

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, January 19, 2022**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey; Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Bob Lindley, Chad Poulsen, and Austin Wood. Also present were City Planner Jay Nielson and City Manager Scott Wells. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on January 14, 2022. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:	Glenn Ames	Pat Burns	Paul Clark
	Shelayne Clark	Sydney Dahle	Joseph Hammer
	Mamie Hammer	Clay Isom	Deputy E. Meza
	Devin Neves	Dixie Neves	Kurt Petersen
	Megan Petersen	Dominic Poll	Michael W. Porter
	Nate Reeve	Art Smith	Gina Thompson
	Mark Thompson	Linda Wursten	Dana Wylie

Opening Ceremony: Kaylene Ames

The Council reviewed the agenda. **Austin Wood made a motion, seconded by Chad Poulsen, to approve the agenda as presented.**

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

The Council reviewed the minutes of the January 05, 2022 regular City Council meeting. **Kaylene Ames made a motion, seconded by Austin Wood, to approve the minutes of the January 05, 2022 regular City Council meeting.**

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes are not in numerical order from City Council meeting to City Council meeting as the city uses the same checking account for payroll and accounts payable. After review and discussion, **Denise Lindsay made a motion, seconded by Chad Poulsen, to approve the City's account payables bills for payment, represented by check number 26641 through 26677.**

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Bob Lindley	
Denise Lindsay	
Chad Poulsen	
Austin Wood	

At 6:11 p.m., Mayor Thomas G. Bailey opened the meeting for citizen input. Joseph Hammer, Wellsville City Youth Council Mayor, reported fundraising \$111.55 for the EMS department by recycling aluminum cans. Mr. Hammer will deliver the funds to the City Office. The Council congratulated and thanked Mr. Hammer and the Youth Council for their efforts.

At 6:13 p.m., citizen input was closed.

Beginning at 6:12 p.m., the City Council shall receive public input, then along with the recommendation from the Planning Commission consider for possible approval the annexation petition filed by Daniel McClendon for 20.74-acres to be annexed into the corporate limits of Wellsville City; property located at approximately 600 East 200 South, Tax Id. #10-017-0015, #10-017-0001. City Manager Scott Wells presented the annexation petition. He stated the annexation agreement is being finalized. Specifics are being written out to be understood by both parties. These specifics include water, sewer, and the road rights-of-way. Mr. Wells reported that Mr. McClendon plans to develop no more than three homes upon this property. At 6:14 p.m., Mayor Thomas G. Bailey opened the public hearing. There was no public input. At 6:15 p.m., **Austin Wood made a motion, seconded by Bob Lindley, to close the public hearing.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mr. Wells stated City Attorney Miles Jensen will redline the agreement which will be presented to Mr. McClendon. Mr. Wells indicated the annexation should not be approved until the annexation agreement has been signed. Chad Poulsen stated the Planning Commission did not have any concerns and recommended approval of the annexation petition. Bob Lindley addressed Mr. McClendon purchasing 62.22-acre feet of water from Wellsville City for \$4,500.00 an acre foot. Mr. Wells replied the \$4,500.00 an acre foot is due upon development, not upon annexation. He also discussed options for pressurizing secondary water from the canal. He stressed matching pressurized systems within the City to prevent future complexities. After discussion, **Bob Lindley made a motion, seconded by Chad Poulsen to continue the discussion regarding the possible approval of the annexation petition filed by Daniel McClendon for 20.74-acres to be annexed into the corporate limits of Wellsville City; property located at approximately 600 East 200 South, Tax Id. #10-017-0015, #10-017-0001.**

YEA 5

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mayor Thomas G. Bailey then opened the discussion regarding the preliminary plan for the Bridle Path Estates Subdivision consisting of 131 lots total, located at approximately 7625 South Highway 89/91, Tax Id. #10-053-0006, #10-053-0010, #10-050-0006, #10-062-0007, #10-053-0013. Nate Reeve, principle engineer, planner and owner of Reeve & Associates, Inc. presented the preliminary plan. Mr. Reeve referenced the **Suggested Conditions of Approval, Continuation of Request for Preliminary Approval 19 Jan 2022** written by City Planner Jay Nielson (see Attachment 1, **Suggested Conditions of Approval** with revisions as suggested by the City Council in this meeting.) Mr. Reeve has reviewed those conditions and stated he did not foresee any issues for preliminary approval. City Manager Scott Wells reminded the Council they could expand upon these conditions as they felt necessary. Mayor Bailey addressed **A. Access and Underpass 3.** *"The underpass will be sized for single lane traffic with safety circulation lights."* Mayor Bailey prefers a dual lane underpass. Mr. Reeve stated they would like the flexibility to have a single lane underpass with circulation lights if it is deemed adequate by UDOT. The Council agreed with Mayor Bailey's suggestion to have an underpass sized for dual lane traffic. Mayor Bailey moved onto **B. Culinary Water Use.** Mr. Reeve stated they are proposing a 500,000-gallon holding tank for culinary water, landscaping water, and minimal pasture watering. Bob Lindley asked how many lots are designated as pasture lots. Mr. Reeve answered approximately 35 lots. Mr. Reeve recommended allowing pasture

watering when Leatham Springs flows above a predetermined threshold. He suggested a threshold of 750,000-850,000 gallons per month. Separate metering and isolation valves can be used to regulate water consumption for pastures and valves can be closed independent of the household use of water. State and City mandates will be followed during drought years. Chad Poulsen pointed out that current Wellsville residents are not allowed to use culinary water for pasture irrigation. He stressed that allowing culinary water irrigation at one location will result in expectations for culinary water irrigation throughout the rest of the City. Mr. Reeve said he believes this is a unique situation. He reminded the Council of the 1990 and 1993 agreement the City made to provide water for this property. He stated overall water usage with pasture irrigation will be less than what was used at the former golf course. Mr. Reeve also pointed out there is no option for secondary irrigation at this property whereas lower Wellsville has secondary water options. Mr. Poulsen responded that not all Wellsville residents have access to secondary water therefore this property is *not* unique in that regard. Austin Wood asked if the City is legally obligated to provide secondary water for this property. The Council was uncertain of the answer. City Planner Jay Nielson stated irrigation needs of lawns, golf courses and pastures is an equal one-inch of water per week. Mr. Poulsen disagreed and stated more water is required to water pasture. Mr. Wells suggested following up with USU on pasture irrigation requirements. Mr. Reeve stated they do not want to develop a subdivision which begs for water during drought years. They would like the option to water pasture during plentiful water years above a determined threshold. He pointed out that Leatham Springs was flowing at 2 million gallons per month in 2019. He restated that they would like the option to utilize surplus water. Mr. Wells noted there was too little flow from the springs to have allowed pasture irrigation over the last year. Mr. Poulsen added last year's flow was inadequate for existing homes let alone an additional 131 homes. Kaylene Ames pointed out the Sherwood Hills golf course has not been watered for several years. Mr. Reeve asked for clarification on the properties current crop yield. Mayor Bailey stated the dry farmed property typically yields two crops (without irrigation). Mr. Reeve said he believes there is enough ground water to prevent the pastures turning into dustbowls during years without irrigation with limited livestock grazing. Mr. Poulsen responded that limiting grazing livestock will be key on dry years. Mr. Reeve said they do have a horse expert on the development team to apprise them of livestock, pasturing, and CC&Rs. Mr. Wood seconded that allowing culinary water irrigation at this property will result in complications for the rest of the City. Mr. Poulsen suggested treatment of wastewater for irrigation. Mr. Wells, Mr. Reeve, and Mr. Nielson asserted that would not be allowed or prudent within the source protection zone. Mr. Wells reported pressurizing secondary irrigation within the City will allow for additional secondary water rights in lower Wellsville. Pressurization may take place within two-years from now. Mayor Bailey believes the water system for this proposed development should be owned and operated by the City. The Council affirmed. Ms. Ames stated that the State has been asking Utahns for years to change their lifestyles in order to conserve and preserve water. Mr. Reeve replied that **B. Culinary Water Use 3.** *"Outside landscape watering not to exceed ¼ acre per lot"* is a reduction from the originally proposed ½ acre per lot in an effort to decrease water consumption. Mr. Poulsen declared culinary water is too valuable to irrigate with. He said Wellsville City will continue to grow and will need that water for culinary use. Mr. Nielson stated he understood the ¼ acre outside landscape watering included the house and driveway which further decreased the irrigated area. Mr. Reeve said he had envisioned the opposite, a ¼ acre worth of *landscaping* to be watered. Denise Lindsay stated she is hesitant to make a decision on an irrigation threshold until Wellsville City has an additional well. She noted the City has placed a six-month moratorium disallowing building above 4650-feet elevation. The moratorium is evidence that the City does not currently have enough water. Ms. Ames seconded this and stated a final plan cannot be approved during the moratorium or until a new water system is in place to provide water. Mr. Reeve noted they are aware of the moratorium but asked to keep the process moving. Mr. Nielson stated the carrying capacity for horses needs to be researched and determined then an ordinance needs to be drafted to enforce the established limitations. The Council determined culinary water for pasture irrigation will not be permitted, subject to further research and agreement by the city. Separate metering and isolation valves shall be used if it is determined that watering pastures is permitted. When water is restricted, valves can be closed independent of the household use of water.

Mr. Reeve read **C. Culinary Water Protection 8.** *"Establish a Drinking Water Monitoring Committee to be the eyes and ears for what is happening at the site. This committee will keep the City and the HOA informed about water protection."* He stated there would be annual reporting to the Council on water use, water quality, and any infractions. Mayor Bailey suggested a City Councilmember sit upon the proposed

HOA board. He stressed reiterating to Bridle Path Estates residents, over the years, of the seriousness of Living in the source protection area. Mr. Nielson stated Best Management Practices (BMPs) are key to protecting the water source. Mr. Wood asked how the Drinking Water Monitoring Committee would obtain necessary data. Mr. Wells responded that Bear River Health Dept. tests multiple locations within Wellsville City once a month for chlorine residual. Bear River Health sends these test results to the State. City staff also does chlorine residual testing; sixteen are required by the State per month but the City does twenty-five per month. Bear River Health and Wellsville City's results are compared by the State. A Biochemical Oxygen Demand (BOD) test is done annually. Iron levels are also tested. Testing locations can be added to accommodate for the proposed development. Mr. Wells said electronic SCADA systems are used to monitor tank levels. Mr. Nielson suggested establishing ground and surface water monitoring sites and a plan to manage and sustain a monitoring system. He hopes this would act as an early warning system. Ms. Lindsay asked where the proposed 500,000-gallon water tank would be located. Mr. Reeve said it would be next to the preexisting 190,000-gallon tank at the highest elevation of the property. Mr. Reeve stated the circumference of the new tank won't be much larger than the existing tank, but the new tank will be deeper to limit the visual impact.

Mayor Bailey moved the discussion to fencing of Leatham Spring. Two-rail fencing has been suggested for the property boundary to inhibit horses, wheeled vehicles, and humans. Mayor Bailey stated wildlife will still be able to go over the two-rail fence to access the wildlife migration underpass. Fencing around the collection area, reservoir, and pumphouse would need to be more secure to prevent intentional or accidental contamination. Wildlife exiting structures shall be built to allow wildlife to leave the site. Mr. Reeve is pleased with the idea of a two-rail fence and said it will be less institutional-looking in such a pristine area. Mr. Wells noted the fencing designs are yet to be determined.

D. Wildlife Migration and Use of the Tunnel reads, *"The DWR has expressed concern about the private use of the existing wildlife migration underpass near the spring. If the DWR does not permit the use of the tunnel by Bridle Path residents, then access will be limited to wildlife. The outcome of this permit will be determined by the DWR."* Mr. Reeve stated the trail system will be rerouted if human access will not be allowed.

E. Dedication of Water Shares. (11-6-1) reads, *"This requirement is mentioned here because the developer should be made aware of the city requirement to dedicate water shares as a condition of subdivision approval. There is a minimum of three (3) acre feet of water required per acre of land proposed for subdivision and/or development, which shall include open space and all other real property included in the proposed subdivision and/or development. An exception may be granted to allow for the payment of fees in lieu of, or the waiver, in whole or in part, of the transfer/dedication of water system shares, water rights and/or sources. This requirement, and any other deemed relevant by the city council, will be determined by the city council."*

"This is not an issue for Preliminary approval. But, must be finalized with both parties prior to final subdivision plat approval. There are no conditions proposed for preliminary approval."

Mr. Reeve was unaware of the City requirement to dedicate water shares as a condition of subdivision approval. He believes the 1994 and 1998 water agreements between Sherwood Hills and Wellsville City does *not* require water shares to be dedicated. He stated the agreements say the City will sell water in perpetuity to this property *without* the dedication of shares. Mr. Wells stated the 1999 agreement is the most recent and the 1994 agreement is no longer valid. He believes the dedication of water shares *does* apply to this property. Mr. Reeve noted the previous Sherwood Hills golf course used 8.1 million gallons of water per month. He expects the proposed subdivision will use dramatically less water. He asked if the City had the water rights at that time to service 8.1 million gallons per month. Mayor Bailey stated City water rights were taken to court in 1983 with the Lindley family. At that time, it was deemed the City owns all of the spring water with the exception of 4.2% which is owned by the Lindley's. Mayor Bailey declared any legal disagreement about the code requirements or the provision of the earlier agreements with Sherwood Hills concerning water will need to be interpreted by the City Attorney.

Mr. Nielson then reviewed his recommendations in the **Proposed Short and Long-term Actions to Protect the Drinking Water Source at Leatham Springs, Wellsville UT**. Mayor Bailey noted the value of this document and ask that it be included for future record (see Attachment 1). Mr. Reeve thanked Mr.

Nielson for compiling this document and said it will be incorporated into the CC&Rs Water Source Protection Action Plan.

Mayor Bailey declared all of these conditions would need to be met by the developers prior to final approval. He added the sewer line agreement, emergency vehicle exit, and a new well also need to be addressed before the final plat. Mr. Nielson stated Bridle Path Estates Subdivision would also need to partner with the addiction recovery center at the former Sherwood Hills hotel to connect sewer, etc. The recovery center will not remain unaffected. Ms. Lindsay asked if Mr. Reeve has met with the recovery center administration. Mr. Reeve answered that he had and said their cooperative efforts are ongoing. Mr. Wood asked if any legal findings for denial had been discovered. Mr. Nielson answered that he had not but suggested continuing the discussion if the Council was still uncertain. However, he pointed out the discussion cannot be continued forever. He suggested working these things out and adding any additional conditions the Council saw fit. Mayor Bailey noted the development is still far from meeting final approval and every condition will need to be met. Another public hearing will be held at the final level. Following discussion, **Austin Wood made a motion, seconded by Bob Lindley, to approve the preliminary plan for the Bridle Path Estates Subdivision consisting of 131 lots total, located at approximately 7625 South Highway 89/91, Tax Id. #10-053-0006, #10-053-0010, #10-050-0006, #10-062-0007, #10-053-0013 upon the conditions that all previously agreed to conditions are met and addressed prior to final approval, no pasture watering shall be included pending further study (which can be reconsidered in the future), periodic water monitoring shall take place at culinary and ground water sources. Mr. Lindley seconded with the understanding that all these conditions must be met prior to final approval.**

YEA 3

Bob Lindley
Denise Lindsay
Austin Wood

NAY 2

Kaylene Ames
Chad Poulsen

Ms. Lindsay followed up with a question for Mr. Reeve. She asked what would happen if development stage one was completed and Leatham Springs suddenly dried up. Would he continue onto phase two, three, and four? Ms. Lindsay stated a similar situation happened in Cache Valley. Mr. Reeve stated if Leatham Springs dried up, their only source of water, they would have to go after another source of water which would be highly expensive. He would expect water would have to be pumped up the canyon from the City's future well. Mr. Reeve said he has experience with springs which produce 20,000-50,000 gallons a day of water. This is his first experience with a spring producing such a high volume of water. He stated he wants to do everything they can do to protect that source. He noted historical data on the spring is very beneficial. Mayor Bailey asked Mr. Reeve to think about what his plan would be if the sewer system backs up into housing at this property. Resident Art Smith asked Mayor Bailey if Wellsville citizens will have access to review data on the development prior to the final meeting. He asked if a decision on sidewalks had been made. A decision has not been made yet. Mayor Bailey stated public records are available to the public. Mr. Nielson suggested posting the submission on the City website to allow access to everyone.

The City Council discussed assignments for the Mayor and City Council for 2022. The following are the proposed 2022 assignments for City Council:

Mayor Thomas G. Bailey: Fire Department, Irrigation, Sewer, Sunday Night Meeting, Parade.

Kaylene Ames: Founders' Day Chairperson, Wellsville Scholarship Pageant, Beautification Committee, City Float.

Bob Lindley: Parks & Recreation, Cemetery, Environmental, Storm Water.

Denise Lindsay: Sidewalks, Webpage, Cache County City Booth, Youth Council.

Chad Poulsen: Planning & Zoning, Law Enforcement, Animal Control.

Austin Wood: Emergency Plan & CERT Training, Culinary Water, First Responders, Roads.

Denise Lindsay made a motion, seconded by Chad Poulsen, to accept the City Council assignments for 2022.

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The following are the proposed 2022 Founders' Day assignments for the City Council:

Mayor Thomas G. Bailey: Parade, Rodeo, Patriotic Program, Draft Horse Pull/Team Roping, Rodeo Flag Ceremony, Mt. Sterling Stampede.

Kaylene Ames: Chairperson, Community Breakfast, Amusement Rides, Music in the Park.

Bob Lindley: Tennis Tournament, Golf Tournament, Softball Games.

Denise Lindsay: Quilt Drawing, Dutch Oven Meal, Family Dance.

Chad Poulsen: Founders' Day Flag Ceremony, Watermelon Bust, Fun Run.

Austin Wood: Sham Battle, Vendor Booths, The Cannon.

History Committee: Cemetery Tour, Historical Speaker.

The City Council discussed for possible approval the Mayor Pro Tempore 2022 for Wellsville City. **Austin Wood made a motion, seconded by Kaylene Ames, that Chad Poulsen would serve as the Mayor Pro Tempore 2022 for Wellsville City.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

The City Council discussed for possible approval the successors for the Mayor 2022. After discussion, **Chad Poulsen made a motion, seconded by Bob Lindley, that Chad Poulsen would serve as the successor, Kaylene Ames would serve as the second successor, and Austin Wood as the third successor.**

YEA 5

NAY 0

Kaylene Ames
Bob Lindley
Denise Lindsay
Chad Poulsen
Austin Wood

City Manager Scott Wells conducted the Ethics Laws and Nepotism Training for Municipal Officials Open Meeting Training 2022. The goal of this training is to be able to identify unethical situations that are a violation of Utah law. The training addressed identifying and responding to applicable ethics laws. The training also included conflicts of interest, penalties, and nepotism.

Department Reports:

Denise Lindsay-

1) No business or concerns at this time.

Chad Poulsen-

1) No business or concerns at this time.

Mayor Thomas G. Bailey-

1) No business or concerns at this time.

Kaylene Ames-

1) No business or concerns at this time.

Bob Lindley-

1) Soccer registration has begun.

2) Baseball meetings soon to begin.

Austin Wood-

1) No business or concerns at this time.

City Manager/Recorder's Report:

1) No business or concerns at this time.

At 8:03 p.m., **Chad Poulsen made a motion, seconded by Bob Lindley, to adjourn the meeting.**

YEA 5

Kaylene Ames

Bob Lindley

Denise Lindsay

Chad Poulsen

Austin Wood

NAY 0



Thomas G. Bailey
Mayor



Scott Wells
City Manager

Conditions of Approval for the Preliminary Plan of Bridle Path Estates

As Adopted by the City Council 19 Jan 2022

The following conditions of approval are suggested to the City Council attempting to help find acceptable solutions for the major issues of this project and this level of approval. These conditions should be considered a starting point for productive discussions at the up-coming council meeting. The Council should modify as needful. These conditions were discussed in general terms in a meeting at the City Office last Thursday, January 13th. The meeting was requested by the Bridle Path Team. Its purpose was to try to find solutions for the concerns facing the city on this subject. The discussion centered on the major issues that are still pending. Possible solutions to cover those issues were discussed in the form of conditions for approval of the Preliminary Plan. Attendees at the meeting were Major Bailey, Scott Wells, Denise Lindsay, Attorney Miles Jenson, Chris Brinholt, Jay Nielson, Nate Reeve, and 3 others of the senior Bridle Path development team. It was determined that the draft conditions of approval should be forwarded to the City Council for consideration at the Wednesday January 19th Council Meeting.

These conditions should be used to direct the work of the developer in his preparation for final submission. Stating these conditions, now, allows the developer to find solutions prior to the final submission. The draft conditions are presented as follows:

A. Access and Underpass

UDOT typically does not issue permits or even commit to transportation solutions, like this, until they have construction drawings in-hand. That is the way that they always operate. Unfortunately, that has caused heartburn for the developer and the city. With some pressure, they, uncharacteristically, provided a letter agreeing to median dividers, a below grade underpass and the proposed access points. The mayor, in this meeting, explained that the real concern is that UDOT could change their minds in the future and permit a solution unacceptable to the city. This is preventable because the city holds all authority to approve the final development plan. Those final development plans for the property would not be approved if there was not an access solution acceptable to the city. If the preliminary plan is approved with the following conditions, the possibility of UDOT and the developer operating independently would still be controlled by the city. Here are the suggested conditions:

1. The only acceptable solution for access on and off Highway 89/91 is a below grade under-crossing. Any proposed at grade or above grade access will jeopardize final approvals for the private land.
2. Only one vehicular access point, for east and west properties, will be allowed on and off the highway. This access point will be as currently shown on the preliminary site plan. Additional limited/emergency access points will be allowed where they are shown on the same site plan.
3. The underpass will be sized for dual lane traffic.
4. The underpass and access roads will be designed to accommodate full size semi-tractor/trailer movement.

B. Culinary Water Use

Draft conditions for the use of city water for culinary and outside watering are as follows:

1. Storage and distribution system shall follow federal, state, and city standards and specifications
2. Water System shall be owned and operated by the city
3. Outside landscape watering not to exceed ¼ acre per lot.
4. Outside water for pastures will not be permitted, subject to further research and agreement by the city. Separate metering and isolation valves shall if it is determined that watering pastures is permitted. When water is restricted, valves can be closed independent of the household use of water.
5. No pasture watering will be allowed unless agreed to, in the future, by the City Engineer and the City Council. Pasture watering and pasture conditions shall be managed by the HOA to not exceed the daily water budget.

6. The city will determine when pasture watering must be terminated based on available water. The city will also determine the length of the water termination period. The City Engineer will establish the level at which water is limited on pastures, based on storage capacity, fire protection.

C. Culinary Water Protection

The critical need to protect the drinking water source at Leatham Springs is now and far into the future. It will take diligence and vigilance to keep the water clean. Attached are Proposed Actions to Protect the Drinking Water Source. In the Proposed ... Actions to Protect the Drinking Water Source, attached, there are 8 measures that should be implemented to protect the water. Doing this will provide the greatest measure of assurance that the water will be protected. The proposed requirements outlined in the document should also be integrated as conditions of approval along with those additional listed below. For Council convenience, a summary of those conditions are included here:

1. Acquire the best knowledge available about protecting water sources from human activities. Considerable information can be gathered from existing sources such as research and studies from the Utah Division of Water Quality and Utah State University Extension, and knowledge from other equestrian projects with similarities to Bridle Path Estates. This information shall be used to guide the conditions that follow.
2. Update the list of potential drinking water contaminants and specify how each may or may not be used on the site. Storage and disposal methods shall also be included for each.
3. Establish a site carrying capacity for horses based on the sensitive nature of the water recharge limitations of the project area.
4. Clear standards should be produced instructing residents and management what they can and cannot do with all potential contaminants including fertilizer, pesticides, and herbicides.
5. Establish ground water and surface water monitoring sites and a plan to manage and sustain a monitoring program.
6. Establish Best Management Practices (BMPs) to protect the drinking water source as required in the Drinking Water Source Protection Code 8-2. Specific BMPs shall be determined for the following entities that will use them:
 - a. Realtor and sales personnel
 - b. Project construction personnel
 - c. Homeowner's building contractors
 - d. Homeowners Association
 - e. Homeowners
7. Produce a program to monitor the surface activities that will occur on the site, now and throughout the future. This shall include construction observation, inspections, enforcement, and an emergency plan for accidental or intentional contamination.
8. Establish a Drinking Water Monitoring Committee to be the eyes and ears for what is happening at the site. This committee will keep the city and the HOA informed about water protection.

Fencing of the Spring

The City Engineer has repeatedly requested fencing to protect the spring site from existing intrusion and future activities of Bridle Path Estates and the public. The following are suggested conditions of approval concerning the fencing of the springs:

1. Fencing property boundaries. Fencing shall be installed to prevent large animals, wheeled vehicles, and humans from easy access within. The design and materials will be approved as part of the design review permit.
2. Fencing of the collection area, reservoir, and pumphouse. This must be a secure fence to prevent intentional or accidental contamination. It will also reduce access to equipment and facilities. Wildlife exiting structures shall be built to allow wildlife to leave the site. The design will be worked-out with the city and its design review committee.

CCRs Provide Best Long-term Measures for Protection of the Water Source

The CC&Rs will continue to evolve as more needs are determined. The initial review required about 20 major inclusions. Many of the BMPs must also be included as they are developed. Progress is being made to ensure that Water Source Protect is a major component of the final CC&Rs. No conditions proposed.

D. Wildlife Migration and Use of the Tunnel

The DWR has expressed concern about the private use of the existing wildlife migration underpass near the spring. If the DWR does not permit the use of the tunnel by Bridle Path resident, then access will be limited to wildlife. The outcome of this permit will be determined by the DWR. No conditions proposed.

E. Dedication of Water Shares. (11-6-1)

This requirement is mentioned here because the developer should be made aware of the city requirement to dedicate water shares as a condition of subdivision approval. There is a minimum of three (3) acre feet of water required per acre of land proposed for subdivision and/or development, which shall include open space and all other real property included in the proposed subdivision and/or development. An exception may be granted to allow for the payment of fees in lieu of, or the waiver, in whole or in part, of the transfer/dedication of water system shares, water rights and/or sources. This requirement, and any other deemed relevant by the city council, will be determined by the city council

This is not an issue for Preliminary approval. But, must be finalized with both parties prior to final subdivision plat approval. There are no conditions proposed for preliminary approval. Any legal disagreement about the code requirements or the provisions of the earlier agreements with Sherwood hills concerning water will be interpreted by the City Attorney.

Proposed Short and Long-term Actions to Protect the Drinking Water Source at Leatham Springs, Wellsville UT

Planner's Recommendations

January 2022

The success of protecting the source of drinking water from Leatham Springs will be largely determined by the long-term use of the site. Understanding the importance to not pollute must be communicated to individual property owners, constructors, and particularly the HOA. The legalistic text of the Drinking Water Source Protection ordinance will not be read or regularly used by the majority of homeowner's. Nor will it be used extensively by most administrators of the Homeowner's Association. Left as is, the HOA and most residents will never understand or care about the need to protect the water source that they are charged to protect. If contractors, the HOA, and homeowners are just handed the ordinance, in code form, very little will be done to enforce its provisions. Over time, protection of the water source will become minimized. This will cause the City of Wellsville and the Bear River Health Department to expend its limited resources to perform the bulk of the enforcement work. The Developer of Bridle Path Estates, it's HOA, and its homeowners must do its own self-enforcement. The HOA should regularly educate the residents to sincerely care about the condition of the water that they drink. Just telling them will not produce results unless repeated and regularly reinforced.

The best assurance that the drinking water source will be protected will occur by extensive use of Best Management Practices (BMPs), surface and groundwater monitoring, and education. These recommendations should be part of the final submission package for the project. Someone said at a recent meeting that they wanted a guarantee that Bridle Path Estates would not pollute the drinking water. Well, it is impossible to do that. The Utah Division of Water Quality even says the same. But this plan will be our best hope to guard against degrading the source of water.

By thoughtfully preparing comprehensive Best Management Practices and educational materials for water source protection there will be greater success in maintaining water quality. The Drinking Water Source Protection code (8-2-7-F) requires the development and use of BMPs. All tasks that are described below must have a responsible entity assigned to accomplish each task. The following suggestions are meant to prescribe a process for the long-term care of this site:

- 1. Retain the services of a professional in watershed protection** with knowledge and experience in the creation of watershed protection plans that can be applied to water source protection BMPs for Bridle Path Estates. The Utah Division of Water Quality (UDWQ) provides guidance and permitting for construction and long-term land use. The UDWQ also sets standards for best management practices (BMPs) to protect water sources. Since a large component of the project involves keeping of horses, specialists may be helpful to bring all aspects of watershed protection to bear on this project. Utah State University Extension Service can, also, be a reliable source for this expertise since they have produced extensive literature on Best Management Practices (BMPs) to protect water resources.
- 2. Identify all potential sources of pollutants that may be generated on this site.** This list will be helpful to the HOA and homeowners to know what to watch for and to educate the

residents about what they can and cannot do. At a minimum, the list of prohibited substances, in the code, should be updated and expanded. For example: battery acids are listed as an item, but nothing is said about storing batteries and proper disposal of old batteries.

3. **Establish an initial carrying capacity of the site for the keeping of horses.** Wellsville has no requirement for numbers of horses allowed in the RPD zone. For good reason, the city does not impose the animal regulations of other zones on such a sensitive site. The capacity of the land to keep horses must be determined based on the limitations of the site. Additional guidance may be found in research or studies performed by government agencies, institutions, and equine organizations.
4. **The use of fertilizers, pesticides, and herbicides** on this site also needs to be determined based the capacity of the soils, the geology of the subsurface, and other critical factors affecting the recharge area. Some scientific evidence must be used to determine what is permitted, limited, or prohibited. The results must be included into all Best Management Practices and CC&Rs.
5. **Develop groundwater and surface water monitoring sites** using requirements of the UDWQ to provide an early warning of ground water contamination to allow ample time for the permittee to assess the cause and source of the contamination and implement corrective actions.
6. **Produce Best Management Practices (BMPs)**
BMPs need to be developed for each entity or group involved in the construction and long-term use of the Bridle Path Estates site. The greatest protection of the water source will be realized through the use of BMPs that are specific to each entity and readily understandable by the individuals of each group. The BMPs must be written in layman's terms to ensure understanding. BMPs shall be reviewed and approved by the city.
The following BMPs are recommended:
 - a. **Sales Representatives Best Disclosure Practices (BDPs)**
All real estate sales representatives will disclose the need to protect the water source to all potential homeowners. Sales personnel must understand the sensitive nature of the site and communicate that information to potential buyers. A handout of homeowners BMPs for watershed protection should be disclosed to buyers and potential buyers.
 - b. **Site Construction BMPs**
These BMPs will be in the form of construction specifications, bid documents, and contracts implemented by those involved in construction of site facilities by the developer's contractors. These BMPs will be used by all contractors and managers that are:
 - 1) Preparing the site, including erosion and runoff protection
 - 2) grading and grubbing
 - 3) constructing roads
 - 4) building stormwater facilities
 - 5) constructing common facilities and structures
 - 6) installing underground utilities

- 7) landscaping
 - c. Home Construction BMPs
These BMPs are for the construction of individual homes and improvements on lots by contractors that are employed by the developer or by lot owners. The BMPs should be in the form of specifications included in bid documents and contracts that are reviewed, approved, inspected, and monitored by the HOA.
 - d. Homeowners Association (HOA) BMPs
The greatest threat of contamination of the water source will be the on-going activities of 131 individual homeowners doing whatever they want with their property. The HOA will be the absolute key to protecting the quality of the drinking water source. A workable and clearly understandable set of BMPs are critical for the day to day needs of the HOA. A simplified version of the water quality BMPs must be placed in the hands of officials of the HOA to allow quick and understandable requirements. The simplified BMPs should reference the full code.
 - e. Homeowners BMPs
Each homeowner must be given a summary of requirements that they can use to manage their own property. These BMPs should be written to motivate homeowners to do their part to protect their own source of drinking water.
- 7. Monitoring Program** (this is an expansion of Item 5)
- a. Construction observation and inspection. This work should be the primary duty of the HOA, the City Engineer, and the Building Inspector.
 - b. On-going site activities observation. Should be performed by the HOA on a regular basis. The city's code enforcement officer may also enter the site to observe as needed.
 - c. Ground water sampling system
 - d. Enforcement program. The HOA will have its own enforcement provisions in the CC&Rs. Additional enforcement may involve, the City of Wellsville, the Bear River Health Department, and the Utah Division of Water Quality.
 - e. Emergency procedures plan in case of accidental or intentional contamination. A plan shall be prepared that specifies how and to whom emergencies are reported and plans to mitigate the effects of the emergency. The plans will be largely dictated by federal, state, and local agencies, but the procedures must be in a form that is rapidly understood and readily available on site.
- 8. Site Drinking Water Monitoring Committee**
- Forming a coordinated committee who's purpose is to watch over the activities and practices of residents and contractors. Normally this would be the task of the HOA, but few HOAs are atop a critical water resource. These committees are proposed to cause a closer relationship with the project and the City. This will bring both groups together working towards a common goal to protect the water. There are several ways in which greater coordination could occur by using some or all of the approaches below:
- a. A Site Drinking Water Monitoring Committee composed of city officials, HOA board members, and citizens at large. This committee could be responsible for site monitoring,

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hearing complaints and concerns, initiating enforcement, and reporting to the City Council and the HOA.

- b. The Bridle Path Estates HOA could offer a position on the HOA Board available to a person designated by the Mayor. This person would provide liaison for the City Council.
- c. Annual or semi-annual reporting to the City Council by the HOA. Topics of discussion could be new construction, success stories, education efforts, areas of concern, enforcement action by the HOA or request enforcement by the City or Bear River Health Department.