

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JULY 17, 2024**

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

PRESENT: Vice Chair Karl McMillan
Mark Nelson
Steve Farrell
Kendall Crittenden
Luke Searle
Erik Rowland
Karl McMillan

EXCUSED: Chair Spencer Park

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

PRAYER: Councilman Luke Searle

PLEDGE OF ALLEGIANCE: Led by Councilman Karl McMillan and repeated by everyone.

Vice Chair Karl McMillan called the meeting to order at 4:00 p.m. on Wednesday July 17, 2024, and indicated that all the Wasatch County Council are present except Chair Spencer Park who is excused. The record should also show that the Wasatch Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032. Vice 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 MATTERS FOR A FUTURE AGENDA

Vice Chair Karl McMillan asked if there were any administrative matters for a future agenda and there was none.

LEGISLATIVE MATTERS FOR A FUTURE AGENDA

Vice Chair Karl McMillan then asked if there were any Legislative matters for future agendas and there was none.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Chair Spencer Park then asked if there was any public comment on items not on the agenda.

Kail Walker, Wasatch County resident, addressed the Wasatch County Council and indicated that he has a problem with the High Valley Transit Service regarding getting a ride to go places. I have been on there and noticed that some of the riders are people who just need a ride for a couple of blocks. That shouldn't take precedence over someone like me who needs to get a longer distance and can't do that because I can't drive and just wondered if something like that could be fixed. When I try to book a ride, I have a hard time getting a ride because I can't walk to get there and would like to have help with The Heber Valley Transit and when I try to book a ride there is not a ride available. I would like to see a priority given to disabled people like me to take precedence over others who just want to ride a couple of blocks. The Wasatch County Council indicated that more funding will be available this January and the para transit is something that would be helpful for people like Kail Walker. In the meantime, we could identify some short-term funding before the end of the year. Council Mark Nelson thanked Kail Walker for coming in and telling us about your problem and now we will know about the concern that you have.

APPROVAL OF THE MINUTES FROM THE JULY 3, 2024, MEETING

Councilman Steve Farrell made a motion to approve the minutes for July 3, 2024, as written. Councilman Mark Nelson seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson

NAY: None.

TAX SALE CERTIFICATION.

Jerry Jones, from the clerk's office, addressed the Wasatch County Council and indicated that they are seeking approval of the tax sale, and we are halfway through that process, and we want to report on a few results.

The completed auctions are PARCEL 00-0021-0385 sold for taxes \$594.59, Paid complete (final bid \$2200). The buyer is Andrew and Tawnie Stubbs.

PARCEL 00-0021-0398 sold for taxes \$616.25, paid complete (final bid \$3,000). Buyer Western Healthcare Group L.L.C.

PARCEL 00-0020-7982 sold for taxes \$4,462.46 paid complete (final bid \$55,188) Buyer is Prime Kolob Group.

Pending auctions: PARCEL 00-0014-1288 sale pending for taxes \$ 945.18 recent bid \$5,000.

PARCEL 00-0007-3390 Public surplus auction still going down the list, taxes \$90,452.73 (recent bid-\$300,000).

Councilman Steve Farrell made a motion we approve the summary of the tax sale. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

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

NAY: None.

ROCKY MOUNTAIN UNIVERSITY OF HEALTH PROFESSIONS

Councilman Luke Searle indicated that we are glad to have the representatives here regarding Rocky Mountain University. President Kam Martin then presented a power point presentation along with Stephen Whyte the vice president of communications and external relations. The university is in the south part of Provo. We offer degrees at the graduate level. We are in our twenty-sixth year of existence. We also have thirteen alumni who reside here in Wasatch County. Our goal is to meet the healthcare needs of Utah and across the nation. We are a private proprietary institution, and we pay our taxes, so we help our local communities in that regard and that means that we don't ask for public assistance to operate. We are tuition dependent and are an economic engine for the area and have some services to offer to you. We have a 96 percent job placement rate. As a credited institution we can allocate federal financial aid and seventy-two percent of our students use that and the rest self-fund but those who take in that money pay it back one hundred percent. We are a business that pays taxes and any public funds we draw on our students pay back one hundred percent.

Stephen Whyte addressed the Wasatch County Council and indicated that we are a graduate school and have ten doctorate programs, fourteen master programs, then twenty certificate fellowship specialties areas. Our faculty is local, regionally and nationally for the way that they teach. They are practicing professionals and bring that right into the classroom, so the students have a great learning experience. We have students from all fifty states. We have a little over five hundred students that are on campus every day and over five hundred students that are online every day for online programs.

Kam Martin then indicated that we do a mobile health fair and go into neighborhoods who would not have the opportunity of healthcare. We have a 501-C3 public charity, the RMU Foundation. They oversee six clinics. We go out to the indigent populations. Come visit our state-of-the-art facilities. We have about 1700 students currently. We have scholarship options, but our tuition is quite unique. If it is one hundred dollars when you enter it is one hundred dollars when you exit. If we increase tuition, it is only in the next year. The total attendance is very competitive. Tuition is the only source of funding.

Councilman Steve Farrell indicated that you should qualify for a tax exemption. Kam Martin indicated that we only get federal funding for student financial aid and just the students do not.

DISCUSSION AND CONSIDERATION OF ADOPTING ORDINANCE 24-08 AMENDING WCC 4.09.02 F REGARDING ENGINEERING FEES AND BONDS.

Jed Muhlestein, Wasatch County Engineer, addressed the Wasatch County Council and indicated

that the purpose of this agenda item is to update engineering fees as found in WCC 4.09.02F. Several permit fees have not been updated for quite some time. Currently listed fees are not sufficient to cover County costs associated with administering the permits. Fees for some permits need to be added to the code. Proposed fee updates have been evaluated to ensure the fee will cover County expenses. The evaluation consisted of reviewing employee and consultant hours as well as comparing rates with other municipalities. We are losing our engineering fees and application fees. We did a study. After we did that study and figured out how much money we are spending on each of these applications and looked up several other jurisdictions to make sure that the proposed fees that we are pulling from this study are not too far out of line from what other jurisdictions is also charging.

The first one is, and you will see that averages that it costs the County to administer a driveway and encroachment perm it is \$579.00 other entities are charging between \$200 and \$250 for that same permit fee. This permit is where somebody is proposing to put in a new driveway to their house or doing some other form of encroachment. This is a very low volume permit. This means in the year 2023 we had zero of these permits. Right now, we have three or four in the queue currently. I am proposing \$225.00 instead of the \$579.00 and the reason for that is because this permit generally is more for your single-family residences that are in Wasatch County.

Dustin Grabau, the County manager, indicated that the driveways in the more rural parts of the County are very long driveways like half a mile driveway. The longer driveways are what drive up those costs. The \$579.00 represents the average of the two even though most of them are probably closer to \$225.00 and this will cover most of the driveway permit costs and would not cover those larger more expensive projects. This will be a first reading of this ordinance so we will be coming back to you on our August 7th meeting for a final reading so if there is something you would like us to research or examine, we can bring changes back to you at that time. The fee is usually to cover the cost of inspections so that our weed crews will go by and verify that they are not creating a problem.

Councilman Steve Farrell also require a weed bond so that if they don't take care of their weeds we can go in and hire somebody to go do it. Jed Muhlestein indicated that bond will be held on our subdivision construction permits and it is held for three years after the completion of the project. Dustin Grabau indicated that the main need for the fees is for public safety so we can get an ambulance to the house and so we require a certain grade that can't be too steep so that an ambulance can safely access their property. Councilman Erik Rowland indicated that is regardless of the driveway and we want to make sure they are drive able. Jed Muhlestein indicated that is part of the inspection process and we are going to inspect and make sure that they are built appropriately. Dustin Grabau replied that this is really for longer driveways that they need special engineering eyes on outside of a building permit. We probably do two or three bond releases throughout the life of a project.

Councilman Steve Farrell replied that the County charges \$225.00 per a driveway permit and does the fire district charge on top of that? Dustin Grabau replied that the intent is that the fees cover

the cost of our engineering services, and we are not using property taxes to pay for it and this fee adjustment is intended to do that so existing property owners aren't paying the cost of new development. We feel like it is appropriate for those new move ins to bear that cost rather than have that shared among all County residents. We are getting bigger, more complicated projects that require a lot more effort and time and our internal costs are going up as well, so this fee schedule is intended to capture those changes. We are not proposing any new fees but only changes to existing fees. It is reasonable to keep this at the lower level. This is intended to protect other property owners and make sure that when somebody goes out to cut a road that we make sure that they have gone through the process to make sure that what they are doing is safe and have a legal right to do it and doesn't have to add adverse impacts to their neighbors and that really is the philosophy and intent of our engineering service.

Jed Muhlestein indicated that the last two on the spread sheet the minimum fine for a non-permitted work in the County right-of-way that is actually a new proposal to put in there and to be honest I don't want to be too heavy handed but want something in there though more specifically for a repeat offender. The first time you don't fine them but if the same company is doing the same thing again another day, I want to have something in code that encourages them to not do that. The point is we just need some teeth in the ordinance to put a stop to those kinds of situations.

Dustin Grabau indicated that our standard practice when people do any kind of work whether it is engineering, planning or anything we give them a voluntary compliance to come in and get a permit. That is true of other land use issues as we give them a notification like what are you doing is not okay and here is a timeline and then it goes from there to notices of violation and other things like that.

Jed Muhlestein replied that the final one is the catch all situation. If we have a situation or a project that doesn't necessarily meet these things and the fees just aren't working out. We are not here to make money on that, we just want to cover our costs. The other changes in there is either there is no proposed change or there is a raising of the existing fee just to manage our costs.

Dustin Grabau replied that the state basically has a requirement that the fees that we collect we have to justify. It is not a strict regulation, but it is a requirement that we be fair with our fees. We have this money in the General Fund but traditionally we bring in more in engineering fees than the direct costs but there might be a small variance from that intended time. There is not a separate engineering fund but a whole part of the General Fund. Let us know if there are changes you would like to see. We can incorporate those into the next version that you would see at the August 7th Council meeting. We could dive into some of the details of how we came up with the numbers we did. Some of this is a little different than from Jed's presence I was the engineering coordinator, and it was a combined process of appeals to the engineering coordinator/county manager. Now they are going to bifurcate it and these exceptional applications would be handled at Jed's level but then the appeal to the County Manager would be mine and they are not very frequent. The benefit of having Jed Muhlestein here is that he brings a level of expertise and honestly just being able to focus on these things and more consistently apply our code and some of those things have

required some exemptions that we previously considered as an exemption. Dustin Grabau indicated this represents I think no changes to our standard practice and updates the numbers to make sure that they are fair and given some of these are quite out of date and the changes are not too surprising given that time difference. Jed Muhlestein replied that I wouldn't mind re-evaluating this more on a yearly basis as the annual budget went through.

Dustin Grabau indicated that our fees are part of our code and have done fee ordinances and basically since I started here, we have done the building department a couple of times, the planning department, now engineering and talked about some other departments. We have tried to be more frequent and more consistent, and this is part of that process to make sure that we are staying up on our fees.

Councilman Steve Farrell made a motion that we adopt Ordinance 24-08 for the first reading and schedule the second reading for August 7th. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: None.

DISCUSSION ON CURRENT FIRE RESTRICTIONS AND POTENTIAL ADDITIONAL RESTRICTIONS.

Troy Morgan, from the fire department, addressed the Wasatch County Council and indicated that we wanted to meet with the County Council today to continue our discussion that we brought up at fire board last week about the potential of going into fire restrictions. We have conversations amongst ourselves in the fire district and some of our cooperators with the State of Utah, our Fire Management office and look at the criteria that we use to go into fire restrictions. We are just not quite there yet and not seeing an abundance of human starts but we have had a few so internally speaking amongst ourselves we just thought that maybe explaining our firework restrictions the boundary because obviously that is our highest hazard right now with the Pioneer Day coming up. Troy then showed a State Map and the State Fire restriction order letter that came from the State Forester. We wanted to come to you guys this evening to just see if we are okay expanding those boundaries and implementing this map around the County the fireworks stands as well and in getting the word out prior to the Pioneer Day holiday. We could look at fire restrictions after Pioneer Day and seeing what happens and maybe readdressing it in August. If we go into Stage One Fire Restrictions that would eliminate any outdoor burning, debris burning and would limit

dispersed camp site burning on State Park, but you still could have a campfire, but it would have to be in a designated campground. It would require anybody doing any welding or grinding in dry vegetation to have a written permit with standard expectations on what they would need to do as far as fire watch and having water. The biggest thing we talked about is that it is closed fire season right now and for anybody to burn any debris they must have a permit. We have not issued a permit in over three weeks just due to the conditions which we can because it is closed fire season. By going into Stage One Restrictions right now would only change the welding and the grinding and the dispersed campsites. We just don't see the need to pull the trigger on fire restrictions, but we did see a need to expand our firework map just because of some of the fires that we had over July 4th. To get a commercial permit they would have to come up and get one through the fire marshal at the fire district.

Councilman Kendall Crittenden made a motion to accept the fire restrictions as proposed. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

**DISCUSSION AND CONSIDERATION FOR THE ADOPTION OF RESOLUTION 24-07
POLICY 120-002 REMOTE WORK AND RESOLUTION 24-08 POLICY 125.003
EMPLOYEE LEAVE.**

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County's Executive Team which include all department and office directors within Wasatch County, Solid Waste, Park and Recreation, and the Health Department continue to meet regularly to review, update, and/or create county-wide policies intended to improve operations, employee morale and the public perspective towards Wasatch County Government.

The two policies being brought to Council through this Council item include:

1. Policy 120-002 remote work, the intent of this policy is to provide direction to staff regarding when remote work and flexible work schedule options are available and the required steps to take when remote work is appropriate.
2. Policy 125-003 Employee Leave. This policy was originally approved by the Council in August 2023 but requires 2 small adjustments. The first adjustment provides clarification

to staff regarding the FMLA process. The second adjustment provides a definition and direction regarding voluntary resignation.

Heber Lefgren indicated that the recommendation is Wasatch County authorizes the adoption of Policy 120-002 remote work and the amendment of Policy 125-003. Employees leave by resolution.

Heber Lefgren indicated that with regard to remote work and if there are employees who are required to do face to face and public interaction obviously, they would not qualify for this remote work. There are some conditions where either remote work or flexible work schedule can be permitted and again this policy provides the outline, and somebody will need to go through to be able to get that approved. If there is software that has to be on site, then they obviously can't work remotely.

Councilman Erik Rowland indicated that we are finding that more often if it is not clearly defined those triggers that unless the manager really does feel unable to say no and it is very difficult for them to say no. We need to make sure that in those cases where it is up to the discretion of the manager that they are not feeling bullied into agreeing to it, but they feel they are empowered enough to feel they can make that discretionary decision.

Councilman Steve Farrell indicated that this is a great thing, but it is an administrative nightmare. We ought to require the County manager to have the final say. Dustin Grabau replied that we have employees that predominantly work on site. All of the department heads have a strong desire to maintain a level of service that they are providing and the concern about their ability to do that and manage staff remotely and this is intended to outline the framework, but it is up to the manager and employee to decide to work remotely in this circumstance would work.

Councilman Erik Rowland replied that some people want to work on their vacation or when they are on leave. You should not blend remote work with leave because it sends a message to those who don't have that option to work from home and feel it is not.

Heber Lefgren indicated that remote work is staying but it is not one hundred percent five days you work from home and more one or two days a week you are working remotely. From a culture standpoint that is what we need. There is value in having this as an option but the need for us to properly train staff and prepare staff for future opportunities really do still require that the employee should be present. We need to look at that middle ground.

Councilman Erik Rowley indicated that it is a matter of trust and that they are doing the work that is being asked and not abusing a very commonly sought after and it is a real benefit. Councilman Karl McMillan replied that there should be some enforcement that they can't do as they would like. Councilman Erik Rowland indicated that you are talking about something more global of when you are working you are working and when you are taking time off you are taking time off. I would recommend that if you were to make that a policy, we would add it to the leave policy where we can find a leave policy. If you are taking leave, take leave. Heber Lefgren replied that it

is the responsibility of the supervisor to make sure that the tasks that are being assigned are being done and that the employee is working at home or in the office.

Councilman Kendall Crittenden made a motion that we approve Resolution 24-07, Policy 120-002 remote work and Resolution 24-08 Policy 125.003 Employee Leave and that it be monitored closely. Councilman Mark Nelson seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Mark Nelson

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

NAY: None.

CONSIDERATION OF AWARDING AN RFP FOR CM/GC SERVICES FOR THE WASATCH COUNTY ADMINISTRATION BUILDING PROJECT.

Richard Breitenbeker, from the County Manager's Office, addressed the Wasatch County Council and indicated that the following the selection of EDA Architects, Wasatch County solicited for bids through a request for proposals to provide a Construction Manager and General Contractor services for a new administration building. Bids were evaluated based on their project vision team competence, work history, and value cost. Value cost included construction management fees, insurance and bonds, pre-construction services, and general conditions over the expected period of construction. Preconstruction services are an integral tool in the CM/GC construction method for projecting regulating and improving value cost throughout design and construction. After initial review, three of the seven received bids were selected for interviews. The selection committee consisted of members including the County Manager's Office, EDA Architects and the building inspection and engineering departments. Applicants were scored according to the evaluation criteria included in the RFP. The selection committee is prepared to recommend the best of a highly competitive candidate pool to provide high value design services at a competitive cost. An expected CM/GC services cost of \$2,724,000 to \$3,020,000 dependent on construction schedule. These expenses will be paid from the capital improvement fund predominantly in the latter half of 2025 and 2026. We did in-person interviews with Layton, Jacobsen and Okland. Those are the three that we identified with the highest scores from the preliminary analysis. It was a very tight and very competitive process. We recommend Okland Construction as our CM/GC. Bob Hyde of Okland is going to be the Superintendent of the proposed team and he lives here and actually just a couple of blocks away from the Administration Building.

Councilman Eric Rowland made a motion that we award the RFD to CM/GC Services for the Wasatch County Administration building project. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: None.

DISCUSSION ON UNIFIED LETTER TO UDOT

Dustin Grabau, the Wasatch County Manager, addressed and indicated that there are some minor updates on this, and Heber City has adopted this letter as proposed, Midway City's Mayor has indicated that Midway would like to propose some changes and this is context for our discussion. All of you were at the interlocal meeting. This was discussed in our interlocal meeting as a subgroup of entities of the full represented here and discussed letter as a potential message to UDOT about the Heber Valley Corridor Project.

Councilman Erik Rowland replied that he would propose just as an efficiency that if there is an entity proposing changes that we wait for those changes are submitted and then we continue this by looking at those as well and any changes that we may have. Dustin Grabau asked how long you want to wait for you to look at those changes. Councilman Steve Farrell indicated that this is basically what we have said that is in this letter on the resolution that we passed a month and a half ago.

Councilman Mark Nelson indicated that he has a big problem with this letter and expressed that at the interlocal meeting. Councilman Kendall Crittenden replied that it is good that we are coming together in things that we need to do and like to see.

Councilman Erik Rowland indicated that the only thing that this really accomplish and the only that is good it says that we are all united. Also, what is the real intent of this letter and what is intended to be accomplished by this letter? Are we giving UDOT specific points which is an entirely different thing than as saying that as a community, as a board of elected officials, we are united in coming up with a process and then again that is a whole different approach. That needs to be agreed on before we even decide what is in the letter. What is the letter supposed to do?

Dustin Grabau indicated procedurally how do you want to answer these questions and Heber City

has already asked about our scheduling of our constitutional convention. Councilman Mark Nelson indicated that this letter to me is saying to UDOT that we fully support the bypass as long as it does this, this, this and this which makes it impossible that is what the letter says to me.

Councilman Steve Farrell indicated that we don't need a letter and after seven years UDOT ought to know where we are at. Councilman Kendall Crittenden replied that I don't think that we need this letter.

Dustin Grabau asked if Midway City provides changes prior to like the August 7th meeting or would you like to try and schedule a time, or our August work meeting should work. Councilman Erik Rowland indicated that if we are looking at through the lens of this and even if there is a remote chance that this sends a message to UDOT that we are united in a cause and that helps them in any way then I am a proponent for a letter. I don't think it will hurt, at least in what we have presented and there is more of a chance for it to help. If that is the case and there is no cost to us as a County to do something like that then that is worth looking into. Since we know that Midway is going to make changes and I would be more than willing to see what those changes are and see if that addressed new things or raise a conflict and not this die yet. I would hope that would do something. I can't see it hurting.

Councilman Steve Farrell indicated that do we want to consider an RFD to do some engineering on this? We have got five million dollars sitting in the corridor preservation fund. Dustin Grabau's indicated that if we don't have UDOT's participation it will likely cost far more than the million dollars to do this. We would need UDOT at the table if we were to go that route. I can reach out to UDOT and see if Rob Clayton from UDOT would be willing or open to something along those lines. Councilman Steve Farrell indicated that this would be something to get the catalyst to get things going because we have not had good luck so far. I am not sure that they are designing anything because they are just doing the selection of the route. Dustin Grabau indicated that the technical hurdle is the NEPA process of factoring in all those things that are required to use FHA funds and that is where I think we need UDOT's help. Why don't we have the committee go meet with UDOT and Greg Hancock don't write a letter but just go and talk to them.

Councilman Erik Rowland indicated that in consideration of time and the fact that there is a great deal that needs to still be discussed on this I would make a motion that we continue this discussion until a future date that would be established based on any other revisions that are made to this letter that we can review and decide what other action we need to make at that time. In the meantime, responses from UDOT regarding our fees or any other questions that we may regarding this project. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden
AYE: Luke Searle

NAY: None.

MARIA QUINTERO, REPRESENTING RENAISSANCE BRIGHTON L.L.C. REQUESTS A CONDITIONAL USE PERMIT FOR A 20-FOOT-TALL RETAINING WALL CONSTRUCTED USING VERTI-BLOCK CONCRETE WALL BLOCK STAINED IN EARTH TONES TO BE LOCATED AT 1574 PUMA WAY IN THE MOUNTAIN (M) ZONE. (DEV -9341)

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this is a non-public hearing item. In essence the retaining wall is 20 feet in height. Horizontally, there is a three-foot break in between the two that would be landscaped. Under the code you as a Council have authorized staff to be able to approve retaining walls up to thirty feet in height. However, with that comes a restriction we can only approve them if they are stacked rock or poured in place concrete faced with stone. Because this request, although it is less than the 30 feet, the request is to use a material that is not listed in the code as were staff being able to approve it. One of the marketing images but the applicant is saying I am matching that face style and the three colored pattern of sand, tan and brown. That is what we need the Council's determination on because staff is not allowed to approve those. This is a lot of records that is just north of Brighton Estates. You are not being asked to do anything about the garage in order to put the garage where he wants to, he needs to build a building pad to flatten things out which requires the retaining walls and the retaining walls don't have a provision to allow staff to okay that because of the type of materials.

Austin Corry then listed the proposed findings:

1. The staff analysis indicates the proposal complies with Section 16.27.20 of the current Wasatch County Code.
2. The staff analysis indicates the proposal complies with Section 16.28.97 of the current Wasatch County Code related to Conditional Uses.
3. Notice has been sent to neighboring property owners within 500 feet of the property.
4. There are no known zoning violations on the property currently.

Councilman Erik Rowland made a motion that we approve the conditional use permit for the twenty-foot-tall retaining walls constructed using verity-block, concrete wall blocks stained in earth tones to be located at the given address considering all the findings by the Planning Commission and Planning staff comments as presented in this presentation. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle

NAY: None.

COUNCIL/BOARD REPORTS

The Council indicated that they had no council/board reports.

MANAGER'S REPORT

Dustin Grabau, the Wasatch County Manager indicated that he has no Manager's report this evening.

CLOSED SESSION

The Council and Dustin Grabau, the County Manager, both indicated that there is no need for a Closed Session this evening.

Vice Chair Karl McMillan indicated that the time is 6:30 p.m. for the public hearings to take place. The record should show that all the Wasatch County Council are present with the exception of Chair Spencer Park who is excused and Councilman Mark Nelson who left at 6:44 p.m. and is excused for most of the public hearing regarding the Farms at Center Creek and was gone through the rest of the other two public hearings.

PUBLIC HEARING **JULY 17, 2024**

**FARMS AT CENTER CREEK, L.L.C., REQUESTS PRELIMINARY SUBDIVISION
APPROVAL FOR RANCHES AT FARM MEADOWS, A PROPOSED DEVELOPMENT
CONSISTING OF 102 RESIDENTIAL SINGLE-FAMILY BUILDING LOTS AND**

INCLUDING THE DONATION OF 17.5 ACRES OF PROPERTY FOR A COUNTY REGIONAL PARK AND 12.7 ACRES TO THE SCHOOL DISTRICT ON A TOTAL OF 133.39 ACRES LOCATED AT 2400 EAST 2400 SOUTH IN THE RESIDENTIAL AGRICULTURE 1 (RA-1 Zone.)

Staff:

Austin Corry, the Wasatch County Assistant Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the subject property is 133 acres at the northeast corner of 2400 East and Center Creek Road approximately one mile east of the Heber City boundary at Mill Road. The land has been historically haying production. The applicant is seeking to develop the property into a residential subdivision (land use 1111) of 102 residential lots and includes a proposed donation to the County of a 12.4 acre regional park site and a donation to the local school district of an 11.8 acre site for a future school. There is a mapped riverine under the terminology of the Army Corp of Engineers. The applicant believes that is no longer actually in existence. If the Army Corp of Engineers agrees with them that it shouldn't be on the map but there is a process, they must go through to remove it from the map. The 12.4-acre park site but it does also serve as the detention basin or retention basin in this case for the development. Under the regional park donation section of our Code there is a requirement that you can't exceed five percent on any of your grading in any of the areas unless it is accepted by the County. That is a discretionary decision that you can make a recommendation on whether you are comfortable with the way that they are grading that or not. Now staff has pointed out to the applicant, and we are further recommending that if you would like to approve this that one of the conditions that in here specifically talks about still modifying that grading in a way to accommodate parking. The provision that allows this to come into play is found in 15.27.34 of the code and with that section of code there is also a map that identifies areas where the County forces there to be a need for regional parks. This fits that criteria and there are certain other criteria that must be done for the County to even consider this. The subdivision primarily is half acre lots. The development is 1.3 acres per unit which is the RA-1 zoning density. When you do the overall calculation, they are compliant with our zoning code with no bonus densities being granted. The developer is not requesting any bonus in exchange for the park and is just using the variable lot size to donate it. The detention basin for the project is also that 12.4 acre proposed park site.

The Planning Commission expressed some potential concerns primarily related to the steep grading on the side. The code does limit the grading on the site to no more than five percent or as approved by the County. This is obviously much greater than five percent on those steep sides so as a county council you would need to make the discretionary decision whether you are okay with that.

Councilman Steve Farrell asked this proposed park, or the 12.4 acres is total retention. Austin Corry replied that it meets the retention for the 133 acres. It is the retention for the entire project site.

Vice Chair Karl McMillan indicated that the recreation director replied not because they don't want to transport all their equipment two to three times a week up there to take care of something that the parks and rec can't use.

Austin Corry indicated that the County's General Plan specifically talks about creating regional parks in this area. Also, the HOA's could be used to maintain parks such as this. Dustin Grabau indicated that we already have a park in the east valley area that we will need to do something with and having some options is not necessarily a bad thing. The biggest concern would be the usability of a detention basin as a park compared to other alternatives. This is a policy decision that you would have to make. Do we want to start encouraging this kind of thing or not? Councilman Steve Farrell indicated that you have got to recognize this 12.4 acres is a requirement for the development to exist with the retention area and this is not a gift. Austin Corry replied that the question is does the County want it or not. This is an unimproved park donation which means that they are just offering the grounds to the County and there are requirements on how that should be which are:

1. Needs to be a minimum of ten contiguous acres.
2. Needs to have less than a five percent slope or as determined by the County.
3. Shall be adjacent to arterial, collector or other major roads.
4. As per the adopted General Plan map are allowed in RA-1.
- 5 All water necessary for the park shall be provided.
6. The property shall be deeded to the County.
7. Location and approval of the park donations shall be in the sole discretion of the County.
8. Shall have a public trail plan.
9. All necessary improvements in front of the park within the County right -of-way shall be completed.
10. Parks may be improved or unimproved as determined by the County Council.
11. Fencing shall be provided on any lots that abut the dedicated park area.
12. Subdivision plants shall provide appropriate notice.
13. It is at the sole discretion of the County Council to approve a park.

Austin Corry replied that with the donation of the ground for the park there are certain bonus densities that the County can consider in exchange for the donation of the park but in this request the applicant is not asking for any bonus density at all. There is a trail plan that is part of this also. There is a fencing plan which is part of their proposal, and their proposal is to follow the County standard minimum which is a four-foot field fence with barbed wire top and bottom. The School District wrote a letter noting that they are aware of the donation to the district and that they are not intending to sell that in any way and that it will be used for the development of a school site. The School District has written a letter, and they acknowledge in this letter that they are actively interested in that site and intending to accept it and they understand that is not a site to be used for further residential development and indicated they are looking at it and accepting with the intent to build a school.

Austin Corry then indicated that the key issues consider are:

1. Compliance with zoning requirements, including supplementary development standards.
2. Compatibility with the General Plan.
3. Acceptability of an unimproved park donation to the County.

Austin then went through the proposed findings:

1. The subject property is 133.38 acres per the applicant survey. Reducing to 133.31 acres after road dedication.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. The RA-1 zone is a 5-acre minimum lot size zone but allows a greater density of 1.3 acres per unit if certain criteria outlined in 15.08.04© of the Wasatch County Code are met.
4. The application includes connections to public sewer and public water through Twin Creeks SSD.
5. The application includes a proposed dedication to the County of a 12.4-acre unimproved park site. The site would also serve as the storm water retention area for the project.
6. WCC 16.27.34 outlines requirements for donations of future regional park properties to the County and the proposal complies with the requirements, including donation of water.
7. The County Council is the legislative body, has broad discretion as to whether to accept a park donation.
8. The application also includes a proposed dedication to the school district of a 11.8-acre unimproved school site.
9. The school district has provided a letter of intent to accept the school property donation and acknowledges that the property is not intended to use as residential development and the district does not intend to sell the property for residential development.
10. The proposed subdivision is at a density of 1.3 acres per unit, which is the maximum density permissible if no bonus density is given for the park dedication.
11. The trail plan provides a looped trail that surrounds the property on all sides and makes connections to adjacent properties through either proximity or through road rights-of-way.
12. The proposal includes a road stub at the east property boundary into undeveloped ag land north of the Bar L. Ranch Farm Preservation Subdivision.
13. The proposal includes other smaller open space area parcels that include trail connections and are to be landscaped by the developer and maintained by the proposed subdivision HOA.
14. Wasatch County Code 16-21-06 requires specific ownership and maintenance responsibilities for open space parcels which are indicated through notations on the plat.
15. A draft development agreement has been prepared with the application that includes things such as, but not limited to, the timing of improvements, dedications, water rights, and maintenance and ownership responsibilities.
16. There is a mapped riverine on the National Wetland inventory in the northeast corner of the project area that the applicant believes is in error and has indicated they are currently working with the Army Corps of Engineers to obtain approval.
17. The applicant acknowledges the risk that phases 2-4 of the projects, as shown on the applicant's phasing plan would likely need to be reworked to adjust the road alignment if the Army Corps

does not grant approval for the mapped riverine to be developed as shown.

18. Preliminary approval does not grant a variance from County Code standards as a project proceeds with further stages in the approval process. Additional information will be required at final to refine the plans to comply with applicable laws, including Wasatch County Code.

19. 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.

Austin Corry then went through the proposed conditions.

1. The development agreement shall be finalized and recorded prior to or concurrently with the first final approval for the project.

2. Applications for phases 2-4 will be required to include a letter of approval from the US Army Corps of Engineers that either the riverine on the NW is in error, or that the applicant may modify the riverine to accommodate the proposed development, if approval is not obtained, the applicant will need to make a new preliminary application.

3. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.

4. Final grading plans with phase 1 shall provide a conceptual design for sufficient area for an off-street parking area to be improved for servicing the park without the need to significantly alter the drainage plan or to provide large amounts of cut or fill. This does not require the construction of the parking area but is to validate that the County can improve the park in a reasonable way without having to bear significant cost to maintain the storm water retention needs for the development. County staff, in coordination with Wasatch County Parks and Recreation SSD, will review the plan and is authorized to approve the grading for the site.

Austin Corry then went through the DRC Comments:

PROJECT comments:

- Please provide your draft development agreement in Word format. DA is to be coordinated with Jon Woodard in the Attorney's office.
- Please, add some information on how the snow storage requirements will be met.

ENGINEERING comments:

- A more detailed drainage plat for the entire area will be required with the first subsequent phase application for final.
- A more detailed drainage report will be required for the entire area with the first application for final.
- The old Center Creek channel came through areas of the development. There could be localized anomalies within the typical soil horizons. There may be areas where additional unsuitable material will have to be removed and replaced. This could be the reason why test pit 5 is significantly different.
- All disturbed areas including the park/detention basin and school parcel areas at a minimum will have to be covered with topsoil and seeded. All the open space areas and the school

site and the park could become huge weed problems, nobody wants that.

For final would you work on locating hydrants closer to intersections as the streetlight at the road intersection illuminates the hydrants. For example, it would be better to have the hydrants for the intersections close to 2400 East in the development rather than on 2400 East. Same with the interior road intersections, if the spacing works.

For final could we put the streetlight's locations in the P&P drawings.

GIS DEPARTMENT comments:

Please work with us to get road names figures out. E-mail, cashcraft@wasatch.utah.gov. Phone 1-435-657-3327.

You can choose the names, but we will review them to make sure they comply with standards. We will want to have 10 names to review.

See previous comment on working with us to sort out road names and lot addresses. The road names provided have issues with incorrect road splitting locations, duplicates of other road names in the County, incorrect directionals, etc.

The intersection of Sunnybrook Drive, Farm Meadows Drive and Morning Sun Drive has moved compared to the plat the lots were addressed to. Please reach out to us gis@wasatch.utah.gov once you are ready for your final submittal and we will provide you with a corrected address list for the plat.

Last week we also received preliminary plans for the subdivision that will connect to Morning Sun Drive. They plan to have the road immediately end at a T intersection. With that geometry, it makes more sense to use the numerical name 2071 South for this road if it works for you, we would like to change the road name for the final submittal.

PLANNING comments:

If the park donation is approved by the Council, the final utility plans will need to coordinate with the Parks and Recreation SSD to ensure the stubbed utility locations work. The Council will need to decide if the grading is acceptable on the site to be dedicated for a park. It is planning's opinion that grading the site in a way that accommodates a future parking area without affecting the needed storm water modeling would be the preferred condition.

Please verify that the overhead utilities are being placed underground 16.27.27.

Final plans will need to include irrigation specifications and details as well.

Any final subdivision applications for phases 2-4 will need to include written resolution from the Army Corps of Engineers for the riverine areas in the NE corner of the project. If the approval can't be obtained the project may be required to decrease in density and will have to apply for new preliminary approvals. The wetlands, other platted subdivisions including the developers own plats can be considered hardships that would qualify the applicant to request any variances.

Response to PLN15 states as updated agreement was attached. The only file in the submittal is still the one from October.

Response to PLN30 acknowledges the comment but doesn't resolve it. Final plans will need to clearly show the utility lines being placed underground.

Response to PLN14 states "Construction Plans state, irrigation line to be removed through the lot after relocation of said irrigation line." Please provide a better response that shows where this is stated I do not see it on the utility plans.

PUBLIC WORKS comments:

- Pages 21 and 23 need to replace Mike Davis with Dustin Grabau.
- The streetlights are not shown on the plans. Great work construction key notes refer to detail 1.4 on sheet D.505. That detail shows only the pole assembly. Please add a note to these utility plan sheets that all streetlight systems will be installed according to Heber Light and Power standards for underground, etc. If that is easier than adding underground conduit and j box details.
- I found the details. The detail shows the pole, pole base, and fixture only and not the box or underground conduit. Please add a note stating that all underground will meet Heber Light and Power specs. Also, we are standardizing on a pole and fixture, so we can maintain inventory and better serve our customers. Please use the following when ordering pole and fixture from Holophane PUC13, P10 30k MVO LT FC3 BK NF PR7E L25 SMA 14, F4J 35 CO3 BK, ABG ASSY269 12.

SURVEYOR comments:

- Phase 2 same comments on West Plat boundary as phase 1.
#2 in the 35.6 and 44.49 jog site. The land is in your deed by the land however the adjacent owners are farming the parcel.
#3 We realize the two properties are tied to two different corners.
#4. To the north of your proposed subdivision is an existing subdivision. Please make sure the two subdivisions leave no land between them. The simplest way is to call out in your legal description along the existing subdivision
- Phase 3
#1 see previous comment on north line.
- Phase 4
#2 the east boundary is subject to two boundary line agreements. Basically, the entire length. The proposed subdivision boundary has no mirror and or callout this BLA. Again, the adjoining deeds are written from different corners.
#3 Pertains to all plats.
There are by my County 15 parcels with in the four plats. Who owns these? Are they to be included with the OPEN Space of what? If they are to be conveyed to others, who?
Look at Phase 1 where you call out.
- #1 Our original comments on item #3 referencing the job in the southeast corner of the adjacent Thomas Lane McPhee property. The aerial photo shows McPhee property. The aerial photo shows McPhee using this property in his/their back yard. We have reviewed the legal description in the title commitment letter, and it mirrors your legal description telling me that they will insure the property within your legal, however is the title company aware the McPhee's are using property in your title and outside your fence lines? Have

McPhee's used this land for more than 20 years? Is there a recorded document giving this property to your client? The jog fenced as I assumed it is not from aerial photos.

Austin Corry then indicated that the recommendation is that based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to revisions or conditions that are not anticipated to constitute a materially substantive change. Therefore, the Planning Commission recommended the matter to you with a positive recommendation of the proposed preliminary plan based on the findings and subject to the conditions included in the staff report. The Planning Commission noted in that motion that as a County Council you should consider whether you should accept the park right away or whether you should defer the substance of the park. Councilman Steve Farrell indicated that by having a school and a park in that area you have a traffic concern along with everything else. Austin Corry indicated that they would include the water donation for the park if you chose to accept it. Also that right now their design is to use the entire site for their retention area and we want to ensure that if the County accepts this as an unimproved donation there is a spot where we could build a parking lot that we don't have to change the retention basin and we don't have to find out how to accommodate the storm water needs for the development just by trying to put a parking lot in. We want to see a conceptual design that we can fit a parking lot on that without having to change the retention pond.

Councilman Erik Rowland indicated regarding deeds and restrictions that we want to implement we need to look in what if any restrictions we might want to adopt that would address overnight parking in these areas. Austin Corry indicated that what was told to us is that the County would have fifteen years to give you to accept the park, but it is all negotiable.

Applicant:

Mike Olsen, the manager of this property addressed the Wasatch County Council and indicated that we have been working on this project for many years and it is literally a thirteen-year project. There have been water district issues, Army Corp issues, canal issues. Regarding the park, we don't care in one way or another if the County takes the land we designate as a park. We don't care either way. The School District came to us and asked for ten acres on the corner to build a school there. The School District does not have the funding right now for a school to be built there right now but will be needed. Regarding the park the County doesn't have the money to do any of the improvement or have anything to do with the park, but I said that we don't care with the park either way, but we will keep it the way it is, and we are fine with that. If the County gets their funding to do something and wants it that is great the ground will be given to you and that will be put into our development agreement that if the County comes to us at a future date and wants it, we will give it to them at no cost. We will look at how many parking places would be needed for people to park at the park. We have been farming that property with George Holmes since 2011. He will farm the site that the school district has until the School District decides to use the property. Also, a road has been put in to help with the farming of the ground. The reason that road is where it is so George Holmes can get equipment down there. We will continue to farm that piece at the bottom and the school site until those sites are ready. We will put it in the HOA until that time.

All the work in the canal is completed. We have completed all the sewer and water along 2400 East and all the sewer and water on 2400 South. Then the road was rebuilt. We got the residents that were on septic to sewer, and we ran the laterals to the homes because we don't want to tear the road up again. We also included the trail system along 2400 East. This ground is owned by a family who is in the development building business and our intent is to develop and build phase by phase. George Holmes will continue to farm all the property. We look forward to approval and in starting Phase 1 sometime as quickly as we can get in there. We will investigate the depth of the basin and make sure that is corrected because it is not thirty feet deep.

There is a storm tech where I can bury storm vaults and so I can build them underground and leave the entire 12.4 acres flat so there is no grading and I am not going to lose any ground and not going to have any slopes the whole 12.4 acres would be available to the County. In the development agreement I put that the County could come back at any time within fifteen years. The reason that I put fifteen years is that I will be here for fifteen years so our plan is that we will develop and build out the entire subdivision with the company that now owns it. That is why I put fifteen years. If we do the underground storm tech system over the top of the storm tech system I can get about 160 cars to park in there. It will take me about a week or so to have the plans back into the County but I think it makes a better detention area to just bury it and when the County wants it, it will be there and until then I am going to farm it.

Where the school site is we will farm it so that property doesn't sit in a field of weeds. That also will be done with the park site that once we get the storm tech installed, we are going to farm it and those will still be maintained by the HOA until such time as the County decides they want to do something. If the County is good with the fifteen years, then we will be good with the fifteen years and we will build a storm tech system and that property will be basically completely flat. The storm tech system will be put in the development agreement and with the storm tech there is a monthly inspection and that all will be done with the HOA and it is not up to the County to do that but only serves our purpose. Also there is a big pile of dirt that I need to get moved and I have a grading permit and it is not typical that you would give a grading permit to somebody that doesn't have a final subdivision approval and would like to work with the County's staff to expand that grading permit so that I can get that dirt out of there so that I can get the detention pond built before winter. I also have a \$1.7 million bond that is currently in place with the County and will just leave that bond in place until we can get the rest of our permits to start phase one. Dustin Grabau indicated that we can work through some of those details on the administrative level.

Councilman Steve Farrell indicated that the concern that he has in that RA-1 Zone we require so much open space and what we are doing is and we required it to keep the rural character and keep the open space for the adjacent property owners who are there. Now we are coming up with additional uses that just add more contention and confusion are we defeating our zoning issue and our zoning purpose. That is my concern if we require the open space and the 12.4 and the 11.4 is required acreage you are going to give it to us no matter what is on it. Mike Olsen is just a matter of timing. Councilman Steve Farrell replied that according to zone it should be left open into a rural agricultural setting. Dustin Grabau replied that what you are saying is that the development's

open space requirements include the school site even though you could argue that once the school is built it is no longer open space.

Austin Corry replied that from a staff level doing technical review we don't have anything that says that it can't be a school. I also understand Councilman Steve Farrell's point. I need to come to the Council for policy discussions.

Councilman Steve Farrell indicated that the developer had to donate so much ground for open space and we are taking that open space that was required to be donated to get that and putting a school on it and a park. The retention basin that was already descriptive use in the open space. Dustin Grabau replied would it be accurate to say that there is not a technical objection to the proposed uses, and it becomes a policy consideration at this point. Austin Corry replied that is correct. In terms of the park itself that leaves full discretion to the County whether it is accepted or not and that discretion affords you with a lot of negotiating power in terms of whether you think that is right or not but from a staff review standpoint we can only tell you what the technical requirements are and that leaves the discretion up to you. Also, with regard to the storm tech issue that offer just resolved every discussion that I heard in the Planning Commission's concerns and their main concern was the slope and what we do about the parking issue. Dustin Grabau indicated that if you wanted to proceed you may want to include a condition that we can work out the details of that donation methodology.

Public Comment:

Vice Chair Karl McMillan then opened the hearing up for public comment.

Colleen Boner, County resident, addressed the Wasatch County Council and indicated that does the County have any requirements when you do an HOA in their CC&R's that you can restrict short time rentals in those CC&R's. The storm tech is a great idea because it makes that land more useable. What is the park going to look like in the future?

Dave Scherat is a neighbor that lives on the northwest corner of this development that is going in. I have a couple of concerns. First one is the retention pond and the water from that whole development comes right down into my yard and had to divert it twice at my own expense. The retention pond has been moved halfway up the block and what happens at the north end. That water is still going to intrude into my property and will cover half of my property in water. Nobody came to me about when that retention basin was put and where it would be and have you had any problem in the past nothing was said. I want to make sure that I am not going to have a problem when they start putting houses there and then that problem will come back on me to fix it. In the last four months I have had more inconvenience and pain in the butt trying to get in and out of my own lane than I had the twenty years before and my secondary water was cut off and I was out of water for three weeks. What concerns me more than anything is it has only been four months and haven't seen building houses yet. What is going to happen in the next fifteen years, like am I going to be able to get in and out of my house. When you ask and ask, and they don't do anything about

it is really concerning and there are other neighbors in the area that this will affect. I would like to have some kind of agreement with the developer that says that you will not inconvenience our old residents who have been here twenty or thirty years as best you can. Make it so that we can be good neighbors. I would hope that we could come to an agreement somewhere along the way to try and do the best you can.

Tracy Taylor, Wasatch County resident, addressed the Wasatch County Council and indicated that the County does consider doing regional parks throughout the whole valley. I think that the retention pond is utilized a lot in the winter for a sledding hill. There are a lot of uses that can be there without having a major infrastructure in the regional park area. I hope that the Council will consider spreading these parks throughout the County and not making people and kids come clear to Southfield Park for everything. With regard to the elementary schools, they need to redistrict those and don't see an elementary school being built for a little while enrollment for the last three years has gone down and not up.

Vice Chair Karl McMillan then closed the public comment period.

Councilman Erik Rowland made a motion that we agree to the preliminary subdivision approval for the Ranches at Farm Meadow as outlined in the proposal with all the terms, conditions, and findings with the addition of two things first being the retention pond be designated as a retention area with the use of vaults as stated in his presentation. Two, that attorney's office will work with the County manager in working through the details of the property donation process and that it is done that is amenable to all parties involved. Councilman Luke Searle seconded the motion, and the motion fails with the following vote:

AYE: Erik Rowland

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: Steve Farrell and I am going to vote no because I don't believe that we are following our General Plan and requires thirty acres of open space based on what the ordinance requires. Then we are allowing them to dedicate the use of that open space when it should be left for the rural character and agriculture purposes area.

NAY: Karl McMillan

Vice Chair Karl McMillan indicated that we don't have a full Council present because we are short two councilmen.

Councilman Erik Rowland made a motion that we continue this item until a point we have the full council present at the August 7th meeting and continue it then too if necessary and it will not be a public hearing but just an agenda item. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

NAY: None.

CONSIDERATION AND RECOMMENDATION OF AN UPDATE TO THE WASATCH COUNTY TRAILS MASTER PLAN GENERAL PLAN MAP 22, NON-MOTORIZED TRANSPORTATION, TO IMPROVE THE READABILITY OF THE MAP AND TO REFLECT MORE CURRENT AS-BUILT CONDITIONS OF EXISTING TRAILS THAT HAVE BEEN BUILT SINCE THE MAP WAS LAST ADOPTED.

Staff:

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that all this matter is before you this evening is regarding our current Trails Master Plan that is in the published General Plan. This proposal is just to update that plan. Most of it is to improve readability and one of the main changes that it makes is it makes a distinction between what is proposed and what is built. The only other significant change that there is that on the valley floor area running along the collector roads is our current plan calls out ten-foot asphalt trails. We have been working with engineering on the existing right-of-way cross sections and in order to actually fit things the widest trail that we can accommodate without asking for more right-of-way than we currently are is eight feet and so we are recommending that we change our trails master plan to an eight foot trail instead of a ten foot trail in order to prevent us from having to widen our rights-of-way.

Austin Corry then went through the issues to consider.

1. Consistency of the proposed policies with existing established policy.
2. Does the proposed amendment promote the community values and quality of life desired by Wasatch County citizens.
3. Is the proposed amendment in the best interest of the residents on a Countywide basis.

Austin Corry then went through the proposed findings:

1. The proposed amendment is in the interest of the public and is consistent with the goals and policies of the Wasatch County General Plan.
2. The proposed amendment is consistent with the purpose of the General Plan outlined in Section 16.03.01.

3. The General Plan seeks to develop and incorporate a non-motorized trail system to provide safe transportation and recreation facilities that are compatible with the rural and mountainous environments of Wasatch County and are interconnected with the County's active transportation infrastructure.
4. Positive impacts of the proposed changes are increased clarity and readability of General Plan Map 22, updated trail alignments based on as-built conditions, and clear understanding of size and locations of future trails.
5. There are no known negative impacts that the proposed change would cause.

Public Comment:

Vice Chair Karl McMillan then opened the hearing up for public comment.

Colleen Bonner, County resident, addressed the Wasatch County Council and indicated that the County has changed so much to motorized bikes and how do we manage this?

Vice Chair Karl McMillan then closed the public comment period.

Councilman Luke Searle made a motion to approve the recommendation of an update of the Wasatch County Trails Master Plan considering the findings and comments in the staff report. Councilman Erik Rowland seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: None.

A PROPOSED ORDINANCE 24-07 TO AMEND WASATCH COUNTY CODE TITLE 16 AND ADD A PROVISION FOR HIGH TUNNEL GREENHOUSES. IF THE ORDINANCE IS APPROVED THE CODE WOULD ALLOW HIGH TUNNEL GREENHOUSES SIMILAR TO HOW THEY ARE REGULATED IN UTAH STATE CODE 10-9A-525 FOR MUNICIPALITIES.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County council and indicated that the amendment is under the direction of

the County Council. There are several High Tunnel Greenhouses in the County. These greenhouses are typically in more rural areas. Most if not all of these are constructed without a permit. After discussion regarding high tunnel greenhouses and their enforcement, we were directed to the State code. After looking into the State code and finding section 10-9a- 525 it was realized that the code only applied to municipalities. There is no high tunnel code for counties exempting high tunnels from all code requirements. High tunnels could be considered Ag. Exempt if used for the purposes intended. An Ag. Exempt permit, while exempting from a building permit inspections and fees still require a site plan review by the planning department to ensure that setbacks and height requirements are met. We have been told that the next legislative session will most likely have a bill regarding high tunnels in counties similar to the code for municipalities.

Doug Smith indicated that he added this Subsection 2 to our Accessory Buildings Code Section essentially saying that High Tunnels Greenhouses are exempt from regulations in accordance with Utah State Code 10-9a-525 for municipalities and any other updates to state code with the following stipulations.

- a) Building codes and land use codes do not apply.
- b) No permit or application shall be required.
- c) Setbacks shall be sufficient to maintain drainage on-site.
- d) Shall be located behind the rear facade of the dwelling in the rear yard if there is a dwelling on the site.
- e) Shall be out of any clear view area as defined by County code
- f) Shall have a minimum of a 30-foot setback from any road.

Doug Smith indicated that the section of the code proposed to be amended is 16.21.08 entitled Accessory Buildings. There is no purpose statement for this section. However, regulations for accessory buildings are intended to maintain setbacks for openness between property lines, regulate heights, and promote building code and fire code objectives. It is intended that these greenhouses do not have mechanical, electrical or plumbing. If they do permits will be required, however, those inspections would only be from the building department and would not include planning review.

Doug Smith then went through the key issues to consider.

1. Will the approval of this code create problems in more urban areas of the County?
2. Are there unforeseen issues that may be created by the adoption of this code?
3. Is allowing an agricultural building, exempt from any regulations, in the best interest of the residents of Wasatch County?

Doug Smith then went through the proposed findings.

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan as follows:
 - a. Protect the rural agricultural economy of the County by establishing an agricultural operation as a priority use of the land, protect existing and future agricultural operations

and encourage farmers and ranchers to stay on the land.

2. The code currently allows buildings, that are determined to be agricultural by the building department; to be exempt from a building permit however, they still need to have a site plan review to determine that the proposal is in compliance with height and setback requirements.
3. State code currently allows for high tunnel greenhouses with little if any regulations in municipalities.
4. Positive impacts of the proposed changes are that this may encourage agricultural uses as outlined as the intent of the high tunnel greenhouse code which is as follows: for the keeping, storing, sale, or shelter if an agricultural commodity.
5. The negative impacts of the proposed changes are that there will be no County review. The County will only get involved if there is a complaint or it is noticed by staff that a high tunnel violates the requirements proposed in the code. After a complaint or proactive inspection, it would need to be determined if the stipulations outlined in the code have been met and if not, there would be after the fact enforcement.
6. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

The determination to be made is whether to amend code sections 16.21.08(A,2) entitled accessory buildings and 16.04.02 entitled definitions to add a section that would allow for high tunnel greenhouses as an allowed use without any County regulations except for the stipulations outlined in the proposed code.

The recommendation from the Wasatch County Planning Department is based on the analysis and findings in this staff report. The Planning Staff is of the opinion that the proposed amendment to the code is in the best interest of the general welfare of the County. Therefore, the Planning Commission has recommended a positive recommendation of the proposed code text amendment based on the findings included in the staff report to the Wasatch County Council

Public Comment

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

Councilman Steve Farrell made a motion we approve Ordinance 24-07 amending the County code Title 16 and adding a provision for high tunnel greenhouses considering the findings and comments by the staff report. Councilman Erik Rowland seconded the motion, and the motion carries with the following vote:

**AYE: Vice Chair Karl McMillan
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle**

NAY None.

ADJOURNMENT

Councilman Kendall Crittenden made a motion to adjourn. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: None.

The meeting was adjourned at 8:00 p.m.


KARL MCMILLAN/VICE CHAIR


JOEY D GRANGER/CLERK/AUDITOR

