

**MINUTES OF THE
WASATCH COUNTY COUNCIL
APRIL 19, 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
Erik Rowland
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight, from the Clerk's Office
Rick Tatton, Court Reporter via Zoom
Mike Davis, the MIDA Coordinator
Natalie Foster, the Wasatch County Managers' Secretary
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner.
Jonelle Fitzgerald, County Board of Health Director
John Barentine, Consultant

PRAYER: Chair Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

MINUTES CONTINUED FROM VERBATIM RECORD

DISCUSSION/CONSIDERATION OF RESOLUTION 23-05 DECLARING MAY AS MENTAL HEALTH AWARENESS MONTH.

Councilman Kendall Crittenden indicated that this proposed Resolution 23-5 is basically the same as updating numbers and facts, etc., that we passed every year for the past several years just declaring May as a mental awareness month. Last year we had a lot of speakers, activities to go

along with that. We also received a grant and that grant was used and it helped. This still is an issue and problem with many segments of our society and so we want to continue helping our citizens be aware of it. There is a grant that people can get a \$100 rebate or they can use the money to help buy a gun safe. In order to receive the \$100 they have to take a course either in gun safety or suicide prevention. The one that we offer in Wasatch County is called Question Persuade and report which is a short class and you can take it on line or you can take it live with a group and it is about an hour course to help people be aware of things that they can do with mental health and suicide prevention. We need to do everything that we can to help people get through those issues and be aware of them and help each other.

Councilman Luke Searle indicated that Governor Cox was in Wasatch County today and specifically Wasatch High School and discussed many things with the student body there but one of them was talking about this subject and there are state resources that can be used to help with people with this problem.

Councilman Steve Farrell made a motion that we go ahead and approve Resolution 23-05 declaring May as mental awareness month. 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: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

AYE: Kendall Crittenden

NAY: None.

DISCUSSION/CONSIDERATION OF DONATION TO MAIN STREET BANNERS IN HEBER AND MIDWAY FOR MENTAL HEALTH AWARENESS.

Councilman Kendall Crittenden indicated that to go along with mental awareness in the CCC Committee meeting the Mayor of Midway and she proposed the idea of putting up some banners on Main Street. With banners there is a cost and the banners supposedly last for three years. They cost \$120.00 apiece. Possibly ten in Midway and ten in Heber. I want to propose if the County would be willing to put in \$2,000 toward the cost of those banners. Wasatch Mental Health has made available another \$1,000 so with the \$3600 we could get thirty banners that would put potentially twenty banners in Heber City, ten banners in Midway or we could split them fifteen and have them work that out with Heber and Midway. Heber and Midway is putting in the cost of getting the banners up and taking them down and so forth. I think it is a county wide issue so maybe the main part of the cost could be borne by Wasatch County.

Councilman Mark Nelson suggested that the mental health message not just indicate May and then you could use the banners in other months instead of just May.

Councilman Mark Nelson made a motion that we support this project and that we suggest that the messaging is generic enough that they may be used throughout the year if the opportunity exists and that we support Councilman Crittenden's donation recommendation in the cost and support a minimum of \$2,000 up to \$3,000 if the need is there. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Kendall Crittenden

AYE: Karl McMillan

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

PRESENTATION BY THE WASATCH ARTS COUNCIL

Pat Sweeny, from the Arts Council, presented a power point presentation and then addressed the Wasatch County Council and thanked the Wasatch County Council and all of the art's people in Wasatch County. Thank you for the \$10,000 that you have given us. It is outstanding what we have done with the money. The goal in Wasatch County to provide help the artists and to promote help to the artists in Wasatch County. We didn't have that much money to give out this year. The big thing that money was put to was to the RAP Tax. We helped nine people this year and of the nine people only seven received grants because we have a policy that you have to be in business for two years and demonstrate a financial responsibility in order to do that.

Pat Sweeny indicated we are coming along with the Heber Art's Center. We have found a setting for the Heber Art's Center and worked with Mike Bradshaw of Jordanelle Ridge to secure from Heber Valley 4.3 acres on a lease of fifty years with a twenty-five year extension for one dollar a year. We are forming an art district, there will be a theater, amphitheater, Public Park, and the possibility of a charter school.

We are working presently with the concept of the architecture that will be complimentary to the UVU Architecture. Councilman Luke Searle indicated that PID will be used in conjunction with this. Pat Sweeny then went through different pictures of what the project will look like. We are going to do a capital fund raising campaign and materials for that is on their way and will start that May 1, 2023.

Councilman Mark Nelson indicated that the operations of it probably don't cover the maintenance of the project and sometime will look toward Wasatch County for such things. The sooner this can be on the County's radar as specific expectations or requests or something the more likely that the County would be a part of it.

Pat Sweeny indicated that Heber City will be the owner of the facility. We just wanted this evening to share how happy we are that we are all in this together and it is going to happen and it has been a long four years. Also the lease is in our attorney's hand. The County Council applauded Pat Sweeny for what has happened in the last four years. Pat Sweeny replied that in 2028 we are looking for completion.

MIDA UPDATE

Mike Davis, the MIDA consultant, addressed the Wasatch County Council and indicated that we didn't have a meeting last Friday because it was cancelled because people were out of town. I did meet today with my group and the building department going over some of the issues they are dealing with the hotel and administrative type issues and have come up with a plan on temporary occupancies on the hotel. They tentatively will be looking on a four by four basis and satisfy fire safety issues. We talked last week about the retreat that they were proposing. They are now looking at July on the 13th which is a Thursday and hoping to get all of you to come to the retreat for the two hours which will help facilitate MIDA's general plan. When I get that information I will forward that to you.

Councilman Mark Nelson asked if MIDA has a lighting ordinance. Mike Davis indicated that they have a lighting ordinance in place now. They claim it is a little stricter than our current ordinance. I don't know how it matches what the old ordinance but they do have an ordinance. When we have a meeting with other municipalities regarding lighting, we should invite them.

Councilman Steve Farrell indicated that Heather from MIDA came to our regional planning meeting yesterday and indicated that they have started building the last two buildings and they opened them up for rentals. Mike Davis indicated that the first two opened up this week and the other two aren't opened up yet. MIDA has given Extell a deadline to have the business license with Wasatch County in June and don't know what date in June.

COUNCIL/BOARD REPORTS

Councilman Luke Searle indicated that we will be appointing our new board member.

Councilman Kendall Crittenden indicated that we received an e-mail regarding the salary from Sontag regarding the Justice Court. Dustin Grabau indicated that he responded to Sontag to find out if she is responding for a fiscal year calendar and she wanted our calendar year budget or if we are meaning to implement compensation to his main budget year. I will keep you apprised of what

is being done.

Chair Spencer Park indicated that we need to work with our municipalities and I don't believe that we are anywhere close to being done with the sand bags yet but have seen on face book trying to get rid of sand bags. I think we need to work with our municipalities and our county staff to have a place to dispose of them before we ship them off to Duchesne. We need to work through maybe a place for drop offs or encourage people to set them on their driveways.

Councilman Steve Farrell indicated that we had our first tax advisory committee meeting last Friday and went through it and we have a very small group going to tax sale this year. We have another meeting this Friday and by then we will be able to finalize it and do the title reports and we will get them done. That has been taken care of.

Councilman Steve Farrell indicated that with regard to public lands I got an e-mail from a person in Bonanza Flat and sent me a picture up on Empire Pass and the restroom and all you can see is a little black hole in the snow and he said that is on top of a twelve and a half foot building and we are getting snow every night up here so we have got a lot snow to come down and we will still need sandbags. Some of those buildings have fifteen feet of snow on the top of them.

Councilman Mark Nelson indicated that he would like to have a five minute closed session and we can do that after the public hearing items and will be regarding personnel.

MANAGER'S REPORT

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that the Wasatch County Library staff and board has completed a solicitation and interview of applicants for a vacant seat on the Wasatch County Library Board. Similarly, the Charleston Water Conservancy District has sought to fill a vacant seat on their board. The following individuals are recommended for approval. They are Danny Good as a member of the Wasatch County Library Board and Michael Padre as a member of Charleston Water Conservancy District.

Councilman Steve Farrell made a motion to appoint Danny Goode to the Wasatch County Library Board and Michael Padre to the Charleston Water Conservancy District as recommended by the County Manager. 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.

Chair Spencer Park indicated that the Council will take a brief recess and we will then come back at 6:00 p.m. to take care of the four public hearings.

(WHEREUPON, A TEN MINUTE RECESS WAS TAKEN.)

Chair Spencer Park indicated that the record should show that the Wasatch County Council is again in session to handle the four public hearings that are scheduled for this evening. The record should show that all the Wasatch County Council are present along with the staff that has been noted before.

**PUBLIC HEARING
APRIL 19, 2023**

LAREN GERTSCH REQUESTS THE CREATION OF AN AGRICULTURAL PROTECTION AREA OF 209.11 ACRES ENCOMPASSING PARCELS 07-06427 (5.73 ac) 07-6468 (5.26 ac), 07-6435 (6.86 ac), 07-6443 16 ac) 07(6484 (10.47 ac) 07- (10.47 ac). 07-6542 (29.37 ac. 08-0072 (11.14 ac), 08-0056 (16.4 ac) 07-6245 (10.5 ac),07-9611 (21.81 ac), 07-9553 (10.26 ac). 07 9538 (31.2 ac) 07-9837 913.22 ac) 00-5889 (2.14 ac), 08-0270 (1104 ac) and 07-8520 (17.71ac) ALL LOCATED IN THE NORTH FIELDS AREA IN THE AGRICULTURE 20 A-20 ZONE. IF FORWARDED THE RECOMMENDATION BY THE PLANNING COMMISSION AND THE AGRICULTURE PROTECTION AREA ADVISORY BOARD ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY AT A PUBLIC HEARING ON APRIL 19, 2032 (AGPRO-7612.)

Staff:

Nathan Rosvall, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that Laren Gertsch is requesting this Agricultural Protection Area of 209.11 acres on the acreages listed above and also the proposed agriculture protection include two agricultural sheds for storage of farm equipment and a hay barn on parcel #07-6435. A cattle shed is located on parcel #07-6542 and also on parcel #08-0072. A cattle weigh scale station is located on parcel #07-9637. The remaining 12 parcels do not have any structures located on site. The applicant is anticipating maintaining the existing agricultural operation and structures. The adjacent property owners currently use their properties primarily for residential and agricultural purposes. The application is made pursuant to the recently adopted County code 16.29 Agricultural Protection Area which code is allowed by the State code 17-41-201. 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 Agricultural 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 Agriculture Advisory Board report their analysis to the County Council which has been done.

The Wasatch County Code Section 16.29.201 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.

At the time of this report a letter from the Utah Department of Transportation has been received in response to notices sent and what the letter summarizes is that you guys do your thing and we will do our thing.

Nathan Rosvall then 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 North Fields of Wasatch County.
3. The parcels total acreage is 209.11 acres.
4. The current use of the property proposed for protection status is raising grazing livestock and cultivating grass to produce hay.
5. Properties are in agricultural production year-round.
6. The proposed areas with structures include, five sheds, a barn and a cattle weigh station on three parcels.
7. There are 13 parcels without any structures.
8. The property owner plans to maintain the properties as an agricultural use.
9. 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.
10. Commonly found soils in the A-20 Zone North Fields are Fluventic Hapludolls, this soil is common for tall grasses, Kovich, and this soil occurs on broad valley floors and is a slow permeable soil. Logan, this soil is common for meadow hay and pasture.
11. 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.
12. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
13. Surveys of the parcels have not been included in the application, which limits the County's ability to precisely determine the eligibility of some of the property for the Agriculture Protection Area under WCC Section 16.29.02 (F) and could affect the ability of the property owner to prove they have the protections afforded under the Agricultural Protection Area. Errors, ambiguity, and

risks in applying the protections of the Agricultural Protections in the boundary of the Agriculture Protection Area resulting from the property not being surveyed and from using legal descriptions that did not come from surveyed legal boundaries are assumed by the property owner. We are not requiring a survey.

14. There are two properties, Parcels 07-6427 and 07-6468 that will be affected by an offset of 100' from the centerline of State Road 113. WCC Section 16.29.02(F)(1)(2). These property descriptions for the Agriculture Protection Area will also read: Less and accepting 100' offset from the centerline of SR-113, or language as needed to record the Agriculture Protection Area but not the portion of any property that is within 100' from the centerline of SR-113, if a more refined legal description is needed for initially recording the Agriculture Protection Area, the property owner will be responsible to obtain such legal descriptions.

15. Parcels 08-0072, 07-6542, 07-6435 and 07-6427 may or may not include some property to the east of the transmission line, and property east of the transmission line, if any, is not eligible to be included in the Agricultural Protection Area. WCC Section 16.29.02(F)(1). The property descriptions for these Agriculture Protection Area for these parcels will also read: Less and excepting east of the transmission line, if any or language as needed to record the Agriculture Protection Area but not include property that is east of the transmission line. If a more refined legal description is needed for initially recording the Agriculture Protection Area, the property owner will be responsible to obtain such a legal description.

16. A letter from the Utah Department of Transportation has been received in response to the notices sent or signs posted on the property.

17. If the Agricultural Protection Area is approved, the approval will be in effect until its 20th calendar review year.

Nathan Rosvall indicated that 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.

Nathan Rosvall indicated that as a modification of the proposal and recommendation to the County Council staff recommends that according to Section 16.29.02(F), land not eligible to be included in the Agriculture Protection Area based on their condition as of November 1, 2022. This land includes:

1. 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 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.

2. Land that is within 100 feet of the centerline of SR-113, 2400 South, 1200 South, Southfield Road, Midway Lane, US 40, River Road, SR-32, 189 Main Canyon Road, the portion of the bypass alignment as shown on Wasatch County General Plan Map 32 which is south of SR-113 or Road 10 Wallsburg second access as shown on the Wasatch County General Plan Map 21. I am just Describing the A-20 Zone when it comes to Wallsburg.

There are two properties, Parcels 07-6427 and 07-6468 that will be affected by an offset of 100'

due to State Road 113. WCC Section 16.29.02(F)(1) (2). These property descriptions for the Agriculture Protection Area for these parcels will also read: Less and accepting 100' offset from centerline of SR-113, or language as needed to record the Agriculture Protection Area but not the portion of any property that is within 100' from the centerline of SR-113.

There are four properties, Parcels 08-0072, 07-6542, 07-6435, and 07-6427 that may or may not be affected by an offset of any property to the east of the transmission line. WCC Section 16.29.02(F) (1). The property descriptions for the Agriculture Protection Area for these parcels will also read: Less and excepting east of the transmission line if any, or language as needed to record the Agriculture Protection Area but not include property that is to the east of the transmission line. No proposed limitations on types of agriculture production allowed on the protected area.

Applicant:

Laren Gertsch, the applicant indicated this has been quite a process this past year and I appeared before this Council earlier this year. We have gone through lots of public hearings and different processes over boundary lines and everything else. Spent a lot of time in meetings and thanks to all of you that have been in that process for the time and effort that you have put into it. The Planning Commission and the Soil Conservation both are recommending that this be approved with the modifications that staff has mentioned. When we started this process and filed an NOI with the Open Space Committee saying that if my property is encumbered I would enter into a conservation easement of those properties and that is my intent. These modifications are acceptable to me with one minor thing. Two things and if the County wants to be very conservative with any of the properties are east of the transmission line. If you go down on Midway Lane only the very bottom parcel I allowed them to come in with that first pole everything else the transmission line is significantly to the east of my property line. Again it doesn't hurt anything so let's not make a big deal out of it except one parcel and when they describe up on top they are describing this brown piece up here because that was made so that whole parcel could be included in the agriculture protection. Well, the parcel adjoining that parallel if it protrudes to the east the line turns at that point so I would suggest on the very last parcel on 07-6437 we say up and to the point where it intersects with 08-0056 which is a parcel, the brown parcel here, but otherwise we are creating an ambiguity with this except four and maybe it is not important and I will leave that your discretion if you think it is important. I have talked with staff and staff is willing to put in except where parcels that two parcels are contiguous and then it would eliminate any ambiguity. That is what I would propose. This application has been prepared in accordance with the coordinates that have been reviewed and we reviewed last time and requesting and hoping that you will see fit to approve it as it has been discussed and presented here this evening. Thank you for all your efforts.

Public Comment:

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

Marilyn Crittenden, former Councilwoman, addressed the Wasatch County Council and just

wanted to remind everybody of what a wonderful ordinance it is to give the people in the North Fields the ability to keep that land open. I understand that it does have some concerns when it comes to UDOT, that UDOT has known the situation that we have wanted in this County for a long time and where the plan for the road for a very long time. I would hope that you would hold to that protection in the North Fields.

Tracy Taylor, Heber City resident) addressed the Wasatch County Council and want to thank you for adopting this ordinance and I am in full support of this property being included.

Chair Spencer Park closed the public comment period.

Scott Sweat, the Wasatch County Attorney, indicated that from a legal standpoint we were okay of how it was presented with the request that Laren has given. We have not vetted that if the Council wants to just go ahead with it we are fine. If he wants to look at it we would want to look at a little bit closer just to make sure that we are not creating a problem. Councilman Steve Farrell replied that we could approve as Laren wanted it and subject to your approval. Scott Sweat replied that we could do but that would bring it back if we needed to on the condition that we approve it. Laren Gertsch replied that maybe I just ought to take it back what I said. It is just a minor thing.

Councilman Luke Searle indicated that he would like to know the history on this map on the right on the General Plan. These were the different options of A, B, C and D are different versions why. Nathan Rosvall replied that the map on the right is the one that we show the alternative by pass route. The map on the right is what Wasatch County recognizes is the bypass route. Austin Corry replied that the one that is what displayed there on the right so it has probably been about a year and a half ago now but just before UDOT started their EIS process then went through a planning level study and UDOT produced the three alternative routes when they were looking our General Plan Map which is the map on the left. So the Wasatch County's map on the left is our planned by-pass route that has been in the General Plan for a number of years. The one on the right those are UDOT layouts from part of a planning study.

Councilman Steve Farrell replied the one on the left is the one that Heber City and Wasatch County voted on and approved as our selection. Councilman Mark Nelson indicated this is the one that preceded the most recent one that we all saw that had three options entitled A, B, and C. Then my question is after that very latest thing that they did with the options those three were gone.

Dustin Grabau replied that those were superseded by the draft alternative report. This map is the one that UDOT provided is my understanding and UDOT provided. Austin Corry replied that are two different UDOT studies but they are draft EIS stated that they are doing away with the A, B, C option that you saw in favor of these.

Motion:

Councilman Steve Farrell made a motion that we go ahead and approve this item allowing these properties to be placed in the Ag Protection Area based on what has been presented

along with the modifications and findings and conditions.

Councilman Mark Nelson replied that his suggestion to include in your motion the nuisance description. Councilman Steve Farrell indicated that he would include that in my motion but then we would have to leave it subject to a legal review. Scott Sweat replied that I haven't worked on the details on it but I know that was the question last time and I thought it was worked out. Laren Gertsch indicated that this never came up before. The first time we saw the modifications.

Councilman Mark Nelson replied that he would withdraw that statement that he suggested to be put in the motion. If you were done with your motion I will **second it**.

Councilman Luke Searle replied that he would like to offer a substitute motion and amend the motion to be a substitute motion for everything that is there except for those three parcels that would be the intersection for what would be composed there 6468 and 6727, 6435.

I make that motion not exempting where that yellow north part goes I think it is very important to Agricultural Protection Areas are in those north parcels that go through that yellow section as well as what will be brought up with the Simmons and just want to have a discussion as a Council to see if we want to keep those there. Not to say that it just could be instituted in the Agriculture Protection Area forever just to see after that final draft EIS to see where it will be.

Chair Spencer Park replied that is actually even in our map that showed on the other one actually shows it going through corners of the property. Councilman Steve Farrell replied that can I ask the purpose of the substitute motion to protect the right-of-way or what: Councilman Luke Searle replied yes. Councilman Steve Farrell replied that I think that we ought to leave it up to UDOT to define that right-of-way. Chair Spencer Park replied that they just did. Councilman Steve Farrell replied that the one that Heber City voted on and the County voted on was the one that we presented on the drawing. Chair Spencer Park replied that you don't think that corner goes through those properties on that map right there that we approved in fifteen or whatever that date is. Those go through the corner of it. Councilman Steve Farrell replied that we would leave it up to UDOT to deal with the property owner to make this work. Chair Spencer Park replied that you are right that we did approved it and said that is what we wanted in those three properties at least for sure. We did this seven or eight years ago. Did we approve this map? Councilman Steve Farrell replied yes. Chair Spencer Park what is the date on the bottom corner of this map? Dustin Grabau replied 9/3/2013. Chair Spencer Park replied that is ten years ago and we are saying that we can't or we don't know or we didn't identify it would be not be true.

Councilman Kendall Crittenden these are just lines on the map to. Chair Spencer Park replied that we told them that we wanted. Councilman Mark Nelson replied that the Agriculture Protection Area won't stop UDOT in either place from recommending what they are going to recommend. Chair Spencer Park replied that I actually agree with you on that but I don't want to send the message that we are not team players.

We are telling them that we don't really want it but the bypass that we worked on for almost twenty-five years. Councilman Steve Farrell indicated that this is the first by pass we approved.

When I was the chair of the Council we approved the money to pay for that design of that intersection and Heber City voted on it as well as the County. All of these changes came after the fact. Laren Gertsch replied there is some confusion here. Here is where it crosses the corner. It is not over here and it is probably within that 100 feet. Chair Spencer Park replied that those lines have got to be across that corner.

Councilman Erik Rowland replied that the point that you are just making is that there is already conditions for that approval within the ordinance. Chair Spencer replied that we are sending a message that we don't care to work with UDOT and not team players and we do have a motion and a second on the floor be no more public comment.

Councilman Kendall Crittenden replied that I am one hundred percent in favor of the agricultural area of this and Councilman Luke Searle is saying is that if we didn't include those three until we get the EIS to know exactly where that is going to go because right now just a line on the map Steve and until the EIS is completed even with the EIS it won't be a survey line on the map just further down the line. As they recognize it if we go all around to the south fields we need to go further to the west to get it in because it won't fit through the eighty foot corridor that has been established. The County will have some land there that we will have to do something with sometime if they go further west. UDOT has said that they support agriculture protection in a meeting and don't have a problem. This would show our support.

Councilman Mark Nelson replied that what you are saying that it shouldn't include those other four parcels. Councilman Kendall Crittenden replied that I think what Luke was saying that those three on the corners. Councilman Steve Farrell replied that there are other ways that UDOT can deal with the property owners to get it.

Chair Spencer Park replied that I have two motions on the floor and I have a second on the first one and don't have a second on the second one. We have to take care of the second motion before we can conclude on the first motion.

Councilman Kendall Crittenden replied that he will second Councilman Luke Searle's motion. The vote on the substitute motion was as listed so it failed.

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Chair Spencer Park

NAY: Karl McMillan

NAY: Steve Farrell

NAY: Erik Rowland

NAY: Mark Nelson

Chair Spencer Park then indicated that lets vote on the first motion of Councilman Steve Farrell.

AYE: Karl McMillan

AYE: Kendall Crittenden

I vote yes because I support this thing but it would be in our favor to take Luke's motion but I support this being an Agricultural Protection area.

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: Luke Searle

NAY: Chair Spencer Park

Chair Spencer Park replied that passes five to two.

DAVID AND TRUDY SIMMONS REQUEST THE CREATION OF AN AGRICULTURAL PROTECTION AREA OF 148.56 ACRES ENCOMPASSING PARCELS 07-7649 (36 4ac) 20-3321 (23.26 ac) 20-3320,(35.09ac) 07-8217 (6.74ac, 21-0104 (15.98ac) 07-8134 (3.98ac) 15-4711 (2.44ac). 07-8191 (11.4ac and 07-8233 13.26ac) ALL GENERALLY LOCATED NEAR 3455 NORTH HIGHWAY 40 IN THE AGRICULTURE 20 (A-20 Zone)

Staff:

Nathan Rosvall, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the applicant Daniel Simmons, is requesting an Agriculture Protection Area for properties located in the Agriculture 20 (A-20) Zone of Wasatch County. There are a total of nine properties with 148.56 acres. The application is made pursuant to the recently adopted County Code Section 16.29 Agricultural Protection Area which code is allowed by the State Code Section 17.41.201. 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 Wasatch County Code Section 16.29.04 requires the following noticing methods. Sending notice to all property owners within 1,000 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. There are no proposed limits.

Nathan Rosvall then 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 148.56 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 hay production, livestock/animal husbandry, grazing orchard/garden, aquiculture, livestock training areas, barns and farm instrument storage, corrals, and agricultural land bank.
5. The proposed area includes one existing single family structure and one shed located on parcel 20-3320. There are four structures located on parcel 07-7649.
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 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.
8. There are three properties that will be affected by Wasatch County Code Section 16.29.02 (F)(2) which requires a 100' offset from the centerline of the road. These properties include 20-3320, 20-3321 and 07-7649. These property descriptions for the Agriculture Protection Area will also read: Less and accepting 100' offset from US Highway 40, or language as needed to record the Agriculture Protection Area but not the portion of any property that is within 100' from the centerline of US Highway 40.
9. 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.
10. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
11. No objections have been received in response to the notices sent or signs posted on the property.
12. If the agricultural protection area is approved, the approval will be in effect until its 20th calendar review year.

Nathan Rosvall indicated that 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.

As a modification of the proposal and recommendation to the County Council staff recommends that according to Section 16.29.02(F) land not eligible to be included in the Agriculture Protection Area based on their conditions as of November 1, 2022 and this land includes:

1. Land that is within 100 feet of the centerline of SR-113, 2400 South, 1200 South, Southfield Road, Midway Lane US 40, River Road SR-32, 189, Main Canyon Road the portion of the Bypass Alignment as shown on Wasatch County General Plan Map 32 which is south of SR-113 or Road

10 Wallsburg second access as shown on the Wasatch County General Plan Map 21. Dustin Grabau replied to clarify that one and two are all of the properties, excuse me the code exempts from this and your specific recommendations are the last paragraph of how it applied to these properties.

There are three properties, 07-7649, 20-3320 and 20-3321 that will be affected by an offset of 100' due to US Highway 40, Section 16.29.02(F) (1) (2) Wasatch County Code. These property descriptions for the Agriculture Protection Area will also read, Less and accepting 100' offset from centerline of US Highway 40, or language as needed to record the Agriculture Protection Area but not the portion of any property that is within 100' from the centerline of US Highway 40.

Applicant:

Kristy Judd, for the applicant, they both wanted to say that they appreciated the help in bringing this Agricultural Protection Area to the North Fields.

Public Comment

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

Tracy Taylor, Heber City resident, just want to thank you again for this Agricultural Protection Area and I support this property one hundred percent to be put into the area thanks.

Margaret Keate asked if this protects from imminent domain from UDOT. Chair Spencer Park replied that we don't know. We think so but we don't know. Wouldn't an open space conservancy be more powerful than an ordinance that may or may not be put into place? Chair Spencer Park replied that is a better question for somebody that is smarter than I. Dustin Grabau replied no. It is actually less protection. Margaret Deate replied can it be interpreted as spot zoning if you have just few pieces like that. Chair Spencer Park replied that this isn't spot zoning. This is independent and chosen by the property owners. Dustin Grabau replied and state code authorizes this type of protection. Margaret Keate asked it is zoned agricultural right now correct? Chair Spencer Park replied yes. Margaret Keate what is the blue stuff? Dustin Grabau replied it is additional protections for agricultural users being granted an Agricultural Protection Area and helps like for lawsuits and land use changes on the property against their consent for the next twenty years. Margaret Keate asked does it go from person to person, owner to owner so it is not in perpetuity but agricultural uses. Dustin Grabau replied that he doesn't know if it is transferred or not. Councilman Steve Farrell replied that it goes with the land but the owner has the ability to take it off at any time. Chair Spencer Park replied all it does is help the property owner and they come in and undue it at any point. Councilman Luke Searle replied that I think I am in favor of this even though it goes through those routes because I am not in favor of the northern route part there but did they give their okay. Councilman Kendall Crittenden replied that they didn't provide a map like they did with the other one. Nathan Rosvall replied that there was no objection to this one from UDOT.

Chair Spencer Park closed the public comment period.

Motion

Councilman Luke Searle made a motion that we approve this Agricultural Protection Area with the modifications and findings and conditions. 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 Nelson

NAY: None.

TRIPLE V RANCH, LCC, REQUEST THE CREATION OF AN AGRICULTURAL PROTECTION AREA OF 15 ACRES ENCOMPASSING PARCEL 07-4416 LOCATED IN THE NORTH FIELDS AREA AT 1465 NORTH 1750 WEST IN THE AGRICULTURE 20 (A-20) ZONE.

Staff:

Nathan Rosvall, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the applicant Triple V. Ranch L.L.C., is requesting an Agriculture Protection Area for property located in the Agriculture A-20 zone at 1465 North and 1750 West in the North Fields. The property contains 15 acres. The proposed Agriculture Protection Area includes an agricultural shed for storage of farm equipment, fence building, farm tools and other miscellaneous tools in the Northeast corner of the parcel. The application is made pursuant to the recently adopted County Code 16.29 Agricultural Protection Area which code is allowed by the State Code 17-41-201. 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. Wasatch County Code Section 16.29.04 requires the following noticing methods, sending notice to all property owners within 1,000 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. I want to point out that there is a little blue arrow on the aerial map and that just shows that is where the Westside ditch runs through the property. This property is a lot of record of Wasatch County. The Planning Commission and Soil Conservancy District indicated that they both recommend to the Wasatch County Council approval of this application.

Councilman Mark Nelson asked if the roads ever will be asphalted: Councilman Steve Farrell replied that 1600 West and that is the only County road plus 600 West are the only County roads that we have out there. The rest of them are easements. They are prescriptive easements.

Nathan Rosvall then 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 property is located in the Agricultural A-20 Zone off 1465 North and 1750 West.
3. The parcel is 15 acres.
4. The property is a legal nonconforming parcel.
5. The current use of the property proposed for protection status is for the grazing of cattle and other animals.
6. The proposed area includes one existing agricultural storage shed and barn in the northeast of the parcel.
7. The property owners plan on building a single-family dwelling and a barn in the northerly portion of the property.
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. After the home and barn are built, the property owners intend to maintain the same farming operations as is currently being utilized on the property.
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. 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, and this soil is common for meadow hay and pasture.
12. Surrounding properties are zoned A-20 and are used for similar agricultural pursuits.
13. No objections have been received in response to the notices sent or signs posted on the property.
14. If the Agricultural Protection Area is approved, the approval will be in effect until its 20th calendar review year.
15. The Westside ditch is located on the southeastern corner of the parcel.

Proposed Modification:

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/ditch to ensure downstream flows.

Applicant:

Sam Van Leeuwen, the applicant, addressed the Wasatch County Council and indicated that he

doesn't have any comments for all of you just express the same things that have been echoed so far and grateful for your work on this in protecting these fields, so we appreciate it very much.

Public Comment

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

Marilyn Crittenden a former Wasatch County Councilwoman addressed the Council and indicated that she is glad that this is being done to protect the farmers and the North Fields in Wasatch County.

Tracy Taylor, Heber City resident, addressed the Wasatch County Council and indicated that she is a member of the Wasatch County Open Lands Board I strongly approve this parcel of land, thank you.

Motion:

Councilman Karl McMillan indicated that if there is no other comment I would make a motion to accept Triple V. Ranches request for the Agricultural Protection Area of 15 acres encompassing the parcel 07-4416 located in the North Fields area at 1465 North 1750 West in the Agriculture 20 (A20) Zone with all the findings, conditions and modification provided by the staff. Councilman Kendall Crittenden 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.

CORT LOCKWOOD, REPRESENTING TREVOR MILTON, REQUESTS A TEXT AMENDMENT PROPOSED ORDINANCE 23-06 TO WASATCH COUNTY CODE SECTION 16.05.02 IN ORDER TO ADD PRIVATE HELIPADS AS A PERMITTED ACCESSORY USE IN THE PRESERVATION P-160 ZONE.

Chair Spencer Park indicated that for information purposes Item No. 4 was pulled by the applicant so there is no modifications that would have to come back from what I understand.

Chair Spencer Park indicated that Councilman Mark Nelson has asked for a closed session

regarding personnel.

Councilman Mark Nelson made a motion that we leave our regular agenda and go into a closed session to consider personnel. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE; Kendall Crittenden

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

Councilman Mark Nelson made a motion to come out of Closed Session. Councilman Kendall Crittenden 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

Councilman Steve Farrell made a motion to adjourn. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 9:00 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

