

**MINUTES OF THE
WASATCH COUNTY COUNCIL
NOVEMBER 20, 2024**

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

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

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

PRAYER: Councilman Luke Searle

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

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday November 20, 2024, and indicated that all the Wasatch County Council Members are present except Councilman Steve Farrell who will be late. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any Legislative Items for future meetings.

Councilman Mark Nelson indicated that with regard to Memorial Hill issue the ball is in two courts. It is in public works court to come up with a monument suggestion. Dustin Grabau indicated that they met with RJ Masonry and the proposal is to have still stone but in a way that it can be easily modified and if we know what date we are aiming for and we are just working with them to figure out the availability. I think the main question is going to be in the other ball of what the rules and policies, should put that on future agenda to decide that I can submit again the draft or maybe you have that already and what the draft rules would be and let's get that policy in place and try and get the whole thing done by Memorial Day 2025.

ADMINISTRATIVE ITEMS FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any administrative items for future meetings and there were none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park then asked if there were any public comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR NOVEMBER 6, 2024, MEETING

Councilman Karl McMillan made a motion to approve the minutes for the November 6, 2024, meeting. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL
BOE ADJUSTMENTS AND RECOMMENDATIONS FOR APPROVAL.

Jerry Jones, from the Clerk's Office, addressed the Wasatch County Council and indicated that we are asking for approval of the BOE third round. We have one more round after this but this is the bulk of our hearings. In this round we have had approximately 400 parcels that an appeal officer looked at. The total market value of those 400 parcels is \$1,251,000,000. Adjustments were made of about \$195 million almost two hundred million. These are both commercial and residential. About twenty-five percent roughly are not changed that appeal and the rest we have made adjustments. There were assessor adjustments outside of BOE and a handful of parcels that equate to about \$10, 500.00 that were small adjustments entered by the assessor as far as like a square foot or acreage error or green belt error and for the record there are about ten of those. They need approval to refund that \$10,500.00 in those amounts.

Councilman Erik Rowland made a motion that we accept the BOE adjustments and recommendations including the assessor adjustments outside of the 2024 BOE as presented in the presentation. Councilman Kendall Crittenden seconded the motion, and the motion carries with the following vote:

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

NAY: None.

DISCUSSION AND CONSIDERATION OF AUTHORIZING AN UNINCORPORATED ISLAND AS A PART OF THE HARVEST HILLS ANNEXATION IN THE VICINITY OF HIGHWAY 40 AND 32.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that in late October, Heber City has issued a request for Wasatch County to consider authorizing an unincorporated island in the North Village associated with the Harvest Hills Annexation. At the November work meeting, the Heber City Council and Wasatch County Council discussed this matter and scheduled it for consideration. Dustin indicated that in a MOU (Memorandum of Understanding) as proposed authorize an unincorporated island. The question before the Council whether you are comfortable authorizing the MOU that would authorize the non-inclusion of this piece or I believe that you could refuse that MOU and require that Heber City

include this parcel in the annexation.

Tony Kohler, from Heber City, indicated that we can annex in the future year. That is within our sphere of growth the Bond property. We have not received an annexation petition for that. Dustin Grabau indicated that this is just about the island and that is the only question before the Council right now. There is a house in the island right now. There are implications like public safety and generally we are pretty cooperative in those types of responses but like that whether Heber City Police regularly responds outside of the city and that presents some unique challenges, animal control and other things like that and we already cooperate on this so they are not major issues but those are the types of challenges happen when you end up with these unincorporated islands that they present. Tony Kohler replied that these are handled case by case. Dustin Grabau replied that on the county records it is about seven acres plus or minus.

Chair Spencer Park replied that we shouldn't allow the island. I don't think it matters to Heber City and going get developed in the next twenty years. Dustin Grabau replied that it is my understanding of State Code if the county doesn't authorize the creation of an island it is obligated to be included in the annexation which is my understanding, but I could be mistaken.

Councilman Kendall Crittenden made a motion that we deny authorization of an unincorporated island as part of the Harvest Tail Annexation in the vicinity of Highway 40 and Highway 32. Councilman Karl McMillan seconded the motion.

Councilman Mark Nelson wanted further discussion on the matter. Tony Kohler indicated that this is kind of a complex question to answer, and we could table this matter until we have further discussion and get further clarification. Councilman Mark Nelson indicated that we have a motion and a second and if it doesn't pass if we vote no then where does leave Heber City or can we made another motion. Dustin Grabau replied that you can make a motion to make a substitute motion, and your motion can be the substitute to the motion on the table. Councilman Kendall Crittenden indicated that he would withdraw my motion and make a new motion to continue this and direct Scott Sweat 's office and to get together with Heber City's legal office, legal attorneys and determine the intricacies or whatever might happen one way or the other on this issue. Councilman Erik Rowland replied that is the consequences of denial because it sounds like if it is approved it is pretty straight forward and just don't know what happens if we deny it.

Councilman Kendall Crittenden made another motion to table or continue the matter and a second by Councilman Mark Nelson. Councilman Karl McMillan indicated that he withdraws his second to the first motion. Chair Spencer Park indicated that there is a new motion made by Councilman Kendall Crittenden and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Kendall Crittenden

AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

Pam Patrick, Wasatch County Citizen, addressed the Wasatch County Council and indicated that particular person is currently in the County and do they have their own septic and their own well. Because if they get annexed into the city then they are going to have to hook on so after putting in all the money that was one of the big considerations, but we had 64 lots at five acres each. Chair Spencer Park replied that if they are out there, I am sure they do have their own. Dustin Grabau or are part of the North Village which services the area regardless of which entity it is. Pam Patrick replied that was one of the concerns of one of the property owners.

DISCUSSION AND CONSIDERATION OF ENTERING A CONTRACT WITH SOLID WASTE FOR PROPERTY TRANSFER.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that in 2021 Wasatch County purchased the Diamond K Commercial Waste facility with the intent of expanding solid waste operations. The county used reserves for the initial contribution and is three of five years into funding the ongoing portion. The proposed agreement begins the process for which the Solid Waste Special Service District will begin to reimburse the county for these expenses with the eventual result of having purchased the property from the county. This is you acting as the Board of the Solid Waste Special Service District which has already approved. This now is the county half of that agreement that would authorize, which is a contract for real estate sale of the Diamond K property which the county acquired about three years ago so they would begin to make payments to the county on that property. It is a \$6.8 million purchase with an annual \$595,000.00 paid to the county over the term of the agreement at which point the Solid Waste District would take full ownership of that parcel and all the assets associated with it. We have two more payments, one in 2025 and one in 2026 to finalize the closure of that original purchase that the county has to make and after that point we could amend this agreement and transfer the deed to the SSD contingent of them continuing to pay it or at the end of this term of this contract.

Councilman Mark Nelson asked does the solid waste district own the transfer station or have any other real estate assets? Dustin Grabau replied no, the transfer station right now is on county owned property and the intent is for them to potentially fully vacate that property and relocate here. They are in the process of doing a master plan just to plan that piece for that purpose. We are entertaining the same thing with fire. Midway First Station, for instance the county owns it, and the city owns the land and the county owns the building. Midway City owns the land. We own the building because we built the building, and we really don't own it and we lease the space from them.

Councilman Mark Nelson made a motion that we approve the uniform real estate contract between Wasatch County and the Solid Waste District as has been presented and allow for

minor administrative changes. Dustin Grabau replied that we must decide whether we can use the old title insurance or if we have to get new title insurance. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

DISCUSSION AND CONSIDERATION OF ORDINANCE 24-14 AMENDING WASATCH COUNTY CODE 2.01.05 TO REMOVE THE MIDA LIAISON DEPARTMENT.

Richard Breitenbeker, from the County Manager's Office, addressed the Wasatch County Council and indicated that Ordinance 21.05 established both the MIDA Liaison Department and the MIDA Coordinator position. Both the department and position acted under the direct supervision of the Wasatch County Council. The need for negotiation and design level choices concerning the project area that was presented in 2021 have given way to more administrative and coordinating duties at present. This ordinance removes the language from code and that the County Council can maintain the role absent the formal position by assigning it to the responsibilities of the County Manager's Office. The MIDA Department operating fund is unaffected and will be maintained to continue providing Council a high level of transparency and fiscal control in this area. Also, this is the second reading of this ordinance to make sure that the code complies with the way that you currently instructed us to administer this role going forward.

When you hired Mike Davis he was his own department and you specifically created a position that answered directly to you and since then he has retired and the nature of the role has changed somewhat and I now fill that role but I don't technically comply with the technicalities of the code as it is and this is to remove those so that there is no conflict between the way that you have instructed us to have my position forward or we will continue to make sure there is a MIDA Department listed in the budget so that you have that physical transparency and you can direct the position or the role that will fill that position through the County Manager. Dustin Grabau indicated that the proposal is to list these as departments. Richard Breitenbeker replied that this is a function of the minimal list, but Dustin Grabau can without necessarily impact it and if you wanted to get rid of a department that is specifically listed it will be appropriate to then come back and modify the code.

Councilman Kendall Crittenden made a motion that we approve Ordinance 24-14 amending Wasatch County Code Chapter 2.01.05 to remove the MIDA Liaison Department and to

clean up the list of the approved departments within the County. Councilman Karl McMillan seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL BOARD REPORTS

Councilman Kendall Crittenden indicated that regard of Wreath Across America, did you have any new information? Dustin Grabau indicated that we have not been able to figure out what that threshold is and what their participation in other parts of the County would be. Councilman Kendall Crittenden indicated that maybe we can look at it and bring it back next year. Councilman Karl McMillan indicated that Councilman Steve Farrell wanted to do the Wreath program in all our cemeteries. Heber Lefgren, the Assistant Wasatch County Manager, indicated that the number the organization was reaching was a goal of about 400. I have not been able to contact their representative, but it is my belief and my understanding they will be focusing on the Heber City Cemetery.

Councilman Kendall Crittenden asked how many of the Council Members are familiar with giving machines which is a vending machine. The L.D.S. Church started this program in 2017 and maybe there were only two or three machines. It is like a vending machine and different non-profit organizations within the community within the area are invited to participate inside that machine whatever that non-profit does. They will put in the choices, and it may be twenty dollars, and it will purchase different things in other countries. There are two agencies that directly benefit Wasatch County and one of them is Community Action which services the food bank, and they have a food bank here in town and other programs that they do, and they have been in the giving machines since 2022. Last year they had three items in the giving machine, and they collected \$175,000.00 worth of donations through those three items. In 2023 they had two items in, and they collected \$160,000.00 in value to those two items. This year they have three items but in addition to Community Action they have invited MAG the Meals on Wheel Program to participate, and they have three items in that will purchase so many meals on wheels that they will purchase and so on. Whatever is earned in the giving machines will help our programs and stay here in Wasatch County.

Councilman Luke Searle indicated that this Saturday is the Community Thanksgiving Dinner at Timpanogos Middle School, and it starts at 4:00 p.m. and anybody in the community is welcome

to come and you are welcome to choose to donate and contributing to coats will be there too also.

The record should show that Councilman Steve Farrell just joined the Wasatch County Council.

Councilman Steve Farrell indicated that he has been to the Central Utah meeting, and we went into executive session and it lasted much longer than I thought. We are battling with the Great Salt Lake Environmental Group and all the water districts in the state are battling with them and they want us to release water into the Great Salt Lake and we are working on that. It is a very complex issue. Councilman Steve Farrell asked if they have an application from Mike Wheelwright for the Timber Lakes Water Board for his reappointment. Dustin Grabau indicated that shouldn't be a problem and will look into that.

Councilman Erik Rowland asked about the microphone system and how it is going. Dustin Grabau indicated that he hasn't received an update from IT on the matter and are looking into options and I know they had a meeting earlier this week with our consultants that have prepared this and haven't heard anything from them or changes to that.

MANAGER'S REPORT

MIDA REPORT. PROJECT AREA HISTORY

Richard Breitenbeker, from the County Manager's Office, addressed the Wasatch County Council and went through a history of the MIDA project with a power point presentation and a handout for people to receive and they can come and get one from the County Manager's Office which is very interesting to read.

Dustin Grabau indicated that there is a need for a Closed Session to be held concerning personnel.

Councilman Kendall Crittenden made a motion to leave our regular council agenda and go into Closed Session for the discussion on personnel. Councilman Luke Searle seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Steve Farrell

AYE: Karl McMillan

NAY: None.

**MINUTES OF THE
WASATCH COUNTY COUNCIL
CLOSED SESSION
NOVEMBER 20, 2024**

PRESENT; Chair Spencer Park
Erik Rowland
Mark Nelson
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Scott Sweat, the Wasatch County Attorney

Chair Spencer Park indicated that we are now in Closed Session to discuss personnel. Because this matter is personnel no minutes were taken. The record can further show that the Wasatch County Council is meeting in Closed Session in the Wasatch County Chambers in the Administrative Building located at 25 North Main, Heber City, Utah 84032.

Councilman Karl McMillan made a motion to leave our Closed Session and go back into our regular Council agenda. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

Chair Spencer Park indicated that the time is now 6:00 p.m. and we are now going into the Public Hearings that have been set for tonight.

**PUBLIC HEARING
NOVEMBER 20, 2024**

DISCUSSION AND CONSIDERATION OF COUNTY PARTICIPATION IN HEBER CITY DOWNTOWN CRA.

Staff:

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that over the last few weeks we have had a few meetings with Heber City discussing the potential for us to participate in a CRA. Last week you indicated that you would like to hold a public hearing. I think it is worth pointing out that it specifically gives the public a chance to be able to share and normally this wouldn't necessarily require a public hearing, but it is a good opportunity to be able to get public input. We do have some information that Heber City has provided, and they have brought in a special guest to share a little bit about what a CRA in a different entity has done. They have indicated that they have Quinn Bennion which is the City Manager in Vernal has a few slides to go through with you. Dustin Grabau indicated that Councilman Karl McMillan made a request for some potential amendments, and we could talk through some of the details of that agreement, or you would you like to hear the presentation first or however you want to proceed. Councilman Steve Farrell indicated that he would like to hear first what Vernal has done regarding the CRA.

Quinn Bennion, City Manager of Vernal City, addressed the Wasatch County Council and presented a power point presentation and indicated that we had twenty-five vacancies in our city,

and we were concerned about that. There was no parking, and we saw our taxable value in our downtown area declining. We decided to implement a Vernal downtown plan to try to take over our downtown. After quite a few discussions we did create a CRA for our downtown area and did all six entities. We had six entities that participated. We also took out a loan against the CRA with anticipated revenues and we far exceeded the revenues so we will likely take out additional loans on that as we feel comfortable but that was our initial one. We focused on the back of the buildings and public parking. One item that we were really towards is how do you encourage private investment that is really the key. We have had sixty-two private projects come in. We did establish a Facade Grant Program. The facade grant pays forty percent of exterior improvements to encourage that public investment. That was funded through the CRA.

Councilman Mark Nelson asked if it was accurate to say that the \$2.1 million that the CRA generated was responsible for allowing you to gather the rest of the \$24 million dollars to invest in this. Quinn Bennion indicated that it absolutely helped. The County put some ARPA funds as well into the downtown. The taxable value was helped with the CRA. We did a 1090 in the first five years and then twenty-five/seventy-five beyond that and fifty/fifty at the end.

Councilman Erik Rowland asked when it was first introduced in your community was there concerns expressed by any members of the city. Quinn replied absolutely and the concerns were remembering what the downtown used to look like the older generation. The CRA when you start talking about future taxes and future tax increments it can get misunderstood sometimes about how that works.

Councilman Steve Farrell asked that you definitely in an economic decline and that was the reason for the CRA? Quinn Bennion replied that the reason for the CRA is just to be a part of the revitalization and pump up downtown Vernal. All of our attention has been on public parking lots behind the buildings and side streets and patios and things behind the buildings.

Councilman Luke Searle asked about the contract you have with the county. Was it a ninety/ten split? Quinn Bennion replied that it is correct, and we started the traditional twenty-five/ seventy-five/ and then at the end it was fifty-fifty split, and you will have to decide what works best. The time period was twenty. Each of the entities has a cap. Our mineral lease money is very helpful to our community, but it goes to the County who then disburses to our five districts. Rec, animal control, fire, health and transportation so the cities and the school district do not get any direct allocation of mineral lease funds. Our feedback has been very positive. They like the changes that are occurring and like the store fronts being open. More parking was a big thing to help the business. You take the input and then make decisions.

Councilman Luke Searle indicated that he wants to compliment Vernal on how many flowers you have lining the Main Street. It is a beautiful Main Street.

Councilman Mark Nelson indicated that one of the things that we have discussed over the last two years here is that the CRA increment funds would be like seed money that would allow the other funds to be gathered together was that the case both in timing and sequence and how did it happen

there. Quinn Bennion replied that we knew from the very beginning that CRA was only going to be a percentage of what really was needed. We wanted to encourage that private investment and the way that we have used the CRA is we introduced the Facade Grant and then did a Iconic Structures Grant but it was to encourage the private investor.

Councilman Mark Nelson who decided, was it your council or who decided how the CRA funds were spent to which project. Quinn Bennion indicated that the CRA Board is our city council. We just wanted to give an indication just being open, up front with each of the entities and we went through the CRA agreements and let them know that our first intent was for the Facade Grant, and it does allow it for public infrastructure, but we are trying to fund that with any other source that we can. Our CRA Board is the City Council.

Councilman Erik Rowland indicated that you have these public facade grants which was then funding by the CRA and were those considered public infrastructure is that correct. Quinn Bennion replied that he was not aware of that limitation.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment.

Dallin Koercher, Director of Economic Development, indicated that there is a sense of gratitude and relief that these businesses feel when they think about the idea of investment into the downtown. The CRA is a great thing for the downtown businesses. Parking is a great concern for various businesses. I would encourage the County Council to approve the CRA tonight.

William Quapp, indicated that the DRA sounds like a worthwhile investment. Especially if we can get the trucks out of downtown and drive around in a future bypass. We need to establish a cap of any increase in the taxes to the taxpayers of Wasatch County. This needs to be properly managed. If they put skin in the game and would make a better downtown for all I think it is a worthwhile project to consider but the details are important.

Lance Higgs, Heber City resident, indicated that he is concerned with parking.

Shelly Ryan, business owner of Chicks Café, indicated that their parking is a real concern, and this would not help us one bit.

Clayton Vince, property owner downtown, indicated that he wants to voice support for this. Structured parking would be very viable in strategic locations. Like private and public idea rather than just public. I want to voice support for this.

Nicole Ferguson, business owner, indicated that she supports the CRA and it is very vital. Parking is a concern.

Mike Bradshaw, Heber City Resident and a large developer here in the community, indicated that they did use a CRA in one of their developments which really helped and was used for public infrastructure. I would support the CRA and it will really improve our downtown.

Krista Bazil, business owner on Main Street, indicated that she would encourage you to support the CRA.

Kara Morris, Midway City resident, indicated that it is great that Heber businesses wants this. Her concern was where these funds are coming from. Property taxes are increasing by twenty percent, Elderly people who are on fixed incomes are forced out of their homes because of high property taxes. The elderly should be protected. Also indicated that she does not approve of my property taxes through Wasatch County School District being used for developers in Heber and they should find their own funding.

Doug Smith, Heber City resident, indicated that he is concerned about what Heber City has any thoughts what they are doing to focus rezonings, additional density on the downtown and not on the outskirts.

Rachel Kohler, Executive Director of the Community Alliance for Main Street, is also a resident of Heber City and am in support of the CRA to revitalize the Main Street and help business owners.

Brad Elert, Midway City resident, indicated that Heber City is not Vernal. We do not see the decline in valuations as Vernal is. The tax increases that we see are coming from the School District and they are too high. This CRA will increase taxes, and the taxes will have to come from somewhere. We don't have a plan for the bypass yet.

Tori Broughton business owner indicated that she is in favor of the CRA. We are headed in a direction where people only sleep here but go and spend their money elsewhere because there are no businesses left to spend their money on.

Chris White, Heber City resident, indicated that you need to get the traffic off Main Street. Parking is a real problem. After some time, the CRA can be discussed again.

Josh Giles, Heber City resident, indicated that things are going along fine and to say that we need a CRA because our downtown is failing which is a false statement. The CRA is kind of a waste of money and are better incentives they can do.

Ryan Smith, business owner, indicated that a little tax credit can help. I am in favor of the CRA.

Holy Bodily, Heber City resident, indicated that she would hate to take money that is dedicated to our school district. Also building new schools that are going to have a lot of expenses. We need to lower our property taxes. There are other options that can be looked at and against the CRA and it should be put to a county vote.

Mike Bradshaw Heber City residents indicated that change is going to happen. I am in favor of the CRA.

Yvonne Barney, Heber City Council Woman, indicated that I respect concerns that people have. The rise in taxes has nothing to do with the CRA and because of that is due to money management. If it is done right, it is good for the county.

Kevin Payne, Midway City Councilman, indicated that he has had experience with CRA's. The CRA is good for developers and business owners because the money will come from property taxes. Parking is a concern and should always be a requirement of the developer and the building landowner. The claim that only new developments would be funding the CRA's is false. The business owners are not the ones that are funding this but the property owners. New development through the CRA is not being paid for by new development. Developers are asking for too much and all our jurisdictions are giving in too easily to their request. Other cities are doing away with their CRA's.

Greg Royal, resident of Heber City, indicated that I do support the CRA, but it needs to be done responsibly. If the CRA passes we don't need to increase taxes, but everybody should pay a fair share because we all use the cities. The CRA needs to create a board and County and City politicians need to stay off board. The board needs to be comprised of residents of the cities. I am for the CRA.

Chair Spencer Park then closed the public comment.

Council Comments

Councilman Kendall Crittenden discussed these advisory committees not being comprised of elected officials but citizens. The advisory board needs to be elected officials all the way through. Matt Brower, the Heber City Manager, indicated that there are two committees that are proposed for the assistance of the CRA. Under 2A is in response to the county's request you have more control over the types of projects that would be funded with the CRA increment and so that is why Exhibit A was attached to the agreement. The committee are going to provide a lot of feedback to the agency boarding the City Council.

Councilman Erik Rowland indicated that the advisory committees have the ability to amend the project list based on two thirds vote, however, the execution of those said projects they can provide recommendations but those aren't binding. Matt Brower, indicated that he has been advised along with the Heber City Council that the agency board is the creating council and that is why also established two additional committees to make sure that we are getting the input and the expertise from those other stake holders and why we also included the language that the county requested regarding the changes in this list requires a two thirds vote. The County has quite a bit of say over what projects are actually funded and ones that are not. It has been advised from our Heber City

Attorney's recommendation is that the agency is the Heber City Council. So, if the county made a CRA you would be the agency board. Dustin Grabau indicated that Section A2 has been stricken at Councilman Karl McMillan's request.

Councilman Luke Searle indicated that he is okay with looking at something like that. The question is whether this would be fifteen years or twenty years depending on what was discussed. There is a reason why there is a cap in years. That could be a potential problem and if we view this as an investment than potentially looking at something over the last five years, I would be okay with looking at that. Matt Brower indicated that the reason the twenty-year term is important to us is that we may bond in the same way that Vernal has and of course we would prefer to have that twenty-year term because it is a lot easier to make that. Also, we would then have the increment to pay off the debt and of course move on.

Councilman Erik Rowland indicated that I have received an impression this would need to establish this fund where money could be pulled from as needed. Could you explain that a bit more and there is not suddenly going to be millions of dollars allocated somewhere that is going then to cause a cash flow issue in other areas. Could you describe how the funding actually gets allocated and when it can be used in different projects. Matt Brower indicated that if Wasatch County was to adopt the increment through the interlocal agreement what would happen there would be a base set in other words what they do is look at all the values within the CRA boundary and establish what that value base is. Then if there is a project that lets say that someone is interested in renovating their building and they invest several hundreds of thousands of dollars, your appraiser is going to capture that increase in value and that increase in value is going to generate obviously some additional property tax.

Councilman Erik Rowland indicated that in that example that would be one hundred percent from the property owner and no CRA funding was involved and because of that investment they realize and increase in property evaluation. Matt Brower indicated that is correct. That investment nets an increase in property evaluation when the appraiser captured that actual value that will determine revenue from that. Then what we are talking about is the increment and we split that according to the language in the agreement seventy-five/twenty-five and that would be paid to the city as I understand it. We are looking at separate agreements with the County, the School District and negotiating an agreement with Heber City, the agency that is negotiating this agreement with you. That value increases and generates new tax dollars which is referred to increment is split seventy-five/twenty-five and then the seventy-five percent would go to the agency into their general fund at the end of the tax year to be allocated only to the project which is included on Exhibit A which is an exhibit of the agreement.

Councilman Erik Rowland indicated that at that point only those assessed increments would then be placed into a fund that would then be made available to the CRA Board. Matt Brower indicated that if there is no investment in the downtown and there is no increment that has been generated which is unlikely there would be no sharing of the increment because none was created but we do believe that there will be increment generated and hope to generate it through investment in

infrastructure. So, we believe that through the investment of the CRA increment we can support business through infrastructure investments. We have projections and those projections may change over time. This also will help with affordable housing and I hope the affordable housing would be inside the CRA boundaries and we believe that there should be some density in downtown to support the existing of new businesses and help make them successful.

Councilman Steve Farrell indicated if that value goes up all the increase goes to the CRA. Matt Brower that the growth is generated from new investment in the downtown which would then benefit anyone who is signed on to the interlocal because that is what is going to be shared is that new growth increment.

Councilman Kendall Crittenden indicated that he would like to see the proposed MOU that the school district is looking at. Matt Brower indicated that their MOU is exactly like your word to word. Also, there will be a meeting with the school board regarding this.

Councilman Mark Nelson indicated that several of the public comments have mentioned the school district, and I think we should clarify that the school district will make their own decision. The only decision that we are making tonight is for the county's portion of the property tax and not the school district's portion. That will be made by them separately and those are independent. Also, this has been well vetted and have been talking about this for three years. I think there are always risks and unanswered questions associated with something like this. It is something that we haven't done before in the recent past. Here is why I think we should support it and why we should do it. One it is very limited in scope. If you think of what Wasatch County's budget is and what Wasatch County's property tax is this is a very limited piece of that. I also think that in this particular situation Heber City's interests are very closely aligned with Wasatch County's interest, so I don't think there is a big conflict and that is the way I feel. I also feel like that one of the most important things in doing business deals is do you trust the people that you are buying from or selling to and in my experience I feel like I trust Heber City's leaders and this agreement that we can work together and that will benefit all of Wasatch County so I am in support of it. And am ready to make a motion if you want me to.

Councilman Erik Rowland indicated that I take exception to Rachel Taylor's comment about there not being any programs that have helped the downtown. I do recall ten years ago we worked on a little program here in Heber that had two objections, and one is to get kids out to play and second was to what to get people know what we have on main street. The number of comments that we received over the three or four years besides parents crying because they got their kids away from their video games was, I did not know that store existed. Seeing how that helped local business was exciting. Here we are ten years later, and nothing has changed. We still see the same struggling businesses and we still see the same frustrations if anything is more difficult now. We do have certain business owners who have stepped up and put in an incredible amount of investment and time and risk to try to do what they can to make our little downtown livable. This is a very challenging decision for me. I was frustrated at the beginning of how this was introduced. I was hoping there would be more initial collaboration with the county. I expressed concerns before

regarding the responsibility that we have over the taxes we collect and how they are spent. It is the unique authority we have here with the County Council with respect to property taxes and I take that very seriously. I have really been trying to understand all the nuisances, but it really came down to that for me there has to be at some point the ability to reach across the aisle and to allow a mechanism for our two governments to work together. There seems to be one thing to be a theme for at least as long as I have been Heber for the last twenty plus years is county versus city. To a certain degree I think that it is healthy, and I think it is good to have checks and balances. I think it is good to not agree all the time so that we can understand all of the issues and problems because all of us don't agree. The county seems to have a tradition of being very conservative very careful with growth. The city has a more assertive mentality in looking towards fostering growth. And having served the city council I can understand the respective to see both sides and see how this kind of unfolds. The ability to reach across the aisle and ensure that we have a method to participate and to help have a voice in what happens with this Main Street because it does affect the county and affects us in a huge way and I appreciate the city making concessions to allow us to see some representation on these boards and not just reorientation but to have a say on the project list and they didn't need to do that and they have the full authority from the state to define how the CRA works and they are the agency. They filed for it and can appreciate their willingness to work with us. I am in favor based on the terms that have been presented tonight and based on the years of back and forth and negotiations with the city and just looking back historically I also hope to see a program that can actually help long term with what our downtown can really be a model of our little town here. That is what I wanted to say.

Councilman Kendall Crittenden indicated that I would raise the question of the advisory boards be not elected officials. The Council have any appetite and say no we want those to be elected officials. Councilman Erik Rowland indicated that he agrees with his point but the nature of what we are trying to decide that would be a non-start to remove council representation from those boards. If they want to do something during the composition as to how we refine things absolutely.

Councilman Karl McMillan indicated that he wants them to be elected. Councilman Luke Searle indicated that what Councilman Crittenden is saying that have only elected rather than non-elected. Councilman Luke Searle indicated that three of them, the majority of them are elected officials that I am okay with the advisory board as they are.

Councilman Erik Rowland indicated that this should be clearly defined here. Matt Brower indicated that Wasatch County shall have the right to appoint at least one member to the advisory committee. Heber City has the right to appoint at least one member to the advisory committee. Wasatch County School District shall have the right to appoint one member of the advisory committee. Who owns a business or commercial property in two blocks of Highway 40 is the project. The Advisory Committee has the right to appoint a representative at large who must own property or business in the project area.

Councilman Mark Nelson indicated that means that the County Council can appoint one of themselves or whoever they want. Councilman Erik Rowland indicated but that it is not restricted

to just that.

Also, Councilman Kendall Crittenden indicated that the County Council seems to be a little more conservative and we allow the same density that is being allowed now and if you would look at the numbers that is not true. We are saying that we have got to bring business to downtown and I have heard directly two members of the Heber City Council say that the development clearing on River Road is a gateway to Heber City and we have got to have that developed and got to have those businesses out there and we have got to have this and got to have that there. They are expanding their annexation boundary to have potential four to five thousand homes five miles east of Main Street which we are trying to renovate, and we are going to have those restored and have this and have that up there. Do we want to renovate Main Street, or do we want to fill the whole valley because we have got to have that gateway to Heber City clear out there. I have heard that many times from members of the Heber City Council.

Councilman Luke Searle indicated that what is interesting to me in the last meeting we had when Mike Johnson came up here and said that there was an annexation petition within their annexation boundaries close to the high school and there were conversations about what those units would look like and the three members of the city council said no that we are not interested in looking at that right now and part of what was said that they do want to focus on the down town and I appreciate that step in saying that this one of the major focus for Heber City. That based on the CRA and what they are trying to a gas station would come into their plans as a downtown space that the community can use. This is a special place like so many other places in Wasatch County and there are a lot of amazing people and there is other efforts that are happening within Heber City and would be really interested in Heber City coming back to us and showing what Vernal showed about all the investment that they have put in and this is a new era to be able to invest in places that people are utilizing and are there. We have responsibility as a County Council for all of the Wasatch taxpayers. I view this as a place where maybe it is not on a Vernal boom/bust place, but we have a Main Street across to the downtown area that community residents use, and taxpayers use. So, there is a lot of potential that can be misplaced that within investment could make it to where in those twenty years this is a good investment for all Wasatch County taxpayers. This could be something in which those people who are having a hard time and I care about those people because the seniors built this valley and ultimately, we are going to do nothing in trying and I would like to see a decrease in taxes. I would like to see an increase in commercial taxes because that would help primary residents and if we make those kinds of investment in twenty years that would be a place for us. We are looking at a lot of increase in lots of other places where property tax increases are something that we have. The school district may be in a different situation and can't speak for them. But in a place where we are built out and maybe not built in twenty years and hope that we are built out in twenty years that we have a place where this source of revenue is from commercial properties that make it better for primary residences. So that is my opinion.

Councilman Mark Nelson indicated that he doesn't know how to phrase the motion exactly so I might need some help from you.

Councilman Mark Nelson made a motion that we approve the participation in Heber City's downtown CRA with the comments and changes if any that we have discussed tonight. Councilman Erik Rowland seconded the motion and the motion is as follows:

AYE: Mark Nelson

AYE: Erik Rowland

NAY: Steve Farrell and I am going to vote no because I don't think that Heber City is like Vernal. The CRA or RDA whatever you did out there is to help built a blighted area. Heber City is not in that point. I still have some unanswered questions on this and property values are going up regardless of what you do in the CRA. We have got some concerns on the County we have got a new court building being built. We have got an administration building going to be built. The School District just built a new high school, and they all have got budget issues, so I think at this time that Heber City is seeing double digit growth in the residential side of it, and we need to do a better job of managing it. That is why I have voted no.

ABSTAIN: Chair Spencer Park abstained because he owns a commercial building inside of the city limits and inside of this CRA Boundary.

NAY: Kendall Crittenden indicated that I am going to vote no because of the reason that I expressed it a minute ago. What do they really want and some of the things that Councilman Steve Farrell indicated. A lot of the comments that we have received like

Councilman Mark Nelson clarified that we are not deciding for the school district. A lot of the comments that we received in the last week or so express that you know the old school district has got a better high school. They have got a staff to do all of this and that and the other and increased there and increased that we have clear across the County so I would vote no.

AYE: Luke Searle

NAY: Karl McMillan for the same reasons that

Councilman Steve Farrell has given, and I don't need to bring them up gain.

That motion was three to three is there a desire to do a different motion or should we move on Council. Councilman Mark Nelson asked if they have any ideas for a different motion. Chair Spencer Park indicated that I feel like I need to abstain because if it was successful, it would make me money and I don't feel good about voting for it either way. If it is successful, I am improved, and I shouldn't vote on anything like that, and we are done with public comment.

Dustin Grabau indicated that a potential alternative motion is to provide direction to your staff or Heber City if there were things that they would change that change your opinion one way or the other or if you wanted to learn more information or something along those lines if that could be a potential motion. Council Mark Nelson indicated that not to put pressure on our Chairman I just wonder from attorney and don't want to put you on the spot either is he making an appropriate recusing himself from this. Scott Sweat indicated that he is correct. Chair Spencer Park replied that as a business owner I could see the benefit of it and I could see the down side of it but I also represent the very rural of the county at the south end. I guarantee you that 95 percent of my constituents are not in favor, and I am going to vote with my constituents. Dustin Grabau indicated that the result would be the same either way. Chairman Spencer Park indicated that he could see the benefit and I totally can, but I also can see that if this is successful my building could be worth a lot of money in another five years and just me knowing that makes it something that I don't feel like voting on it. You can't argue that if it is successful, it is not going to help me, and you want it to be successful and you want the values to go up. Council anything further or should we move on. Also, Council, are we saying anything that we are saying that would change anybody's opinion to vote against it or vote for it. Right now, it is against it so I guess if there is anything that would change the three that voted against it would like to see. Councilman Steve Farrell indicated that it has got to be four positive votes. Of the three that voted no is there anything that you would see would change your vote? Councilman Kendall Crittenden not currently no. Councilman Karl McMillan indicated no. if nothing further we will move on to Item 2 on our public hearing agenda.

CONSIDERATION OF A PROPOSED AMENDMENT TO WASATCH COUNTY CODE 16.08 AND 16.27 TO ALIGN THE REGULATIONS OF VARIABLE LOT SIZE DEVELOPMENT WITH THE POLICIES OF THE GENERAL PLAN.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that a couple of months ago the Council probably recalls the Ranches of Farm Meadow was a development that came through that spurred some discussion and part of that discussion was that the Council asked staff to look into the General Plan and specifically how it relates to open space in variable lot sizes. The northern portion is anticipated to be a county park in the future, and it is anticipated to be donated to the school district and at the risk of getting this wrong there was because a building being placed on that, and it is not open space we really don't agree with how the variable lot sizes being able to be executed in the proposal. The park would qualify for open space, but it was the piece to the school district is not actually open space and is that or is that are not the intention of the variable lot sizes. I also heard that the potential ability of wanting to look at or at least still provide the option spaces if they made sense.

Naturally, under my responsibility we are going to make a recommendation to make a change in code. We would source the actual policy document for land use and development in the General

Plan. I am going to go over a couple of the policies in which they exist in the General Plan, and it supports generally the direction that the Council asked us to look in. This is from Chapter 3 where the goals and policies are established. It talks about and there are a couple of different things that I wanted to point out.

Number 1 is a consistent talk about trying to work with ways that new development and agricultural uses can work together. This is not specifically related to what you asked for, but you will notice why I am bringing that up later on. The goal refers to lot sizes getting larger as you get further away from population centers. When it gets to the actual policy of that it uses the term next to centers of population that would allow for smaller lot sizes with open space. We didn't have the General Plan immediately in front of us during that development proposal but what was some of what I heard, this isn't actually doing what the General Plan says we are supposed to do, and I would agree that the General Plan says it is supposed to be open space.

Councilman Steve Farrell indicated that the lots in the County should be 1.03 acres in size. Austin Corry replied that not necessarily. There is a density of 1.3 and in large scale being one. Councilman Steve Farrell indicated that the variable lot size down to an acre. Austin Corry replied that the closest areas are yes. Councilman Steve Farrell replied down to a third of an acre so that is .7 of an acres that should be open space. That is the way I interpret. Councilman Mark Nelson replied that the open space is not part of the lot. Councilman Steve Farrell replied that .7 acre is the open space and the .3 acre of the lot.

Austin Corry replied that when we use the word open space in Wasatch County that is what we mean. We have some competing policies, and I use the term competing intentionally. They are not conflicting, but they are competing. By that I mean we have got a limited amount of land but if we have policies that are all competing for that land, we have to make a decision on what to do with it. Two of them provide the need for providing spaces for recreational facilities but organized and non-organized recreational activities. We also need to look for places for ball fields. We need to ensure that there is an adequate size made available for civic use. Now as we go deeper into the General Plan and this isn't in the goals and policies section, this is in Chapter 4 under the open space section and will notice that there is a policy that specifically talks about flexible lot size, development clustering, and conservation subdivision design. It mentions the RA-1, RA-5 and transitional overlay zones although I can't tell you what the transitional overlay zone is because it doesn't exist in our regulations. It specifically says these areas should have at least thirty percent open space required. That is a much more direct statement than any of the stuff that I have given you before. I also got copied at the bottom there and this is the land use plan section of the Eastern Planning Area. The reason I bring this up is that it has the largest majority of the RA-1 Zone in it. It talks about competing agricultural uses and urban sprawl and also talks about the need to provide an agricultural protection program, but it acknowledges that density should be a way and a mechanism that the County can use to pay for the SSD basically. This is your current General Plan.

Chair Spencer indicated that I thought that we took away density bonus and bonus transfer. Austin Corry indicated that it still exists. I am going to talk to you about some of the language in RA-1

about defining it as a density bonus. The reality is that the RA-1 Zone is a five-acre zone and it is misinterpreted a lot of times. It is a five-acre zone, but you get a density bonus to go down to one acre zone by collecting public sewers and collecting water. It is a very low threshold; you are granting a density bonus and that follows this policy in the General Plan that says that in order to pay for the sewer infrastructure we are going to get some density bonuses in the area. I think you are in line with the policy. The reason we are going to focus on the RA-1 Zone is that through the General Plan that we just talked about and in the land use regulations it is all limited just to the RA-1 Zone where the variable lot size development type is being executed. The variable lot size development specifically mentions a means of protecting open space in sensitive areas. The purpose section of the RA-1 Zone highlights again should preserve natural or prominent features of the site first laying out of the lots later. The idea behind a variable lot size is just to create open space but also to provide flexible development options and somebody can get creative and say that there is a unique formation here or we have got a nice wetland area and good habitat. We have got a view shed area and we are going to protect that. As a developer I don't want to give up density because that is how I am going to pay for it but going to cluster it here so we can protect something that is really important. I believe that based on all of those policies that were established that was the actual intent was to provide a flexible option going forward. Open space or protecting sensitive or natural unique features which often become open space.

Austin Corry then indicated that here is where things fall apart. The bottom line is the actual regulation of what a variable lot size development is. All of this became and now ends up getting surmised in the regulation document in one paragraph that says in B1 between Mill Road and 2400 East you can have lots as small as a third acre and 2400 East to 3600 East you can have lots as small as a half-acre and beyond that you can have one acre. There is not a single word about open space and there is nothing about how or what it is supposed to create. I think we failed in that regard. I am not pointing fingers anywhere. I just think that it didn't get executed quite like the policies we are anticipating. That is where we are now and under the direction of the Council, we have prepared an amendment that I think will address and align the code with what the existing policies are. If you remember that two or three weeks ago, I came in front of you and said that I have got a couple of policy questions that I have got to ask and got some directions from you. That was to help refine this and make sure that we were headed in the right direction. Here is what the amendment that you have in front of you does. The first thing that it does is that it modifies the purpose statement in the RA-1 Zone. The main reason there is that the purpose statement in the RA-1 isn't necessarily reflective of Chapter 4 of the General Plan and it talks a lot about rural densities but one acre lots are not actually typically considered rural densities in land use planning but instead it reflects that the RA-1 is a transitional zone which would align it with all of the policies that say what it is. It made some changes like that and also there are eleven objectives written in there and it reduced it down to six because five of them were almost verbatim redundant of the other things that are in there. You asked me to do one little thing and there is big problem and I have got to fix it. Some of this is clean up, that is part of that. The next thing that it does is clarify the base density and bonus density standards and really all that means I added the term bonus density in front of the eligibility criteria from five acres to one acre we are specially stating that this is a bonus density that we are granting. The eligibility criteria are still exactly same you

connect to sewer and public water and again it is a low threshold but by titling it a bonus density it actually offers us some protection from some of the stuff that is going on with state code and it helps open up that door to for us acknowledging that this is bonus that we are giving you and we want the ability of actually getting the right things that are in there. It adds in one thing and that is the Council gets to review the proposal for compliance of the General Plan if they are asking for a bonus density. If you remember that this last year, we had to change things where the Council is not seeing any subdivision proposals, and this would be by declaring it a bonus density it eliminates the conflict that was being created by that.

Austin Corry indicated that here is the big one and what it does and primarily what I think you asked us to do is that in the variable lot size development criteria it adds a thirty percent open space requirement so the reason I picked thirty is because that is what the General Plan says it is supposed to be. If we want to pick a different number, we probably ought to talk about amending the General Plan as well. It also adds in a discretionary ability for the legislative body to look at a proposal and so go back to the Ranch of the Farm Meadows and if they say that look we are going to use variable lot size this is a good site for school property or maybe there is a library or a fire station or something it doesn't grant to the developer to do it. It gives them the ability of asking the Council if they can do that.

Councilman Steve Farrell indicated that it should be the legislative body to make that decision. Like that we had on 2400 East and 2400 South. Austin Corry indicated that it is a distinction here but what it does is not only make it a legislative decision by the Council, but it also openly states that it is discretionary. So, you can say that you don't even like the thought of it and tell them no. If they come through and it is open space and it meets the code, there is no discretionary approval or if they want to ask for anything other than open space they can ask the Council.

Councilman Luke Searle indicated that open space means a lot of things to a lot of people. Can we say that we really like that kind of thing and when you say discretionary it is one thing or another. Austin Corry replied that agricultural fields are open space. The only time they come and ask the Council for approval is if they want to do something other than open space. If the code had been implemented there the Ranches at Farm Meadows would have been on bending knees say that we really want to donate this to the school district and ask if the County Council is okay with that and you could say yes or no.

Councilman Steve Farrell says that the Council can make the determination for open space and not the developer doing that. Austin Corry replied that the variable lot size has not been used to protect open space or provide natural features, but the developer is using it to make smaller lots and bigger lots, and smaller lots get narrower. They are getting higher density, and they can have larger estate lots and smaller variable lots but none of those are public or open space they are all private.

Councilman Erik Rowland replied that it hopefully clears up the loophole and puts it back where the intended use is. Austin Corry replied that it puts this in alignment with the General Plan that says you are supposed to make thirty percent open space if you are going to use that development

option.

Austin Corry then went through the amendment summary.

1. Modify purpose statement of RA-1. Eliminate reference to rural densities and instead note that it is a transitional zone from urban to rural. (GP CHS and Ch4 land use sections)
2. Clarify Base Density and Bonus Standards. (GP CH4, Land Use) Add clarifying statement of 5 a/u base density (proposed text lines 51-53). Add term bonus density to the eligibility requirement (proposed text lines 67-100). Add Council review of proposal for compliance with General Plan.
3. Modify Variable Lot Size Development criteria. Add 30 percent open space requirement if using variable lot size option (GP CH4, Open Space Policy 4.1). Discretionary ability for legislative body to allow civic use site in-lieu of open space if the seating and location is in compliance with General Plan (GP CH 3, objective 16.5).
4. Cleanup of redundant setback language.
5. Modify other fencing standards to instead reflect the right to farm requirement of an impact analysis on existing ag uses (GP Ch3, Policy 1.1.6)

Austin Corry then went through some policy questions:

1. Large scale vs. small scale Density (1.3 au vs. 1 a/u). The Planning Commission recommends a uniform 1.3 a/u calculation (strike highlighted text).
2. Variable Lot Size for Large-scale only? (Line 105). The Planning Commission recommends giving options for large and small scale (strike highlighted text).
3. Council discretion to allow civic use in lieu of open space in variable lot sizes? The Planning Commission recommends keeping as written.

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 as follows:
 - a. Goal 4, Objective 4.1 and Policy 4.1.1 of Chapter 3 seek to have “development options next to centers of population that would allow for smaller lot sizes with open space as compared to the more rural parts of the County.”
 - b. Goal 4, and Policy 4.1 of Chapter 4 mandates that “flexible lots sizes, should become the standard design process employed when developing in the county’s RA-1 Zone.”
 - c. other land use policies limit densities in these valley floors to five acres per unit for the purpose of protecting pristine water quality. Densities below this shall have public sewer and water connections.
2. The proposed amendment promotes the purpose of the land use and development code as stated in WCC 16.01.01.
3. Positive impacts of the proposed changes are alignment with the development code and the established policies of the General Plan, clear standards for density bonuses that continue to protect water quality, and providing development options that protect the areas identified as valuable assets to the community.

4. Negative impacts of the proposed changes could be that the 30 percent open space requirement may deter the use of the development option compared to standard lot sizes.
5. The county intends to engage in a more comprehensive policy discussion in the future to ensure that the community values and established policies are reflective of the current context of the county.
6. The Wasatch County Council, as the legislative body, had broad discretion for amendments to the Wasatch County Code.
7. The analysis, findings, and conclusions outlined in the staff report are hereby adopted as part of this action.

Austin Corry indicated that the Planning Commission held a hearing so land use items are a little easier for you with code amendments because the Planning Commission public hearing counts as your first hearing and you still will need all the public hearings in this item. Just to be clear though that what is in the staff report is written to maintain as much status code as possible and that is the band-aid if you remember I said that I am going to put together a band-aid for you to get something in front of you quickly and we really need to talk about the General Plan if there are bigger things. That is what is in front of you, and I wrote it to try to maintain as much status quo as much as possible. Those three items were worth discussing and that is what the Planning Commission's recommendations were and the first two highlights they recommend striking those from the purposed text and the last one they recommended keeping.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment.

Jami Hewlett indicated that she has a lot in Christensen Farms and that it would be reduced to one third acre at 400 East. Will I now be able to get four houses on my one-acre lot. Chair Spencer Park replied no because it would be above the density. The total density of the whole subdivision is limited to one for 1.3 acres so the subdivision as it was approved at the maximum density allowed and that your lot is that size there is no more density to be given to it if you separate it now. If your developer would have chosen to do one third acre lots because it had a big open space piece and have your lot be one third, but he didn't spread, it out among the lots so you don't have any more developable rights because of this. Austin Corry replied that it doesn't grant additional units but only affects the size of the units within the zone. The density is still the maximum you are at. Austin Corry replied that potentially something that you can do is the third acre thing from Mill Road to 2400 East that is the existing code. Chair Spencer Park replied that they still could have done that now.

Chair Spencer Park then closed the public comment period.

Motion:

Councilman Karl McMillan made a motion to accept the amendments of the Wasatch

County Code 16.08 and 16.27 to align with the regulations of the variable lot size development with the policies of the General Plan. and accept the findings, and accept the staff report. Councilman Steve Farrell seconded the motion, and the motion carries with the following vote:

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

NAY: Chair Spencer Park

Austin Corry then asked a clarifying question. The Planning Commission's recommendation to you strikes those highlighted, the top two highlighted areas, are you wanting to go that way or the way that it is written? Councilman Karl McMillan replied that I want to go the way it is written according for the Planning Commission. Austin Corry replied that you want to go with the Planning Commission's recommendation that it strikes the first three yellows. Dustin Grabau indicated all the red is new. The Planning Commission is suggesting that you modify additions by not adding the first two highlighted yellows and take them out and leave the third one. Chair Spencer Park replied that it keeps it kind of the same as it is. Austin Corry replied that by striking that language it means that it is a uniform density of 1.3 acre. That first one lowers the density of small-scale developments. Chair Spencer Park asked if you are okay with changing the density for small scale. Councilman Karl McMillan replied that is correct.

ADJOURNMENT

Councilman Luke Searle made a motion to adjourn. Councilman Erik Rowland seconded the motion, and the motion carries with the following vote:

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

NAY: None.

The meeting adjourned at 9:00 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

