

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 7, 2024**

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

PRESENT: Chair Spencer Park
Councilman Steve Farrell
Councilman Kendall Crittenden
Councilman Luke Searle
Councilman Erik Rowland
Councilman Karl McMillan

EXCUSED: Councilman Mark Nelson

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

PRAYER: Chair Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Erik Rowland and repeated by everyone.

Chair Spencer Park called the meeting or order at 4:00 p.m. on Wednesday August 7, 2024 and indicted that all the Wasatch County Council are present except Councilman Mark Nelson 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 a 25 North Main Heber City, Utah 84032. Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATION ISSUES FOR FUTURE MEETINGS

Chair Spencer Park then asked if there were any legislative items for future meeting. Dustin Grabau, the Wasatch County Manager indicated that he has two things. One is a request from Summit County to have a joint meeting with them next week after our work meeting which would be held in Summit County. The item they want to discuss is primarily the 200 South Kamas Road. They want to make more regular interlocal meetings with Summit County. Councilman Steve Farrell indicated that the whole Council should be present for the discussion because we are going to have actions down the road to require action on that road. We will bring some County staff with us to that meeting.

Dustin Grabau indicated that the second item that is for you is that we received a request from Heber City and some potential interest from our County Sheriff office which is for automatic license plate readers in County rights-of-way to be used for law enforcement purposes. This has some policy considerations which might make it work discussing with you, your opinions which are facilitating Heber City's use of these devices in County rights-of-way and see if there is an appetite to do the same at the County level. We need to discuss whether the County would want that to occur. Councilman Steve Farrell went on the record and indicated that he doesn't like it. Councilman Erik Rowland indicated that he feels the same way that Councilman Steve Farrell has indicated. Dustin Grabau indicated that we need to discuss this with the County Sheriff and also work through some of the details of our own code how it might apply to Heber City's consultant's application for this type of use. We could also work the Wasatch County Attorney's office and get their take on this.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park then asked if there were any legislative issues for future meetings. Councilman Erik Rowland indicated that he would like to have more information regarding the Strawberry Development, and I have a lot of questions regarding that. We could discuss this during a work meeting regarding historically what has been going on. Dustin Grabau replied that will be taken under advisement and see what we can put together for you.

Councilman Luke Searle indicated that he has an item regarding a young athlete here in Wasatch County and she is a figure skater and has gone with the Youth Sports Alliance and would like to come to our meeting next week and report on the Paris Olympic Games and what she has learned being present for the Olympic Games. It will be a quick item and don't take very long.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there were any public comments on matters not on the agenda. My name is Helen Eckersley and live on Tate Lane and the reason that I am here is I would like to request that you lower the speed limit on Tate Lane because the traffic is horrendous and would like the speed to be lowered to thirty miles per hour and strongly enforced.

Holly Kent from the same area indicated that she agrees with Helen Eckersley Councilman Steve Farrell replied that we can have the traffic engineer look at it and make a recommendation to the Council. The whole area should be looked at.

APPROVAL OF THE MINUTES FOR THE JULY 17, 2024, MEETING.

Councilman Karl McMillan make a motion that we approve the minutes as presented. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

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

**NAY: None.
ABSTAIN: Chair Spencer Park (absent)**

BOE ADJUSTMENTS AND RECOMMENDATIONS FOR APPROVAL

Jerry Jones, from the Wasatch County Clerk's office, addressed the Wasatch County Council and indicated that we would like a motion approving the recommendations of the hearing officer on this recent July 16, 2024, BOE hearing. Councilman Steve Farrell indicated that there is one that is a little concerning regarding the roll back tax. We should hold on that one to get some more information and clarification on the hearing officer's determination and we should coordinate with the Hearing Officer and the Assessor's Office on what research they have done on it and this is regarding the RE Investment matter. This matter should come to the Council work meeting to outline their concerns and have the clarification on the Hearing Officer's decision.

Councilman Steve Farrell made a motion that we approve the changes of the BOE recommendations with the exception of the RE Investment that deals with roll back. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

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

NAY: None.

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

Jed Muhlestein, the 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 4.09.02 F. The first reading of this proposal occurred July 17, 2024, which resulted in a positive motion to move it forward for a second reading. The motion included verbiage to revise fees relating to the Driveway and Encroachment permit, which has been done. 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 and inspection costs. The evaluation consisted of reviewing employee and consultant hours as well as comparing rates with other municipalities. There is a change in section 7 which a variance fee listed in there and didn't realize at that time you don't go variances in engineering things and that is only in Title 16 Land and stuff and that was scratched. Also, a change in the base of a fee of \$225.00 and did not have any additional square footage price listed on there but wanted to add something to account for bigger driveways versus smaller driveways and that has been adjusted to a base of \$225.00 plus ten cents a square foot.

Councilman Steve Farrell made a motion to approve Ordinance 24-08 as presented. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

CONSIDERATION OF ADOPTING ORDINANCE 24-10 TO ADOPT NEPA 2022 OH2 FIRE INTO WCC 15.01.01.

Clint Neerings, from the Fire Department addressed the Wasatch County Council and indicated that it was brought to our attention that we needed to bring another ordinance which was 24-10 which was the same stuff that was discussed about increasing the water density in parking garages only, non-retroactively and this is just a cleaner version of make sure that it is adopted in the right section. Nothing has changed from the May meetings to the July meeting when it was officially adopted so this would be a first reading of the ordinary two but technically a third reading of it just to make sure we are covering our bases. We are amending our amendment

through another ordinance.

Councilman Kendall Crittenden made a motion that we approve Ordinance 24-10 for a first reading and the second reading for August 21, 2024. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

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

NAY: None.

Dustin Grabau, the Wasatch County Manager, indicated that for Item 5 and Item 6 those are items that we cannot take action on until after we have had the public hearings for both of those items, so we need a motion to continue Items 5 and 6 until after their respective public hearings.

Councilman Kendall Crittenden made a motion to continue Items 5 and 6 until after their respective public hearings. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

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

NAY: None.

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 12.5 ACRES OF PROPERTY FOR A COUNTY REGIONAL PARK AND 12.7 ACRES TO THE SCHOOL DISTRICT ON A TOTAL OF 133.19 ACRES LOCATED AT 2400 E 2400 SOUTH IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and

then addressed the Wasatch County Council and indicated that this request is for a preliminary subdivision approval for Ranches at Farm Meadows a proposed development consisting of 102 residential single family building lots and including the donation of 12.5 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. 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 hay 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 12.5-acre regional park site and a donation to the local school district of a 12.7 site for a future school. The determination issue is whether the application meets the applicable laws governing the use and development of land on Wasatch County for a proposed 102 lot subdivision on 133.38 acres in the Residential Agriculture RA-1 Zone. The decision also includes a legislative determination of whether to accept a donation for a public park. No bonus density is being requested in exchange for this dedication, but the storm water facilities would encumber the park property. This determination is a legislative decision to be made by the Wasatch County Council after receiving a recommendation from the Planning Commission.

Also, the recommendation is based on the analysis in the 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 forwarded a positive recommendation of the proposed preliminary plan based on the findings and subject to the conditions included in the staff report.

Austin Corry also indicated that they received a letter from the School District acknowledging that donation and what the school district's intent is for it that it will be used for a school and the land donation not to be sold later for money to be used for something else. That needs to be clarified through the Development Agreement and clear notes on the plat showing that.

Austin Corry then went through the DRC comments:

Austin Corry indicated that as far as the Army Corps mapping goes, we are recommending a conditional approval which is that will all be resolved before any of those final plats get recorded or even before they get approvals. Also, the developer did come to the Council meeting, and he proffered in that meeting that the pond as an open surface pond would go away altogether and would provide it as a storm tech system and deliver the property as a flat piece of ground. The pieces of the donated ground will stay under lease for agricultural production until such time as the entities that are looking to develop it, develop it. As part of your considerations make that part of the Development Agreement and make that a condition of your approval. Also, two concerns were made which were to a lesser extent that the park was more of a larger public facility that would bring some traffic into the neighborhood the residents wouldn't participate and that it wasn't necessarily agricultural production but to the greater extent it was more focused on the school site and that the school site wouldn't qualify as open space.

Councilman Steve Farrell made some comments that the variably lot size development was intended to provide open space or agricultural ground and in the development code he is one hundred percent accurate with the statement of what it says it is intended to provide. There is nothing in the regulation that says that open space even needs to be provided in a variably lot size development. It just lists what the lot size requirements are. We don't have a zoning code that strictly regulates it that way. Also, in the code it says that these donations are given improved or non-improved donations. In this case it is un-improved and coming with no bonus density requests. There is nothing in the code that says you have to accept the park donation, and it is at your discretion and the approval of the density is at your discretion.

Austin Corry 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 project, 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 gets finalized and part of what needs to go into finalizing that would be the types of things that get discussed during this meeting and anything that offers that are not necessarily clear in the plans we need to make sure that they are all spelled out and identified in the Development Agreement.

2. Applications for phases 2-4 will require to include a letter of approval from the US Army Corps of Engineers for that relocation area up in the northeast that we talked about earlier.

3. Resolving all the issues raised by the DRC report.

4. Initially was related to the steep slope design in trying to make sure there was a parking area and if the developer moved to the storm tech system, I would probably recommend that you alter that condition no. 4 just to be that or just could be that storm tech system and the flat site be included in the Development Agreement.

Councilman Steve Farrell replied that I don't know that I am against this proposal as much as I am thinking that we have got a conflict in the code and the policies. I kind of look at the clustering ordinance as a quasi-conservation type ordinance. We are going from requiring every lot to be 1.03 acres to meet the minimum zone the RA-1 in Wasatch County. We are allowing them to cluster it and in other developments we have had one of the lots or two of the lots was approved or would have been much larger one would be twelve acres, and both would have been twelve and a half a lot. We are still going with the 102 units and instead of being an acre most of them are half acre in size, so we have created some open space to add to the rural character and kind of fit the surrounding area and having this open space but especially up on 2400 East because we don't have a lot of, and it is a good transition. But to go and taking the savings from those lots are allowing them to go to half acre lot and then taking the other two parcels and putting it to another use like a school. Like I said I am not specifically talking about this development, but I am talking about the principal of it in the ordinance from here on out. The zone still has got to be 1.03 acres per lot. We are putting those open spaces that were created by allowing them to go to a smaller lot to other uses like the park and the school. I think that by reducing the lot size the intent was to create some open space.

Councilman Erik Rowland indicated that we would certainly amend the code and have staff present something to clean this up. Councilman Steve Farrell indicated this gives the ability to create some open space without having to go out and buy it. Now we are spending millions of dollars buying open space to serve the same purpose that this will. We are allowing them to be

smaller lots by the ordinances in order to cluster them thinking that the open space attached somewhere other than going to a school or a park. We are adding uses that were not intended by this ordinance to make up for allowing them to have smaller lots.

Councilman Erik Rowland replied that there are two issues here and one is the opportunity to amend the code to make it clearer, so it is less silent for future developments, and we have better direction. I live by one of these basin parks. Also, with the developer presenting the option to create a truly useable park that is one hundred percent usable by incurring monetarily an additional cost to make that happen was enough to sway me in this case and indicated that is a contribution to make this and preserve the intent of it to be open space so both can be enjoyed by the public and utilized to its greater intent. It is not perfect and also it was from this point that the option that the school may not even use this but at least it is at their discretion, and it is there for those reasons I see it as a favorable outcome for the County and for the developer.

Mike Olsen, the developer, addressed the Wasatch County Council, indicated that when he met with the school district, and they indicated they would be out ten to fifteen years of ever putting a school. This is in the Development Agreement, and it may never happen. Regarding the park, we will put the storm drainage into the storm tech, so it is completely flat. If at a future time if the County wants to come back and ever do a park, we are willing to negotiate something with the County if that ever was required but until then the only thing those two parcels will be done is George Holmes is going to farm them and that is it. When I met with Councilman Steve Farrell through the years, and it was always unclear about what is going to happen to the large parcel in the middle. Is it going to be a park, does the County have the funds to build the park? All we want to do after fourteen/fifteen years we just want to get started and put the working in there that if the County wants to come back and negotiate something to do a park there great but until then the sites will be farmed.

Councilman Erik Rowland replied that to me this plan is great. If the four lots were contiguous it would be too complicated for the elementary school to have the facilities and the public park and wanted the road separation, so we have a road separation and just along that and think there is four or five lots. I hope in the revised Development Agreement I hope I have met Councilman Farrell's concerns and other Member concerns about what happens to those large open space areas and hope to get started. Also, water will be provided for those two pieces of land because I have plenty of water.

Chair Spencer Park indicated that there has been some mention of the lots being donated to the HOA and we don't want to deal with an HOA like ten or so years down the road. Jon Woodard, the Assistant Wasatch County Attorney indicated that the way that I structured it would make it so that those two lots would be guaranteed to be open space with the exception of the school parcel is developed as a school and indicated who could develop it and all of that. It was designed to ensure that this isn't going to be future development and it is either going to be open space or a school and the park similarly. My recommendation would be if the County wants that and let's get that at the same time that the plats are recorded.

Councilman Steve Farrell asked if they don't build a school on it where will the ownership go. Jon Woodard replied that you could decide that but the way that it would be structured right now it would go to the HOA but with an open space easement in favor of the County on it so nobody could develop it. More likely George Holmes would farm it for as long somebody else would want to. Councilman Steve Farrell indicated that we need to clarify our ordinance and our policies because I always considered this variable lot size and all of that as a conservation type subdivision that would create open space because these lots should have been one acre each.

Dustin Grabau indicated that a public hearing is required on this item since we have already had a public hearing

Councilman Erik Rowland made a motion that we approve the Farm Meadows Development as outlined with the conditions and findings with the following exception condition no. 4 be stricken and amended to include the development of the sub-terrain storm tech retention for the water and as well a condition that after twenty years if the school district has not developed a school that it would revert to the County. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

AYE: Erik Rowland

AYE: Chair Spencer Park

AYE; Kendall Crittenden

AYE: Luke Searle

NAY: Steve Farrell indicated that he is going to vote no because I don't think this follows the general plan, but I don't have any real problems with what Mike Olsen is trying to accomplish but I think we have to clean up the General Plan and the policies.

NAY: Karl McMillan we still need to redo it.

CONSIDERATION OF A MOU WITH HEBER CITY FOR ANIMAL CONTROL SERVICES WITHIN WASATCH COUNTY.

Heber Lefgren, the Assistant Wasatch County Manager, presented a power point presentation and then addressed the Wasatch County Council and indicated that the purpose of this agenda item is to present the attached MOU for County Council's consideration that is based upon the feedback received by community leaders throughout prior meetings. Similar meetings are being held among other participating jurisdictions with the intent that a final recommended MOU will be updated and approved over the next few months. The recommendation of staff is the authorization for County Staff to approve the attached MOU with Heber City for Animal Control Services to be provided within Wasatch County. Also authorize the County Manager and County Attorney to approve minor non-substantial changes to the MOU if required. Recently in July last month there was a meeting where the MOU was discussed during the interlocal meeting to review the proposed MOU. The purpose of this meeting today is to present to you the attached MOU for your consideration. Also, the majority of the proposed agreement is based upon the

current practices, and we are requesting in addition to approving the MOU as proposed we are asking that you grant the County Manager and County Attorney approval to make minor non-substantial changes if determined necessary over the next few months as the other agencies seek authorization. The term of the agreement will be ten years with an automatic renewal unless written notice is provided one year in advance. Heber City will serve as the operating jurisdiction and responsible for the day-to-day operations. Wasatch County is contracting with Heber City to provide the services for us. The framework allows us to be able to make that change. The managing of all funds needs to be within a legal manner. Also, it goes from the ten years to an automatic next ten years or just updates it. There is a clause that at any point and time Wasatch County can opt out of it within the ten years at any time. With a one-year notice and the reason for that is that so the organization can budget right. The MOU identifies that at any point and time whoever is the operation jurisdiction can change but prior to that change it requires that the advisory board agrees upon it as well as the two participating entities agree upon it. The advisory board is made up of two appointed positions from Heber City, two appointed positions from Wasatch County, one appointed position from Midway and then a one non-voting member from each from Interlaken and Hideout. Also once we have identified who Wasatch County's representative is the committee as a whole will make the determination of who will serve as the chair. Councilman Luke Searle indicated that if other entities are interested in participating this would be the time to participate and any questions for that wild and haven't had any conversations with the other entities not involved. Heber Lefgren indicated that we provide a certain level of basic services to all of Wasatch County.

Councilman Luke Searle made a motion to approve the MOU with Heber City for animal control services within Wasatch County with the approval of minor changes with the County staff. Councilman Erik Rowland seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that he had one from the open lands board. UDOT was to give the NRCS (Natural Resources Conservation Service) the level of where they are at and NRCS got an e-mail from UDOT saying that they were in the process of purchasing a right-of-way. NRCS has been given to the 8th to plan a solution or they are going to jerk back the \$6.2 million to the Gertsch property. We are in the process of coming up with a solution. UDOT has the right for purchasing property with condemnation. NRCS does not want to be

involved with that issue. We have asked UDOT to be more specific. It is up to the Council of where we go from here. Dustin Grabau replied that NRCS is intending to provide a letter on their position on that tomorrow. We would need to get UDOT's response from that letter and asking them to provide us an update around what does this mean for the bypass process. We must wait for UDOT's response to the NRCS letter. Councilman Steve Farrell indicated that UDOT meets with Heber City, but they won't meet with the Wasatch County on different requests. Also, we are not getting the full scope of everything. Dustin Grabau replied that if I can get a copy of that letter, I will see that each of the Council Members get a copy of that letter as well. I will also get a copy of the e-mail that UDOT sent to NRCS and will get each of you a copy.

Councilman Steve Farrell indicated that they had a public land meeting this morning and the Forest Service expressed a concern about the high fire danger that we have had and have not had any major fires, but the next two weeks is very critical. Also, will start on the new bridge up on Soap Stone.

Councilman Kendall Crittenden need to get those that will be going to UAC.

Councilman Kendall Crittenden asked who has done the gift baskets in the past.

Councilman Kendall Crittenden indicated that a couple of weeks ago we got an e-mail from Todd Griffin's replacement for the County on the MCAT Board of Directors and it no longer must be an Assessor and court be a Clerk/Auditor or Council Member. Joey Granger feels that she has time to do that and that she wouldn't mind in serving that position if we want to appoint her. Dustin Grabau indicated that we will put that on future agendas.

Councilman Kendall Crittenden indicated that the BLM Utah Recreation Summit at the end of August at Ruby's Inn and I would like to go to it if that is okay.

Councilman Kendall Crittenden indicated that the Seniors are doing a Senior Expo on August 21, 2024, from ten to two and already have talked about the ground breaking of the MTEX.

Councilman Kendall Crittenden indicated that he was planning on attending the Provo City River Water Council (PRWC) which is going on a summer tour tomorrow and I planned on going but my granddaughter is coming from North Carolina on her way to Idaho and I probably won't be able to attend that. If somebody would like to take my place.

Councilman Kendall Crittenden indicated that the last item that I have is that we have this letter to UDOT from Heber City and I want to make a proposal that on the letter and resolution that we passed in May and if we match it up to the one that is being proposed that we passed with all of those five items and left off the most important item that we talked about in that committee meeting and we were told that UDOT requested that we didn't talk about it. If you take this letter and read through this resolution and everywhere where it says Wasatch County, you insert the name of the jurisdiction. Change the title to Heber City resolution number whatever and then you put Heber City all the way through there or Charleston or Midway or Wasatch County School District and we send a copy of this to them and asked them to pass it and we staple them together

and send them to UDOT. Basically, we are saying the same thing that the other letter does without those five points that cause contention and perhaps confusion. Councilman Steve Farrell indicated that at this point I don't think anything is going to do any good. UDOT has got their minds made up and they know what they have got to do, and we just need to wait and find out what it is. They know what we want. The Council indicated that by doing this it would do no good.

Councilman Kendall Crittenden indicated that there has been a discussion between the Sheriff's Department and Midway City and Heber City on additional law enforcement or police presence in Midway City. Midway City has concluded to go with Heber City. Heber will provide two full time officers 6:AM to 6 PM in Midway. Councilman Steve Farrell indicated that we need to have the Sheriff redo his fees for the dispatch and that was the stumbling block with Midway.

Councilman Luke Searle indicated that Councilman Kendall Crittenden and I went with some County staff and visited different buildings to help see what could be done with our new administration building. Councilman Luke Searle also indicated that we need to have some historical things in the new administration building for the people to see.

Councilman Karl McMillan asked that we were going to try and arrange a tour down in the dam and how did that turn out because I would like to go and see that. They will arrange something like that.

Chair Spencer Park indicated that he would like to see the amount of transit sales tax that we need to locate and plan where that money goes and what services that we were going to expand and would like to get our take on it before we get closer to the end of the year. Dustin Grabau indicated that is the plan and we are working on cost estimates or some of the things that we have already talked about, and we will use that as one of our points as we dive into that 2025 budget.

MANAGER'S REPORT

Dustin Grabau indicated that he has nothing on the Manager's Report this evening.

CLOSED SESSION

Dustin Grabau indicated that there will be a need for a closed session.

Chair Spencer Park indicated that let the record reflect that we are now ready to hear our public hearings that are scheduled for this evening. The record should reflect that all the Wasatch County Council are present except for Councilman Mark Nelson who is excused.

**PUBLIC HEARING
AUGUST 7, 2024**

**CONSIDERATION OF ADOPTING ORDINANCE 24-09 PROVIDING THE
IMPOSITION OF MODIFIED IMPACT FEES FOR TRANSPORTATION FACILITIES.**

Heber Lefgren, the Assistant Wasatch County Manager, presented a power point presentation and then addressed the Wasatch County Council and indicated that in 2021, Wasatch County worked with Lewis Young Robertson and Burningham inc. to certify on updated Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA) for Park and Recreation, Public Safety and Transportation impact fees. Wasatch County then approved adjustments to all impact fees in accordance with the findings and recommendations outlined within the IFFP and IFA.

In 2023, the County provided instruction for staff to begin looking at updating its Transportation Impact Fees to include new anticipated projects and the rising costs of construction, in accordance with State law. Wasatch County provided a public notice in June informing the public of the County's intent to review and potentially update transportation impact fees. Since then, Wasatch County worked with Jones and DeMille Engineering and Zions Public Finance to update the Transportation IFFP and IFA in accordance with state requirements.

The purpose of this agenda item is to consider the adoption of the updated Transportation IFFP and IFA as prepared by Jones and DeMille Engineering and Zions Public Finance and an amendment to Section 4.08 of the Wasatch County Code which updates future Transportation impact fees assessed in Wasatch County.

Impact fees are one-time charges assessed on new development to cover the costs to provide the public services for the new development. The funds that are collected from impact fees can only be used on approved capital projects which includes water, sewer, storm water facilities or road construction, park, police and fire fighter facilities and cannot be used to cover for normal operations or maintenance or even personnel costs. These funds can only be used to compensate for the services and provide the services for the new development coming in. The impact fees must be directly related to the impact created by the development and the fees must be fair and proportionate to the costs of the improvement. The way that is determined is for an Impact Fee Facility Plan as well as an Impact Fee Analysis. Documentation must make sure that the fees are made fair and proportionate. Two documents that are required need to be certified by a third party to ensure that the proposed costs are allowed as well as they are complying with the Impact Fee Act of the State.

There are three types of impact fees that we charge. We have our park impact fees, public safety impact fees and our transportation road impact fees. These fees are not assessed to the public or to the residents. These fees are only assessed one time for new development as they come in. Impact fees need to be updated about every three to five years. It is recommended that we start updating on the transportation impact fees due to the need for additional transportation projects as well we are seeing a rising costs of construction over the last three years. The one that is being talked about today does not include any trails. It is just focused on roads and the transportation.

A public hearing is needed to be held which is being done today to raise impact fees regarding transportation, etc. After that public hearing is held the paperwork is done which is required to update the fees which go into effect about ninety days after approval. A building fee triggers this impact fee and is paid by the people who are requesting a building permit and doesn't apply to current residences. Heber Lefgren indicated that we have worked with the public works department. Also, as a Council you are authorized to establish lower fees but you cannot establish any fees higher than those that are identified in the documentation. We are asking that you adopt the updated transportation impact facility plan as prepared by Jones and DeMille Engineering and asking that you adopt the updated transportation impact fee analysis as prepared by Zions Public Finance and asking you to review and approve the amended first of two readings of Ordinance 24-09 which would amend the County Transportation Impact Fees to reflect the maximum fees outlined within the IFA.

Councilman Steve Farrell indicated that we are looking at close to \$14 million in projects in the Jordanelle Basin. Most of the building permits will be coming out of the Jordanelle Basin but the new building permits in Wallsburg are going to be paying \$1537.00 and the majority of that will be coming of three projects.

Dustin Grabau indicated that service areas can be adopted, and impact fees based on those service areas and Wasatch County has not done that typically in the past but that option does exist and there are pros and cons to a service area.

Heber Lefgren indicated that basically we will see roughly around a twenty to a twenty-five percent increase in the fees if the Council chooses to go with the maximum and the fee would be applied to every building permit. Dustin Grabau indicated that the road impact fee has been applied within the municipalities. It is worth noting that things in the MIDA Control Area are not contributing to this impact fee. Heber Lefgren indicated that there are two options that are available for your consideration. One is to adopt it or at least do the first reading as is and alternatives that we could bring back to you for the second reading we could go through the process where we maintain the existing fee structure as it currently is but add the projects that we need to fund. The other option is that we could go through a process where we ask the consultants to re-calculate based upon smaller geographical boundaries.

Heber Lefgren indicated that our recommendation is that you adopt the updated Transportation Impact Fee Facility Plan as prepared by Jones and DeMille Engineering. Also, the updated Transportation Impact Fee Analysis, as prepared by Zions Public Finance and also to review, approve/amend the first of two readings of Ordinance 24-09 which would amend Wasatch County Transportation Impact Fees as found in Wasatch County Code 4.08 or how would the Council like us to proceed and first lets have the public comment.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment and there was none, so the public comment was closed.

Motion:

Councilman Steve Farrell made a motion that we go ahead and accept this Impact Fee Analysis for transportation as a first reading on Ordinance No. 24-09 and bring it back at a later date whenever Heber Lefgren is ready to bring it back Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

Dustin Grabau indicated that we will see what data we can put together and see what we can look at. Councilman Steve Farrell indicated that you probably won't find anything better than what we have got right now.

**PUBLIC HEARING
AUGUST 7, 2024**

A PUBLIC HEARING REGARDING THE PROPOSED CREATION OF THE WAKARA RIDGE PUBLIC INFRASTRUCTURE DISTRICT, (THE PROPOSED DISTRICT) AND TO ALLOW INPUT ON (i). WHETHER FINANCING THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE RELATING TO THE WAKARA RIDGE DEVELOPMENT IS NEEDED IN THE AREA OF THE PROPOSED DISTRICT. (ii) WHETHER THE SERVICE BE PROVIDED BY THE COUNTY OR THE PROPOSED DISTRICT AND (iii) ALL OTHER MATTERS RELATING TO THE PROPOSED DISTRICT.

AND

CONSIDERATION OF ADOPTION OF RESOLUTION 24-09 A RESOLUTION OF THE COUNTY COUNCIL OF WASATCH COUNTY, UTAH, PROVIDING FOR THE CREATION OF THE WAKARA RIDGE PUBLIC INFRASTRUCTURE DISTRICT AS AN INDEPENDENT DISTRICT, AUTHORIZING AND APPROVING A GOVERNING DOCUMENT AND AN INTERLOCAL AGREEMENT, APPOINTING A BOARD OF TRUSTEES AUTHORIZING OTHER DOCUMENTS IN CONNECTION THERE WITH, AND RELATED MATTERS.

Staff:

Dustin Grabau, the Wasatch County Manager, presented a power point presentation and then addressed the Wasatch County Council and indicated that these are the items that we discussed a few weeks ago at our July meeting. These are required to have a Public Hearing to finalize that process. When we left this matter before it was indicated that we would work with our attorneys and the applicant's attorneys to make sure that we had followed this process through. This is the process necessary to enact these public infrastructure districts and one caveat process is that we would like some additional time just to review the governing documents and confirm that everything is in order so that if you as a Council did want to proceed with these that you would make it contingent on the attorney's office and my review of those documents to make sure that they are consistent with our understanding of the project. The Wakara Ridge Project is proposed to be a housing development adjacent to Summit County and Tuhaye. It is primarily a residential project, and the public infrastructure district is financing public infrastructure and is required to be paid off at title transfer so it is a onetime fee that would be assessed against these properties when that title is transferred. One of the things that we want to verify in consistency with our policy is the enhanced disclosure that those people who are purchasing properties are aware that they are making this contribution to those payments. It is also worth mentioning that a infrastructure financing district is an option for Wakara Ridge and other projects. We currently have two applications for infrastructure financing districts. The main difference being that the public infrastructure district enables us to have a seat at the table when discussing the governing documents of those and one of the compelling reasons why we are participating in this.

Applicant:

Rich Wolper, the applicant, addressed the Wasatch County Council and indicated that we are going this route for reasons that funds have dried a bit but the bond markets are still lending money so it is an easier way for us to get money and there is not an effect on the County and just like a loan you pay the lot off and pay the assessment off or whatever it is called.

Dustin Grabau indicated that an infrastructure financing district is an option for Wakara Ridge and other projects. We currently have two applications for infrastructure financing districts. The main difference being that the public infrastructure enables us to have a seat at a table when discussing the governing documents of those and one of the compelling reasons that we are participating in this. I think that the action is possibly Agenda Item 5 from the regular agenda and a public hearing for that. The intent of the public hearing is to provide input from the public on the proposed district and the action you would take is that regular agenda item which is Resolution 24-09. We will want two separate motions on those, but you could hold the second public hearing before voting on 24-09 if that makes sense. The only addition that we would like is that the attorney's office and I could review the governing documents. Councilman Steve Farrell replied that why don't we approve it subject to approval by the County Attorney's Office and the County Manager.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment and there was none, so the public comment period was closed.

Motion:

Councilman Steve Farrell made a motion that we go ahead and approve Resolution 24-09 as presented subject to the final approval of the County Manager and the County Attorney's office. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

**AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Chair Spencer Park
AYE: Karl McMillan**

**NAY: Erik Rowland
NAY: Luke Searle**

**PUBLIC HEARING
AUGUST 7, 2024**

A PUBLIC HEARING REGARDING THE PROPOSED CREATION OF THE BLACK ROCK MOUNTAIN RESORT PUBLIC INFRASTRUCTURE DISTRICT, THE PROPOSED DISTRICT AND TO ALLOW INPUT ON (i), WHETHER FINANCING THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE RELATING TO THE BLACK ROCK MOUNTAIN RESORT DEVELOPMENT IS NEEDED IN THE AREA OF THE PROPOSED DISTRICT AND (ii) WHETHER THE SERVICE SHOULD BE PROVIDED BY THE COUNTY OR THE PROPOSED DISTRICT AND (iii) ALL OTHER MATTERS RELATING TO THE PROPOSED DISTRICT.

AND

CREATION RESOLUTION-CONSIDERATION OF ADOPTION OF RESOLUTION 24-10 A RESOLUTION OF THE COUNTY COUNCIL OF WASATCH COUNTY, UTAH, PROVIDING FOR THE CREATION OF THE BLACK ROCK MOUNTAIN RESORT INFRASTRUCTURE DISTRICT AS AN INDEPENDENT DISTRICT, AUTHORIZING THE APPROVING A GOVERNING DOCUMENT AND AN INTERLOCAL AGREEMENT, APPOINTING A BOARD OF TRUSTEES, AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH, AND RELATED MATTERS.

Staff:

Dustin Grabau addressed the Wasatch County Council and indicated that this public hearing is the same that we had done for the Wakara Ridge Project. The Black Rock Mountain Resort is a currently operating resort. This is a significance expansion to that facility. The PID does not

apply to any current third-party residences. Third parties own these existing units to the extent that those are not part of the application. They are also not subject to this. This is a little different in that it is primarily a commercial project, and our policy does allow them for an ongoing assessment and this would create a property tax against those primarily commercial components and fund the public infrastructure and it does include the event center that would be a public venue for a variety of events that we don't currently have a venue for it within the County.

Applicant:

Rich Wolper, the applicant, addressed the Wasatch County Council and indicated that this is two thirds built. Dustin Grabau indicated that this is the second largest single source of transient room tax that the County has, and this would represent a significant expansion to that revenue source.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment and there was none so the public comment period was closed.

Motion:

Councilman Steve Farrell made a motion that we go ahead and adopt Resolution 24-10 creating the public infrastructure for the Black Rock Mountain Resort the Public Infrastructure District and subject to the approval that the County Manager and the Wasatch County Attorney's legal staff. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: Erik Rowland

Chair Spencer Park indicated that there is a need for a Closed Session to discuss matters of reasonably imminent or pending litigation.

Councilman Kendall Crittenden made a motion that we go into closed session for imminent pending litigation. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

**MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
AUGUST 7, 2024**

Chair Spencer Park indicated that the record should reflect that the Wasatch County Council is meeting in Closed Session to discuss reasonably imminent or pending litigation. The record should also reflect that the Wasatch County Council is meeting in closed session in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032.

PRESENT: Chair Spencer Park
Councilman Erik Rowland
Councilman Steve Farrell
Councilman Kendall Crittenden
Councilman Luke Searle
Councilman Karl McMillan

EXCUSED: Councilman Mark Nelson

OTHERS PRESENT: Dustin Grabau, the County Manager
Scott Sweat, Wasatch County Attorney
Jon Woodard, Assistant Wasatch County Attorney

REASONABLE IMMINENT PENDING LITIGATION.

Dustin Grabau, the Wasatch County Manager, discussed the reasonable imminent pending litigation matter with the Wasatch County Council and indicated that:

Councilman Kendall Crittenden made a motion to come out of Closed Session and go back into the regular agenda. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

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

NAY: None.

Councilman Steve Farrell made a motion to adjourn. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 8:30 p.m.



SPENCER PARK/CHAIRMAN


JOEY D. GRANGER, CLERK/AUDITOR