

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 22, 2025**

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

PRESENT: Chair Karl McMillan
Councilman Mark Nelson
Councilman Erik Rowland
Councilwoman Colleen Bonner
Councilman Luke Searle
Councilman Spencer Park

EXCUSED: Councilman Kendall Crittenden

STAFF: Dustin Grabau, County Manager
Heber Lefgren, Assistant County Manager
Jerry Jones, from the Clerk's Office
Austin Corry, Assistant Wasatch County Planner
Doug Smith, the Wasatch County Planner
Wendy McKnight, from the Clerk's Office
Tierra Cooper, from the County Manager's Office
Rick Tatton, Court Reporter via zoom.
Scott Sweat, the Wasatch County Attorney

PRAYER/REMARKS: Councilman Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Spencer Park and repeated by everyone

Chair Karl McMillan called the meeting to order at 4:00 p.m. on Wednesday January 22, 2025, and indicated that all the Wasatch County Council Members are present except Councilman Kendall Crittenden being excused. 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, located at 25 North Main Heber City, Utah 84032. Chair Karl McMillan then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATIVE ITEMS FOR FUTURE MEETINGS

Chair Karl McMillan asked if there are any Administrative Items for future meetings and there were none.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Karl McMillan asked if there are any Legislative Items for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Karl McMillan asked if there was any public comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR JANUARY 8, 2025

Councilman Mark Nelson made a motion to approve the minutes for January 8, 2025, as they are written. Councilwoman Colleen Bonner seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan

AYE: Spencer Park

AYE: Luke Searle

AYE: Colleen Bonner

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

REGULAR SESSION

COUNCIL

DISCUSSION REGARDING GAVIN PETERSON

A representative from the Parks and Recreation Department indicated that a couple of months ago Gavin Peterson came into my office and asked if Parks and Recreation would be willing to sponsor a membership for him because he had just made National Wheelchair Basketball men's team which is quite an accomplishment. We felt that we should come before the Council and have Gavin come and ask for a little more in terms of sponsorship to show the County's support for his achievements.

Karen Petersen, Gavin's mother, addressed the Wasatch County Council and presented what has taken place with Gavin with his wheelchair basketball accomplishments. Gavin was born with spina bifida and experts indicated that he probably would not walk, fall, stand and was one of the worst cases that they had seen. He tried different adaptive sports early on and then found a real love for wheelchair basketball. Gavin has played on the national level. He practices for many hours. He was also selected to play on one of eighty teams in the country for National Wheelchair Basketball. This has changed his life and has given him social connections, which has been great.

Gavin Petersen then addressed the Council and told them of his various accomplishments and what it has done for him. The next trip will be to Columbia the end of March and if we are one of the two top teams there we go to Brazil in June. We are the only team in Utah, so we travel around four to five times per year out of state, so it gets expensive. A wheelchair to play is about \$7,000.00 at a minimum and then tournament travel expenses are \$7,000 to \$8,000 a year per team, and I am on two teams.

Karen Petersen indicated that we wanted to make and create some contacts with different organizations for some donations. Any contribution helps a lot to support Gavin's expenses as he goes to different places to participate and to help sponsor Gavin in his sport of wheelchair basketball.

Councilwoman Colleen Bonner indicated that there are businesses that are really good to support things such as this. Karen indicated that they have done that and in other places as well. Wasatch High School has worked with us.

Chair Karl McMillan indicated that this is a great accomplishment, and we are proud of those accomplishments. Councilman Luke Searle indicated that he was a student of his and was a great student and he has been able to maintain a high GPA which is really important as well as just doing some of these amazing things is really commendable. Karen Petersen indicated that we need to get more support and get his accomplishments out in public and get more sponsorships.

Councilman Mark Nelson asked how much do you need to get through what you want to do this year, how much money do you need to raise. Karen Petersen indicated just items that Gavin needs to buy such as special wheels for his wheelchair. Also travel expenses are expensive so anything helps to support Gavin. Councilman Mark Nelson indicated that if the Council decided to do something perhaps, we could have Joan Gould, from the Manager's Office help us or have tourism and economic development office help us there with bit of a fund-raising challenge if you will. Bring it to other entities to join us in this and throw it out there as a challenge.

The Council asked Dustin Grabau to look into the matter more and see what the County could do regarding this request. I could bring some suggestions back to the Council for our next meeting and then at a later meeting we could ratify what the County has suggested. We do have a county discretionary fund and looked at that prior to the meeting that could help. The total budget is \$77,000.00.

Councilwoman Colleen Bonner indicted we need to get this out to the public and share his story with others and we should really give him two thousand dollars and then come back after this event and tell us how you did.

Councilwoman Colleen Bonner made a motion that we give Gavin Petersen \$2,000.00 and that we get with Joan Gould and put it like Councilman Mark Nelson suggested as a fund raiser and a way to encourage other businesses and entities in the community to be a part of this and that would be a good way of getting out this story to the Chamber of Commerce as well and encourage them and maybe Joan could connect there and work something out that would be helpful in this matter and bring this matter back to the agenda meeting in February to be ratified. Also, Gavin you have to come back and tell us how things went. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

**AYE: Mark Nelson
AYE: Chair Karl McMillan
AYE: Spencer Park
AYE: Colleen Bonner
AYE: Luke Searle
AYE: Erik Rowland**

NAY: None.

DISCUSSION AND CONSIDERATION OF A HEBER CITY INITIATIVE TO RECOGNIZE THE DUP FACILITY LOCATED AT 188 SOUTH MAIN STREET.

Trina Cook, principal in Heber City Leadership Academy, and this year we have a project that we want to identify historic buildings and structures throughout the Heber area and put markers in front of them to share the historic significance of the buildings themselves. Our request is that the

County authorize the placement of one of these plaques in front of the old Wasatch County Library and the DUP facility. We just wanted to place the plaque in the city easement. We would like your approval to do that, and we haven't yet identified the location. This would be in the city easement. The Heber City Leadership Academy has thirty buildings that they have identified. The goal is to raise awareness of the community of these amazing historic homes or buildings that we have in our community. People don't know the history of this valley and the original pioneer settlers. We just wanted to make the Council aware of the project and would love the Council's participation in putting one of these plaques there. Our goal is that we have thirty that we are working on and writing all the information that will go on the plaques and have them designed by early March and three to four weeks for production and then to try and have these done and implemented by May and by June we do a ribbon cutting and have a day of touring and invite the public to come and tour these places with the plaques.

Councilman Spencer Park made a motion that we go ahead and approve the manager to work with the Heber City initiative to recognize the DUP facility. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan

AYE: Spencer Park

AYE: Colleen Bonner

AYE: Erik Rowland

AYE: Mark Nelson

AYE: Luke Searle

NAY: None.

DISCUSSION AND CONSIDERATION APPROVING A \$2,000 CONTRIBUTION TO THE WASATCH HIGH SCHOOL FFA SOIL CONSERVATION TEAM.

Councilman Luke Searle indicated this is just formally approving the \$2,000.00 contribution to the state winners of the FFA Soil Conservation team and now they are planning going to nationals and contributions have been made to things such as this and the motion was last meeting to do a \$2,000.00 contribution for that team to go to nationals and we want them to come back and tell us how things went.

Councilman Mark Nelson made a motion that we approve that as we discussed in the past. Chair Karl McMillan seconded the motion, and the motion carries with the following vote:

AYE: Mark Nelson

AYE: Chair Karl McMillan

AYE: Colleen Bonner

AYE: Erik Rowland

AYE: Luke Searle
AYE: Spencer Park

NAY: None.

BOE ADJUSTMENTS AND RECOMMENDATIONS FOR APPROVAL.

Jerry Jones, from the Clerk's Office, addressed the Wasatch County Council and indicated that we are seeking a motion for approval of several assessor adjustments, and these are outside of the Board of Equalization process. The first one is the home of Allen Nielson or property of Allen Nielson. The assessor's office discovered that the home that was built in 1973 had been removed or torn down in 2023 but however it was taxed this past year in 2024. They are seeking a value reduction for the removal of that, and it is equivalent to about \$2400.00. The next one is Eye Candy Properties L.L.C. and the reason for this change is the taxpayer had a roll back charge and had a one-acre home site for a cabin that was on the property, and this is up in the Lake Creek area. The state confirmed that because the cabin didn't have plumbing it could be considered an ag building and kept on the Green Belt. The owners request a refund for the paid roll back taxes and is equivalent to about \$374.00. The next one there are three areas on the Suburban Propane property out on the highway. One of those they had incorrectly put on a building on one of the parcels so the assessor office is removing that and putting it on a different parcel so there is just an error so there is no real change in value there. The third Suburban Propane is what they found here there wasn't a structure on the property like our first item today so just removing that and then they lowered the value of the property. The property itself was over assessed. They had it valued at \$661,000 and the assessor's office found that the value is \$251,000.00. This case we are seeking a refund of \$4,909. The summary of everything we are talking about a total refund back to these individuals of \$7,711.88.

Councilman Mark Nelson made a motion that we approve the adjustments as they have been recommended to us. Councilwoman Colleen Bonner seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Colleen Bonner
AYE: Luke Searle
AYE: Spencer Park

NAY: None.

DISCUSSION AND CONSIDERATION OF A RESOLUTION ADOPTING POLICY “165-002 MEMORIAL HILL”

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that this resolution would establish a policy that outlines the composition of the Memorial Hill Committee as well as setting the criteria and manners for adding names to the Memorial Hill and who would be eligible to have their names put on the Memorial Hill. This policy formalizes the Memorial Hill Committee that would be evaluating the applications and outlines a process. The process is if an eligible veteran who served as an active-duty member of the United States Army, Navy, Air Force, Space Force, Coast Guard or Marines and is or was a resident of Wasatch County.

The names which are qualified for addition to the memorial are subject to the following criteria.

1. Name to be added must be the name of an eligible veteran.
2. The eligible veteran must meet one of the following:
 - Resided in Wasatch County at the time they either joined the military or were deployed to a conflict.
 - Resided in Wasatch County following a service for a period of at least 10 years.
 - Resided in Wasatch County for any length of time and was awarded a purple heart.

The timeline and process are applications for requesting a name to be added to the memorial shall consist of the following:

1. Proof of Wasatch County residency of the eligible veteran.
2. Provide a copy of the form DD214 (Certificate of Release or Discharge from Active Duty).
3. Any other items deemed necessary by the Memorial Hill Committee to enable communication and clarity for the above items.
4. Applications should be submitted to the public works department.
5. No fee is required.
6. Names will be considered in January of each year to be added before Memorial Day that year.
7. Only names submitted and approved by a majority of the Memorial Hill Committee will be added to the memorial.

All decisions are final. Right now, people can get applications at the Public Works Department, and we would probably want to modify it to reflect this policy, assuming that you adopt something similar to this. We are hoping to use March 31 as the deadline for this year knowing that we would have then April to be able to add the names and make the improvements so that we can have the project done by Memorial Hill. Ultimately this is a policy that you can change at your discretion.

Councilman Spencer Park made a motion that we approve Policy 165-002 Memorial Hill as has been presented. Chair Karl McMillan seconded that motion, and the motion carries with the following vote:

**AYE: Mark Nelson
AYE: Erik Rowland**

AYE: Karl McMillan
AYE: Colleen Bonner
AYE: Spencer Park
AYE: Luke Searle

NAY: None.

DISCUSSION AND CONSIDERATION OF RESOLUTION #14-19 INCREASES TO THE TAX RELIEF INCOME LIMIT.

Councilman Luke Searle indicated that in 2024 Wasatch County considered a resolution to expand the income limit for people 66 and older to qualify for property tax relief. The Council provided directions to have a provision that would automatically repeal the relief if the state adopted a similar income limit. This revised version incorporates that feedback.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and then presented an updated version of the changes we have added to this as adjusted by the State of Utah to clarify that this is code that the State regularly changes and to connect this whereas that someone has to be 66 in the year in which they are applying for this benefit. This section 4 was amended to reflect the automatic repeal that was kind of the concern that seemed like from the previous time. What it reads now is that it would be automatically repealed if the Utah State Legislature adopted an income level in a legislative session that increases the statement that by at least 140 percent and maybe that needs to be amended to say 200 percent. We are using 150 percent of the limit and don't need to be 1.4 times bigger. The idea if they are close to the amount that we adopted the difference between 140 and 150 was if they would adopt something close to our limit then we would automatically repeal this in having accomplished the intent of having a more aggressive income exemption. This just simply said 40 percent it would be accurate. Councilman Erik Rowland asked if this would be considered the initial reading. Dustin Grabau replied that this being a resolution doesn't require that because we are not adding it to code.

Chair Karl McMillan made a motion to approve Resolution 24-19 for the tax relief income limit with the notation changing the 140 percent. Councilman Eric Rowland seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Luke Searle
AYE: Spencer Park
AYE: Colleen Bonner

NAY: None.

The information to the public regarding this policy with the information to the people and will be included in our tax notices that go out and the clerk/auditor's office is working on a number of efforts to make sure that people are aware of all the programs because this is only one of the programs that we are augmenting but there are others and a number of things that are being worked on in notifying the people regarding this policy. There will also be a prepared release for this one and also working at the senior citizen center regarding this policy.

DISCUSSION AND CONSIDERATION OF A RESOLUTION ADOPTING POLICY "155-003 PUBLIC COMMENT METHODOLOGY".

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that in 2024 Wasatch County considered proposals that would clarify the methodology used for public comments during County Council meetings. In the January work meeting the Council provided additional feedback. The attached policy is a draft that incorporates the most recent feedback. We have made changes to this section of the meeting may not exceed 15 minutes unless extended at the sole discretion of the chair. Also, a change that was made is that if the Chair chooses to open a regular agenda item for public input, it is subject to the following restrictions:

1. The Chair will set a maximum time allotted for public input.
2. Individual comments are limited to 2 minutes unless extended by the sole discretion of the Council Chair prior to the start of the public comment period.
3. Speakers shall provide their name and general location of their residence.
4. Public comments shall be limited to relevant topics, if a comment is deemed by the Council Chair to be primarily non-relevant topics, the individual may be required to limit the scope of or to end the comment.
5. The Council is not required to respond to statements or questions in a public comment.
6. Everyone is limited to one comment during the open public comment portion of the meeting and may not cede any of their time to extend another comment. Also, everyone is limited to only a single comment on each public hearing item, unless extended by the sole discretion of the Council Chair and may not cede any of their time to extend another comment.

There is a concern that we have not been very consistent on how we have applied some comments. Also, we have to be more consistent and what this would propose to do is at the beginning and again this is in the section of the open public comment section and the comment period would be set at 2 minutes long but could extend it today and because there are lots of people here can be 3 minutes. Also, there is noted the ability to extend the fifteen minutes to an additional length of time.

Councilman Erik Rowland indicated that he would prefer not to use the word extended but instead use the word modify that allows the time to go up or down. We just use the word modify in places where that word modify should be used.

Heber Lefgren, the Assistant Wasatch County Manager, indicated that this may just give a little more clarification to the Council or to the public as they come in and here is what it is and this is what you are limited to but doesn't really change the rules because under state law the Council could set these rules as they have been doing in the past without necessarily a written policy.

Chair Karl McMillan indicated that as the people are coming in on a matter and they are notified if you have comments, it will be two minutes and if it goes up to three and a half minutes won't be concerned but regarding large items, we need to limit them to some time. Councilwoman Colleen Bonner replied that some structure for time needs to be made for public comment.

Dustin Grabau indicated that there are a couple of additional changes. So this section here just clarified that people can't see their time to extend another comment and then talked about your desire to add basically the ability to have an invite open public comments for regular agenda item and this basically allows the Chair to do that and set a maximum time for that input and then these other items and these would need to be changed and this comment period refers to comment on a regular agenda item. In summary this mentions for the public's benefit this is really intended to help us formalize the standard practices we already have had and still want to facilitate public input but just do it in a way that is most productive and make sure that the public is aware that we still have a job that we need to do which is fair to everyone involved.

Councilman Luke Searle made a motion adopting the Policy 155-003 Public Comment Methodology as amended. Chair Karl McMillan seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan

AYE: Spencer Park

AYE: Erik Rowland

AYE: Colleen Bonner

AYE: Mark Nelson

AYE: Luke Searle

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Mark Nelson indicated that yesterday the Chamber lunch and Heber Mayor Franco and Midway Mayor Johnson spoke for a few minutes, then Garrett Petersen and then I very briefly spoke. The Chamber of Commerce is growing rapidly and a lot of businesses represented there.

Councilman Mark Nelson indicated that on Friday I am going to the capitol with members of the Tourism Board because it is Tourism Day, and we could also meet with Congressman Mike Kennedy if he is available. Councilman Luke Searle said he would see if what would work for the

Congressman.

Councilwoman Colleen Bonner indicated that he did go to the regional planning meeting the other day and was kind of interesting to get back in the swing of things and to see some of the things that are happening in the County as far as it goes.

Councilman Luke Searle indicated there is a new Congressman that is going to be representing the third congressional district, and his name is Mike Kennedy. A member of his staff reached out to me and made me mention that Thursday and Friday of next week that he is interested in meeting with elected officials and will be doing so at the State Capitol and I told him that I would be available to meet with him on Thursday January 30th at 3:30 p.m. And I would offer that invite to two of you if you are interested in coming. We also can have some multiple meetings with him because that is what he was interested in doing.

Councilman Luke Searle indicated that the library board met last week and had some good discussion of what was happening in the library.

Councilman Spencer Park says that he will go to the public lands meeting. We met with the committee to talk about the property taxes and went back and forth and met with the staff. Chair Karl McMillan was present and went ahead and reviewed different items that we can do to make sure the notification is better and also talked about some possible state laws that are coming up that might change things to keep an eye on but have agreed with the multiple deadlines and to reopen those property taxes but to try and do better in the future identifying and getting it out there. Dustin Grabau indicated that it is worth mentioning too that the assessor's office and Bob Adams our assessor is here and can speak to it in more detail but they have implemented a new system upon name change from the recorder's office there will be an automatic notification that people will get from our system to be able to make sure they are getting communications from us and they are aware of the need to come in and apply for those type of tax relief.

MANAGER'S REPORT

DISCUSSION AND DIRECTION FOR INITIAL STEPS TO UPDATE THE WASATCH COUNTY GENERAL PLAN.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that in the January 2025 Planning Commission meeting, staff presented some initial proposals for making amendments to the General Plan. Direction is sought in two categories public engagement and staff resource allocation. Joan Gould, the Wasatch County Communications Director, will present recommendations for the varying levels of public engagement as we undertake this project. Staff resource allocation affects how quickly the General Plan update will be made using shared staff time between the General Plan update and short-term planning issues, staff projects that the update will take 18 months. If additional staff resources are allocated to the General Plan update, that may

have an impact on the staff's capacity to address other short-term issues as they arise.

Dustin Grabau indicated that one of the things that we are hoping to get your feedback on some specifics relating to the time line and how you want to engage the public in it, such as surveys, open houses, open comment web forms and options that we could engage in and is this all of the above approach or a more targeted prioritized feedback that you would like to engage. Things have changed a little bit since the last time we did this and there are more opportunities to do things like online polling and comprehensive surveys that we are starting to look into for some of those solutions.

Joan Gould replied that in addition to that there are all the options and all of the ways that we can reach the audience but as far as this timeline goes these are things that we would be recommending for public engagement and building those into the timeline process. Also gathering data about our community and how it is changing.

Austin Corry, the Assistant Wasatch County Planner, indicated that just to highlight, maybe a little bit more clarifies again. The timeline that we have just shown you was presented to the Planning Commission. The question at hand is how much community engagement involves and how genuinely you want the community engagement. What we have set out on the timeline right there is more focused on when we are going to take a period where we are engaging with the public to listen and understand before we start with the nitty-gritty of writing a plan. Also, we are using too many resources in public engagement or what we are looking to get out. The focus on the timeline, it starts people getting involved as you start the engagement process. A lot of people don't even know what a General Plan is and what type of quality feedback you get. There are also focus groups involved which is similar to how the General Plan was done previously. Also, a public house that would focus on education, so the community understands what the process is and what is a General Plan.

Councilwoman Colleen Bonner felt more than one public hearing is necessary and the first one done on two locations and then the last one at the same location.

Dustin Grabau replied, "are you comfortable with this timeline as proposed. Chair Karl McMillan indicated that he doesn't have any problem with the proposed timeline. Councilman Luke Searle indicated we shouldn't take too much time on one subject such as consultants.

Austin Corry indicated that with the focus categories we want to make sure that we address the state code properly. We need to get input from a broader scope and reach a broader area. We need to leave the comment period open for as long as we possibly can.

Councilman Luke Searle indicated it is important that the community and the county itself feels like this is our plan and make sure that we feel that this is the way we want things to be moving forward and something that we will throw out in five years.

Councilman Erik Rowland replied that consistency might be more important that we establish a place where these public comment and open houses will be done and might alleviate confusion from trying to establish from both locations at multiple times. Also, we have a place where information is located so people can see what is taking place and establish a home base and again get more consistency.

Councilman Luke Searle replied that we need to have ways that we reach out to those people in different areas of Wasatch County and if that can be done that is great.

Austin Corry asked how much resources do you want to spend on developing this General Plan. If you were to hire an consultant to just write a General Plan for you that still requires at least a full time staff member but those are ranging anywhere from \$200,000 to \$250,000 and taking the same amount of time and the hiring a consultant is not necessarily a time savings but more to be able to grab large amount of staff resources, to gather data quicker and once the drafting is done be able to produce the documents quicker. The county could take a more reasonable approach to that and that is the path that we are marching down right now, and the Council can decide on different things and am happy to do whichever approach you want to take. We are just trying to make sure to put the best product forward.

Councilwoman Colleen Bonner indicated that we have a qualified staff to do that, and we have a good General Plan base that we are working off on and taking whatever we have or requiring everything and not starting from scratch.

Austin Corry indicated that we are basically going to have to re-write the whole General Plan. Right now, without making any land use policy changes county wide, without making any land use policy changes we have sufficient entitled units to accommodate the population to 2060. As a result of that information, we can now start talking about our land use policies and they should be focused more on what types of growth and how we want that to happen. There are some ideas that I have got but I want to make sure that we engage the community and get involved with the focus groups before I start suggesting things like goals and stuff to make sure that we are coming back to our core values and get into the community engagement stage to start doing that.

Councilwoman Colleen Bonner thanked the staff for all the work you have done at this stage.

Austin Corry indicated that this is my own personal desire for Wasatch County. The one thing that I want this plan to do that the other plans have not done and not that they didn't have intent and not saying that the plans were bad and what I want this plan to do is to have a consistent quicker review and understanding and adaptability if you will to where we are consistently looking at the General Plan and we don't find ourselves completing this and never touching it again in twenty years down the road and we probably ought to start re-writing this but instead it ought to have some fluidity that we are regularly reviewing it.

Councilman Mark Nelson asked who uses the General Plan. Austin Corry indicated that the entire

community could use the General Plan. Councilman Mark Nelson asked is this really an internal document for the Planning Commission and the County Manager's office. Austin Corry replied that it depends on how we chose to use it. Also, there are seven members right here who are policy makers and that General Plan should be the policy. As staff we should be using to make that we are following the policy but the real keepers of it are following the vision of what Council wants to see done and it addressed beyond land use and growth. It is what the Council want it to be. Councilman Mark Nelson replied that some of the citizens we hear from occasionally were here today I think one of them would ask us and this is why I am asking this. One of them would ask us how come we are going to spend x-hundred thousand dollars and x-thousand hours to update this and what is the value? Why are we doing that? Who is it going to help? How is it going to help the citizens of Wasatch County? We need to answer that. Austin Corry replied that my elevator speech on that would be if we appropriately instigate community engagement. This plan is the communities plan, and it is our vision of how we want to see growth management. Councilman Mark Nelson replied that doesn't anyone in the public or here take this wrong, how many people in Wasatch County knows what MIDA is? How can we involve the community and educate the community and that might be the most significant single factor in our county plan is MIDA and nobody even knows what it is.

Councilman Erik Rowland replied that the point that you just made Austin what would happen if the comment period came back with issues that are opposed or just not in the alignment with the majority of the Council and possibly lack of knowledge, whatever the case may be. Also, we solicited public comments and created focus groups and done all of this but in the end, we are the policy makers. The Council was elected for this purpose and how do we reconcile what could be a conflict with what the community wants and right now that is not going to work as to what we need to do as a community. Trying to find some resolution in my mind how does that navigate the waters for both sides.

Councilman Mark Nelson replied that both halves of this coin. A very high priority of the county is to preserve the North Fields and to get the bypass done and resolve our traffic problems, which are going to get much worse.

County Woman Colleen Bonner replied that they could work together if we do it correctly and will have to work together at some point and time. Councilman Mark Nelson replied that is where we are going to have to make some policy decisions which could be very unpopular. Councilwoman Colleen Bonner replied that at the end of the day we were elected to listen to the community, and you cannot disregard the value of public input. I also think there is a good idea of what a General Plan is and why we are doing this and what it accomplishes but at the end of the day we do have to set the policy and also listen to the public. Councilman Mark Nelson indicated that we are elected to represent the people and have to listen to them to do that, but the reason is that we can't have the four thousand people that are in your district all come here and talk but you have to speak for them. They elected you for you to do that. Councilwoman Colleen Bonner indicated that however we accomplish that the public input has great value.

Councilman Luke Searle indicated that we need to have other areas to be considered and like infrastructure in general and don't understand how the Council will be involved with this as it goes on.

Austin Corry indicated that the Planning Commission is one of the most understood practices in the State of Utah is the role and the powers and duties of a Planning Commission. The Planning Commission is the one responsible for making the ultimate recommendation on guiding the growth for the county with land use policy. You are in charge of setting the policy, but they are in charge of getting that in front of you and we have initiated that process with them, and we started it in November and that is when we started this data gathering and probably there will be a lot more engagement with the Planning Commission. Dustin Grabau replied that the Planning Commission can't adopt this without your participation so you will have the ultimate say in what happens here and just make sure to build into this process maybe some key thresholds where we check in with you to make sure that we are on the right track that you kind of agree where we are at.

Councilman Erik Rowland replied that we need to exercise and understand the why and to really understand if we are going to use this much time, money and resource do we have a proposal on how this would be valued and used that probably could be one of the first initial things that are established which could then set the tone for everything else that we do. How is this going to be implemented in the country and how will it be maintained and how is this a tool that will really be utilized and of value. That could be a significant path and could redefine norms, redefine traditions and do a lot of things that could be disruptive which has kind of set in its ways of how things are to be done. This will really require some re-thinking, and some changes and things are made and if that is the proposal then that price should be part of the plan for evolution and how it is defined.

Councilwoman Colleen Bonner that is why it is important to do it more often than every twenty years and look at it every three to five years. We need a good General Plan and if we don't have one you would just end up with what you pushed through to be accepted, and it is important that we have something of value, and this is our driving or directive and yet we are going to get places that this isn't working and important that we do this General Plan often.

Councilman Mark Nelson indicated that the plan was done twenty-five years ago how many acres of ground that were particularly developable whatever that number is and how has it changed. How many acres that are unbuilt and how many acres that are potentially able to be built on and haven't been built. That number has gone way down and that is one of those factors that really flavors the General Plan, and our environment is different than it was.

Austin Corry indicated that there is a 2001 plan and has a line that says we are not covering Jordanelle because that was done for another planning plan and that plan was created in 1997 and never looked at and that is a hole in Wasatch County right now and not saying that negatively but the land area we could really be influencing or guiding and that is pretty well set and running down a very deep path and most of the entitlements have already been done and the impact the General Plan could have on that area would be very small. We are looking at about 24,000 acres in the

county of 772,000 acres that we really have an impact on so it is a pretty small count, and the question is what we want to do to be the most efficient that we can.

Councilman Luke Searle is that we have some of these answers so that we can actually make decisions that are really good, and I just appreciate that and spend the time to know answers to the various questions that come up.

Councilwoman Colleen Bonner indicated that we have some very qualified staff.

Councilman Mark Nelson indicated that it will be ninety-five percent accurate if you want a plan by February 1st I can get one to you. Councilman Mark Nelson indicated that it will be ninety-five percent accurate to what we end up with. Austin Corry indicated that to have a good General Plan will do it but will take some time and it does take some resources and it saves in efficiency on the back end when you are reviewing proposals and a developer come up and say I want to do this we have already told you what you want to do and that doesn't even come close. That this can improve efficiency, but it takes a little bit of work to get there.

Chair Karl McMillan indicated that the time is now 6:00 p.m. And we are ready to hear our public hearing. The record should reflect that all the Wasatch County Council is here including Councilman Kendall Crittenden.

**PUBLIC HEARING
JANUARY 22, 2025**

**VR ACQUISITIONS L.L.C. REQUESTS A ZONING CODE TEXT AMENDMENT TO
WASATCH COUNTY CODE ALLOWING CARETAKER ADU'S WITH THE
JORDANELLE BASIN OVERLAY ZONE JBOZ (DEV-1026)**

STAFF:

Anders Bake, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the determination is whether code section 16.15.08 should be amended to allow Caretaker Accessory Dwelling units ADU's as a conditional use in the Jordanelle Basin Overlay Zone JBOZ. Also, whether code section 16.21.46 (E) should be amended to limit the construction of Caretaker ADUs to properties with a contiguous generally rectangular building envelope of no less than one acre that (a) does not violate any of the physical constraints analysis requirements in 16.27.25 of this chapter, and (b) contains no natural or manmade slopes over twenty-five 25 percent grade.

Anders Bake indicated that as far as why the caretaker ADU was excluded and we are really not sure why it was originally excluded and our assumption is that the JBOZ allows for much smaller

densities and it was just assumed that there really wouldn't really be a demand for these larger acreage properties and so there really wouldn't need to have the caretaker listed and that is kind of our best guess but as we see there are several properties in Victory ranch and outside that have these larger properties that want a caretaker ADU. As staff as we reviewed that proposal, we don't see any reason not to expand the availability of that to those larger acre properties.

The different staff departments have reviewed that application, and we feel that it makes sense to accept that proposal. A concern that was raised as we have discussed this with different departments was that in the JBOZ it is kind of a unique area where there are some pretty substantial slopes and so this is an example of a property, not in Victory Ranch, that is well over ten acres but there is pretty much potential slopes on the property where there is really this small area of about 60,000 square feet that is actually buildable. There are a few other properties that are like this in the JBOZ. So, it kind of goes against the purpose of that caretaker ADU to have two dwellings really crammed into that small area and doesn't really match that was really envisioned with a larger ten-acre property area was a flatter area that has plenty of space for that second dwelling. We are proposing along with this ordinance to add that road to the permitted and conditional uses table to add some language that would limit caretaker ADUs on some of these kinds of properties. So, this proposal would amend the caretaker accessory dwelling unit requirements. There are sixteen requirements to demonstrate that they are complying with each of these and one of them is that ten-acre minimum acreage and this proposal would amend that, and this is a slide that would have larger text of what we are proposing. It would require ten acres but in addition to that it would state that the property must have a contiguous generally rectangular building envelope of no less than one acre and a) does not violate any of the physical constraints analysis requirements of 16.27.25 of this chapter. b) contains no natural or manmade slopes over twenty-five percent grade. This proposal follows a lot of the language that is in 16.27.25 that requires that every lot in the county show that they have a contiguous generally rectangular building envelope of five thousand square feet that is buildable and complies with all these physical constraints requirements. So, what they would do is just take that same language but expand it from five thousand square feet to an acre for these properties that want the additional caretaker ADU. As we discussed this language with the Planning Commission they agreed with the intent of the proposal and recommended approval or a recommendation of approval to the County Council but they were I guess unsure about some of the language particularly the wording generally rectangular and felt that sounded a little odd and maybe a little too restrictive in some ways and I could definitely see that. They asked if we just kind of look at that language and propose maybe something that would improve a little bit. We came up with a potential solution that would strike that generally rectangular wording and replace it with does not contain acute angles or regularities as determined by the land use authority. We still feel that the first recommendation is better for a couple of reasons. (1) is that 16.27.25 has that language of contiguous generally rectangular area and we are just expanding that and changing that from 5,000 square feet to one acre. We feel that it doesn't make a lot of sense to change one area but not the other section. So just to be consistent there. Another thing is that maybe it is kind of trying to solve a problem that really doesn't exist and looking at different developments that we have approved we don't know of any example where we ran into an issue with that language with the 5,000 square foot requirement and we haven't really gotten any push back from the developers

saying that it is difficult to follow. I think part of that is just with the enforcement of it and we are not concerned as much with the shape of a rectangle as much as just providing a contiguous kind of contained area that can actually have a building on it. What we are kind of what wanting to avoid with this language is the hourglass shaped envelope where they are long skinny building envelope where they say this is your 5,000 square feet but really not buildable. We feel like this language allows us to prevent those extreme situations but hasn't really been an issue where we are saying no that is not a rectangle. That is why we would still be recommending language as is because we don't anticipate any issues with the language but anyway feel free and if you don't like the generally rectangular maybe there is another way to word it. Those are some ideas.

So, what these two proposed amendments would do is allow all lots in Victory Ranch and there are about ten of them that are over ten acres would be eligible for a caretaker ADU. It would also open to other properties outside of the Victory Ranch that are in the JBOZ that currently can't have a caretaker ADU and that they would be eligible if they were over ten acres and meet these twelve requirements proposed in future lots. Some of these lots with substantial slope issues would continue to not be eligible for a caretaker ADU with that proposed language. As staff has reviewed this and the different departments indicated that it is ready to be reviewed by the County Council and I will now read through these five findings for the application.

Anders Bake then read the proposed findings:

1. The proposed amendments would make Caretaker ADU's Conditional Use in the residential land use categories of the Jordanelle Basin Overlay Zone.
2. The proposed amendments would also change the Caretaker ADU Requirements to only allow Caretaker ADU's on properties that contain a contiguous generally rectangular building envelope of no less than one acre and that a) does not violate any of the physical constraint analysis requirements in 15.27.25 of this chapter and b) contains no natural or manmade slopes over twenty five percent grade.
3. The proposed language is intended to allow Caretaker ADUs on large properties while addressing the concern with allowing Caretaker ADU's in areas with substantial slope issues which are common in the areas under the JBOZ designation.
4. The proposed amendment is consistent with the goals and policies of the Wasatch County General Plan as follows.

A Goal 1. Preserve the rural character of Wasatch by limiting them to these properties with slope issues and would assist with that goal.

b Goal 12 Protecting the rural agricultural economy of the County by establishing agricultural operations as a priority use of the land, protecting existing and future agricultural operations and encourage farmers ranchers to stay on the land. The intent of the caretaker ADU is supporting that goal so we feel that by expanding the availability of the caretaker ADU's it would be in line with that goal.

5. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Anders Bake then went through the DRC comments:

PROJECT comments:

- Condition of approval: the County has concerns with allowing Caretaker ADU's in areas with significant slope issues which are common in the areas under the JBOZ designation. The Planning Department is proposing that the following language be added to the proposed ordinance amendment application. 16.21.46 (E): the parcel lot must meet the minimum requirements of the underlying zone and be a minimum of 10-acres whichever is larger and must have a contiguous generally rectangular building area of no less than one acre that contains no physical constraints as defined in 16.27.25.

The language along with the proposal to make Caretaker ADU's conditional use in the JBOZ will be added to the staff report that is presented to the Planning Commission and County Council.

Anders Bake indicated that based on the analysis and findings in this staff report, planning staff is of the opinion that the proposed ordinance amendments are in the best interest of the general welfare of the county. With the proposed amendments that limit Caretakers ADUs to properties without major physical constraints, planning staff have not identified any concerns with allowing for the construction of Caretaker ADUs in the Jordanelle Basin Overlay Zone. Therefore, it is recommended that the Planning Commission forward a positive recommendation of the proposed text code amendment based on the findings included in the staff report.

Councilwoman Colleen Bonner asked that this is like a unit, and will they still have to turn in water and all of the same issues as if they were building a building and they will meet all of those requirements as well. They must show that they have the water. Do you turn in your water and there is an adequate sewer, and it is just like having an extra ERU to that lot but just needs to make sure that we meet all of that, right? Anders Bake indicated that one of the requirements is that they have to go to the waterboard and show that they have water shares needed to supply the extra building, and it is not a second lot, so it doesn't split the lot. Council Woman Colleen Bonner asked, and you are just like added an ERU. Anders Bake indicated that the utility connections are reviewed as part of the conditional permit application.

Public Comment

Chair Karl McMillan then opened the matter up for public comment and there was no public comment and then closed the public comment period.

Motion:

Councilman Spencer Park made a motion that we approve the zoning text amendment to the Wasatch County Code allowing Caretaker ADU's within the Jordanelle Basin Overlay Zone (JBOZ) I am okay with the amendment to the rectangular lots not the one proposed. Councilman Erik Rowland seconded the motion, and the motion carries with the following

vote:

Applicant:

Jeff Graham, representing VR Acquisitions, indicated that more of a legal issue and I know the condition of approval is non-rectangular, however the findings of fact still have that clause in there. I don't know if that is a legal hassle or a problem as long as the code really only states that rectangular shape goes away. Councilman Spencer Park indicated that he was going to leave in the rectangular shape and believe that is a better way to write the code and my motion was going to leave it in. Jeff Graham indicated that we discussed that with the Planning Commission, and I asked the question if I came to the planning staff with a circular rather than rectangular would that be okay and that pretty much started the discussion with the Planning Commission and they opted well see if we can't somehow make sure a general strange shape and make it just open that way. Councilwoman Colleen Bonner indicated it has got to meet certain square footage basically and so whether it is oblong, rectangular, or square.

Councilman Spencer Park indicted that a circle would fit a rectangular inside of the circle for the most part but generally the shape is you preferring rectangular shape over the acute angle. Doug Smith, the Wasatch County Planner, indicated that the rectangular shape is in there because the house is typically more of a square than a circle but we are looking for something contiguous and if there were a circle that was barely five thousand square feet then that could be an issue but I think if the rectangle could fit in the circle and it is 5,000 square feet we are going to be fine.

Councilman Spencer Park then indicated the motion stands and the motion carries with the following vote:

AYE: Chair Karl McMillan

AYE; Spencer Park

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Colleen Bonner

NAY: None.

Chair Karl McMillan then indicated that there is a need for a closed session for personnel and property and so I need a motion to go into closed session.

Councilman Luke Searle made a motion to go into Closed Session for personnel and property. Councilwoman Colleen Bonner seconded the motion, and the motion carries with the following vote:

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

NAY: None.

**MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
JANUARY 22, 2025**

PRESENT: Chair Karl McMillan
Spencer Park
Colleen Bonner
Erik Rowland
Mark Nelson
Kendall Crittenden
Luke Searle

OTHER PRESENT: Dustin Grabau, County Manager
Heber Lefgren, Assistant County Manager
Wendy McKnight, from the Clerk's Office
Tiarra Cooper, from the Manager's Office
Scott Sweat, the Wasatch County Attorney

PROPERTY ACQUISITION

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council in closed session and indicated that:

PERSONNEL

PRESENT: Chair Karl McMillan
Spencer Park
Luke Searle
Erik Rowland
Colleen Bonner
Kendall Crittenden
Mark Nelson

OTHER PRESENT: Dustin Grabau, County Manager
Scott Sweat, the Wasatch County Attorney

There were no minutes taken because the matter pertained to Personnel.

Motion

Councilman Erik Rowland made a motion to leave the Closed Session and go back into regular session. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

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

NAY: None.

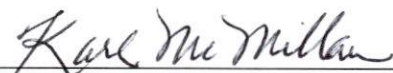
ADJOURNMENT

Councilman Kendall Crittenden made a motion to adjourn. Chair Karl McMillan seconded the motion, and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 8:00 p.m.


KARL MCMILLAN/CHAIRMAN


JOEY D. GRANGER, CLERK/AUDITOR

