

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 19, 2022**

PRESENT: Chair Mark Nelson via Zoom
Marilyn Crittenden via Zoom
Jeff Wade via Zoom
Kendall Crittenden
Steve Farrell
Danny Goode via Zoom
Vice Chair Spencer Park

STAFF: Dustin Grabau, Wasatch County Manager
Jon Woodard, Assistant Wasatch County Attorney via Zoom
Don Wood, Wasatch County IT Director
Joey Granger, Wasatch County Clerk/Auditor
Rick Tatton, Court Reporter via Zoom
Austin Corry, Assistant Wasatch County Planner via Zoom
Doug Smith, Wasatch County Planner via Zoom
Scott Sweat, Wasatch County Attorney
Natalie Foster, Wasatch County Manager's Secretary

PRAYER: Councilman Kendall Crittenden

PLEDGE OF ALLEGIANCE: Led by Vice Chair Spencer Park and repeated by everyone.

Vice Chair Spencer Park called the meeting to order at 3:00 pm. and indicated that all the Wasatch County Council are present. Councilman Steve Farrell, Vice Chair Spencer Park and Councilman Kendall Crittenden are present live and Councilwoman Marilyn Crittenden, Councilman Jeff Wade, Councilman Danny Goode who will join us later and Chair Mark Nelson are present via Zoom. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032 and 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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Vice Chair Spencer Park asked if there was any legislative issues for future meetings. Councilman Kendall Crittenden indicated that the people that bought the property called the River's Edge on River Road wanted to talk to the Council Members and schedule a meeting to present their proposal before they went too far down the road. Possibly they could be scheduled for a work meeting in February. Also the Council could meet with the Planning Department before that meeting took place. Councilman Steve Farrell indicated that Doug Smith, the Wasatch County Planner, should be told of this request and if it looks like it is something that is favorable then Doug Smith could set up a meeting with the Wasatch County Council. Also there are a lot of issues that need to be resolved first.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Vice Chair Spencer Park asked if there are any administrative issues for future meetings and there was none.

PUBLIC COMMENT ON ISSUES NOT ON THE AGENDA

Vice Chair Spencer Park asked if there are any public comment on issues not on the agenda. Ben Pike, from Mill Stream Properties, addressed the Wasatch County Council and indicated that he would like to discuss property tax roll back. Dustin Grabau, the Wasatch County Manager, indicated that the Wasatch County Assessor talked to me about wanting to get on the agenda and with regard to this what we are hoping to do because there are a number of properties would like to consider abating some of their taxes. We need more information from Todd Griffith before this matter is put on the agenda and we didn't have time to do that. Joey Granger, the Wasatch County Clerk/Auditor, indicated that she will get in touch with Ben Pike regarding the matter.

US MOUNTED SHOOTERS OF UTAH IS REQUESTING ASSISTANCE WITH FUNDING FOR A THREE DAY EVENT AT THE EVENT CENTER RICK JOHNSTON AND KEVIN THACKER.

Rick Johnston, from US Mounting Shooters, presented a video and power point presentation and then addressed the Wasatch County Council and indicated that they are asking to have one of the events to be held in the second week in September in Wasatch County and in order to do that there needed to be a commitment to a three year contract to allow this to be with the National Shoot. We have an option with the three year with a two year extension with the indoor arena and if the weather is good we possibly will use both the indoor and outdoor arena. We also have the support of Wasatch County Parks and Recreation and also asking for a \$15,000.00 per year for the three year commitment with an option of two more to add to make sure we are meeting the needs of Wasatch County. Also the first go around we are pushing 150 horses through. Also this is sponsored by Wrangler and televised through the Wrangler Network.

Councilwoman Marilyn Crittenden asked why you need the \$15,000.00 and you need to show why this would benefit the community. Also the concern here that we are go continue to have groups like this come to the Council to be sponsored and there is only so much money to do this type of thing. We need to show that we do get benefits back from events such as this. We need to make sure this is fair and equitable when we are looking at all these different groups.

Rick Johnston replied there are entry fees, ability to have added money and higher pay outs. Also enticing the people across the country to drive into the Heber Valley. The reach will literally be across the country and expose Heber Valley to people all over the country. Also to help cover some the expenses as well. We also will get money from other sponsors as well. Our goal is to keep this event to be a long term event. Also we are representing the Utah Club.

Councilman Steve Farrell indicated that generally we send events like this to the TAB Board and the money available there needs to be used for advertising. This doesn't fit the criteria for the TAB Board. We would help them with the donation for the first year and see how it works out and if it goes well you can come back and ask for more money. Also with this event it far exceeds what we are spending indirectly in transient room and restaurant tax. Also we would take this money out of the restaurant tax and leave the matter up to Dustin Grabau, the Wasatch County Manager, to divide it up from where it comes from and there may be some in the Council's budget too.

Tom Bonner, the Parks and Recreation Director, indicated that we need to make sure that they are quality events and covering their costs and this event has met our criteria for the department on what funds can come back to Wasatch County. Councilman Kendall Crittenden indicated that he likes the idea of the one year and see how it goes and then come back and ask for more. Councilwoman Marilyn Crittenden indicated that she would be in favor of putting the donation amount at \$10,000.00.

Councilman Steve Farrell made a motion that we go ahead and work with the US Mounted Shooters of Utah on the event coming up this September and help with funding up to \$15,000.00 for one year only with the caveat that you can come back and request for additional funds if things work out. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Jeff Wade via Zoom
AYE: Marilyn Crittenden via Zoom
AYE: Kendall Crittenden
AYE: Chair Mark Nelson via Zoom
AYE: Steve Farrell**

NAY: None.

Councilman Jeff Wade via Zoom asked Tom Bonner if there is any way that you could track what you bring in on this event or events like this like stall fees and the number of participants and spectators also just we can have any idea next year when he comes back,. Tom Bonner, Parks and Recreation Director, replied that he could do that yes. We can't tell you what happens up in the town. We will generate a report that shows how many contestants he had, how many stall nights we had and once Cowboy City gets on line we can track that also to let you know how many hook up nights we have. If they bring in national sponsors that will not create a problem for our sponsor program. Also they could be incorporated into the rodeo as a specialty act or a demo, a specialty act probably yes but as a demon during the rodeo happening probably not because we have just so much time. .

DISCUSSION AND POTENTIAL ACTION ON WASATCH COUNTY FUNDING OF THE UDOT PROVO RIVER PARKWAY.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a lot of funding that has been dedicated to it. Over the past several years UDOT, MAG and other entities have worked to complete a section of amenities along the Provo River that would connect Vivian Park to Deer Creek Reservoir. As the project has changed over time due to its complicated nature, so too have the funding sources. One of the recent changes is that UDOT is requesting the Wasatch County fund or facilitate funding of \$1,873.612.50 of the project attributable to some of the railroad features on the project. The intent of this item is to discuss alternatives for funding this request, which may include the use of transient room taxes, restaurant tax funds, or County capital improvement funds. Possibly what is being looked at is a commitment and not actual funds yet.

Chair Mark Nelson via Zoom indicated that the funds need to be available when they put the project out for bid and they haven't decided when they are going to put the project out for bids. Also I have a spread sheet that shows how the \$32 million he project comes from.

Chair Mark Nelson via Zoom indicated that one of the engineers that was representing the railroad track part of the construction estimate came back to the UDOT officials and indicated that this project would be cheaper if you took the railroad tracks out at the beginning of the project, built the trail so that you have that right-of-way to drive trucks and do all these other things on and then put the tracks back, put new tracks back in which would allow you in many parts of the trail to slide the tracks over three to four feet further away from the river and would reduce the cost of the overall project by \$2.5 million to \$3.5 million because you wouldn't have to build all of these expensive retaining walls out into the river or other kinds of systems. What has evolved over the last year or so is that the railroad did recommend this and that is currently when the railroad goes to Vivian Park the train stops and the people get on and off on the downstream side of the road that goes up in the South Fork of Provo Canyon and the train blocked that road while it was sitting there and that created issues of security and fire safety. The plan now includes a new passenger platform that is on the up stream of South Fork Road and a new railroad siding to be constructed on the upstream side along the river and the trail.

Things such as this would make the whole trail project less expensive and was not suggested by the railroad. Also this project includes a new railroad bridge at Wildwood and the bridge is not a request of the Heber Valley Railroad. Another thing to remember is that about half of this trail is in Wasatch County. Councilman Kendall Crittenden indicated that possibly some of this work could be done through a donation of kind from Wasatch County and possibly that could be something to pursue.

The record should show that Councilman Danny Goode has just joined the Council via Zoom.

Chair Mark Nelson via indicated that it probably would be a good idea to get Matt Parker or Sean Siggard or both to address the Council regarding this amount of money that is being asked of from Wasatch County and explain that to the Council.

Councilman Steve Farrell made a motion that we table this discussion until our February second meeting and have Matt Parker and Sean Siggard attend the meeting and continue the discussion until then. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Steve Farrell
AYE: Danny Goode via Zoom
AYE: Jeff Wade via Zoom
AYE: Kendall Crittenden
AYE: Jeff Wade via Zoom**

NAY: None.

DISCUSSION/CONSIDERATION ON APPROVAL OF COUNTY PRECINCTS

Don Wood, the Wasatch County IT Director, presented a power point presentation and then addressed the Wasatch County Council and indicated that there are fifty-two precincts proposed on the maps. Don indicated that the way they have been numbered is that Seat C starts with the numbers in the on hundred range. Seat D starts with numbers in the two hundred range. Seat E is three hundred. Seat F is four hundred and Seat G is five hundred and then there are places listed where additional precincts grow in various areas of the County. Don Wood went through these different seats and explained what the maps illustrate. We have tried to balance this population wise so that they are fairly equal. Also precincts can change as often as every year. If Heber City annexes something this year it will change for next year. Also there are senate boundaries. Also there is one for the Midway Sanitation area. Don Wood indicated that when the boundaries are made larger, that means that the boundaries become more fragmented.

Jennifer Lee, the Democratic Chair, addressed the Wasatch County Council and indicated that she

is concerned about having precincts split up geographically because it is confusing to people and not sure it works. This will be an organizing challenge and right now I don't have a position to propose but would hope that you would take another look at that. My concern with the previous districts that they were so small that you could basically tell how someone has voted. I wish that we had just a little bit more time to think about this but precincts are neighborhoods.

Councilman Kendall Crittenden indicated that he would like to go back to the neighborhood and get rid of the signatures and let the precincts decide and move it on to county convention and that is the way it was done forever and it worked and I would say to get rid of all of that. To fix this to update the plan so it fits our current situation and we want to keep those boundaries as close as we can with this redistricting.

Jerry Duke, Wasatch County resident, addressed the Wasatch County Council and indicated that in the original plan and original code those districts were set up as political to where they were. Midway was one district and the county had two districts. This should have never gone on the ballot to start with because they didn't have equal representation and that was required to do it. Also the Wasatch County Commission could not change the districts in the plan because that was in the law they couldn't. The Judge said that he couldn't change the districts, so he ordered the Wasatch County Commission to make the districts. The districts are here and they are in the plan. Those districts are political and it does need to be put on the ballot so it can be changed to anywhere or if you want to maintain that but put it on the ballot. The districts shouldn't be numbered but remain where they are. Right now there is conflicting stuff. The code says if you change the makeup of the district and you change it from a political that needs to go to a vote. With regard to the council districts they should be represented by and should be Heber districts and if you don't want it then let's put it to a vote to change it but at least be consistent. If we don't want those political districts we need to remove them and if we start mixing it, it goes against the plan.

Jared Rigby, the Wasatch County Sheriff, and Republican Party Chair, asked a question. When the Council makes a decision here can it be revisited or is it permanent for a specific amount of time how does that work. Don Wood indicated that it can be revisited but we have to decide on the precincts today or have another meeting before the end of the month. Also we have to submit these to the State of Utah and then they go through and check them all to make sure that all the lines match up and that we haven't split parcels like separating the house from its driveway etc. The State of Utah may come back with some very minor five to ten foot changes or things like and we would have to honor those requests from the State of Utah when they come with their adjustments.

Dustin Grabau indicated that we have to make the changes that we have been suggested to be made and those changes can be made over the next week or so.

The record should show that Councilman Danny Goode via Zoom left the County Council.

Councilman Kendall Crittenden made a motion that we accept the precincts the numbering of the precincts that have been presented to us and authorize the County to send that onto the State. Also authorize them to make minor changes as required by the State of Utah. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Jeff Wade via Zoom
AYE: Kendall Crittenden
AYE: Chair Mark Nelson
AYE: Steve Farrell**

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA coordinator, addressed the Wasatch County Council and indicated that there was an update meeting on Friday and have also scheduled a couple of meetings with MIDA, one for affordable housing, some certificates of occupancy meetings with the building department that will be coming up next week. On the legislative side I did send to you a copy of my latest sheet as I went through it and read the bills and highlighted the ones that I thought might affect Wasatch County. It also includes some notes that I thought would have some fiscal impacts on a couple of those bills to the County or the fire district. Councilman Kendall Crittenden indicated that he appreciated that from Mike Davis and we also discussed those at the UAC meeting. Mike Davis indicated that if you happen to hear of a bill and you want me to look into it and talk about it with Dustin Grabau just let us know. Also the lobbyist thing will be taken care of this week or next week so we can reach out that way. Also the committee meetings started today.

Councilman Jeff Wade via Zoom asked Mike Davis if you have discussed with MIDA an agreement with Wasatch County that we can collect Parks and Recreation impact fees. Mike Davis indicated that he and Dustin Grabau talked to them last Friday about that and are waiting for them to get back to us but we approached them with that. The MIDA Board did authorize Paul to work with the County and right now Paul has been hard to get a hold of. We don't have it right now but every week we are asking about it along with public roads and safety.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that he attended the Heber City Council meeting last night and had been invited by Mayor Heidi Franco and said that they are going to work with Wasatch County better in the future and there was a whole new sense of direction for better communication with Heber City and Wasatch County and help eliminate the misconceptions.

Councilman Kendall Crittenden indicated that in the Heber City Council meeting there was a whole discussion regarding the North Village annexation. Also there was a discussion with the Sorensen open space and how that open space is going to be managed. Councilman Steve Farrell indicated that possibly it could be brought before the Open Space Board and have them make recommendations to Heber City and Wasatch County. Dustin Grabau indicated we could go that route in going to the Open Space Board and reconvene that committee and work with Jon Woodard, the Assistant Wasatch County Attorney, on what the proposal is. Questions regarding the open space was who owns it, who is maintaining the easement and holds the easement, etc. Councilman Steve Farrell indicated that we could also have the open Space Board make a recommendation which could be a starting point to get something done. The binding decision regarding the Open Space needs to be made by the Heber City Council and the Wasatch County Council.

Councilman Kendall Crittenden indicated that there was a UDOT meeting today at 1:00 p.m. and one of the discussions was regarding the bridge in Provo Canyon. The EIS plan has been narrowed down to thirteen options. Possibly by this fall it should be narrowed down somewhat to where they think it needs to be. With regard to State Road 189 from Wallsburg on in to Charleston and now there is a consultant on board and through this next year they will start looking and decide where that will go for that section of the road. Also the Mayflower Bridge process is moving forward with regard to portals and things such as that. Also the Carbon Canyon and Daniel Canyon chip seal project will be done this summer. The bridge work over the Provo River as you start up the hill there will be some activity on that this spring. With regard to the passing lane there, there is no funding for that. Mike Davis, the MIDA Coordinator, indicated that they are doing the section between the portals. Councilman Kendall Crittenden indicated that the rumble strips will be done this summer too.

Councilman Kendall Crittenden indicated that UAC has a new bill tracker and if we want to be involved in voting on how the stance UAC takes on bills you can get on the bill tracking program and you can vote in favor or oppose it. To get on that you get on uacnet.org and you can get a pass word and then you can vote on those bills.

Chair Mark Nelson via Zoom indicated that Dallin Koecher, from the Wasatch County Tourism group has a suggestion that he would like to bring before the Council. Dallin Koecher, addressed the Wasatch County Council and indicated that an idea that surfaced. Coming up here in Wasatch County in February there will be a large event coming to Soldier Hollow with approximately 1,000 people and we have thought it would be good to have buses available at various points and then have a bus route that would be available each day to take people to various parts of Wasatch County so they could buy stuff, eat at the local restaurants, etc. and show them what is available here in Wasatch County for them to enjoy. Dallin Koecher then showed them the bus route on a map. We would contract with a bus company to have two buses here in Wasatch County from February 14, through March 3. Seven days a week to take people from different parts of the valley from Heber City to Midway and back. The two places would be from Zermatt/Homestead in Midway and the other one at Walmart. The buses would cost for three weeks is basically \$40,000.00. They would run from 2:00 p.m. to 10:00 p.m. during the week days and then 11:00 a.m. to 10:00 p.m.

on weekends. For this to happen we could use excess TRT funds for a study for how a bus circular might impact and be valuable in Wasatch County. This could be a valuable transit study to get some real hard data. Chair Mark Nelson indicated that we would try to the best of our ability to inform the public about this test and also inform the public and see if the public would like to ride it. This might be an interesting experiment that might teach us something. Dallin Koecher indicated that he has signed a contract just to put a hold on the buses but that can be cancelled at least a week before so it would give the bus company time to use the buses in a different location. Dustin Grabau indicated that the bus route needs to be safe and would not interfere with people's property. Councilman Kendall Crittenden asked Dallin Koecher for a copy of the route map so we can take that to the Transit meeting next Tuesday. Councilman Steve Farrell wanted to know if we could terminate this contract at any point and time if we find that there is no use for it. Dallin Koecher indicated that he would find out what the cancellation policy is for the actual service once we start service. Dustin Grabau indicated that this item needs to be put on the agenda for a decision.

Councilman Steve Farrell indicated that on Tuesday we had the regional planning meeting and the primary emphasis was on water efficiency steps and ordinances for municipalities and governing entities. There was a very good discussion on it and Heber City is looking at adopting some of these steps as well as Midway. These steps would apply easier to the cities than to Wasatch County.

Councilman Steve Farrell indicated that they have been notified by Midway City that they have had a group approach them regarding lights along the ridge line on the northwest portion of the valley. That is regards to night skiing on a new run in Brighton. There was an agreement made back in 1998 when that was started and one of the conditions was that there would be no lights. A letter was put together and was asking if Wasatch County would have their Chair Mark Nelson sign that letter and send it to Brighton so that something could be done to shield the lights and not asking them to remove them but asking them to shield so that they are not seen. They have asked for signature from Wasatch Mountain State Park, Friends of Wasatch Mountain State Park, Midway City, Heber City and Wasatch County. Also would support being a signature to this because it is essential that we try and keep our dark sky as much as possible and would be working with the State Park on being dark sky compliant and would like for us to continue to see that. Also authorize the Chair Mark Nelson sign this letter as well. The Council indicated that they would give Chair Mark Nelson authority to sign it on his own volition. Chair Mark Nelson indicated via Zoom that he was okay with doing that.

MANAGER' S REPORT

DISCUSSION AND POTENTIAL APPROVAL OF APPOINTING MEMBERS TO THE JSPA, PLANNING COMMISSION AND BOARD OF ADJUSTMENTS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County benefits from the voluntary service of many citizens across a number of boards and in other areas. The Jordanelle Specially Planned Area (JSPA), Planning Commission, and Board of Adjustments each have vacancies that need to be filled with applicants

for those boards. The applications and recommendations break down as follows:
Jordanelle Specially Planned Area has 2 vacancies and 2 reappointments required:

- Ray Whitchurch for reappointment as a regular member
- Craig Hahn was an associate member but now for appointment as a regular member
- Robert Holmes as an associate member
- One additional application received: Michael Kosakowski
- 1 vacant recreation representative (previously filled by Steve Issowitz)

Councilman Steve Farrell made a motion that we accept the manager's recommendation on the appointment to the JSPA as he presented them. Recognizing that there is one vacancy for a recreation specialist. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Jeff Wade via Zoom
AYE: Chair Mark Nelson via Zoom
AYE: Danny Goode via Zoom
AYE: Steve Farrell
AYE: Kendall Crittenden**

NAY: None.

Planning Commission

- Scott Brubaker appointed as a regular member (previously an associate member)
- Doug Grandquis for reappointment as a regular member
- Chuck Zuercher for reappointment as a regular member
- 1 vacant associate member

Board of Adjustments

- Greg McPhie as a regular member (previously an associate member)
- Anissa Wardell for reappointment as a regular member
- 2 vacant associate members

The record should indicated that Chair Mark Nelson left the Council Meeting.

Councilman Kendall Crittenden made a motion that we accept those recommendations for the Wasatch County Planning Commission and for the Wasatch County Board of Adjustments as has been noted. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Jeff Wade via Zoom
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode via Zoom

NAY: None.

POSTING OF THE ASSISTANT COUNTY MANAGER

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we have posted the Assistant County Manager that goes through February 4, 2022.

VISIT TO THE BLACK ROCK HOTEL

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the developer of the Black Rock Hotel would like to invite the Wasatch County Council, myself and Doug Smith, the Wasatch County Planner to see the Black Rock Hotel and he would like to discuss with you the possibility of instituting a PID (Invesco International Dividend) to pay for some of his infrastructure costs with you. He just wants to show you the facility and show what his vision is for the project and this will be next Wednesday over lunch time. Also we can reschedule this if we need to. Also a PID for this type of thing might make sense but there would be a lot of homework that would have to be done. This would be an additional assessment on his property guaranteed only by his property and not by the County. Dustin Grabau indicated that he told them he would have an uphill battle making the case for it and it would just be for that new portion of the hotel. This is at least a discussion that is worth having. Just let me know if you can't attend then we can look at another date for this visit to take place. Councilman Steve Farrell indicated that Extell would like to take the Council on a tour of their mountain facility and they will be in contact with you Dustin Grabau regarding that.

CLOSED SESSION

Vice Chair Spencer Park indicated that there is no need for a closed session this evening.

Councilman Kendall Crittenden made a motion to go into recess and then return at 6:00 p.m. for out public hearing. Councilman Jeff Wade via Zoom seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Jeff Wade via Zoom
AYE: Danny Goode via Zoom
AYE: Kendall Crittenden
AYE: Steve Farrell

NAY: None.

The record should show that the Wasatch County Council is now meeting to consider the public hearing. Vice Chair Spencer Park indicated that there is only six present and it would take a vote of five of the Council to pass. Would you like to proceed knowing that is the case or would you like to wait and hold the hearing when all the Council would be present. The applicant Tucker White indicated that he would like to go forward and have the matter heard this evening.

PRESENT: Vice Chair Spencer Park
Marilyn Crittenden via Zoom
Jeff Wade via Zoom
Steve Farrell
Kendall Crittenden
Danny Goode via Zoom

EXCUSED: Chair Mark Nelson via Zoom

ALSO PRESENT: Austin Corry, the Assistant Wasatch County Planner
Dustin Grabau, Wasatch County Manager
Joey Granger, Wasatch County Clerk/Auditor
Rick Tatton, Court Reporter via Zoom
Scott Sweat, Wasatch County Attorney
Mike Davis, the MIDA Coordinator
Natalie Foster, Wasatch County Manager's Secretary.

PUBLIC HEARING
JANUARY 19, 2022

WHITE BUFFALO PARTNERS REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR FLYING HAWK SUBDIVISION, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 9 SINGLE-FAMILY DETACHED LOTS ON 12.66 ACRES LOCATED AT APPROXIMATELY 2600 EAST 1200 SOUTH IN THE EASTERN PLANNING AREA OF THE RESIDENTIAL AGRICULTURE 1 RA-1 ZONE.

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that this proposal is for a 9 lot residential subdivision and the continuation of a public street that currently stubs into the property. It does include the trail that is supposed to run along the canal there. The code requires trail connections and pedestrian connectivity north, south, east, west of a development. The trails on this project itself has some awkward frontages that touch 2400 East and 1200 South. The trail planner looked at that and the code requirements are that the applicant has to actually improve the trails along those roads that are part of the trail master plan. The staff's recommendation and if the Wasatch County Council is okay with it and the applicant is agreeable also is to have the applicant actually fund an escrow account for those trails and don't require the applicant to build them and basically agree on a cost estimate of what it would have cost him to build them and that is put into an escrow account and then the trails manager will seek grant funding that can actually use those funds as matching funds to work through applications. Eventually, there would be a more complete trail that is built. The reason this is offered is because it has narrow areas that reach out and touch and the trail construction at the time would be a pretty awkward construction. It is just a better pursuit of a trail overall. The trail along the canal would still be provided by the applicant. Also have received no comments from the neighbors regarding the proposal.

Council Comment:

Councilman Steve Farrell asked if there is a time limit or a termination for when the escrow money needs to be used. Austin Corry replied that those would be things that we have worked out. I don't know if the Council would like to opine on a time line for that. Councilman Steve Farrell indicated that if after five or ten years would the escrow money go back to the applicant. Austin Corry replied that I don't have an answer for what that time limit would be but the County would have execute on using it for those grant funds within the specified time. We could put a pretty generous time line in but currently with the new grant writer that we have and the trails planner they are getting much more aggressive with these kinds of things and there are some real positive things from these two positions.

Councilman Steve Farrell asked if they need to have any type of agreement with the Federal Government to use that. Austin Corry replied that their application is now in process. The plans are showing that the applicant is staying within the easement of the canal. Councilman Steve Farrell asked what happens if we go ahead and approve this without that happening. Austin Corry indicated that we will make those conditions and then at final they have to wrap them up.

Scott Sweat, the Wasatch County Attorney, asked if the canal is an easement. Austin Corry replied that it is through an easement. Scott Sweat indicated that he is a little bit concerned about a change of the scope of the easement through someone's private property. I would ask that you put one of the conditions that you have the easement through there.

Austin Corry then went through the proposed findings:

1. The subject property is 12.66 acres located approximately one mile east of the Heber

City/County border at Mill Road.

2. The proposal includes 9 residential lots and an open space parcel.
3. The density being proposed is consistent with the zoning requirements found in the RA-1 Zone.
4. A development agreement will be drafted to memorialize commitments from the developer and obligations of the County. That is where we would pin down the details of that escrow account and the open space maintenance.,
5. The Development Review Committee has reviewed the project and provided a favorable recommendation with conditions.

Austin Corry then went through the proposed conditions:

1. All issues raised by the DRC, as noted in the DRC report dated 22 December 2021, shall be resolved to the satisfaction of the applicable review department prior to final approval.
2. The draft development agreement shall be finalized to memorialize the affordable housing obligation, infrastructure maintenance responsibilities, and open space management obligations.
3. Final trail alignments along the canal shall be coordinated and approved by CUWCD (Central Utah Water Conservancy District.)

Austin Corry then went through the DRC comments:

ENGINEERING comments:

- Condition of approval. At final, present a letter from the canal company approving the improvements to the canal i.e. box culvert utilities under canal, etc.

JORDANELLE comments:

- Coordinate detailed plan review comments for TCSSD facilities with District Engineer.

PLANNER's comments:

- Development will likely need an HOA for maintenance of the trails and some level of control for all the retention basins. As things progress, the development agreement is going to need to clearly spell out how this will be handled.
- At final, submittal will need to include the approval/allowance from the north property owner for the off-site trail.
- I don't see anything addressing the various aspects of physical constraints such as statements on wetlands, flood plains, slopes, etc.
- Aerial imagery shows an existing structure on Lot 9 is that being removed.
- DA needs to be in Word format.
- The exhibits are missing which isn't uncommon, however, the language in the body isn't addressing the Developer's proposal for affordable housing obligations.
- Note 6 needs to be modified to prohibit access to 1200 south for Lot 9. Lot 9 access will need to be from 1330 south. Between Lot 9 being double fronted and the trail easement conflict, access to 1200 South isn't allowed.
- Is parcel a common area or open space? Either way, an open space preservation easement

- will be required in favor of the County on the final plat.
- Plan has been updated to show some, but not all of the physical constraints criteria. See 16.27.25, Physical Constraints Analysis in the code.
 - FEMA flood zone should be shown on plat.
 - The physical constraints map shows some sort of drainage at the SW corner of the property. It isn't identified so I'm not sure exactly what it would be classified as. I'm concerned it could affect your storm water plans.
 - I don't see the referenced EC-01 sheet you reference in your response to PLN 7 which submittal item is it under.

SURVEYOR comments:

- #1. This is unsigned preliminary plat. We do not review preliminary plats.
- #2 the Surveyor's certification is incorrect for starters.

MAG REGIONAL PLANNER comments:

- Wasatch County Trails Master Plan calls for a 10 foot paved trail on 1200 South and 2400 East canal trail should connect to 1200 South and 2400 East.
- Conditional approval. Provide approval from adjacent property owner for offsite canal trail connection to 1200 South and CUWCD approval for trail prior to plat recording.
- Escrow money for small sidewalk sections on 1200 South and 2400 East, until larger functional segments can be built with adjacent projects or grants.

Applicant:

Tucker White, the applicant, indicated that he has nothing to add and that Austin Corry did a great job in explaining what this matter entails.

Public Comment:

Vice Chair Spencer Park then opened the meeting up for public comment. Mike Davis, as a neighbor, addressed the Wasatch County Council and indicated that he appreciates twelve acres and nine lots and thank you for considering that.

Councilman Kendall Crittenden made a motion that we approve the request for the preliminary subdivision approval for Flying Hawk Subdivision a proposed residential subdivision consisting of 9 single family detached lots on 12.66 acres located at approximately 2600 East 1200 South in the Eastern Planning area with the proposed findings and subject to the conditions in the Planning Staff Report and from the Wasatch County Planning Commission. I would add as a condition that they would show that they have the right to put a trail through private property and we also need to verify that the federal government's easement already allows the trail to stay there and if it doesn't they will need to obtain an easement for that to increase the scope of that easement to include a public trail. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Danny Goode via Zoom
AYE: Jeff Wade via Zoom
AYE: Steve Farrell
AYE: Kendall Crittenden

NAY: None.

ADJOURNMENT

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

AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Jeff Wade via Zoom
AYE: Danny Goode via Zoom
AYE: Kendall Crittenden
AYE: Steve Farrell

NAY: None.

Meeting adjourned at 7:00 p.m.


SPENCER PARK/VICE CHAIR


JOEY D. GRANGER/CLERK/AUDITOR

