



WASATCH COUNTY COUNCIL MEETING MINUTES

MINUTES FOR DECEMBER 17, 2025

THE WASATCH COUNTY COUNCIL MET IN REGULAR SESSION LIVE AND BY ON-LINE WEDNESDAY, DECEMBER 17, 2025, IN THE WASATCH COUNTY COUNCIL CHAMBERS LOCATED IN THE WASATCH COUNTY ADMINISTRATIVE BUILDING AT 25 NORTH MAIN, HEBER CITY, UTAH 84032

A video recording of the meeting may be viewed by using the Wasatch County Website (<https://docs.wasatch.utah.gov/OnBaseAgendaOnline/>) and selecting the desired meeting.

CALL TO ORDER

(VIDEO TIME STAMP: 00:00:45)

- A. **SUMMARY:** The meeting was called to order at 4:20 P.M. by Councilmember McMillan with the following members in attendance:

COUNCILMEMBER	PRESENT	ABSENT
Karl McMillan (Council Chair & Seat F Councilmember)	☒	☐
Erik Rowland (Council Vice Chair and Seat C Councilmember)	☒	☐
Luke Searle (Seat A Councilmember)	☒	☐
Colleen Bonner (Seat B Councilmember)	☒	☐
Kendall Crittenden (Seat D Councilmember)	☒	☐
Mark Nelson (Seat E Councilmember)	☒	☐
Spencer Park (Seat G Councilmember)	☒	☐

PRAYER/REMARKS

(VIDEO TIME STAMP: 00:01:09)

- A. **SUMMARY:** A prayer and remark was provided by Councilmember Searle.
- i. **ACTION TAKEN:** No official action was taken.

PLEDGE OF ALLEGIANCE

(VIDEO TIME STAMP: 00:02:06)

- A. **SUMMARY:** The Pledge of Allegiance was led by Councilmember Park.
- i. **ACTION TAKEN:** No official action was taken.

PUBLIC COMMENT

(VIDEO TIME STAMP: 00:02:32)

- A. **SUMMARY:** Councilmember McMillan asked if there were any members of the public who wanted up-to 3 minutes to provide public comments to the Council on any item not on the agenda.
- There were no individuals who asked to make a public comment.
- i. **ACTION TAKEN:** No official action was taken.

CALL FOR AGENDA ITEMS

(VIDEO TIME STAMP: 00:02:51)

- A. **SUMMARY:** Councilmember McMillan asked if there were any topics to be added as a future agenda item. No requests were made.
- Colleen Bonner:** Lundin Conservation Easement on a future agenda.
- Kendall Crittenden:** Change in senior citizen advisory board bylaw update in January.
- Luke Searle:** Organize committee discussion in January.
- Agreement for Fire District property.
- Spencer Park:** Work meeting in January to establish a plan to visit each office and work with them throughout the year to become more efficient.
- Professional Standards Administrator position discussion.
- i. **ACTION TAKEN:** No official action was taken.

WASATCH COUNTY SOLID WASTE

- A. **SUMMARY:** This item was discussed in a Wasatch County Solid Waste Board meeting prior to the County Council meeting.

SSA # 1

(VIDEO TIME STAMP: 00:07:50)

- i. **ACTION TAKEN:** Councilmember Park made a motion to "go into SSA #1" Councilmember Crittenden seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

1. APPROVAL OF WARRANTS – BEN PROBST

(VIDEO TIME STAMP: 00:08:00)

A. **SUMMARY:** Ben Probst presented a list of warrants totaling \$7,348.

- i. **ACTION TAKEN:** Councilmember Bonner made a motion to “**approve the warrants as presented totaling \$7,348**” Councilmember Crittenden seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

2. DISCUSSION 2026 BUDGET – BEN PROBST

(VIDEO TIME STAMP: 00:10:19)

A. **SUMMARY:** Ben Probst presented the 2026 budget totaling \$1,422,000.00. The budget will be considered at 6PM during a public hearing.

- i. **ACTION TAKEN:** No official action was taken.

3. DISCUSSION ON FRAUD RISK ASSESSMENT – BEN PROBST

(VIDEO TIME STAMP: 00:12:26)

A. **SUMMARY:** Ben Probst presented the fraud risk assessment resulting in a low score of 325.

- i. **ACTION TAKEN:** Councilmember Park made a motion to “**approve the fraud risk assessment for 2025 and approve Karl and Ben to sign it**” Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

- ii. **ACTION TAKEN:** Councilmember Searle made a motion to “**continue SSA #1 until 6PM**” Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

APPROVAL OF MINUTES

(VIDEO TIME STAMP: 00:16:30)

4. APPROVAL OF MINUTES – DECEMBER 03, 2025

(VIDEO TIME STAMP: 00:16:30)

A. **SUMMARY:** Councilmember McMillan asked if there were any requested changes to the December 03, 2025, Draft Minutes. No changes were proposed.

i. **ACTION TAKEN:** Councilmember Crittenden made a motion to “**approve the minutes for the December 03, 2025 council meeting**” Councilmember Nelson seconded the motion.

The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

COUNCIL ITEMS

(VIDEO TIME STAMP: 00:17:16)

1. DISCUSSION AND CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD MAINTENANCE ON JORDANELLE RIDGE DRIVE – JED MUHLESTEIN

(VIDEO TIME STAMP: 00:17:16)

A. **SUMMARY:** Dustin Grabau, Wasatch County Manager, explained that as part of the Upper Jordanelle Ridge Development, the developer will construct Jordanelle Ridge Drive. Due to the topography, the road will cross over into areas that are within Wasatch County but are expected to be annexed into Heber City in the near future. Accordingly, the City and County have negotiated the Interlocal Agreement that provides for Heber City to own and maintain the portion of Jordanelle Ridge Drive within the County. This agreement was recently approved by Heber City Council with the option to alter language in section A.1, as noted. A map showing the location is attached as Exhibit A to the Agreement. The City and County have numerous locations where the City and County maintain roads within the other entities' jurisdiction. The County does not have any other roads in this area that will be maintained by the County, and the road solely benefits development within Heber City. Accordingly, it is reasonable for Heber City to own and maintain the small section of road within Wasatch County.

- i. **ACTION TAKEN:** Councilmember Mark made a motion to “**approve an interlocal agreement for road maintenance of Jordanelle Ridge Drive.**” Councilmember Park seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

2. DISCUSSION AND CONSIDERATION RESOLUTION # 25-15 ADOPTING THE 2026 MEETING SCHEDULE - RANDY BATES
(VIDEO TIME STAMP: 00:23:53)

- A. **SUMMARY:** Randy Bates, Wasatch County Finance Director, presented the 2026 meeting schedule for the County Council. The Council discussed the November work meeting conflicted with a recognized holiday. Council also discussed holding the second meeting of the first month in a quarter to start at 3PM to adjust for Solid Waste SSD and Recreation Service SSD #21 meetings starting at the same time on those days.

- i. **ACTION TAKEN:** Councilmember Park made a motion to “**approve resolution 25-15 adopting the 2026 meeting schedule with the changes that the second Wednesday of the first month of each quarter to start at 3PM and to only hold two regular meetings in November on the 4th and 18th with no work meeting in November.**” Councilmember Searle seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

3. BOARD OF EQUALIZATION CONSIDERATION OF ASSESSOR ADJUSTMENT - JERRY JONES

(VIDEO TIME STAMP: 00:27:40)

- A. **SUMMARY:** Jerry Jones, Wasatch County Clerk-Auditor’s Office representative, explained the reason for change on parcel 00-0020-7682 is because the lot is unbuildable. The change results in a \$1,793.12 credit back to the tax payer.

- i. **ACTION TAKEN:** Councilmember Bonner made a motion to “**approve the assessor adjustment for parcel 00-0020-7682 in the amount of \$1,793.12.**” Councilmember Crittenden seconded the motion. The motion carried with the following vote:

McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
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AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

4. BOARD OF EQUALIZATION CONSIDERATION OF AUDITOR REQUEST COUNCIL ABATEMENT FOR ERRONEOUS TAXES FROM 2022 ON EXEMPT PARCELS IN HIDEOUT – JERRY JONES (VIDEO TIME STAMP: 00:29:27)

A. **SUMMARY:** Jerry Jones, Wasatch County Clerk-Auditor's Office representative explained that parcel numbers 00-0021-5231, 00-0021-5232, 00-0021-5233, 00-0021-5234, 00-0021-5235, 00-0021-2486 were deeded to the Town of Hideout on February 15, 2022. Council requested a total amount be brought back in January so that what is being abated it clear.

- i. **ACTION TAKEN:** Councilmember Searle made a motion to **"continue the item to the first meeting in January."** Councilmember Crittenden seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

5. BOARD OF EQUALIZATION CONSIDERATION FOR LATE APPEALS – JERRY JONES (VIDEO TIME STAMP: 00:33:40)

A. **SUMMARY:** Jerry Jones, Wasatch County Clerk-Auditor Office representative presented a list of parcel numbers that had a late appeal request filed. After review of the applications only one parcel number 00-0021-5423 met the requirements of the Utah Administrative Rule 884-24P-66.

- i. **ACTION TAKEN:** Councilmember Crittenden made a motion to **"approve the board of equalization for late appeals as presented."** Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

6. 2025 BOE SUMMARY REPORT – JOEY GRANGER

(VIDEO TIME STAMP: 00:37:46)

- A. **SUMMARY:** Joey Granger, Wasatch County Clerk-Auditor presented a report of the sum of market value difference and the sum of taxable value per taxing district as a result of the board of equalization for 2025. Also presented was the primary/secondary exemption which only affected taxable values. In total the taxable change without MIDA was \$252,329,969.

i. **ACTION TAKEN:** No official action was taken.

7. SHERIFF'S OFFICE PRESENTATION – JARED RIGBY

(VIDEO TIME STAMP: 00:49:03)

- A. **SUMMARY:** Jared Rigby, Wasatch County Sheriff shared a department presentation. Sheriff Rigby shared that less than 2% of received 911 calls were transferred resulting in a \$23,000 incentive funds from the State which is a result of great work from the dispatch center. An invitation was shared to the council to visit the Sheriff's Office on a quarterly basis. Future agreements soon to be presented is a contract with the Town of Hideout, and a Jail Medical Services contract. Further discussions with other municipalities are being held to discuss dispatch fees and other service level fees. Jim Keith was introduced to council as a new employee of the Sheriff's Office. Sheriff Rigby also invited the council to an informal lunch with employees from the Sheriff's Office on December 18th at 12PM. Sheriff explained it is just one of many lunch options being created for employees to meet and discuss departmental business.

i. **ACTION TAKEN:** No official action was taken.

8. DISCUSSION AND CONSIDERATION OF RESOLUTION #25-14 REGARDING THE ADOPTION OF THE WASATCH COUNTY 2026 BUDGET – HEBER LEFGREN

(VIDEO TIME STAMP: 01:00:29)

- A. **SUMMARY:** Heber Lefgren, On December 3, 2025, a public hearing was held to discuss and consider the adoption of the 2026 Budget. At the request of Council, the County chose not to adopt the 2026 budget, but to continue its discussion during the December 10, 2025 council work session meeting. Based on the discussions held since originally presenting the Tentative Budget, minor adjustments in the 2026 Budget were made based upon various recommendations provided by council members, residents, and staff. includes: 1. Removing all General Fund budgeted expenses and revenues associated with 1 new full-time patrol deputy that was initially added as part of an initiative in the 2026 Tentative Budget for pro-active traffic enforcement activities. This change will decrease the planned expenses of the General Fund by \$191 K and reduce the amount of revenue by \$23 K. 2. Removing all General Fund budgeted expenses and revenue associated with 1 new part-time emergency coordinator position that was previously added as an initiative in the 2026 Tentative Budget. This change will reduce the planned transfer of funds from the Restaurant Tax Fund to the General Fund by \$38 K. 3. Increase the transfer from the General Fund to the General Use Capital Improvement Fund by \$169 K (the amount of funds saved by not adding the full-time patrol deputy) to help fund a future public safety capital project (or other project as determined by Council). 4. Increase planned revenue within the Transient Room Tax (TRT) Fund by \$107 K and transfer the increase in revenue to the Park and Recreation District to avoid the District's need to seek additional property tax revenue through truth-in-taxation process. If the 2026 Budget were to be adopted with these recommended budget adjustments, the Wasatch

County's 2026 All-Fund Budget would appropriate \$129.19 M in expenditures and authorize 295 positions among 25 county funds (as summarized in Attachment A and B). The General Fund, which is the largest of those funds, would include a budget of \$52.1 M with 238 authorized positions.

- i. **ACTION TAKEN:** Councilmember McMillan made a motion to “**approve resolution 25-14 regarding the adoption of the Wasatch County 2026 budget as presented.**”

Councilmember Searle seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

COUNCIL/BOARD REPORTS

(VIDEO TIME STAMP: 01:10:36)

- A. **SUMMARY:** Councilmember McMillan asked if there were any council/board report to be presented.

Councilmember Bonner provided the following report:

- Heber Valley Railroad update.

Councilmember Crittenden provided the following report:

- Park and Rec master plan update

Councilmember Searle provided the following report:

- Library Board Dinner
- Community Events update

- i. **ACTION TAKEN:** No official action was taken.

MANAGER'S REPORT

(VIDEO TIME STAMP: 01:17:05)

- A. **SUMMARY:** Councilmember McMillan asked if there were any manager's report to be presented. Dustin Grabau, Wasatch County Manager, discussed developing a consent agenda in 2026. Heber Lefgren, Wasatch County Assistant Manager updated the council on new budget system.

- i. **ACTION TAKEN:** No official action was taken.
- ii. **ACTION TAKEN:** Councilmember Crittenden made a motion to “**adjourn until 6PM.**” Councilmember Park seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

iii.

CLOSED SESSION – AS NEEDED

(VIDEO TIME STAMP: 01:23:20)

A. **SUMMARY:** Council member McMillan indicated that there was no need for a Closed Session.

i. **ACTION TAKEN:** No official action was taken.

PUBLIC HEARINGS 6:00PM

(VIDEO TIME STAMP: 01:23:50)

1. APPROVAL FOR SSA #1 2026 BUDGET – BEN PROBST

(VIDEO TIME STAMP: 01:24:12)

A. **SUMMARY:** Ben Probst presented the 2026 budget totaling \$1,422,000.00. Ben highlighted that the 2026 budget is not much different than the adopted 2025 budget with the exception of a small increase in payment to Central Utah Water.

i. **ACTION TAKEN:** Councilmember McMillan asked if there were any public comments. Xela Thomas gave public comment in support of rec center subscription change and cautioned council when talking to employees.

ii. **ACTION TAKEN:** Councilmember Crittenden made a motion to “adopt the 2026 budget for SSA #1.” Councilmember Park seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

2. DISCUSSION AND CONSIDERATION OF RESOLUTION 25-16 REGARDING THE AMENDMENT OF THE 2025 BUDGET – RANDY BATES

(VIDEO TIME STAMP: 01:27:55)

A. **SUMMARY:** Randy Bates, Wasatch County Finance Director explain that throughout 2025, several changes have necessitated adjustments to the county’s budget that fall outside of the expected budgeted activities. These expenditures have been disclosed in public meetings with the county council. The proposal before you will amend the 2025 Budget across several funds in the amount of \$7.87M as outlined in Attachment A of this report. The major

components of these changes include: 1. \$5.20M in the General Fund to transfer funds to the Capital Improvements Fund to offset upfront costs of the new Administration Building. 2. \$687K in the General Fund for increased expenditures within the Engineering and Building Inspection Departments related to increased contract service needs. Offset by revenue. 3. \$50K in the Library Fund for extra transfer to the Library Maintenance Fund. 4. \$450K in the EMS Sales Tax Fund to account for the increase in sale tax revenues over the budgeted amount. 5. \$30K in the Liquor Distribution Fund to account for spending of extra funds from prior year. 6. \$102K in the TAP Fund to account for payments to cities because of increased revenues. 7. \$600K in the Transient Room Tax Fund to pay for expenses related to trail improvements on the HVRR and SR-113 trails. These improvements were approved in prior years. 8. \$537K in the Fleet Replacement Fund to account for the replacement of additional vehicles as well as replacement of boom truck. 9. \$145K in the Communications Fund for the purchase of new updated radios. 10. \$250K in the Impact Fee Fund to make additional improvements to the Event Center RV Park.

- i. **ACTION TAKEN:** Councilmember McMillan asked if there were any public comments.
- ii. **ACTION TAKEN:** Councilmember Park made a motion to **“approve Resolution 24-16 amending the 2025 budget as presented.”** Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

3. PAUL BERG, REPRESENTING KEW CONSULTING LLC, REQUESTS A ZONING CODE TEXT AMENDMENT TO 16.27.06.5 REGARDING CONSERVATION DEVELOPMENTS AND 16.27.24 REGARDING RESTRICTIONS ON SUBDIVIDING DEED RESTRICTED LOTS. (DEV-11392, DOUG SMITH) (VIDEO TIME STAMP: 01:42:44)

- A. **SUMMARY:** Doug Smith, Wasatch County Planning Director, explained that the County has an ordinance allowing what is referred to as “Conservation Developments”. The ordinance has been in place since 2023 (ord. 23-15) and has not been used until now. The ordinance allows for clustering with smaller lots than what is allowed by the underlying zoning. The code is available to be used only in the P-160 and M (Mountain) zoning districts. Density is determined by the base acreage requirement for each lot in the underlying zone divided by the gross acreage. There is a 75% open space requirement that, according to current code, must be held by a third party, nonprofit conservation holder. The proposed code text amendments are for a number of changes in 16.27.06.5 and 16.27.24. The proposal is instigated by this applicant who has used the “Conservation Development” code to produce the first master plan utilizing the code. It is understandable for the first project to use a code to have some comments or concerns regarding a code that is being used in a real scenario. Ten findings were established as follows: 1. The County has an ordinance that allows what is referred to as, “Conservation

Developments". 2. The code allows for lots to be clustered thus reducing infrastructure costs but allowing the same amount of density or more than would be allowed with a traditional subdivision. 3. The open space portion of the project, which is required to be a minimum of 75%, is required to have a third party conservation easement recorded on the property. 4. The major foundation of the conservation development ordinance is to preserve valuable open space in perpetuity. 5. Staff knows of no other way to guarantee in perpetuity that the open space will never be developed unless it has a third-party open space easement on the property. 6. The proposed amendment for lot frontages on cul-de-sacs is consistent with other sections of the code that allow lesser frontage requirements on cul-de-sacs however those sections still require the full width at the required setback. 7. The open space parcel requires public access however it does not specify that the public access is only on the trails. 8. The ordinance intends to have lots be adjacent to the open space parcel however this may not work with all clustered layouts. 9. The General Plans supports the idea of clustered developments and maintaining open space, views and sensitive areas in perpetuity. 10. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code. One condition was proposed as follows: The proposed code amendments need to be approved prior to preliminary approval of the conservation development.

- i. **ACTION TAKEN:** Councilmember McMillan asked if there were any public comments. No public comments were received.
- ii. **ACTION TAKEN:** Councilmember Park made a motion to **"approve the ordinance as proposed with the findings and conditions as proposed with the added condition for legal and planning add language to allow for adequate fire access."** Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

4. PAUL BERG, REPRESENTING KEW CONSULTING LLC, REQUESTS MASTER PLAN APPROVAL FOR HERITAGE HILLS, A 23-LOT SUBDIVISION WITH 2 ADDITIONAL LOTS THAT ARE CONSIDERED LOTS OF RECORD. THE SUBDIVISION IS LOCATED IN SECTIONS 5 & 8, TOWNSHIP 4S, AND RANGE 6E IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) AND MOUNTAIN (M) ZONES. (DEV-11371, DOUG SMITH)

(VIDEO TIME STAMP: 02:12:22)

- A. **SUMMARY:** Doug Smith, Wasatch County Planning Director explained that This proposal is located at approximately 6451 East Lake Creek Road. The property is on the north side of Lake Creek Road. There is a portion of the development in the RA-1 zone that is east of 6300 East adjacent and east of Lake Creek Estates. The property surrounds the red rock quarry on the north side of Lake Creek Road on the way to Timber Lakes. The applicant is requesting that

the proposal be processed as a conservation development. The conservation code was adopted several years ago and allows for clustering of lots, smaller than what would be allowed in the underlying zone, but requires large areas of open space to be protected in perpetuity. This application is for master plan approval for a development in the M (Mountain) zone which typically requires 20-acre lots. There is a 10-acre piece in the RA-1 zoning district proposed to be subdivided as well. The conservation 398.99 acres in M zone 10-acre RA-1 DRAFT 3 development code cannot be used in the RA-1 zoning district. The portion of the development in the RA-1 zone will be processed as part of this large-scale development and provides access to two lots in the conservation development portion of the project. The conservation development code allows lots as small as 5 acres to be clustered as long as they meet the purpose and intent of the conservation code and, the development overall, provides at least 75% open space protected in perpetuity. A conservation development is only allowed if the legislative body approves a master plan that meets the purpose and intent language in the code (16.27.06.5(C)). This is the first project to use the Conservation development ordinance that has been on place for several years. If approved the development will provide 305.5 acres of dedicated open space, which is 76.46% of the overall project and will have a total of 25 lots which includes two lots of record. Thirteen findings were established as follows:

1. The development has two land use zones M (Mountain) and RA-1.
2. The RA-1 portion of the development cannot be part of the conservation development but will be processed as part of the large-scale development.
3. The road that is part of the RA-1 portion of the development provides access to two lots in the M zone.
4. The M zone portion of the development is proposed to be developed as a conservation subdivision.
5. The Legislative body must determine that the proposal meets the purpose and intent statements of the conservation ordinance by determining that the proposal accomplishes the intent of the Conservation development code by maintaining the rural character, protecting scenic views, providing greater design flexibility and efficiency, decreasing the amount of disturbance, encouraging active and passive recreation, reduces erosion and sedimentation, creates an attitude of stewardship, provides for safer circulation in a wildland area, reduces exposure to natural hazards, minimizes the threat and damage from wildfires and protects large tracts of land from development in perpetuity.
6. The proposal meets the density requirements for the conservation development.
7. The proposal complies with the code requirements for the RA-1 zone.
8. The proposal provides 305.05 acres of open space with access to public trails and surrounded by other open space parcels in other developments.
9. The open space will be dedicated with the first phase.
10. All lots will be serviced by Twin Creeks for both water and sewer.
11. The proposal is for Master Plan/Physical Constraints analysis and density determination. The project is feasible from a master plan standpoint.
12. At preliminary review additional constraints could lower density.
13. This is a recommendation to the County Council. The Planning Commission is not the approving body.

Six conditions were presented as follows:

1. Lots 9 and 20 will need to have building envelopes outside of the alluvial fan flood potential.
2. Exception from the engineering department for driveways that access onto Lake Creek.
3. All conditions and requirements of the DRC shall be complied with.
4. Provide a 20' trail easement along the south side of Lake Creek.
5. Provide for a trailhead as required by the legislative body with details to be worked out at preliminary review.
6. Provide for a third-party conservation easement on the open space property.

- i. **ACTION TAKEN:** Councilmember McMillan asked if there were any public comments.
- ii. **ACTION TAKEN:** Councilmember Park made a motion to “**approve the subdivision as presented with the findings and conditions.**” Councilmember Crittenden seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

5. CONSIDERATION OF ORDINANCE 25-18 TO AMEND THE WASATCH COUNTY GENERAL PLAN TO UPDATE THE EXISTING WATER USE AND PRESERVATION ELEMENT TO COMPLY WITH UTAH CODE. (AUSTIN CORRY)

(VIDEO TIME STAMP: 02:25:27)

- A. **SUMMARY:** Austin Corry, Wasatch County Assistant Planning Director explained that the Utah Legislature passed a bill two sessions ago requiring all cities and counties to adopt a Water Use and Preservation Element as part of their General Plan by December 31, 2025. Wasatch County was ahead of the curve, having incorporated many of the required elements into its General Plan as early as 2001. However, a few components still need to be addressed—specifically, identifying the existing capacity of available wet water and outlining conservation strategies the County can promote to reduce water use. As part of the ongoing comprehensive rewrite of the General Plan, we now have the opportunity to update the Public Services chapter to ensure full compliance with state law while also addressing broader community concerns. While the full comprehensive update to the General Plan is still in progress, this element is being proposed in the interim by replacing the existing Public Services content found in Chapters 3 and 4, and removing the outdated Chapter 6 from the current General Plan. A new Chapter 6 is proposed, which consolidates Public Services and incorporates the Water Use and Preservation elements required by state law. The proposed new chapter was reviewed by the Wasatch County Water Committee and the Planning Commission and both have made a few minor modifications and now recommend approval as presented in this document. Five findings were established as follows: 1. Utah Code §17-27a-401 requires counties to adopt a Water Use and Preservation Element as part of their General Plan by December 31, 2025. 2. The proposed amendment has been reviewed by representatives from the Utah Division of Water Resources and found to be in compliance with state requirements. 3. The amendment is consistent with the existing General Plan and includes updates that better align policies with current community values and priorities. 4. The amendment introduces policies that address key environmental considerations, including stormwater management, wastewater impacts on groundwater quality, the effects of development and future land use on water availability, and conservation practices for both domestic and agricultural water use. 5. The Wasatch County Water Committee and Wasatch County Planning Commission have recommended approval of the proposed amendment.

- i. **ACTION TAKEN:** Councilmember McMillan asked if there were any public comments. No public comments were received.
- ii. **ACTION TAKEN:** Councilmember Searle made a motion to “**ordinance 25-1818 to amend the Wasatch County General Plan to update the existing Water Use and Preservation Element to comply with Utah Code as presented.**” Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

6. ORDINANCE 25-16 AMENDING VARIOUS SECTIONS OF TITLE 16 OF THE WASATCH COUNTY CODE REGARDING THE REGULATION OF RETAINING WALLS. (DOUG SMITH) (VIDEO TIME STAMP: 02:35:04)

- A. **SUMMARY:** Doug Smith, Wasatch County Planning Director explained that When a subdivision goes through the approval process it is reviewed to see if each lot has a building envelope of at least 5,000 square feet under 30% slope. The building envelope can be surrounded by slopes over 30% whether manmade or natural. Once a plat is recorded lots are sold and as long as required infrastructure is installed building permits can be issued. From an applicant's perspective the recorded lot has been approved, went through a rigorous county review process and yet at the building permit stage can be rejected until a conditional use is approved. Staff believes that the current code was never intended to regulate retaining walls on private lots but to regulate retaining walls associated with subdivision roads whether public or private, however that is not clear in the current code. The draft proposal code separates retaining walls built in conjunction with roads in subdivisions from retaining walls necessary for individual lots. Individual lots on steep slopes should have some regulation for excessive retaining walls but how much? Homes on steep slopes should not be allowed to install tears of retaining walls in order to create an excessive flat front, rear or side yards. Twelve findings were established as follows: 1. The code amendment is initiated by the County. 2. Current code requires a conditional use for walls that are over 10' and/or over 800' in length. 3. Current code requires walls over 30' in cumulative height and over 800' in length to be approved by the County Council. 4. The current process requires rejecting building permits for a wall over 10' in height and requires a conditional use permit. 5. Many platted lots in the county cannot be developed without the use of retaining walls. 6. The conditional use process if protested by a neighboring property owner forces the proposal to go to the planning commission. 7. Staff believes that the original code was intended to regulate retaining walls necessary for roads in subdivisions not on private lots. 8. The proposal treats retaining walls for roads differently than retaining walls for individual lots. 9. The proposed code allows retaining walls on individual lots to be approved if under 20' in cumulative height and if in compliance with other sections of the code. 10. The proposed code allows for walls as high as 30' for rads in subdivisions to be

approved by staff. 11. Walls over 30' are a conditional use approved by the planning commission. 12. The proposed code clarifies setbacks, clear view and requirements for encroachment into PUE's.

- i. **ACTION TAKEN:** Councilmember McMillan asked if there were any public comments. Chet Young gave comment in support to revising retaining wall codes.
- ii. **ACTION TAKEN:** Councilmember Park made a motion to **"approve this ordinance with the condition that setbacks are at least 1 foot from the property line and do not put a height and step requirement on the break for residential"** Councilmember Nelson seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐

MEETING ADJOURNMENT

(VIDEO TIME STAMP: 03:03:38)

- A. **SUMMARY:** Councilmember McMillan asked to adjourn the meeting.

- i. **ACTION TAKEN:** Councilmember Crittenden made a motion to **"adjourn the meeting"** Councilmember Bonner seconded the motion. The motion carried with the following vote:

	McMillan	Rowland	Searle	Bonner	Crittenden	Nelson	Park
AYE:	☒	☒	☒	☒	☒	☒	☒
NAY:	☐	☐	☐	☐	☐	☐	☐
ABSTAIN/ ABSENT:	☐	☐	☐	☐	☐	☐	☐


KARL MCMILLAN/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

