MINUTES OF THE
WASATCH COUNTY COUNCIL
MARCH 19, 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 Mark Nelson Erik Rowland via zoom Colleen Bonner Luke Searle Kendall Crittenden Spencer Park
STAFF:	Dustin Grabau, the County Manager Heber Lefgren, the Assistant County Manager Jerry Davis, from the Clerk's Office Wendy McKnight from the Clerk's Office Tierra Cooper, from the County Manager's Office Jon Woodard, the Assistant Wasatch County Attorney Rick Tatton, Court Reporter via Zoom Randy Bates, from the Auditor's Office (finances)
PRAYER/REMARKS:	Councilman Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Mark Nelson and repeated by everybody.

Chair Karl McMillan called the meeting to order at 4:00 p.m. on Wednesday March 19, 2025, and this is a regular meeting and indicated that all the Wasatch County Council Members are present with Councilman Erik Rowland via zoom. The record should also show that the Wasatch County Council is meeting in Wasatch County Council Chambers in the Wasatch County Administrative Building located at 25 North Main, Heber City, Utah 84032. Chair Karl McMillan then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATIVE ITEMS FOR FUTURE MEETINGS

Chair Karl McMillan then asked if there were any administrative items for future meetings and if there were none.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Karl McMillan then asked if there were any legislative items for future meetings. Councilman Luke Searle indicated that in the first of April we are going to be finalizing what we are going to be doing for Wasatch County Property Tax Abatement Program and with me sort of going through that and what we currently do and some good information on how we are going to market it to our citizens and taxpayers. That is scheduled for the first meeting in April.

Councilman Kendall Crittenden indicated that the item was put on the agenda for our work meeting to present the solid waste plan. We need to look at this contract. Dustin Grabau, the County Manager, indicated that we need to look at whether the amount that we adopted in the solid waste purchase agreement is right and we are having trouble reconciling the full $6.8 million and we need to look at that with an amendment to that to reduce it. We need to put that on a regular agenda for approval or if you want to discuss it at the work meeting that can be done as well and then after that we can put it on the regular agenda for discussion.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Chair Karl McMillan then asked if there were any public comments on items that were not on the agenda.

Jeff Winterton, citizen of Wasatch County, addressed the Wasatch County Council and indicated that he wants to speak on Item No. 3 that is on the agenda. Jeff indicated that the matter is about the Wasatch County Deputy Sheriff Commission. There is a problem that is currently going within the County. I visited with a member of the Merit Commission who couldn't tell me what their duties are, and he really couldn't explain to me what they were. He said that the Commission hadn't been formed and hadn't been functioning. That concerned me quite a bit. When this item came on the agenda, it compelled me to stand to make some comments about the Commission. I feel it is probably improper at this time to deal with the Deputy Sheriff Commission due to what is going on within the County. I feel like if the Commission was active and functioning as intended by State Statute that some of the issues that have arisen probably would not have arisen. The second matter of business is a legislative body which is you gentlemen obviously is to appoint those individuals as per the County Manager, the names for this Commission were brought to him and given to you. They were given to him by the Sheriff. I don't think that was a proper way for those appointments to have occurred. I think that based on all of this it would be my recommendation, and I don't get to make recommendations, but it would be my hope that the Council would truly look at this and maybe address this at a later date when things have cooled down a bit. The whole reason that the Deputy Sheriff Commission wasn't active as per state statute was to give some protection between deputy sheriff members that are a part of the Commission automatically from the sheriff. There is some separation there so that the sheriff cannot make a determination on who they want in a position or a rate advancement or a merit advancement, but it comes from the board. They are the ones who are supposed to administer tests if there is a comment or a grievance they can issue oaths. They can issue subpoenas. They can call witnesses just like what has happened here. Having said that I would ask you to think about this issue before moving forward with it today. Thank you.

APPROVAL OF THE MINUTES FOR MARCH 5, 2025, AND MARCH 12, 2025.

Councilman Kendall Crittenden made a motion to approve both the March 5, 2025, minutes and the March 12, 2025, minutes as they are written. Councilman Spencer Park seconded the motion, and the motion carries with the following vote:

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

NAY: None.

Councilman Luke Searle indicated that on the minutes for March 5, 2025, he needs to abstain because I was not there but present on the March 12, 2025, minutes.

BOE ADJUSTMENTS AND RECOMMENDATIONS FOR APPROVAL

Jerry Jones, from the Clerk's Office, addressed Wasatch County Council and indicated that this matter is before you. What we need to do is Colonel Paul Peters of Midway has been on active duty since September of 2022, and we just got his 2023 and 2024 application for exemption of property taxes. We need to make a request such as this to the Council. We need a motion from the council to refund his taxes for those two years because he is asking for a refund because he was out of the State. Also, we have one other individual that is on active duty as well, but his orders were consecutive for the full two years.

Councilman Spencer Park made a motion that was approve the BOE recommendation as presented. Councilwoman Colleen Bonner seconded the motion, and the motion carries with the following vote:

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

NAY: None.

DISCUSSION AND CONSIDERATION OF NOMINATING AN INDIVIDUAL TO REPRESENT WASATCH COUNTY DURING THE NATIONAL DAY OF THE AMERICAN COWBOY CELEBRATION AT THE OGDEN PIONEER DAYS RODEO ON SATURDAY JULY 19, 2025.

Dustin Grabau addressed the Wasatch County Council and indicated that this is something that we do every year where we make a nomination to forward to this event but this year, we decided to open up the list of eligible nominees and we put out a call for people to suggest nominations. We received three nominations from members of the public was for Dave VanWagoner, Steve Farrell and Jake Harvath. Dave VanWagoner is an employee of Wasatch County and has a farming operation and there were three written paragraphs for Dave VanWagoner. The Council mentioned that Edd Sabey would be great for that recognition, but a discussion took place, and the Council then decided to nominate Dave VanWagoner for this but next year keep Edd Sabey in mind to be considered for such a nomination.

Councilman Kendall Crittenden made a motion that we recognize the nomination of Dave VanWagoner to represent Wasatch County at the Ogden Pioneer Rodeo during the National Day of the American Cowboy celebration and would represent Wasatch County well. Councilman Erik Rowland seconded the nomination, and the motion carries with the following vote.

AYE: Chair Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland via zoom
AYE: Colleen Bonner
AYE: Luke Searle
AYE: Kendall Crittenden

AYE: Spencer Park

NAY: None.

DISCUSSION OF THE WASATCH COUNTY DEPUTY SHERIFF MERIT COMMISSION AND CONSIDERATION OF AN APPOINTMENT TO THE MERIT COMMISSION.

Dustin Grabau, the County Manager, addressed the Council and indicated that the Wasatch County Attorney's Office will present information related to the role of the Merit Commission and governing code. Two members were appointed on the first of February 2025. Those seats were advertised for two weeks prior to the closure and presentation of the recommendations. Since that meeting the county has posted the opening of an additional seat that has been left open until filled. To date, the County has received two applications for the seat, and they were Janna Brown and Joseph Dunbeck. The County Manager recommended the following, which was Joseph Dunbeck. Jon Woodard then presented a presentation to the Wasatch County Council.

Jon Woodard indicated that the Council is responsible for appointing the three members and there cannot be more than two members of the Commission affiliated with the same political party. Our Commission was established in 2019. The Council adopted a code at that time establishing the Merit Commission and setting up some of the rules for how they should conduct themselves. The Council voted for three members Leo Lucy, Joe Dunbeck and Greg McPhie and the Council did not designate the terms for those. Every February 1st an odd number year one of the three people appointments expires so you have a two-year term, a four-year term and a fifth-year term. We are now at 2025 and originally it was 2019 all three of those positions under those criteria ended with the last one ending February 1, 2025. The manager's office advertised this pursuant to our normal rules for any open seat on any of our boards or commissions for two weeks and we only received two applications for the current opening. Jon Woodard indicated that his recommendation is that we pick who you want to fill the position and then have these original terms continue to carry over into how long they will be in going forward and in other words have Leo Lucy expire in 2027, the new appointee filling Joe Dunbeck's place expiring in 2029 and then Greg McPhie's expire in 2031 because even though under the code their terms should have been filled several years ago on everybody but Greg's and we should just continue that time frame of how long they last and that would be my recommendation.

Something to consider about who we appoint; they are required to be citizens of the State. They show residence of the area embraced by the governmental unit from which they are appointed for not less than five years and lived here for five years. They should hold no other office or employment under the governmental unit for which they are appointed. If they are already employed by Wasatch County or the governmental unit of Wasatch County, then they would not be eligible under the state criteria.

The Council then had a discussion in what should be done, and the issues are things like hiring practices so when we are going through a hiring process the Merit Commission has a role in that process so we would need to coordinate between the sheriff's office, the personnel department and the Merit Commission in order to proceed on some of those hiring practices.

Dustin Grabau indicated that what we want to do is once we get the board fully constituted as a Commission we would potentially have a similar presentation to this and review what the statutory codes are and have the attorney's office help present them with the information necessary in a format so that they can understand the scope of their duties and that they do serve in an essential function in the sheriff's office which is why it is important that we do and have an active Merit Commission so that we can continue to operate in the sheriff's department. What we will be trying to do is basically quantify what boards are, making sure that what more can we do to spread the word even more and then what can we do to also track and monitor those. Largely because we have so many boards, we have relied on the departments to track their boards. Also, all applications go through our office and what we have with this more recent appointment and make sure that there is a high level of confidence and transparency and consistency in those appointments.

The common thing that the Merit Commission does is the hiring and promotion process. Those are things that change most frequently at the sheriff's office. They are involved in appeals for employment actions if raised. One of the reasons why we feel it is important to get the board constituted is because the sheriff's office has vacancies that we would like to be able to fill but we need the Merit Commission in place to be able to do that. In going forward we will have more consistent meetings with them. The hiring process is going to follow through our personnel department, and they can do the verification in conjunction with the attorney's office to ensure that we follow all of the procedures when it comes to these types of employment actions. The Merit Commission has a role in ensuring that proper procedures are being followed and that is one of the important reasons why we should ensure that the Merit Commission is in place so if something did come up that would fall under their purview, they would be in place to be able to appropriately respond to those things. I cannot say in detail what is or may come to them and honestly, I don't know but it is possible that they would have a role and having them in place allows them to exercise I think appropriate state and County authority on those matters. Potentially they would be an appeal authority for any employment actions that the sheriff did take under certain circumstances. They may need to respond to some of those things so it is possible to go forward there may need to respond to some of those things and so it is possible in going forward there may be actions under which they would have a role and related to some of the things that have come up

Dustin Grabau indicated that his recommendation is that we appoint Joe Dunbeck to that 2029 term.

Councilman Kendall Crittenden made a motion that we take the recommendation of our

manager and appoint Joe Dunbeck as our third member of the Merit Commission which seat that would expire in 2029. Councilman Mark Nelson seconded the motion, and the motion carries with the following vote:

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

NAY: None.

Jon Woodard indicated that it would be good to have the Council define the terms of the people so that we know. Councilman Kendall Crittenden indicated that Leo Lucy's term would expire in 2027, and the new appointee Joe Dunbeck would expire in 2029, and Greg McPhie would expire in 2031. Councilman Luke Searle indicated that I hope that we not only internally review it but invite that Commission to come here and review our code so that we as a Council understand that code. There seems to be some nuance to this code, and I think we could probably refine it to ensure that there are fewer grey areas of where the Merit Commission comes in and when they don't. So, situations and those that are employees like those deputies understand it and everybody understands where their place is because I think that is sort of a question and I voted yes for that motion.

DISCUSSION AND CONSIDERATION OF RECOMMENDED REVISIONS TO CHAPTER 12 OF THE LIBRARY POLICY MANUAL RELATING TO PUBLIC COMMENTS AT LIBRARY BOARD MEETINGS.

Juan Lee, the Wasatch County Librarian, addressed the Wasatch County Council and indicated that in November 2024, the Wasatch County Library Board met and approved the attached library specific policy regarding public comments during library board meetings. These rules are generally consistent with the County Council's recently approved Public Comment Policy155-003 but provide small alterations and/or include specific procedures that would be tailored for the library.

1. Requiring those who wish to speak during the public comment portion of a meeting to sign up prior to the meeting.
2. Allowing those who wish to provide a public comment for up to three minutes to speak and limiting public comments to residents of Wasatch County.
3. Limiting the number of individuals who can speak during the public comment portion of a meeting to five speakers.
4. Prohibiting those who are speaking from using abusive, offensive or profane language towards

staff.
5. Prohibiting members of the public from participating in disruptive behavior during a meeting such as yelling, gesturing or applause.
6. Designating the board chair as the designated spokesperson for the board.

The purpose of this is the Wasatch County Library encourages and welcomes public participation and input. The purpose of this policy is to allow interested individuals representing various points of view to address the Library Board during a public Library Board meeting and to set forth the rules and procedures for doing so while permitting the Library Board to conduct its meetings efficiently and effectively. The attorney's office has reviewed this policy and administration, so it is presented to you for your consideration.

Councilwoman Colleen Bonner indicated that we limited it to time which I am fine with everything, but it might not be a good thing to limit the number of speakers. The time limit I am fine with, but I don't know if that would be a wise thing to do. The Director needs to have some flexibility when certain subjects need to be given more time concerning certain subjects.

Councilman Luke Searle made a motion to recommend the revisions to Chapter 12 of the library policy manual on the conditions that they work with staff to adopt our public comment policy provision of allowing the chair discretion in extending or reducing limits on public comment. Councilman Spencer Park seconded the motion, and the motion carries with the following vote:

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

NAY: None.

DISCUSSION REGARDING THE CREATION OF A NEW PROCUREMENT POLICY FOR WASATCH COUNTY.

Heber Lefgren, the Assistant County Manager, addressed the Wasatch County Council and indicated that one of the areas of focus over the last year has been the creation of a new purchasing policy that will be adopted by Wasatch County and all partner agencies who utilize Wasatch County's financial services. The intent of these efforts and the creation of this new policy is to do this:

1. Ensure that purchases and services contracted by the County/district are in the best interest of the public and that those who wish to conduct business with the County are treated fairly and equitably.
2. Establish a more systematic and uniform method for purchasing goods and services that also allow controlled flexibility to obtain the best prices on goods/services purchased.
3. Make the purchasing process more easily navigated for staff and provide added clarification and directions to staff regarding approved procurement procedures.
4. Improve public transparency in the County's procurement process.
5. Update purchasing thresholds to reflect current needs, current limits were established in 2002,

Wasatch County's current procurement policies and procedures were initially established in 2002 and are included in Chapter 3.05 of the County Code. Since policies and procedures are generally not included in local code, staff will be seeking Council's opinion and direction regarding a recommendation to transfer the County's procurement process from the County Code and into an adopted County policy. Then a discussion ensured with Heber Lefgren and the Wasatch County Council relating to this issue and this is just a rough draft of the policy for the Council initial review. The policy has been discussed with the attorney's office but has not been officially finalized with the review.

One of the items is pulling it out of code and turning it into a policy. The intent is code should be there to give general direction and guidance for what needs to be done, policy kind of provides how you do that. The recommendation is to pull it out of the code and put it in as a policy for us to be able to adjust. We want to update those thresholds. The question for the Council here today is first we would like to hear your feedback is your thoughts about converting it from the code into a County Council approved policy and then the second one are there any adjustments that you would like to see in connection with this policy.

Councilman Mark Nelson indicated that it is a good idea to move it and don't have any detailed recommendation. The other Council Members feel good about the comment of Councilman Mark Nelson to move it on. Heber Lefgren indicated that one of the things that we are going to come back on is a change to the actual code. If the Council is saying yes proceed with our recommendations as we change the code, we could put in our code that the policy is required to be made available for public viewing. That can be part of the code Ut the actual language of the policy again will be reviewed by you as a Council and approved by you as a council can be put in the policy. Dustin Grabau indicated that what this policy really does is to move more toward best practices in these areas. We will work with the attorney's office and then bring this back to you to make a decision.

Randy Bates, the financial director, indicated that the Health Department has said that their requirements are stricter than this and so we have allowed that in this policy, and it says that if your requirements are stricter, you are allowed to do that, but my office will not enforce that.

Chair Karl McMillan then indicated that this item is for discussion only and no motion needs to be made regarding the matter at the present time.

COUNCIL/BOARD REPORTS

Councilwoman Colleen Bonner replied that she received some good instruction and information at the water conference the last three days. Also, the Heber Valley Special Service District is still working on their mitigation and a lot of things they are trying to work through and being very vigilant on that. Dustin Grabau gave me this bag to give to Rick Tatton, who has done the minutes for the County for forty years and gave Rick a thank you for the work he has done for the County. He has been a part of our community, our county community, for years and we really appreciate all that Rick has done for us here in the County and just thank you Rick. Chair Karl McMillan thanked Rick for all the work that you have done and appreciate that.

Councilman Kendall Crittenden indicated to remember the meals on wheels that is coming up.

Councilman Luke Searle indicated that we are going on a tour of the CJC and check it out and invite Nate Sargeant who is establishing a non-profit for a woman shelter here in Wasatch County and that will be on Wednesday the 26th at 3:30 p.m. Dustin Grabau indicated that we are looking at an expansion project there. Also, we will bring our list of things to discuss next Tuesday. Dustin Grabau indicated that he has since added one item to that list that includes a review of the capital facilities at the Council's request and if there were other things that you would like to see added just let me know.

MANAGER'S REPORT

WASATCH COUNTY FY 2024 4TH QUARTER FINANCIAL REPORT

Randy Bates, the financial director, addressed the Wasatch County Council and presented a power point of the 4th Quarter Financial report. He indicated that the Council heard the information in the 4th quarter you have heard at least three times. Also, each year, the County Council adopts an annual budget of anticipated revenue and expenditures for the operation of the County. The 2024 adopted budget which equaled $37.9 in the General Fund and an additional $39.4 million distributed among 22 additional funds, was adopted by Council on December 8, 2023. In December 2024, the Council formally authorized various budget amendments to fund unbudgeted expenses previously authorized by the Council during prior Council meetings.

To be more transparent to the residents of Wasatch County and to improve the County's financial accounting practices, the Department of the County Manager and Clerk's Office started to provide to the County Council more thorough quarterly financial report in 2022. These reports compared the County's Authorized Budget to a more up-to-date estimate of where the County expects to be financially at the end of the year. Randy Bates then presented a document titled Wasatch County FY 2024 4th quarter financial report which is the final unaudited quarterly financial report for FY 2024. Randy Bates indicated that he has been given my marching orders and have worked with the County managers to be conservative and if you would like me to be a little more progressive and take a little more risks we can but this has served us well and I don't see any reason to do that unless we are looking for some money to do something else.

Councilman Mark Nelson indicated that for the public who might be listening to this or watching that and being more conservative tends to benefit all the citizens of Wasatch County. Randy Bates replied that it does, we are able to keep and build our fund reserve and people might not know that there is a limit to how much we can keep, and we have made the decision at least fifty percent of our General Fund Revenues and we are just about there. We can go up as high as 65 percent. This fund is very important to have. This helps us be a very strong County with a strong financial foundation.

Dustin Grabau replied that we try to strike a balance of taking conservative estimates before those revenues come in and put those funds to the highest invested use. We need to watch our reserves. Part of the savings that we have is what is going to enable us to build a relatively expensive administration building without having to go back to taxpayers for additional funds.

Randy Bates replied that the interest income has been high which is a nice thing to have that interest income coming in. Also, we saw about a fifteen percent increase in revenue in restaurant tax in 2024. We have talked about all the capital items previously.

Councilman Mark Nelson indicated that there have been some public discussions about the open space bond balance and is that reflected in our financials. Randy Bates replied that it is reflected and working on making it more transparent and right now we have moved all of the money for the open space bond, and we have moved that money into a separate fund. We have moved corridor preservation funds and the twenty percent rollback tax funds because all of those can be used for similar types of open space things. Also, we are going to separate those out and we will have in the fund balance we will have a reserve for roll back tax, reserve for corridor preservation so that every year you will be able to know exactly how much is in that fund. Right now, there is just a hair over two million dollars left remaining on that bond.

Councilman Mark Nelson replied that from a cash of point we have only taken the first five million dollars. From a cash point of view, we haven't even reached the second five million and of the first five million and two million of is still sitting there but from an open space committee we have obligated to some extent all of it. That raises the question for a future meeting is that we need to at some point put it on the ballot and go and get some more. People haven't been paying property tax on that second amount of five million. Dustin Grabau replied that in the future the open lands board will have another meeting and then from there will provide a recommendation to you on that.

The Wasatch County Council then thanked for the good work that Randy Bates is doing regarding the financials in Wasatch County and there is no need for a motion at this time because this was just for briefing and discussion purposes.

LETTER TO THE GOVERNORS OFFICE

Dustin Grabau addressed the Wasatch County Council and indicated that we have provided a letter to the Governor's Office on HB356 which has an impact on our form of government. We have requested that the Governor veto that bill. Also, recently Midway City has also provided a letter stating a similar effect and so that it is just an ongoing topic of discussion and just wanted you to be aware of it.

INFORMATION FROM HVSSD CONCERNING PAYROLL

Dustin Grabau indicated that we have been reached out by Jim Goodley from the HVSSD to begin some discussions around whether Wasatch County should take over payroll for HVSSD and how do you want to decide whether we do that. The main issues are just the stand-up costs and getting them in conformity with County payroll practices and policies. We will need to bring back to the Council and to the HVSSD Board those stipulations around how the County does it regarding the policies, pay scale and they will need to adopt things such as that. We would need the same type of service agreement that we have with solid waste and parks and rec and others, and we are in the process of working on those service agreements regarding other entities.

GRANT FOR PLANNING DEPARTMENT

Dustin Grabau indicated that we received a grant in planning relating to the General Plan specifically the water conservation portion of it and that is for ten thousand dollars.

CLOSED SESSION

Chair Karl asked if there is a need for a Closed Session and the Council indicated that there is no need for a Closed Session this evening.

Chair Karl McMillan then asked for a motion to continue this matter till 6:00 p.m. when we will hear our public hearing for this evening.

Councilman Kendall Crittenden made a motion to recess until 6:00 p.m. when we will hear our public hearing that is scheduled for this evening. 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: Spencer Park
AYE: Luke Searle
AYE: Kendall Crittenden

NAY: None.

(WHEREUPON A RECESS WAS TAKEN UNTIL 6:00 P.M.)

Chair Karl McMillan indicated that the time is 6:00 p.m., which is time for the Public Hearing to be held. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City. Also, all the Council is present with Councilman Erik Rowland being present via zoom.

PUBLIC HEARING
MARCH 19, 2025

PHIL WILLIAMS REPRESENTING WILDWOOD RESERVE DEVELOPMENT L.L.C., REQUESTS A PLAT AMENDMENT TO RENAME BENLOCH RANCH PHASE 1C PUD TO WILDWOOD RESERVE SUBDIVISION AND REMOVE A PORTION OF COMMON AREA. THE PLAT IS LOCATED IN THE JORDANELLE BASIN OVERLAY ZONE JBOZ DEV-10112

STAFF:

Anna Anglin, the Assistant Wasatch County Planner, presented a power point presentation to the Wasatch County Commission and then indicated that this request is for an amendment to phase 1C of Benloch Ranch. The plat amendment is to change where designated open space is on the recorded plat and replace that open space elsewhere. Each individual development phase must maintain 56 percent open space. The recorded open space easement is within the existing master plan development area but outside of the plat. Also as mentioned the proposal is also to change the name of the subdivision plat.

Anna Anglin indicated that the Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. This proposal is considered a major plat amendment because the proposal includes a change of an open space parcel to a development parcel as well as recording an open space document that commits the developer to maintain needed open space. For the plat amendment a recommendation by the Planning Commission and approval by the County Council is required. At the time of this report no objections have been received in response to the notices sent.

Anna Anglin indicated that if the plat amendment is approved the applicant will need to apply for site plan approval for review of the clubhouse and pool.

Anna Anglin indicated that the determination issue is whether the proposed amendment meets the standards for good cause as required by Utah Code Annotated Section 17-27a-609 and other applicable ordinances governing land use in Wasatch County. This determination is a legislative decision to be made by the Wasatch County Council.

Anna Anglin indicated that the key issues to consider are:

1. Does it comply with zoning requirements, including supplementary development standards?
2. Does it comply with the Development Agreements open space requirements associated with the Benloch Ranch Master Plan?
3. Does it comply with UCA Section 17-27a-609 and include WCC 16.04.02 on definition of good cause?

The purpose and intent of the subject property is in the Jordanelle Basin Overlay Zone where the residential lots for detached single family homes and use 1111 and attached single family homes. 1112 are listed as permitted uses in the zone. They will need to change the lot numbers. They have chosen to change the lot number 97 to show that it is a developable lot and no longer will qualify as part of their open space requirement. The other issue that we are looking at is does this plat amendment meet the good cause definition. The Planning Staff has analyzed the proposed modifications will not increase density but will maintain their open space requirements and conditions. The added amenities for the future residents could have a positive impact. The DRC was able to do a review, and everyone has approved the item to go forward. That is why we are here for our preliminary approval or plat amendment approval.

Anna Anglin then went through the DRC Comments:

DRC comments: All previous requirements and comments remain.

Anna Anglin then went through the proposed findings:

1. The subject property plat phase 1C is 64.109 acres in the Jordanelle Basin Overlay Zone.
2. The existing plat and proposed amendment maintain the same density of 36 town homes and 60 single family lots.

3. The development agreement requires 56 percent open space for each development phase.
4. The proposal changes a 3.9-acre common area/open space parcel to a parcel that would allow for future development of a pool and clubhouse.
5. The open space lost due to the change will be made up outside of the recorded plat with an easement that designates the necessary open space to maintain 56 percent requirement.
6. Good cause for the amendment exists because the proposed modifications will not increase density, and it will maintain the approved open space requirement by recording a deed or a easement outside of the plat if approved with the listed conditions.
7. The added amenities for the future residents could have a positive impact by providing benefits to the residents and reducing vehicle travel because they will not need to travel as far to reach amenities in the development.
8. No public or private roads are being vacated as part of this plat amendment.
9. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.
10. The applicant will need to apply for site plan approval if the proposal is approved.
11. Notice has been provided in compliance with state and local laws.
12. The proposal is consistent with Utah Code Section 17–27a-609.

Anna Anglin then went through the proposed conditions:

1. County Council approval of the amended plat changing the open space to a parcel that can be developed for a pool and clubhouse.
2. A note stating there is a dedicated deed that will need to be added to the recorded plat along with the entry number for the prior and subject dedication deeds for this plat.
3. The approved amended deed agreement designating the new open space area must be recorded before the amended plat.

Anna Anglin indicated that based on the analysis in the staff report, it appears that the proposal can be compliant with applicable laws. It is recommended that the County Council grant approval on the proposed plat amendment in light of the findings and subject to the conditions outlined in the staff report.

Council Comments:

Councilman Kendall Crittenden indicated that you talked about 3.09 acres they are moving from that other nebulous area into here and does that mean this is going to be a bigger area than was designated? Anna Anglin replied that the area is going to be the same amount, so it is going to stay the same as where it is right now. Ben Loch Ranch indicated that we are setting this side and for any need to make up for new plats that are being created or amended that they can use towards making that 56 percent open space requirement and will be using part of this. They will record their restricted dedicated deed prior to the amended plat and add that entry number when they record plat and give it a number than open space. That way we can keep track of how much of the dedicated open space has been used and how much is left.

Councilwoman Colleen Bonner asked how this is going to work that if we are maintaining 56 percent. Anna Anglin replied that if we look at this map there are properties descriptions that are in the restricted recorded deed that shows the properties that are out on this map have been restricted with County approval for future phases to allow that it does meet the open space requirement. It is going to be recaptured in the existing 150 acres that it has been designated as a restricted deed.

Councilwoman Colleen Bonner asked do we require extra water for a pool house? Dustin Grabau replied that any time there is new development there will be water requirements to satisfy the water board. And JSSD has already approved that.

Councilwoman Colleen Bonner asked how many of those lots back onto that open space and have already been developed like lots 1, 2, 3, 4, 5. Anna Anglin replied that none of those lots are developed yet. They are fairly new. Also, if there were any separate property owners they would have been notified about it.

Chair Karl McMillan asked, "is this just for the Wildwood Subdivision or for anybody in Ben Loch. Anna Anglin indicated that she is not sure about that and maybe that is something that the applicant answers.

Applicant:

Ann Anglin indicated that the applicant is not here but the Planning Commission was able to answer all their questions such as that by the virtue of the pool and the clubhouse is going to be recaptured in later phases This is 150 acres of open space but general open space only about 65 acres out of that 150 acres is being used and so got documents that are ready to record that will take an additional 3.9 acres and still leaving about 85 acres available for others. This open space has ample room for us to claim 3.9 acres. The excess open space is planned for Ben Loch Ranch and called general open space. Also, Chris Durkin, project sponsor, had indicated to the Planning Commission that the clubhouse is intended for Wildwood Reserve, which is the land the 64 acres that we own and that is all that we own in that development and that is what the intent is for and for the use of those residents.

Public Comment:

Chair Karl McMillan then opened the hearing for public comment and there was none, so the public comment period was closed.

Councilwoman Colleen Bonner made a motion that we approve the plat amendment subject to the conditions that the County Council approval of the amendment plat changing the open space to a parcel that can be developed for a pool house and club house and note stating that the dedicated deed to the recorded plat along with the entry number of the prior dedicated

deed restriction and subject dedication deed for this plat. And the approved amended Restrictive Deed agreement designating the new open space area must be recorded before the amended plat. Also, in light of the findings and subject to the conditions and accept the staff report. Councilman Mark Nelson seconded the motion, and the motion carries with the following vote:

AYE: Chair Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland (absent for the motion)
AYE: Colleen Bonner
AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle

NAY: None.

ADJOURNMENT

Councilman Spencer Park 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: Colleen Bonner
AYE: Spencer Park
AYE: Kendall Crittenden
AYE; Luke Searle

NAY: None.

Meeting adjourned at 7:30 p.m.

Karl McMillan
KARL MCMILLAN/CHAIRMAN

Joey D. Granger
JOEY D. GRANGER/CLERK/AUDITOR

STATE OF UTAH COUNTY CLERK WASATCH COUNTY