement. Wasatch County staff recommends the adoption of a road maintenance ordinance outlining the procedures and requirements by private parties to receive a maintenance agreement.

Major decision points that will need to be considered are as follows: What qualifies an entity to apply for such an agreement. Also who should approve increased standards for otherwise unmaintained roads. We would like to know if the Council are supportive of public works and staff's recommendations to delay the removal of that snow until it becomes more feasible. What we are proposing that on Memorial Day we would do an evaluation of how feasible it would be to continue to move snow from that area and work with UDOT on when we would open those roads. We want to basically be conformed to us in the County being flexible on when we would open those roads.

Councilman Mark Nelson replied that we should add to try to do it the same time that UDOT does it. Councilman Steve Farrell replied that we should coordinate with UDOT and Park City because they have the road up to Empire Pass. There is the same problem in American Fork Canyon. Dustin Grabau replied this is before the Council because we had some public interest in that the roads are opened sooner than later and we wanted to talk about that we are not going to be able to open them by Memorial Day and if you wanted us to have that conversation it would require budget appropriations for snow removal.

DISCUSSION OF THE CREATION OF A POTENTIAL ROAD MAINTENANCE ORDINANCE

Dustin Grabau and Shelby Thurgood from that attorney's office have talked about the possibility of that part of our snowplow set up through code is we have an application process for how Brighton Estates plows their seasonally closed road. There are certain requirements that have to be presented to the County and have to be followed so that we can grant Brighton Estates a permit to plow those roads. What we want to discuss today is a similar process for road maintenance but a little more complex. Would the Council want us to pursue this type of ordinance that would regulate these things and potentially need your input on a couple of these points?

Shelby Thurgood, Assistant Wasatch County Attorney, addressed the Council and indicated that this came up because we have some mountain communities and most of them were platted in the sixties and seventies as summer cabin communities and that characteristic has changed or have changed depending on which committee we are looking at. There is increased pressure by people who live in those communities for those traditionally dirt non-maintained roads to be maintained in some way and in some situations by the County. What facilitated this specifically is with Swiss Mountain Estates and they want their roads maintained and we have not been maintaining them and want to figure out ways forward. We have not been maintaining them and they want to figure out ways forward. This is a unique situation for that neighborhood but we don't have any guidance and when we are going to allow private groups to maintain County roads because they want to.

Dustin Grabau indicated that some things for us to consider, and I included them in my memo, are many of these roads are Class D roads and therefore don't warrant regular maintenance by the County. There is going to be a demand for some of these roads to be upgraded and that potentially has the impact of changing the nature of the neighborhoods and has come from the residents

themselves.

Jon Woodard replied that sometimes those issues are super complex in the sense that the two track doesn't follow what the plat shows the line should be and suddenly you have got two property owners one is overjoyed and the other one is angry and this could cause lawsuits as we take over maintaining roads that historically hasn't been maintained.

Dustin Grabau replied that the County received an e-mail asking about the North Fields. If somebody wants to plow the road themselves we have to have a process in place so that we can tell them why we don't do that.

Councilman Steve Farrell replied that in the past haven't we argued that yes they are county right-of-ways but not county roads and that is the trouble we got into with Interlaken Estates and they forced the issue by saying that was a County road and we said it is not a County road.

Mike Davis, MIDA Coordinator and former County Manager, replied that unless on the plat it specifically designates those roads as private, the Court assumed if there is a public interest it is a public road.

Shelby Thurgood replied there is strong community pressure to do something about those roads as well and that is where the conflict comes into play. If the County is saying those are Class D Roads and those are mountain roads. There is a new demographic living in these areas that are exerting considerable pressure for these roads to be maintained or upgraded. We just need some process to address those requests and deal with that pressure. We need to have a clear guideline that if we allows this yes or no and here is why. With regard to Swiss Mountain Estates they used to maintain the roads because they thought they had ownership of them but now that it is clear that they are public roads and don't have a right to maintain them so how can we authorize them to do it without us having the responsibility.

Mike Davis MIDA Coordinator, replied that you cannot get a building permit if there isn't a fire approved road. This is a big issue for people who own property up in these areas and want to build on those properties.

Councilman Steve Farrell asked if we could make them bring that road up to County standards at their expense. Mike Davis replied if it is a County road that is where you are getting into the argument. If it is a private road we have done that for years and allowed Brighton Estates to go in and improve the roads so they can get a building permit and there is no problem. If the County says they are County roads then it is all on the County.

Shelby Thurgood replied that in a lawsuit regarding Swiss Mountain Estates it came out that no these are public roads and here is the documentation and they can't maintain them anyway because they don't have any money and that is how this issue arose.

Councilman Steve Farrell indicated that there is an issue of having access to public lands and forest

lands. Shelby Thurgood replied that this is a complex issue and options how we want to handle this matter. I would like to see along with Dustin Grabau is to form a subcommittee of three of you including probably Commissioner Mark Nelson because it is in your district. Someone from roads, somebody from my office obviously, and Dustin to get together and talk through these policy issue because they are just policy issues that need to be made and then move forward with an ordinance. With Swiss Mountain Estates if we talk about the roads is that just a progress forward to bringing the other services with us and accommodating that with the roads does that put some responsibility on us to just bring the other services. Shelby Thurgood relied that is a good question and that should be discussed.

Shelby Thurgood indicated that by creating this ordinance it would be giving the County tools to deal with the problem that is coming at us no matter what because the communities will continue to change. Probably having different kinds of classes of allowing them to maintain them and want to improve it.

Councilman Luke Searle replied that we should have Councilman Steve Farrell on that committee as being at large. Mike Davis replied that one of the big issues you have with regard to roads is none of those roads are where the plat show.

Dustin Grabau replied that the hope is to be able to establish an objective set of standards and can say this is the process and this is what you have to meet and have to be willing to bond and have all of these things in place and if the community don't have all of those things in order then nothing would happen. Councilman Steve Farrell replied that if we are going to do this we should do it for the North Fields also. Also we should appoint Commissioner Kendall Crittenden to the committee also. Mike Davis indicated that if needed call about something please do.

CONSIDERATION OF SUBMITTING COMMENTS TO THE BLM CONCERNING THE CONSERVATION AND LANDSCAPE, HEALTH, PUBLIC LANDS RULE.

Dustin Grabau indicated that he has written a letter and during the May 20 work meeting Wasatch County Council asked to provide public comment to the Bureau of Land Management concerning the conservation and landscape, health, public lands rule. Dustin Grabau then had the Council look at the letter which he drafted. Chair Spencer Park replied that he is good with the letter and better not have the form letter from UAC. Councilman Kendall Crittenden indicated that this is a good letter that Dustin Grabau has written.

Councilman Kendall Crittenden made a motion that we approve the letter the longer version on the conservation and landscape, health, public lands rule with BLM and authorize Chair Spencer Park to sign the letter. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Karl McMillan**

AYE: Luke Searle
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson
AYE: Kendall Crittenden

NAY: None.

MIDA UPDATE

Mike Davis, MIDA Coordinator, addressed the Wasatch County Council and indicated that the DRC got cancelled this weeks for the MIDA DRC and didn't have that so nothing new in the meeting and they are ongoing with Dustin and some of the offices in getting the business license program done and building permits done that is all that I have this evening.

COUNCIL/BOARD REPORTS

Councilman Mark Nelson indicated that a couple of citizens talked to me about the existing Deer Creek Trail and is sorely in need of maintenance because some areas have been washed out. We should figure out who is in charge of maintaining that trail if it is the State Parks or Wasatch County through parks and rec. There are some safety concerns also and probably Public Lands is the place to bring that up.

Councilman Mark Nelson indicated that there are some piles of used rail road ties and we would like to sell them to people who are interested in using them for landscaping purposes, etc. The cost is ten dollars apiece. Also if there are any uses that would benefit the County and its employees please let me know.

Councilman Mark Nelson indicated that he talked with Jeremy Hales a couple of times and the canal that goes along the tracks near Edwards Lane and then down to Casper Ville road has been at its banks the last few days and eroding things. The railroad is helping them with hauling some sandbags and other materials to shore that up in the next few days.

Chair Spencer Park indicated that we are keeping an eye on the flooding and monitoring that.

Councilman Kendall Crittenden indicated that Mountain Lands through CDBG money we had \$600,000+ and only one entity applied and that left \$300,000. That has been put into a single family rehabilitation fund that people can apply for to update their homes such as roof replacement, electric systems, etc. Our citizens should take advantage of it and qualify for that money. Dustin Grabau indicated that he has a copy of it and will put it on the website.

Councilman Luke Searle indicated that the library board did not meet this week. Governor Cox is

planning on being here tomorrow.

Councilman Steve Farrell indicated that the Governor Cox invited you to dinner on the twenty-second.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

Dustin Grabau indicated that he has recommended the appointment of Ernie Giles to the Board of Adjustment.

Councilman Steve Farrell made a motion that we appoint Ernie Giles to be a member of the Wasatch County Board of Adjustment. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

CONTRACT FOR THE COURT

Dustin Grabau indicated that the contract for the court RFP closed today and we have four applications and if any of you want to be involved in the interview process for that let me know. Chair Spencer Park said to call him, he would be interested.

Chair Spencer Park indicated that we will take a brief recess before we go into our Public Hearings for this evening.

(WHEREUPON, a brief recess was taken by the Wasatch County Council)

Chair Spencer Park indicated that all the Wasatch County Council is present and we will now hear the public hearings scheduled for this evening.

GEORGE P. HOLMES REQUESTS THE CREATION OF AN AGRICULTURAL PROTECTION AREA FOR THIRTEEN PARCELS TOTALING 105.25 ACRES. PARCELS 08-0080, 08-0106, 08-0148 ARE LOCATED OFF NORTH FIELD ROAD BETWEEN 500 NORTH AND 1200 NORTH AND WEST OF MUIRFIELD PARK 2 AND MUIRFIELD PARK 3 SUBDIVISION. PARCELS 07-9512, 07-9504 AND 07-9496 ARE LOCATED OFF 1800 NORTH BETWEEN NORTH FIELD ROAD AND 1130 WEST. PARCELS 07-9769, 079751, 078928, 07-9710 AND 07-8985 ARE LOCATED EAST OF NORTH FIELD ROAD AND WEST OF US HIGHWAY 40 IN HE NORTHEAST OF THE NORTH FIELDS. ALL PARCELS ARE IN THE AGRICULTURE 20 A-20 ZONE. AGPRO-7738.

Staff:

Nathan Rosvall, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that George P. Holmes is requesting an Agriculture Protection Area for properties located in the Agriculture 20 (A-20) Zone of Wasatch County. There are a total of thirteen parcels with 105.25 combined acres. The proposed Agriculture Protection Areas are operated as irrigated grazing for agricultural purposes. The applicant has requested thirteen parcels be considered for an Agriculture Protection Area. There are four parcels. There are three ineligible parcels total 18.95 acres. There are a total of nine parcels equalizing 86.30 acres that are eligible for an Agriculture Protection Area. The intent of these codes is to protect agricultural areas from encroachment of urban development and the impacts that come with it including nuisance complaints, future road expansion, changes in zoning regulations, eminent domain, etc. The process for obtaining the designation of an Agricultural Protection Area includes review and recommendation by the Agriculture Advisory Board and the Planning Commission prior to the consideration for approval or denial by the County Council. Wasatch County Code Section 16.29.06 requires that the Planning Commission and the Agriculture Advisory Board shall report their analysis to the County Council which is:

1. Analyze and evaluate the effects of the creation of the proposed area on the County's planning policies and objectives.
2. Analyze and evaluate the proposal by applying the criteria contained in Section 16.29.08
3. Recommend any modifications to the land be included in the proposed Agriculture Protection Area.
4. Analyze and evaluate any objections to the proposal.
5. Include a recommendation to the County legislative body either to accept, accept and modify, or reject the proposal.

At the time of this report, no objections have been received in response to the notices sent. We did receive a letter from UDOT stating the exact same thing they honor what we are doing and they respect it, however, they don't think that it will impact what they will be doing in the future.

Nathan Rosvall then went through the findings:

1. The request is to create an Agriculture Protection Area to maintain the agricultural use and the rural environment.
2. The subject properties are located in the Agricultural A-20 Zone of Wasatch County North Fields.
3. The combined acreage of the proposed Agricultural Protection Area is 105.25 acres.
4. There are four properties that will be affected by Wasatch County Code Section 15.29.02(F)(1) which eliminates these parcels as being eligible for an Agriculture Protection Area. Land in an area described as north of SR 113 and west of Heber City's boundary and bordered on the north and west sides by the existing transmission line. These parcels total 18.95 acres of ineligible Agriculture Protection Area.
5. Total acreages of properties eligible for Agriculture Protection Area is 86.30 acres, Parcels 07-9512, 07-9504- 07-9496, 07-0769, 07-9751, 07-8928, 07-971, and 07-8985 are eligible for Agriculture Protection Area nine total parcels eligible.
6. The current use of the property proposed for protection status is greater than 50 percent of the land is devoted to agriculture, including irrigation grazing.
7. The proposed area includes one existing corral on parcel 07-9512.
8. The existing use is compliant with the purpose and intent of the A-20 code and the goals of the General Plan for the area.
9. Commonly found soils in the North Fields are Fluventic Hapludolls, this soil is common for tall grasses, Kovich, this soil occurs on broad valley floors and is a slow permeable soil, Logan, this soil is common for meadow hay and pasture.
10. Wasatch County Code Section 16.29.08 outlines the evaluation criteria for granting the Agriculture Protection Area and the proposal is consistent with the evaluation criteria of the code and the current agricultural uses on the property satisfy the evaluation criteria for the preservation status.
11. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
12. No objections have been received in response to the notices sent or signs posted on the property.
13. If the Agricultural Protection Area is approved, the approval will be in effect until its 20th calendar review year.

Nathan Rosvall then went through the modifications.

1. As a modification of the proposal and recommendation to the County Council staff recommends that the applicant be required to maintain historic irrigation channels and that the irrigation company would have the right to maintain and clean the canal to ensure downstream flows.
2. As a modification of the proposal and recommendation to the County Council staff recommends that according to Section 16.29.02(F)(1) land not eligible to be included in the Agriculture Protection Area based on their condition as of November 1, 2022 which land would be, land in an area described as north of SR 113 and west of Heber City's boundary and bordered on the north and west sides by the existing transmission line, but not excluding the rectangular

area 270 feet to the south and 520 feet to the east of the transmission line adjacent to the northwest corner of the previously described area. Also. There are four parcels 08-0080, 08-0098, 08-0106 and 08-0148 that will be affected by Wasatch County Code Section 16.29-02 (F)(1). These parcels total 18.95 acres of ineligible Agriculture Protection Area. These parcels will need to be eliminated from the Agriculture Protection Area. Also the total number of eligible parcels is nine at 86.30 acres. These include parcels 07-9512, 07-9504, 07-9496, 07-9769, 07-9751, 07-8928, 07-9728, 07-9710 and 07-8985.

Jon Woodard asked if he is understanding him right that those complete four parcels are in an area that is not eligible and there won't be any portion of those that are eligible. Nathan Rosvall replied that is correct.

Councilman Luke Searle replied that as a County we are trying to save that corridor is that correct by using these power lines as a delineation. Nathan Rosvall replied that is my understanding correct. Councilman Luke Searle asked do we know which of the plans that we are trying to maintain based on those power lines. Doug Smith replied that anything on the east side of the transmission line the north/south layer is ineligible. Everything from south side of the east-west transmission line is ineligible. There through there is the location of our by-pass route which has been in our General Plan for twenty some odd years. Councilman Luke Searle replied that wherever it goes in there the Council wants to preserve it.

Applicant:

George Holmes, the applicant, addressed the Wasatch County Council and indicated that this is for my family. The part that is not eligible it would have saved us a lot of money and a lot of time if we had known that earlier. We are all just learning about this but probably eighty percent of the letters that were necessary to be sent out was because of that parcel. It is not eligible so that is fine. We really want to have the 85 or whatever that is eligible included.

Councilman Karl McMillan asked after they get this field done can they go back after they got the by-pass road can they go back and say that we want to put this in there to. Jon Woodard, the County would have to do an ordinance that enacts the state provisions that allow for the Agricultural Protection Area. The Council would have to amend those codes in order to allow that to happen. If they did that would be possible.

Public Comment

Chair Spencer Park then opened the public hearing for public comment.

Heidi Franco, Mayor of Heber, thanked the County of what is being done to save our agricultural heritage and am all in favor of such action.

Chair Spencer Park then closed the public comment period.

Motion

Councilman Mark Nelson made a motion that we approve the request for the creation of the Agricultural Protection Area for the parcels that has been presented in light of the findings and subject to the conditions and the modifications. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE; Kendall Crittenden

AYE: Steve Farrell

AYE: Eric Rowland

AYE; Mark Nelson

NAY: None.

PUBLIC HEARING

MAY 17, 2023

RON CARLILE REQUESTS THE CREATION OF AN AGRICULTURE PROTECTION AREA OF 10.77 ACRES IN THE NORTH FIELDS ENCOMPASSING PARCELS 07-8209 3.85 ACRES AND 07-8183 6.92 ACRES. THESE PARCELS ARE LOCATED OFF NORTH FIELDS ROAD, BETWEEN 2400 NORTH AND WEST POTTER LANE IN THE AGRICULTURE 20 A-20 ZONE.

Staff:

Nathan Rosvall, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this applicant is requesting an Agriculture Protection Area for properties located in the Agriculture 20, A-20 Zone, of Wasatch County. There are a total of two properties with 10.77 combined acres. The proposed Agriculture Protection Area is operated as an integrated whole for agricultural purposes. This land is devoted to agriculture, including livestock grazing. The owners anticipate maintaining the existing agricultural operation. Wasatch County Code Section 16.29.04 requires the following noticing methods, sending notice to all property owners within 1000 feet of the requested Agricultural Protection Area posting notices on the Utah Public Notice website and posting notice at five places within or near the proposed Agriculture Protection Area. The process for obtaining the designation of an Agricultural Protection Area includes review and recommendation by the Agriculture Advisory Board and the Planning Commission prior to the consideration of approval or denial by the County Council. Wasatch County Code Section 16.29.06 requires that the Planning Commission and the Agriculture Advisory Board shall report their analysis to the County Council which are:

1. Analyze and evaluate the effects of the creation of the proposed area on the County's planning policies and objectives.
2. Analyze and evaluate the proposal by applying the criteria contained in Section 16.29.08.
3. Recommend any modifications to the land be included in the proposed Agriculture Protection Area.
4. Analyze and evaluate any objections to the proposal.
5. Include a recommendation to the County Legislative Body to either accept, accept and modify or reject the proposal.

At the time of this report, no objections have been received in response to the notices sent except as mentioned before a letter from UDOT.

Nathan Rosvall went through the proposed findings:

1. The request is to create an Agriculture Protection Area to maintain the agricultural use and the rural environment.
2. The subject properties are located in the Agricultural A-20 Zone of Wasatch County North Fields.
3. The combined acreage of the Agricultural Protection Area is 10.77 acres.
4. The current use of the property proposed for protection status is greater than 50 percent of the land is devoted to agriculture including livestock grazing.
5. The proposed area do not have structures located on the parcels.
6. The existing use is compliant with the purpose and intent of the A-20 Code and the goals of the General Plan for the area.
7. Commonly found soils in the North Fields are Fluventic Haploborol, this soil is common for tall grasses, Kovich this soil occurs on broad valley floors and is a slow permeable soil Logan, this soil is common for meadow hay and pasture.
8. Wasatch County Code Section 16.29.08 outlines the evaluation criteria for granting the Agriculture Protection Area and the proposal is consistent with the evaluation criteria of the code and the current agricultural uses on the property satisfy the evaluation criteria for the preservation status.
9. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
10. No objections have been received in response to the notices sent or signs posted on the property.
11. If the Agricultural Protection Area is approved, the approval will be in effect until the 20th calendar review year.

Nathan Rosvall then went through the modifications:

1. As a modification of the proposal and recommendation to the County Council staff recommends that the applicant be required to maintain historic irrigation channels and that the irrigation company would have the right to maintain and clean the canal to ensure downstream flows.

Jon Woodard commented with regard to the twenty years and we don't take steps to pull it out of

the Agricultural Area is automatically remains in it. The way that would work is if the County for some reason wanted to change the use of that property what we would want to do is pull it out of agricultural protection so that we could go in and say that we decided to put a road on there something like that. My guess is that in twenty years we will still want it in agricultural protection and nothing will happen and that won't matter. The people are getting this protection for twenty years and if we wanted to change something it would be much more difficult to do that. The property owner if they want to pull it out of agricultural protection they can do it at any time. This is just protecting them from government over reach and claims from neighbors who don't want it to be agricultural area.

Public Comment:

Chair Spencer Park then opened the meeting up for public comment.

Heidi Franco, Heber City Mayor, thanked the County for doing this to save our agricultural heritage and is in full support of such action. Also thanked Ron Carlile for taking such action.

Chair Spencer Park then closed the public comment period.

Motion:

Councilman Kendall Crittenden made a motion that we approve the Ron Carlile request for Agricultural Protection Area of 10.77 acres for parcels 07-8209 and 07-8183 in light of the findings and subject to the conditions and also the modifications. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

PUBLIC HEARING

MAY 17, 2023

CORT LOCKWOOD REPRESENTING TREVOR MILTON REQUESTS A PLAT AMENDMENT TO BOTH DIAMOND BAR X RANCH, NO. 6 THIRD AMENDED SUBDIVISION AND TO THE MILTON DIAMOND BAR X RANCH SUBDIVISION IN ORDER TO VACATE LOT 5A AND THE PORTION OF DEER KNOLL DRIVE FROM

DIAMOND BAR X RANCH SUBDIVISION AND THEN TO SUBSEQUENTLY COMBINE THE VACATED LOT FA AND ITS ASSOCIATED BUILDABLE AREA INTO THE EXISTING LOT 1 OF THE MILTON DIAMOND BAR X RANCH SUBDIVISION AND TO ADD THE DEER KNOLL DRIVE ROAD AS A PRIVATE ROAD IN THE SUBDIVISION LOCATED IN THE PRESERVATION P-160 ZONE DEV-7004.

Staff:

Austin Corry, the Assistant Wasatch County Planner addressed the Wasatch County Council and presented a power point presentation then indicated that this applicant is seeking to vacate a portion of Deer Knoll Drive from the Diamond Bar X Ranch No. 6 subdivision. We have been working with the applicant on some of those zoning violations they had and you will notice in your staff report it was updated. The individual that had submitted the objection has not submitted a letter withdrawing the objection. One of the main concerns that they had was that the plat amendment request involves a street vacate. As such they had an easement that they suggested that relied on that being a public street in order to maintain the access rights through. After they have analyzed that they determined that they don't think it actually does affect their easement rights. The proposal is a little bit different than what they had originally done in January. They have since changed their minds not significantly from what you saw. Primarily what they are asking to do that is different from what you saw is that instead of being they were vacating a lot and a street out of an old subdivision, out of one subdivision and putting into a new subdivision. They are still making the same request but the lot will be absorbed into one of the existing lots that is there. That lot 5A that you see highlighted there is what is being requested to be pulled out of the Diamond Bar and Number 6 subdivision and the portion of Deer Knoll Drive just north of that. That is what is coming out of this subdivision and placing it into Milton and Diamond Bar X which exists right now. One of the things with that request and the new proposed plat. There is a little bit of an adjustment to Deer Knoll Drive and that is to move the road to where the actual physical road got built. The critical part being that Deer Knoll Drive changes from a public road to a private road. Milton Bar X has building areas on the lots. So the lots range from ten to eighteen acres right now and they have one to two buildable areas on the lots. What the applicant is asking for as part of this is because they are getting rid of Lot 5 they are asking to use what would have been the buildable area for Lot 5 and still be able to keep that.

Austin Corry indicated that the DRC has reviewed this and forwarded on. There is a condition of approval from the surveyor primarily to resolve some lot closure issues that they don't believe would affect what you as a County Council really see but certainly something that needs to get resolved before a Mylar is ever printed.

Austin Corry then went through the proposed findings:

1. Good cause for the street vacate exists because:
 - a. No properties owned by a party other than the applicant are currently accessed using the portion of the street being vacated. One property is adjacent to the road but has indicated no objection to the vacate.

- b. There is no known public interest in the portion of the street being vacated.
 - c. No person is anticipated to be materially injured by the vacation,.
 - d. The vacate will place the entirety of Deer Knoll Drive as private status.
2. Utah Code 17-27a-609.5 allows the County, by plat or ordinance to vacate a public street.
 3. The proposed revision conforms to the Wasatch County Development Standards under the non-conforming subdivision regulations.
 4. The Development Review Committee has reviewed the project and provided comments.
 5. The proposal includes a combination of Lot 5a (0.83 acres) from the Diamond Bar X No. 6 plat and Lot 1 (18.181 acres) from the Milton Diamond Bar X.
 6. Lot 1 currently has a two acre buildable area allowance which totals 11 percent of the lot.
 7. The proposal requests to increase the buildable area allowance on Lot 1 by using the same eleven percent allocation and applying it to the new, larger acreage of the combined lot. The result is the addition of 3969 square feet of buildable area total of 2.09 acres for the amended Lot 1 19.011 acres.
 8. Lot combinations are commonly found to meet the good cause requirement as a Plat Note 20 shall be modified to strike per current County zoning and instead simply state that no further subdivision is permitted.

Austin Corry then went through the proposed conditions:

1. Plat Note 20 shall be modified to strike per current County zoning and instead of simply state that no further subdivision is permitted.
2. Potential access improvements to be verified by the Fire District prior to plat recording.
3. This is as modified by the Planning Commission That the applicant will need to obtain consent to the vacation from Diamond Bar X Ranch Inc. As the owner of parcel 08-3985 in accordance with UCA Section 17-27a-0609 (5) (2) prior to plat recording
4. Technical issues listed on the DRC report shall be resolved to the satisfaction of the applicable review departments.

Austin Corry via Zoom then went through the DRC Report.

PROJECT COMMENTS:

- Verification of capacity of bridge accessing development must be provided by an engineer.
- Roadway improvements may be needed at permit to bring access to compliance.

PLANNING comments:

- The title of the plat should include the note about the road vacate as well unless the recorder is comfortable state law is complied with using note 1 alone.

SURVEYOR comments:

- 1. Road width is not shown. I realize the west end is wider. Please call out the width in several places.
- 2. Do both cul da sacs carry the same name?

- 3. The common line between Lot 1 and Lot 4 have different values in the lot closure sheets than the plat face.
- 4. Same comment for the west line of Lot 4.
- 5. Same comment for the west line of Lot 3
- 6. You have two wells shown. Ownership of each could be helpful. The well in the south cul da sac needs some protection if it will be used by some party.
- 7. Since the road is private, please give us an area of such.

Applicant

The applicant was not present.

Council Comments:

Councilman Steve Farrell asked what properties are affected by that road: Austin Corry replied there is one other property owner just to the north of this. Also the same property owner actually owns all four lots would have the access rights. Councilman Steve Farrell asked if Diamond Bar X is okay with taking that lot 5 out of their development. Austin Corry replied yes. He didn't directly state that but the letter he sent says we have no objections to that. Councilman Steve Farrell asked if the applicant owns that subdivision. Austin Corry replied currently. Councilman Steve Farrell asked how much notification did you send out to the adjacent property owners. Austin Corry replied that there were letters sent out within five hundred feet and every owner in the subdivision. Also a sign posted at the property on the gate. Councilman Steve Farrell asked was their access to the forest on this road. Austin Corry replied that he doesn't know the answer to that. Jon Woodard replied when was Diamond Bar X originally approved it was silent about whether the roads were public or private so those are public roads. When Milton was created as a subdivision from the beginning as far as I am aware those roads were private. There is a difference between how these two subdivisions have their roads treated. Councilman Steve Farrell indicated that in the older subdivision we didn't address the ownership of the road. It was the newer subdivisions has created problems and we stated whether they were private or public and had to be recorded on the plat. Also why do we have to vacate that lot out of the Diamond Bar X? Austin Corry replied that is their request is to take it out and if you wanted to combine that with Lot 1 it would have to come out of the Diamond Bar subdivision. This is more like a lot combination than a re-subdivision and you are getting rid of one lot period. Jon Woodard indicated that it is becoming more conforming with the underlying zone.

Councilman Kendall Crittenden asked if that cul-de-sac is likely to remain a cul-de-sac or would it just be a driveway into those other lots. Austin Corry replied that they are private cul-de-sacs and only servicing four lots now and the easement that is there. We have heard from that easement holder they are in negotiations and working on potentially getting rid of it altogether. We relied more on them saying that they are okay with that road status change.

Councilman Kendall Crittenden asked what happens if we do this and somewhere down the road somebody discovers it and comes forth with a public interest and wasn't aware of it and now they discover what happened or a road they had a public interest in. Jon Woodard indicated that anybody that is using a vacated right-of-way automatically has a private easement created over that. For access purposes to their property they are still going to be protected. Councilman Kendall Crittenden asked about the designated wells. Austin Corry replied that the current plat even shows there is a culinary well that is inside the right-of-way, a private culinary well that is right in the right-of-way. Jon Woodard indicated that will have to be taken care of.

Councilman Steve Farrell asked if we did address that on the plat note on the culinary well. Right now these are all owned by one individual but if he would break them off and sell lot two and three to an outside individual then what? Jon Woodard replied that is not sure of the status culinary water requirements. Councilman Steve Farrell indicated that there should be a staff note and that should address it. I think that was addressed in the Water Board and we would have required a well permit. We wouldn't have approved this subdivision if each lot didn't have an indicated way of getting water and water right associated with it. Also I don't see any reason not to approve this but I don't have a good feeling of approving it for other reasons. Jon Woodard replied that the Council has great discretion in adopting a plat amendment or not approving it. Councilman Steve Farrell indicated that if it wasn't good cause you would consider there would be a lot of people here and giving written comments of why not to do it or they would be here tonight. When did you get the letter from Tom Clyde what was the date on that? Austin Corry replied April 17, 2023.

Councilman Luke Searle replied that we can see that the neighbors had strong feelings about some of the things that were proposed like the helipad, etc. and that was clearly re-noticed and posted and if there were issues we would hear about them that is my conclusion. Councilman Steve Farrell replied that he agrees with Councilman Luke Searle on that and I don't want to approve this if there is some adverse effect to the adjacent property owners. Again the adjacent property owner has to take notice and make their objections noted and the Council can't do their thinking for them. If we don't have a record of anything I don't know how we could deny this.

Public Comment:

Chair Spencer Park then opened the public hearing for public comment and there was none so the public comment period was closed.

Motion

Councilman Erik Rowland made a motion to approve the plat amendment to both the Diamond Bar X Ranch No. 6 through the subdivision third amended subdivision and to the Milton Diamond Bar X Ranch Subdivision in order to vacate Lot 5a as presented in the presentation here tonight in light of the findings and subject to the conditions presented here tonight. Also we need to mention the DRC comment on the water wells to make sure that is followed through with. Also mention that this is a lot combination not a deletion. Mark Nelson seconded the motion.

AYE: Chair Spencer Park
AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE" Mark Nelson

NAY: None.

PUBLIC HEARING
MAY 17, 2023

LINDZI BISHOP, REPRESENTING SIGNATURE DEVELOPERS, REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR MEADOW VIEWS A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 21 LOTS ON 28.28 ACRES LOCATED IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 5 EST IN THE RESIDENTIAL AGRICULTURE A RA-1 ZONE.

Staff:

Austin Corry, the Assistant Wasatch County Planner presented a power point presentation and then addressed the Wasatch County Council and indicated that this is a proposed residential subdivision in the Center Creek area of the County north of Center Creek Road and between 3600 East and the yet-to-be-built 4200 East. Two recent subdivisions border the property. Center Creek Meadows on the west boundary and Sahale on the east boundary. Both of those subdivisions are currently under construction. This subdivision would continue the road and trail system between each of the other subdivision, resulting in a connected system between all three. This is a standard RA-1 subdivision and are providing water and sewer through Center Creek Irrigation and Water Company. There are two open space parcels that is on the west. Those will be landscaped and making entry monuments into the development. There is a trail connection on the northwest corner which runs through their open space area and anticipated will become a public road at some stage so the trail connection in order to meet our trail code would need to occur.

Austin Corry then went through the DRC report.

PROJECT comments:

- Provide an erosion and sediment control plan to review.
- Callout necessary erosion control practices, BMP details, and maintenance/installation notes.
- Coordinate with district engineer for plan review and approval of construction drawings.

ENGINEER comments:

- Condition of Approval: the drainage report still discusses only 6" of freeboard. At final, increase freeboard level of basins to 1' minimum from WC16.40.01(D)(4). Show on plans and in the drainage report.
- Condition of Approval: At final, show that the east dead-end of 2140 South ties in with the pavement and trail elevations and locations of Sahale Phase 1.
- Your drainage plans must adequately manage runoff due to this tie-in. Sahale Phase 1 recently after final approval changed that section at 2140 South in their plan set to match the major local with swales to tie in to your trail plan. Ensure that you are using their most recent drawing.

GIS comments:

- I have sent you an email with the correct address. Please put it on the plat. Thanks.

PLANNING comments:

- The public trail easement in the NW corner is likely to need to be 20' per 16.38.03 unless the regional trail planner sees the connection differently. The 90 degree corner is likely not going to work either. The final plat will need to resolve this.
- The DA will need to be worked through with the attorney's office.

SURVEYOR comments:

- The plat dimensions do not agree with the written plat.
- The April submittal has not addressed the above comment.
- The April submittal shows the FOUND SW section corner of section 11.
- This corner has been removed by construction efforts in the intersection.
- Until the monument is replaced it cannot be used for basis of bearing.

Austin Corry then went through the proposed findings:

1. The subject property is 28.28 acres located between the recent Center Creek Meadows and Sahale Subdivisions.
2. The proposal is to develop 21 lots resulting in a density of 1.35 acres per unit.
3. The RA-1 zone is a 5 acre minimum lot size zone unless public water and sewer infrastructure is provided by the development.
4. The property will be serviced by Center Creek Water and Irrigation Company and Twin Creeks SSD.
5. The density being proposed is consistent Wasatch County Code 16.08.04c
6. The Development Review Committee has reviewed the project and has indicated the proposal can comply with applicable codes and laws if certain conditions are met.

Austin Corry then went through the proposed conditions:

1. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department prior to final approval or as otherwise applicable.
2. The final application shall include a cost estimate for removal of the temporary cul-de-sacs and reconstruction of landscaping, sidewalks, etc. to be used as an escrow at such time as the roads continue into other developments.

Public Comment

Chair Spencer Park then opened the hearing for public comment and there was none so the public comment was closed.

Motion:

Councilman Kendall Crittenden made a motion that we approve the preliminary subdivision approval for Meadow Views residential subdivision in light of the findings and subject to the conditions. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

PUBLIC HEARING

MAY 17, 2023

CONSIDERATION AND POSSIBLE RECOMMENDATION OF ORDINANCE 23-05 TO AMEND WASATCH COUNTY CODE CHAPTER 16.41, JORDANELLE SPECIALLY PLANNED AREA, TO CONSOLIDATE ROOF PITCH REQUIREMENTS FROM INDIVIDUAL LAND USE CATEGORIES INTO ONE SECTION UNDER JSPA ARCHITECTURAL PRINCIPLES.

Staff:

Austin Corry presented a power point presentation and then addressed the Wasatch County Council and indicated that staff is now proposing that the other land use categories such as hospitality casita, resort villages, and common space also be updated to reflect the same roof pitch standards for other land use categories that were adopted in December 2020. Austin Corry indicated that in Chapter 16.41 the individual land use areas in the JSPA have had different roof

standards, roof slope requirements. Three years ago actually amended but it was only amended for the residential areas and nothing was touched for any of the land use sections that would have been your commercial and the slope roof requirement in the open space category and this proposed amendment actually is just to go in and unify the roof slope requirement across the board regardless of the land use type. In an effort to reduce conflicts and eliminate redundancy within the code, the proposals to strike the roof pitch requirements from each land use category individually and instead place the roof pitch requirement worded the same as the adopted language in December 2020 into an overall architectural guideline section so that the requirement only need be stated one time in one place.

On April 20, 2023, the JSPA Planning Commission heard this item and moved to recommend approval to the County Council with an adjustment to the language for a maximum roof pitch for aesthetic reasons. The attached ordinance reflects the language they have recommended. Also part of the JSPA recommendation was that no more than a 7/12 slope shall be used. These requirements shall be adhered to. That was part of the JSPA Planning Commissioner's recommendation because they still wanted to encourage Mountain Style architecture and once you went higher than that 7/12 pitch that you would start branching into other types of architectural styles that they did not feel were appropriate for the JSPA. The proposal before you is for Exhibit A.

Austin Corry then went through the proposed findings:

1. The proposed amendment is consistent with the policy established by the approval of ordinance 20-22.
2. The proposed amendment removes multiple references to roof pitch requirements that read the same and instead uses one section to note the roof pitch requirement for all structures in the JSPA regardless of use.
3. Positive impact of the proposed changes are reduced confusion and potential conflict in the code that could make enforcement of the code difficult.

Public Comment

Chair Spencer Park then opened the meeting up for public comment and there was none so the public comment period was closed.

Motion

Councilman Steve Farrell made a motion to approve Ordinance 23-05 to amend the Wasatch County Code 16.41, the Jordanelle Planned Area to consolidate roof pitch requirements for the individual land use categories into one section with JSPA architectural principles and in light of the findings and subject to the conditions of the Planning Commission. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE; Karl McMillan
AYE: Luke Searle
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson
AYE: Kendall Crittenden**

NAY: None.

Councilman Kendall Crittenden made a motion to leave our regular session and go into Closed Session for pending litigation and personnel. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE; Chair Spencer Park
AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None.

Councilman Mark Nelson made a motion to leave the Closed Session and go back into regular session. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE; Chair Spencer Park
AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None

ADJOURNMENT

Motion:

Councilman Mark Nelson made a motion to adjourn. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE; Erik Rowland
AYE: Mark Nelson**

NAY: None.

Meeting adjourned at 10:00 p.m.



SPENCER PARK/CHAIRMAN


JOEY D. GRANER/CLERK/AUDITOR