

**MINUTES OF THE
WASATCH COUNTY COUNCIL
APRIL 20, 2022**

The Wasatch County Council met in regular session live and by Zoom at 3:00 p.m. and the following business was transacted.

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

STAFF: Dustin Grabau, the Wasatch County Manager
John Heber Lefgren, the Assistant County Manager
Natalie Foster, the Wasatch County Manager's secretary.
Mike Davis, the MIDA Coordinator
Scott Sweat, the Wasatch County Attorney
Jon Woodard, the Assistant Wasatch County Manager
Shelby Thurgood, Assistant Wasatch County Manager
Wendy McKnight, from the Clerk's Office
Rick Tatton, Court Reporter via Zoom

PRAYER: Chair Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Tuesday April 20, 2022 and indicated that all the Wasatch County Council are present with the exception of Councilman Jeff Wade and Councilman Danny Goode who will be a few minutes late. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Mark Nelson 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

Chair Mark Nelson asked if there were any legislative issues for future meetings. Councilman Kendall Crittenden indicated that on the first agenda item the word preferred should be changed to alternatives.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there were any administrative issues for future meetings and there was none.

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Mark Nelson asked if there are any public comment on matters not on the agenda. Cody Stewart, from the Colorado River Third of Utah, addressed the Wasatch County Council and indicated that we are a new State entity we are charged to protect you and defend you and develop Utah water resources on the Colorado River. There is a lot going on in the Colorado River at this point and time and some is not good but very challenging. We are in the process of creating advisory councils where if there are citizens, elected officials and stake holders in Wasatch County who want to be involved in discussions, joining forums, participate in discussions about the Colorado River we give you that option. The Wasatch County will be in the Northern Region. Utah needs to be a little more proactive in this matter and work out arrangements without litigation. Councilman Kendall Crittenden indicated that could be put on our website for people to see and who might be interested in serving in these various committees.

APPROVAL OF THE MINUTES FOR APRIL 6, 2022

Councilman Steve Farrell made a motion to approve the minutes for April 6, 2022 as written. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Spencer Park
AYE: Danny Goode**

NAY: None.

DISCUSSION EIS UDOT ALTERNATIVE ROUTES

Chair Mark Nelson indicated that we have Mayors from Midway and Heber City with us and our elected house member Mike Kohler and citizens of Wasatch County and I would welcome all of you for coming. Kevin VanTassell is here also. Also we have Jeff Droubay and Craig Hancock from UDOT.

Craig Hancock, from UDOT addressed the Wasatch County Council and presented a power point presentation and then addressed the Wasatch County Council and indicated that we are not prepared and ready to deliver results. We are still going through our alternative analysis. Over the last several months we have been evaluating the different alternatives. The goal of this is to get us to a place where we can take the few alternatives that we have and move those into really the draft EIS where we will evaluate a handful of alternatives completely and thoroughly before we get to what we considered the preferred alternatives. We are still quite a ways from that point. The last several months we have been screening through the alternatives that we presented back in October. Our goal is to deliver the results of our screening towards the end of May and be able to have a complete report at that time that will show the analysis that we went through and the alternatives that we are proposing to move forward into the draft EIS. We will be working into the fall with regard to the draft EIS and then carry on from there. Also that with the release of the results of the alternative screening there will also be a comment period where the public will be able to review and comment on that report as well. We are planning to come back to the Council and give an update on those results. Also we will accept comments at any time but during that public comment period is where it gets published with the document. Also once we write the draft EIS we will have another public hearing and the comments and responses get evaluated. We will need public comment from the public in May to guide us as we go through the draft EIS.

The things that we are looking at right now is travel time, levels of service on US 40, impacts to historic buildings along main street as part of the alternative analysis. We are looking at feasibility and reasonability and if these alternatives did not fit that criteria that would be an alternative that would be screened out.

Councilwoman Marilyn Crittenden indicated that we need to a thorough study in this EIS and we look at it carefully. There is no perfect way this can be handled because we are not going to be able to get everything that we want and we need to be living with this forever. It won't go away once it is in and it will impact this valley.

Craig Hancock indicated that we do have a couple of construction projects going on right now and starting with a couple of projects that we have on US 40 we have the Mayflower project that has been going on for more than a year now. We have last item of work to complete on that project and putting on an overlay on the deck of that bridge will happen when the temperature is right. That will require some lane closures to accomplish that work. Another project of course the Provo River Bridge rehab this year and cross overs which will go into effect later this week. Also doing

some pavement rehab work as well and replacing some of the broken panels along the road itself and some lane closures associated with that work as well as we replace panels and panels will need to be cured as well you can expect to see some lane closures extending over a couple of weeks and that is on north Highway 40. Still some work up Daniels Canyon on Highway 40. Also we have done some crack sealing to get the road ready so we can chip seal that up through the canyon. The reason we do a lot of this stuff is because we operate under the philosophy that good roads cost less.

Councilwoman Marilyn Crittenden indicated that she put this on the agenda because we really haven't been able to have a public discussion about the alternative routes. Also we are getting a lot of people coming to Wasatch County and our infrastructure is not built to handle all of this growth and especially our transportation issue that we have. As a result of that we need to look at a lot of alternatives to solve that issue. We will be taking comments regarding this at the end of May. We need to be thinking through the options and indicate what options we like and what options we don't like. We need to be ready to give those public comments in a way that is well thought out. Wendy Fisher, regarding conservation easements, we have conservation easements here in Wasatch County that we have all agreed to fund and to protect open space and lands. Some of those transportation issues that are out there are affecting our conservation easements. She will tell us how that affects our conservation easements.

Wendy Fisher, then addressed the Wasatch County Council, and indicated that conservation easements are subject to condemnation so if an alternative goes through an area where there is a conservation easement then you will have some issues. Two open space bonds have been passed in Wasatch County. The goal of these open space bonds was to ensure that we were able to leverage the dollars to the greatest extent possible. We need to understand that it is really hard for Utah Open Lands to work towards the preservation of landscapes placing a conservation easement on those landscapes if they are in the path of a road. People will not be interested in putting conservation easement on their properties that are in the path of a roadway. Roadways do limit some of our ability to move forward on some of these preservation alternatives with regard to tax credits. Open space can actually help mitigate some of the crush of traffic by having conservation easements. Hopefully in this process this is something to consider because it does forestall our ability to protect some of these landscapes if there is a line on the map indicating where a road goes and as result nobody is going to participate in that funding. Also there needs to be good planning put into place to protect these parcels of land that need to be protected.

Kevin VanTassell, member of the UDOT Highway Commission, addressed the Wasatch County Council and indicated that he is just speaking for himself and not speaking for the UDOT Commission or anybody else but just speaking from what I have seen happen in Wasatch County. There is no open space, any open space left. There will not be any more oil tankers going through Heber other than what you have going through right now. There are about two to three hundred right now going over Indian Canyon Price that is loading on the railroad and headed to the Gulf Coast down in Louisiana and the Houston area.

There is a railroad that will be built and construction will be starting in January or shortly thereafter. UDOT does a good job in planning and prioritizing projects. In Utah the infrastructure has not been kept up and is way behind. Also Highway 40 is the only way out of here and will just continue to get bad. UDOT always has to have the environmental documents before we can get things going and that is a process for here in Wasatch County but I am not sure that Wasatch County can wait that long to resolve some things.

Kevin indicated that in some communities Main Street has been made just one way. Parking may have to be done away with along Main Street. The North Fields need to be taken into consideration because it is the last open space that is available for your corridor into the town. The funding for a bypass could take possibly ten years and unity has to happen. Logan and Moab has got the same issues that Wasatch County has. Moab has kind of given up on a by-pass route but things have been done on Main Street to widen it and add more lanes and move traffic parking off Main Street to areas behind. My recommendation would be that you put everything on the table and come up with something that is going to work that will give you some immediate relief and then work towards a long term solution.

Councilman Steve Farrell indicated that what you are suggesting is that a by-pass is not a solution to all of our problems. Kevin indicated to get Wasatch County moved up on the stiff list for funding is to get on that list first and get your application filled in and get it cranking. The EIS is going to come with one to four recommendations. If this community continues to grow and there is every reason to believe that it will in five years you will have a big problem maybe three years. If the bypass road goes out in the North Fields and every time I have seen a highway go someplace development follows it. Also transit systems are being put in but when the UTA puts in a transit station they are putting in ten to fifteen units plus some commercial. Dustin Grabau, the Wasatch County Manager, indicated that it is possible that we put in an access agreement limiting such a thing happening.

Councilman Steve Farrell asked Kevin are we wasting our time with this by-pass thinking that will solve our problems. Kevin really didn't answer that question.

Chair Mark Nelson thanked Kevin for all that he has done for Wasatch County in your legislature service. Chair Mark Nelson then read from the Vision Statement for Wasatch County and what it states there. Councilwoman Marilyn Crittenden indicated that once again we need to live with this decision that we make because there is no perfect solution. Councilman Danny Goode indicated that if some of these roads are changed to one way and that will take a lot of adjustment and to take away the parking on Main Street that would be very, very difficult to do and there are going to be some really tough decisions that need to be made. We all need to get on the same page so that a good decision can be made.

Chair Mark Nelson indicated that this is not a public hearing but some comments can be taken. We will have a public hearing after that comment period has taken place.

Heidi Franco, Mayor of Heber, addressed the Wasatch County Council and indicated to the UDOT representatives that more time should be given to consider these public comments that will be given in May or June to possibly sixty to ninety days could be given for consideration of these comments that will be made so that we can get more unity. Craig Hancock indicated that he will take that request back to the necessary parties. Also would feel bad if any of the reservation easements that possibly went along this by-pass corridor be penalized if a condemnation took place, would the Internal Revenue Service penalize them for using those tax credits? Wendy Fisher indicated that she is not a tax attorney. I cannot answer that question. Mayor Heidi Franco indicated that given the amount of density the past Heber City Councils have approved for the last eight years we will need a by-pass road as well as our Main Street to carry a lot of trouble. I have been working hard to redo the Heber City Master Transportation Plan. We need to get immediate relief now and then work towards a long term solution. Councilman Danny Goode thanked Heidi Franco for keeping her campaign promise that was made back in 2013 and you have been the most consistent one from Heber City to do that thank you and you are the right leader for us now for that.

Tracy Taylor, member of the Wasatch Open Lands Board, addressed the Wasatch County Council, asked the UDOT representative that once these maps come out in May when is the next time after that, that you are going to be altering those routes on that map. Craig Hancock indicated that will continue to the end and we are planning to get through the draft EIS and have our next public hearing possibly at the end of the year and could be next year before anything is altered. Tracy Taylor indicated that we have a ten million dollar bond and we have ten years to spend that money and already three years into that bond money and now we are losing time to spend that ten million dollars. If it is not used in that ten year period we lose that money. The map could prevent projects coming to the Open Lands Board. We need to deal with that map and not wait for another year. Councilman Danny Goode thanked Tracy Taylor for her dedication.

Steve Daugherty, Midway Councilman, addressed the Wasatch County Council and indicated that our Council likes the idea of us getting together as local governments to try and reach a solution to this issue and to have a louder voice to UDOT. People in Midway don't want to have more commercial in Midway because they say it is in Heber. Midway is invested in what happens in Heber. Also a by-pass road can kill a Main Street. Possibly an option would be going above ground and possibly could do that down Main Street. We want to get together so that we can have a stronger voice.

George Holmes, concerned citizen, addressed the Wasatch County Council and asked what the percentage of traffic that goes through Main Street now and twenty years ago and ten years ago I am wondering if the percentages have stayed the same and I mean percentage that comes from Provo Canyon, percentage comes from Daniel's Canyon or is local and as Heber City has grown have those percentages changed. What percent of the traffic is through traffic? Craig Hancock indicated that 49 percent is through traffic from Highway 189 and traffic down through Highway 40. Highway 40 about 44 percent of the traffic is pass through and 7 percent that is coming up Highway 189. George Holmes indicated that doesn't answer my question.

Mike Kohler, Wasatch County Representative, addressed the Wasatch County Council and indicated that their needs to be unity and if we had unity before we would have already had a bypass. Heber City Main Street didn't want that because they didn't want to lose the traffic. Also if we have an emergency we are going to get immediate action on priority and we need to push forward as a group.

Councilwoman Marilyn Crittenden indicated that she appreciated UDOT in coming and appreciate the people that are here and comments that have been made and think that we can move forward and need to move forward. The voice of the public needs to be heard if we can reach a solution to this issue. We need to have the unity to make this possible.

DISCUSSION/CONSIDERATION FIRST READING OF THE TAX SALE ORDINANCE 22-08 CHANGE.

Shelby Thurgood, Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that last year we passed a permanent taxing ordinance and prior to that we were passing new taxing ordinances each year. The one that was passed last year did not allow conducting a tax sale on line and some changes have been made to that which tax changes can be done on line or in person. The amendments that have been added are just to incorporate that option. Also requiring the tax sale notice to indicate whether this will be on line or in person.

Councilman Danny Goode made a motion that we approve Ordinance 22-08 as the first reading as presented and set the second reading for May 4, 2022. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

DISCUSSION/CONSIDERATION OF RESOLUTION 22-06 DECLARING MAY 2022 AS MENTAL HEALTH AWARENESS MONTH IN WASATCH COUNTY.

Councilman Kendall Crittenden indicated that we have done this for the past several years. Mental Health is a critical issue not only in Wasatch County but state wide and nationwide. We would ask that we make May 2022 as Mental Health Awareness Month.

Councilman Kendall Crittenden made a motion that we declare the month of May 2022 as Mental Health Awareness Month and pass Resolution No. 22-06. Councilwoman Marilyn

Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Spencer Park
AYE: Danny Goode**

NAY: None.

Councilwoman Marilyn Crittenden then left the Council for another appointment and Councilman Jeff Wade just joined the Council.

SECOND READING OF ORDINANCE # 22-07 AMENDING NAMES OF VOTING DISTRICTS AND EFFECTS OF REDISTRICTING.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there have been some minor changes to sections in the code. It addresses the districts that are in the existing code that are not currently used. If a redistricting as required results in a Council Member's residence being outside of the district to which they were elected, the Council Member may remain on the Council until a replacement can be selected and seated through the next general election. A number of whereas have been changed based on Councilman Kendall Crittenden's recommendations.

Councilman Kendall Crittenden made a motion that we pass Ordinance No. 22-07 amending sections 2.04 and 2.05 of the optional plan regarding the names of voting districts and the potential effects of redistricting. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

MIDA UPDATE

Councilman Spencer Park made a motion to have a closed session to discuss Purchase, Exchange of Lease of Property and Pending or Reasonably Imminent Litigation. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Spencer Park made a motion to come out of Closed Session and go back into regular session for the Public Hearings. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode
AYE: Spencer Park

NAY: None.

Chair Mark Nelson indicated that the record should reflect that the Wasatch County Council is back in regular to handle the Public Hearing scheduled for this evening

**PUBLIC HEARING
APRIL 20, 202**

GUY WILLIAMS, REPRESENTING AJ FIRESIDE PARK CITY L.L.C., REQUESTS A PLAT AMENDMENT TO BENLOCH RANCH PHASE 1 A IN ORDER TO AMEND THE ALIGNMENT OF STAFFIN DRIVE, MACALLAN DRIVE AND TO COMBINE LOTS 87 AND 88 AND INCLUDING ADJUSTMENTS TO PUBLIC UTILITY EASEMENTS AND INCLUDING A 1,000 FOOT LONG RETAINING WALL. THE PROJECT IS LOCATED IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that the request is for a plat amendment of Phase 1A which was recorded on January 26, 2022. After recording the plat and excavation work started it was determined by the developer that there were problems with the approved proposal and plat. One problem was the main access into the phase required a lot of excavation and retaining. An alternate alignment is now being proposed.

Doug went through the proposed changes to the recorded plat by the applicant.

1. Removal of lot 88 (153 lots proposed, recorded plat has 154).
2. Re-alignment of the main entry road "Staffin Drive".
3. Permanent cul-de-sac at the end of Macallan Drive.
4. Changes on some of the notes on the first page of the plat regarding trails and utilities allowed in common areas.
5. Addition of building setback exhibits on the first page of the plat.
6. Request for approval of a 1,000 foot long retaining wall built without approvals that in some places is as high as 30 feet which was not shown or approved as part of the original plan. Doug Smith indicated that he eliminated No. 6 because they will apply to the code and do nothing more than four footsteps and breaks every two hundred feet. That has been realigned.
7. 30 foot slope/maintenance easement along well.

Doug Smith indicated that Staff sees the changes for the most part, as improvements to the plan and are supportive, however the retaining wall was not approved with the original approval and was built without any approvals and in staff's opinion is not in keeping with the intent of the code.

Due to a settlement agreement there are 2046 vested units as long at the development complies with all code requirements. Also the retaining wall built, without approvals, adds to this concern in that the building pads are now terraced allowing a slab on grade home and not foundations that step with the contours as is intended by the code. Staff is concerned with the retaining wall, which was used to completely terrace the building sites on both sides of the retaining wall between the

two roads. Retaining walls may be used but the developer has created level pad sites and has not used up and down units to take up grade between the street.

In a meeting with the applicant held on March 31, the applicant presented new cross sections showing their intent to mitigate the impacts of the wall. There are several proposals that would keep the existing wall and backfill against it and add additional walls or possibly remove the wall and build a number of 4 foot walls. Any proposal still keeps the flat pad sites and slab on grade units. Grading for all the townhouse units has been completed and the entire site has had all existing vegetation removed. Staff is opposed to the proposal because the wall was built without approvals, is not in the spirit of the code regarding retaining walls and units should step with the topography. Staff believes that this sets a precedent for future approvals.

The proposal has been reviewed by the various members of the Development Review Committee DRC for compliance with the respective guidelines, policies, standards, and codes. The committee has accepted the item for the Planning Commission to render a decision. Statements in the report are considered conditions of approval and will be enforced by the individual departments. The options that the applicant is hoping to have looked at is move forward with the walls currently built and proceed with an option that allows and eight foot wall accompanying with four foot walls or proceed with an option that has a number of four foot walls.

Doug Smith then went through the DRC comments:

PROJECT comments:

- Planning is in agreement with the other changes of the plat amendment and believe they will make the plat work better.
- Coordinate a plan review with District Engineer for changes to the water and sewer main lines and laterals as both will change.

ENGINEERING comments:

- Conditions of Approval that the storm drain infrastructure which had an easement through lot 99 on Macallan Drive be fit in the side lot line easement between Lots 99 and 100.

SURVEYOR OFFICE comments:

- The county surveyor has marked this project approved to enable the project to proceed to the Planning Commission. The surveyor reserves the right to review the project when final Mylar is presented.
- The county surveyor is allowing the project to move on to the Planning Commission review. He reserves the right to fully review the project when presented the Mylar.

Doug Smith then went through the following code section regarding retaining walls.

Doug Smith then went through the proposed findings:

1. The DRC has forwarded the application for action by the Planning Commission.
2. Many of the changes to the plat correct problems and are improvements to the plat.
3. The retaining walls were not part of the approved plans and were constructed without approvals.
4. The retaining walls are completed and the grading, including removal of all vegetation has been done.
5. The code requires extensive retaining walls anything above 200 feet in length to be approved by the County Council after a recommendation from the Planning Commission.
6. In staff's opinion the intent of the ordinance is to maintain existing vegetation, minimize walls and use the unit's uphill/downhill to take up the grade.
7. The retaining wall is approximately 1,000 feet long and in places as high as three tiers and close to 30 feet. The wall runs through the middle of the twin home lots and essentially benches the building and sites creating a slab on grade scenario not up and down units that step with the grade as intended.
8. The applicant has made several proposals to either backfill the existing wall and add shorter walls or add a number of 4 foot walls in an attempt to mitigate the wall height. All scenarios maintain the flat pad site for a slab on grade home. Regardless of whether the walls are lowered to 4 foot in height a length over 200 feet required specific Planning Commission and Council approval.
9. Staff is concerned about the precedent set of terracing building pad sites and mass grading development areas which is not the intent of the code.

Doug Smith then went through the proposed conditions:

1. Compliance with DRC report and comments from all departments.
2. Updated grading and drainage plan should be submitted to the DRC for review since the retaining walls have been modified by the applicant to meet code.
3. Add a note to lot 87 requiring ridge line analysis be done with building permit.
4. Plat Amendment narrative should state that lot 88 was removed.
5. Maintenance easements for the retaining walls be included on the plat if necessary.

Doug Smith indicated that the Planning Commission felt like it should be broken up and do four foot walls and step them and then landscape them so that is the recommendation to you tonight. They are breaking up the walls instead of one long continuous wall to broken up segments of not more than two hundred feet.

Doug Smith indicated that they are completely flat pad sites and the grading has been done. Modular homes will go there.

Doug Smith indicated that the Planning Commission forwarded this to you with all the other changes recommending approval of them and that the wall would be modified to have the four footsteps and signed off by the review engineer Mr. Ryan Taylor and that would be the recommendation to the Council. Doug Smith indicated that you probably remember but what our code says is that any retaining wall over two hundred feet and relatively accumulative higher than thirty feet comes to the Council after a recommendation from the Planning Commission.

Council Comments:

Councilman Steve Farrell asked if density is being added. Doug Smith indicated that actually are dropping one lot. Councilman Farrell asked why there was one NAY vote. Commissioner Doug Grandquis indicated that they didn't comply with the code when they built the wall and built the wall without any approvals or wasn't part of the grading permit package or part of the final plat so he felt like it shouldn't be approved and that was the case yes. The wall was built without any approvals and wasn't part of the final plan package and at some point it was stopped. Also there was a geotechnical report for the wall. Councilman Steve Report indicated that only a portion of that four foot portion and how long a section. Doug Smith indicated that will be broken up too. Councilman Steve Farrell asked if that will bring the wall into compliance with our code. Doug Smith replied yes. Councilman Steve Farrell asked if this is the only wall that is existing right now. Guy Williams replied that is correct.

Applicant:

Guy Williams, Civil Engineer for Benloch Ranch, addressed the Wasatch County Planning Commission and indicated that what they would like to do with regard to the options for the wall problem. One is to leave the wall as it is now existing because of the amount of money that went into it. We will use the code acceptable four foot walls less than 200 feet in length for everything else. We are trying to mitigate imperfections in the design. We will be shortening the wall to an eight foot wall which portions are eight foot and other parts like ten foot and we can deconstruct those portion of the ten foot wall to maintain eight foot wall and then stagger four foot walls so there is nothing over the 200 foot length. If anything is proposed taller than four feet and longer than 200 feet needs to go before the County Council. Is there an option where we would not have to go before the County Council that would be compliant with the codes and then get an approval tonight to move forward tonight? Doug Smith indicated that would be the four foot walls. That would require us to tear down the existing wall at least and tear down portions of it so it was four feet tall. Take out portions so it is less than 200 feet in length and have breaks and submit a new grading plan to TO Engineering and to the Planning Department showing that you are in compliance with that section of code. The main thing that we want to bring up is that we have actually already started the demolition of the wall and it was an error because of poor communication and some misunderstandings on our part. We are just trying to remedy the mistake and get phase 1A done with and under our belts and moving on. We intend in making a good product.

Scott Kirkland, from the Benloch Group, addressed the Wasatch County Planning Commission and indicated that with regard to the flatness and vegetation and not only would we amend these walls but we will landscape this right and we will grade it right and will not look like this. We will revegetate as best as possible. Also we want to maintain some backyards for these people who buy here. Also we will do foundations that will step up and down which is our plan also.

Guy Williams indicated that we will get his staff pulled together and get it approved by TO Engineering and Doug Smith. The option will be several four foot walls and that is merely to remove this item from this discussion and meet the intent of the code and move forward. With regard to the conditions it is regard to the numbering that goes from 87 to 89 which will change 50 contracts that are already out to representative buyers and would like to forgo that if possible so we wouldn't have to and rewrite 60 different contracts because of a lot change. Jon Woodard, the Assistant Wasatch County Attorney, indicated that would be fine to do that. Guy Williams indicated that all the other conditions we are good with.

Public Comment:

Chair Mark Nelson then opened the public hearing for public comment and there was none so the public comment period was closed.

The record should reflect that Councilman Danny Goode left the Council for another engagement.

Motion:

Commissioner Kendall Crittenden made a motion that we approve their request for a plat amendment to Benloch Ranch Phase 1A in order to amend the alignment of Staffin Drive, Macallan Drive and to combine lots 87 and 88 including the adjustments to public utility easements including a 1,000 foot long retaining wall in light of the findings and subject to the conditions that have been presented and the changes that are proposed to the wall. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Spencer Park

NAY: None.

PUBLIC HEARING

APRIL 20, 2022

PAUL WATSON REQUESTS AN AMENDMENT TO THE WASATCH SPRINGS DEVELOPMENT AGREEMENT FOR THE WASATCH SPRINGS COMMERCIAL AREA LOCATED AT 1048 WEST WASATCH SPRINGS ROAD IN THE JORDANELLE BASIN OVERLAY ZONE JBOZ. THE PROPOSAL WOULD ALLOW ALL THE PERMITTED USES LISTED IN THE MIXED USE COMMERCIAL ZONING DISTRICT OF THE JBOZ. THE CURRENT DEVELOPMENT AGREEMENT ONLY ALLOWS FOR

OFFICE USES DUE TO CONCERNS ABOUT LIMITED PARKING. THE PROPOSAL WOULD ALSO ADD A PROVISION FOR OVERHEAD BAY DOORS TO ONLY BE USED FOR OUTSIDE RETAIL AND DINING AND DANCE THE ARCHITECTURAL REPRESENTATIONS.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that the residential aspect of the development is built out. None of the commercial buildings are constructed. The development agreement limited the 16 commercial units in 4 buildings to office only use due to concerns over the limited number of off street parking stalls. The total number of parking stalls provided is 133. The existing development agreement limits the net square footage of office space to 20,530 (33,500 gross which would require 103 parking stalls at 1 stall for every 200 square feet.

General parking standards require 5 stalls per 1,000 square feet of net commercial/retail floor space. The development agreement also requires street front entrances and compliance with the renderings submitted. The request of an amendment is for the following three items.

1. Allowance for all permitted uses in the zone not just office.
2. Changes to the buildings architectural renderings as recorded in the development agreement.
3. Allowance to use overhead bay doors for 8 or half of the units.

Staff is still concerned about these uses changing into something other than that allowed in the code. The intent of the mixed use area is that the businesses are integrated and fit in with the residential. The commercial that faces the street should have a street front presence and the front should not look like the back of the unit.

Staff is not supportive of the new architecture as the approved architecture. It may be personal preference but Doug Smith's opinion is that the original renderings look better than the proposed renderings. In any event, the intent is to have units that address the street with windows, access and signage. The street side should look and feel like a main entrance.

Doug Smith then went through the DRC findings:

PROJECT FINDINGS comments:

- As per 11.13 of the development agreement the owner can request changes in use for the development. I am not sure what the applicant is requesting. The letter only states additional commercial options. We need to have more detail of what is being requested. I have heard that the request is for overhead bay doors but this, as far as I can see, is not in the application. If bay doors are requested staff would not be supportive. This would open the area up as flex space and light industrial which does not fit in with the zoning. Depending on what the request is it may be an amendment to the DA or the ordinance. Please provide more detail of what is requested. The developer realized the highest density allows in the JBOZ by using the mixed use zone. The mixed use zone requires uses to be

compatible with the residential.

- I think the next step is to provide more detail with the application and uses in line with what the JBOZ specifies for the mixed use zone. After that we can determine what the process is and determine what recommendations will be for the uses requested.
- The renderings proposed would require an amendment to the DA. Which may require the County Council approval. The proposed renderings do not appear to be a similar quality as the ones in the development agreement.
- Condition of approval: the turning radii should be assessed for feasibility of truck turn-around to these garages as applicable.
- Condition of approval: it may be worth assessing the additional traffic load to the parking lot and the negative effect on the design life of the pavement area.
- Condition of approval: that the parking requirements be assessed and presented to show that there is sufficient parking for the altered use.
- Condition of approval: that the fire district's requirements be met regarding additional fire hydrants.
- Fire hydrants required along east road/parking lot. Spacing to date from existing hydrants is 500 feet.

ENGINEERING comments:

- Condition of approval, the turning radii should be assessed for feasibility of truck turn-around to these garages as applicable.
- Condition of approval it may be worth assessing the additional.
- Traffic load to the parking lot and the negative effect on the design life of the pavement area.
- Condition of approval. That the parking requirements be assessed and resented to show that there is sufficient parking for the altered use.
- Condition of approval. That the fire district's requirements be met regarding additional fire hydrants.

Doug Smith then went through what the amended development agreement proposes to regulate the parking in the following manner.

1. No fewer than 133 parking stalls.
2. The allocation for stalls shall be the responsibility of the commercial HOA. Records of various uses and their allotted parking stalls will be provided to the County.
3. Building permits for a remodel of a unit/tenant finish will have with them a certification about the number of parking stalls available and the number of stalls allocated to the unit.
4. Prior to C of O the tenant and the commercial association shall enter into an agreement that stipulates the uses allowed in the space, the number of parking stalls required for those uses and identification by map of parking stalls.
5. If there are persistent parking problems unforeseen by the agreement the County can require that the space be used as an office use only or a demonstration by the commercial HOA showing how the parking problems will be resolved.

6. A business license application shall include a statement of the use and number of parking stalls associated with the use.
7. The commercial association shall demonstrate compliance with the parking plan at least annually by providing a narrative of the allocation of the 133 parking stalls.
8. Violations of the parking agreement may result in eviction of the tenant.

Doug Smith indicted that the proposed amended development agreement has the following language.

1. All uses shall be compatible with the neighboring residential uses.
2. Overhead bay doors shall be entirely glass.
3. Overhead bay doors shall be used only for expansion of outdoor seating for restaurants or expansion of retail sales.

Doug Smith indicated that the staff is still concerned about these uses changing into something other than that allowed in the code. Also the staff is not as supportive of the new architecture as the approved architecture. The street side should look and feel like a main entrance. Doug Smith indicated that what the applicant is requesting is an amendment to the code to include a development agreement to allow them to do only uses outlined in the Jordanelle Basin Overlay Zone for a mixed retail area. They want to do changes to the architecture. When the Development Agreement was recorded they had representations of the architecture and want to be able to do overhead bay doors on two buildings closest to that detention pond. Doug Smith also indicated that he was very cautious to be supportive of this request because I know how a lot of HOA's function. Doug Smith also indicated that if you have a tenant in there that is causing a parking problem it is very difficult to evict them as a result there will be a lot of responsibility on that HOA.

Doug Smith then went through the proposed findings:

1. The current development agreement only allows office uses and specifies that parking is 1 stall for every 200 square feet of net office space. So mechanical, storage, hallways, bathrooms that would be taken out of that calculation.
2. The proposal provides 133 parking stalls.
3. If the net square footage 20,530 were used for office or retail the parking requirement would be 103 stalls leaving a buffer of 33 stalls. The retail would be 103 stalls plus one stall for every employee.
4. The proposal, if approved, would allow for all the permitted uses allowed in the JBOZ code for the mixed use commercial zone.
5. If approved, uses like eating and drinking places that require 1 stall for every 100 square feet of floor area would be allowed.
6. Most retail centers have a mixture of uses but at the time of site plan approval parking numbers are determined on a general retail use requirement.
7. A mixture of uses would provide a more vibrant commercial and residential area.
8. The intent of the development was to have street fronted retail across from the residential development. This requires the units to address the street. Doors, windows, open access and

appropriate signage along the mixed use street area is essential and not just access from the parking lot.

9. The parking is proposed to be monitored by the commercial HOA.

10. This proposal, as far as parking calculations, is not different from other retail centers where various uses would need to be regulated to ensure required parking is provided however, impacts of not having enough parking would spill into the residential area.

11. Noise from inappropriate uses could impact the residential area that is across the street and adjacent and north. This gets to the flex space and industrial uses that I would hate to have them in here and would violate the code. We wouldn't want welding and grinding and that type of thing happening.

12. Overhead bay doors are only allowed for extra outside retail or dining space.

13. The commercial association by this agreement will allocate the parking stalls to the various uses.

14. Any building permit including tenant finishes should have a statement with allotted parking stalls noted.

15. Business licenses will show the use and the number of parking stalls associated with the use.

16. Buildings W and X are the only units that are allowed to have overhead bay doors.

17. Prior to building permits being issued a site plan approval is required.

Doug Smith then went through the proposed conditions:

1. The HOA president or designee of the residential area HOA shall be on the board of the commercial HOA.

2. Overhead bay doors shall only be used for outside retail and outside dining.

3. 133 parking stalls is required. None of the parking in front of the bay doors shall be removed.

4. High back curb shall run in front of the overhead bay doors separating the parking from the outdoor retail and dining areas.

5. Individual uses shall be calculated using the County code for the parking requirement to determine if the parking is adequate.

6. Street side units shall have access and signage for those uses.

Council Comments:

Councilman Steve Farrell asked if there would be off street parking also. Doug Smith replied yes. There are 133 parking stalls that are built. Councilman Steve Farrell asked that is just for this development? Doug Smith replied yes. The allocation for stalls shall be the responsibility of the Commercial HOA records of various uses and their allotted parking stalls will be provided. Also want to cover all bases before we get to the business license. Councilman Steve Farrell indicated that monitoring the parking is very hard to enforce.

Councilman Spencer Park asked about the big bay doors would they eliminate parking in front of them. One of the conditions is that they can't be a driveway and has got to have high back curb and parking stalls in front of the high back curb. The development agreement limits to outdoor retail and restaurant.

Dustin Grabau asked about a noise ordinance if parties are conducted. Doug Smith replied that noise ordinance is only enforced by the Sheriff and it certainly is after a certain time. This is something that would be good to be built into that development agreement.

Applicant:

Paul Watson, project engineer, addressed the Wasatch County Planning Commission and indicated that all the other stuff is just to give the County teeth so they can enforce it if they had to. The intent is for the HOA to manage the whole thing. Doug Smith indicated that all of the uses that are being proposed are permitted so we won't see anything until a building permit for a tenant comes in and then also the business license. The HOA president needs to watch the parking and if there are parking problems the president will let you know. Paul Watson indicated that we don't have a problem with somebody from the residential HOA being on board of this. Once we get off the main road everything is commercial HOA. The parking lot is private. The intent is for nobody to be parking on that road, the intent is for any vehicles to be in the parking lot. Doug Smith indicated that the parking problem will be that they are parking all the way up into the residential area and you have got flex space for welding and that type of thing is a problem. Jon Woodard, the Assistant Wasatch County Attorney, indicated that we did put in there for the HOA to monitor it but tried to put in a reporting requirement so if we saw the problem coming up we could catch it before they put in the upfront cost or remodeling cost. In the development agreement details it is clear that the burden is on the HOA. Doug Smith indicated that it is our hope that is being regulated consistent with the Development Agreement so that problem doesn't arise.

Doug Smith indicated that the Planning Commission made a unanimous recommendation for approval in light of all of the findings and subject to the conditions.

Public Comment:

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

Motion:

Councilman Steve Farrell made a motion that we go ahead and allow the amendment to the Wasatch Springs Development Agreement for the Wasatch Springs commercial area located 1048 West Wasatch Springs Road in the Jordanelle Basin Overlay Zone. The proposal would allow all the permitted uses listed in the mixed use commercial zoning district of the JBOZ. That is in light of the findings and subject to the conditions outlined in the Staff Report and Planning Commission. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Kendall Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Steve Farrell

NAY: None.

PUBLIC HEARING
APRIL 20, 2022

CONSIDERATION OF AN ORDINANCE AMENDING THE WASATCH COUNTY LAND USE AND DEVELOPMENT CODE TO DEFINE RECORD OF SURVEY SUBDIVISIONS, ALLOW FOR BUILDING ON PARCELS RESULTING FROM RECORD OF SURVEY SUBDIVISIONS, MAKE SOME CLARIFICATIONS REGARDING NONCONFORMING SUBDIVISIONS, AND ADDRESS RELATED ISSUES.

Jon Woodard, the Assistant Wasatch County Attorney, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that we have known this issue existed for a long time but we never had it come to a head until there was a recent development application that brought it to a head. Although we have known of this issue for a while and tried to address some related things at the same time.

There are two main ways that we handle properties or non-conforming subdivisions, properties that were subdivided years ago under processes and rules that don't meet what we would recognize today as acceptable. However, in Utah Codes, subdivisions of less than ten or more lots have required a plat to be recorded since 1941 and this required a Planning Commission approval and signature on the plat showing the approval. So there is this legal ground work for a long time that shows something close to today's processes needed to be followed.

Right now the County code handles these old partitions two main ways. We have a non-conforming subdivision and a property for which all the requirements for a lawful subdivision at the time the subdivision was recorded or mapped. So it was legal at the time. A non-conforming subdivision can be developed today as long as it meets building, fire, health and safety laws. So we don't go back and hold them to today's standards.

The other way that this is handled this as non-conforming lots of record which parcel would be a better term than lot although we do it consider it buildable. They need to be able to prove that all the elements for lawful formation but the big caveat here is if it is before 1965 we didn't have a land use and development code and we don't have good records and so prior to that date we pretty much considered approved. If somehow we found a Council discussion of it we found that they expressly denied it we wouldn't consider a non-conforming lot of record at that point but I have

never heard of that happening but it could. With those lots they can shrink in size and maintain their non-conforming lot of record status.

This ordinance creates a new class besides those non-conforming lots of record and the non-conforming subdivisions and called as a record of survey subdivision. This handles situations where the property could be lawfully partitioned using legal descriptions from a record of survey without a plat. If the elements are proven the resulting parcels are treated like non-conforming of record which is a little bit different than a subdivision law. In some ways it is more liberal and some ways it is more restrictive. If you are in a situation where you can't find the minutes of the Planning Commission approval it allows for proof if more than fifty percent of the parcels having previously received building permits to serve as true the County deemed the record of survey lawful.

Also we don't have good records for building permits until 1998. We do have a pretty good record of the tax records though.

The main purpose of this ordinance is not to limit what can be done but to create a new class of what can be done. It only covers from 1965 to 1992 and the reason that those dates are important is because in 1965 we adopted a land use development code and start having some good records of planning approvals. When CLUDMA (County Land Use, Development, and Management Act) was substantially revised in 1992 and from 1992 on we have really good records and so it should be very easy to demonstrate from that point whether or not they went through the processes as required under State code.

The parcels can only be use for detached single family residences unless another use was allowed and approved for the parcel.

We did make some changes both to non-conforming subdivisions and non-conforming lots of records. For the non-conforming subdivisions we had a definition in the code and said how long conforming subdivisions were treated but we didn't have a process for determining non-conforming subdivisions we now have that process built in and make sure that the burden of proof is on the applicant to prove the elements.

We did create assumptions that if you have a recorded plat that is signed by the Planning Commission or the County Commission we are going to consider that to be assumed to be a legal subdivision so you wouldn't have to go through a more complex process with that.

It ensures that lots in non-conforming subdivisions cannot be altered without following the processes under Utah Code for an amendment of a plat, the two processes are plat amendment or lot line adjustment. We have been doing that but this codifies that. It clarified that lots in non-conforming subdivisions can be used for detached single family residences unless another use was allowed and approved for the subdivision.

In a lawsuit we had a lot of dispute on what developable meant in our current definition of non-conforming lot of record and have flushed that out to say a developable as a single family residence.

The ordinance also attaches the relevant Utah Codes from 1965 to 1992 to help everybody in the future to evaluate these things so hopefully this can be the go to ordinance.

The ordinance was just adopting the whereas found in the ordinance and making those the findings and then recommending approval to the County Council. We have known about this issue but never had it come to a head until now.

Public Comment:

Chair Mark Nelson then opened the public hearing up for public comment.

Mike Davis, concerned citizen, addressed the Wasatch County Council and indicated that he lives in a metes and bounds record survey subdivision that was recorded with the County. At every instance I came to the County to get a building permit to do the things that I have done with that. It sounds like if I want to do anything further with my property I now have to prove my existence even though I have got thirty-five years of doing just that. Many of those lots that are broken out do not have the frontage requirement or meet any of these requirements so it automatically makes us illegal subdivisions because I am opposed to that now because the County approved everything that we did at the time we did it, every permit, everything that we did, our loans, everything we did was through the County and was approved. This seems like it makes some of my property illegal now. I have got a problem with that.

Jon Woodard indicated that we were aware of Mike's subdivision and his situation. Under the way this ordinance his current subdivision would be a record of survey subdivision. The lots would be treated as non-conforming lots of record which has advantages and disadvantages. Jon Woodard then went through and explained to Mike Davis why he would be alright with this.

Mike Davis then proceeded to explain why he thinks this would be the wrong way to handle this and indicated that he would oppose this because it has made his property non-conforming. Jon Woodard indicated that the key that is going to help your situation is as an alternate to items two, four, five, six, or seven so the only two elements you have to prove are one and three. Mike Davis again indicated that he is opposed to such an ordinance. Jon Woodard indicated to Mike Davis that he would be all right with such an ordinance and we are well enough aware of your situation and could prove what is necessary to be proved.

Chair Mark Nelson then closed the public comment period.

Motion:

Councilman Steve Farrell made a motion that we table this item until our May 4, 2022 meeting so that we have time to review it and look at some of the options or concerns that have been brought up so that we can reword it to take care of all of these records of survey prior to 1992 as defined. Councilman Kendall Crittenden seconded that motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Spencer Park

NAY: None.

Jon Woodard asked if he could have a clarification on that. You said all records of survey, could you clarify for me. Could you clarify for me what you mean by that? Councilman Steve Farrell indicated that what I mean is a record of survey and what I want to say record of survey prior to 1922. Jon Woodard indicated as I have defined it to more general than in allowing that. I want my motion to say as defined.

Chair Mark Nelson then indicated that we will now go back to our agenda to Council/Board Reports and the Manager's Report.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that the DUP Museum has an open house April 26 and 27.

Councilman Kendall Crittenden indicted that there is an inter local meeting next Wednesday and he got the proposed agenda yesterday for that. He wanted to know if there is anything that the Council would like to have put on that.

Councilman Kendall Crittenden indicated that for a report for regional planning and wanted to know if Wasatch County is going to donate some money for that and the Council indicated to put that on the agenda for May 4, 2022.

Councilman Kendall Crittenden indicated that we need to discuss the trail planner and grant writer as an agenda item with regard to their pay. Councilman Steve Farrell indicated that he would be in favor of that because we are getting our monies worth out of both of them.

Councilman Kendall Crittenden indicated that there is a health fair or preparedness fair this Saturday.

Councilman Kendall Crittenden indicated that the Senior Citizens are doing great and there are two boards associated with the Senior Citizens and the corporate Board was dissolved. There is a question what to do with the money that has been donated to the Senior Citizens and how to use it appropriately. Any money that is in the corporate fund will come to the County. Need to look at some changes or potential changes to the County code that designates the advisory board to make some changes and the members of that board will be elected by the senior citizens. This are just some of the items that need to be worked out with regard to the Senior Citizens.

Councilman Steve Farrell indicated that with regard to the Blue Bench Land Fill. We had a discussion about the fees being raised and we need a rate study and will want to see what happens with regard to rates in Wasatch County to see if they raise their rates. We are still paying for those cells five or ten years after we close them. We need to pay off the debt. We need to know really what our costs are. Dustin Grabau indicated that he will contact Lewis and Young to start that study.

MANAGER'S REPORT

CONSIDERATION AMENDING PORTIONS OF THE COUNTY'S VISION PURPOSE AND VALUES STATEMENT.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that at the Strategic Planning meeting held in March, the Council provided feedback on the existing vision, purpose, and value statement. These minor changes are presented here for your official modification.

VISION

Wasatch County is recognized as a desirable destination to live, work and play. We are dedicated to honoring and protecting the heritage and rural character of our community high quality of life we enjoy, and are committed to creating a unique sense of place.

PURPOSE

In cooperation with the community and local governments, Wasatch County will address public needs, deliver quality services, and provide responsive decisions. Through thoughtful planning and zoning, that manages the impacts of growth. The County strives to balance the preservation of the area's highly valued rural and agricultural character with the promotion of clean and sustainable economic, residential, recreational, and tourism development opportunities.

VALUES

We manage and communicate our affairs in a fiscally sound and transparent manner while enforcing state and county ordinances, consistently to promote a sense of trust between the county and its citizens. All county departments and employees are focused on good governance which includes professionalism, respect, ethics, integrity, transparency, and accountability to all of its citizens.

Councilman Spencer Park made a motion to approve the vision, purpose and values statement changes as indicated above. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Spencer Park

NAY: None.

CONSIDERATION OF AWARDING THE SPACE NEEDS AND FACILITY PROGRAMMING RFP.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County publishes an RFP for space needs and facility programming services to be performed by qualified architectural firms. The county received four applications and interviewed three of those respondents. The selection committee consisted of the County Manager, Assistant County Manager, Public Works Director, Building Official and Council Member Spencer Park. The bids submitted were not identical in services, but costs were as follows. CRSA-\$118,865, VCBO-\$47,000, GALLOWAY-\$32,500.

Due to the mix of services and costs, the selection committee recommends awarding the architectural services to VCBO to provide the best overall value to the County.

Councilman Spencer Park made a motion that we go with the Manager's recommendation and select the award of this RFP to the firm VCBO. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell
AYE: Spencer Park

NAY: None.

CONSIDERATION OF STATE ROAD 113 TRAIL FUNDING PROPOSAL

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County has been awarded a UDOT TIF-Active grant for a trail project connecting the existing SR-113 trail in Midway south along SR-113 and west along Tate Lane. The estimated cost of the project is \$433,000. The grant will fund 60 percent of the project leaving 40 percent or \$173,200 to be locally generated. Midway City has already indicated that they will contribute \$40,000 to the project. Don Taylor is working with Heber City on a potential contribution. UDOT is seeking assurances that local funding will be in place should this project be built. Wasatch County Administration recommends utilizing TRT funds for any remaining balance of this project.

Councilman Spencer Park made a motion that we authorize the General Manager to write that letter for soft approval and recommendation. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Spencer Park

NAY: None.

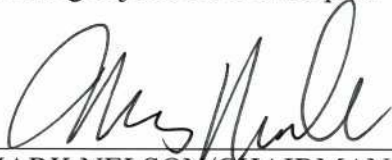
ADJOURNMENT

Councilman Jeff Wade made a motion to adjourn. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Spencer Park

NAY: None.

Meeting adjourned at 9:00 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/CLERK AUDITOR

