

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JULY 6, 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
Marilyn Crittenden
Jeff Wade via Zoom
Kendall Crittenden
Steve Farrell
Danny Goode via Zoom
Spencer Park

STAFF: Dustin Grabau, the Wasatch County Manager
Jon Heber Lefgren, the Assistant Wasatch County Manager
Natalie Foster, the Secretary for the Wasatch County Managers
Scott Sweat, the Wasatch County Attorney
Jon Woodard, the Deputy Wasatch County Attorney
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner
Wendy McKnight, from the Clerk's Office
Joey D. Granger, the Wasatch County Clerk/Auditor
Rick Tatton, Court Reporter via Zoom

PRAYER: Councilman Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilwoman Marilyn Crittenden and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday July 6, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present with Councilman Danny Goode and Councilman Jeff Wade being 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 Administrative 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 then asked if there were any legislative issues for future meetings. Councilman Kendall Crittenden asked if we will have an update from the Wasatch County Assessor regarding taxes and Dustin Grabau, the Wasatch County Manager indicated that he has talked with the Wasatch County Assessor and he will do that at the next work meeting. Councilman Steve Farrell indicated that we have got an EIS request on Wasatch County on the G and Bike Trails up here on the Bureau of Reclamation property and would like Extell to come and make a presentation next week at the work meeting so we can have a better idea how to comment on that.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Jerry Duke, Wasatch County resident, addressed the Wasatch County Council and indicated that he has concerns regarding the tax value assessments that have been done. Also there has been some great progress done with regard to property values being brought up to date. There are still some areas that need to be looked at. Also my property values have been changed two or three times. Also what I observed didn't make much sense so I have a question regarding such action. Jerry Duke then read to the Council what the state law says with regard to this type of action regarding tax value assessments and changes to some tax values regarding some properties to conform to its fair market value.

REPORT FOR APPROVAL OF THE JUNE 28, 2022 PRIMARY CANVASS REPORT

Joey D. Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that she would like a motion regarding the June 28, 2022 Primary Canvass Report.

Councilman Steve Farrell made a motion to accept the June 28, 2022 Primary Canvass Report as presented. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

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

NAY: None.

APPROVAL OF THE JUNE 15, 2022 MINUTES.

Councilwoman Marilyn Crittenden made a motion to approve the minutes for June 15, 2022 as written. Councilman Spencer Park 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 via Zoom
AYE: Spencer Park**

NAY: None.

ABSTAIN: Jeff Wade via Zoom (absent)

APPROVAL OF THE JUNE 29, 2022 SPECIAL MEETING MINUTES

Councilwoman Marilyn Crittenden made a motion to approve the minutes for the June 29, 2022 special Council meeting as written. Councilman Jeff Wade via Zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION OF A RECREATION ARTS AND PARKS TAX

Chair Mark Nelson indicated that this was on the ballot last year and it didn't pass by eight votes and believe that we should try again for the RAP Tax approval. Notice from Heber City and Midway City has indicated their intention to place it on their ballot.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated what needs to be done to put that on the ballot again. The process is once we receive an official notification from a municipality of their intent to proceed with the RAP Tax, Wasatch County has sixty days to respond either allowing them to proceed or by pre-empting that effort by having a county wide initiative.

Chair Mark Nelson indicated that he received two letters this week and one is from the Wasatch Community Foundation who is strongly in favor of such a RAP Tax as would be proposed and to put that on the ballot this fall. The other letter is from Pat Sweeney, President of the Wasatch Arts Council. Pat Sweeney is present and would like to make a few remarks.

Pat Sweeney, President of the Wasatch Arts Council, addressed the Wasatch County Council and indicated that as the letter indicates we strongly support the RAP Tax and we need to alert the new people that have moved in as to what the RAP Tax is about. We need to get the information out as soon as possible because we can't wait until the end to getting things out. Chair Mark Nelson indicated that we need to get the information out to the public as soon as possible. Chair Mark Nelson also indicated that he is in favor of the RAP Tax.

Councilman Steve Farrell made a motion that we go ahead and place the RAP Tax on the ballot for the citizens to cast a vote and the Resolution will come later. Councilman Danny Goode via Zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

CONSIDERATION OF RECOMMENDING THE APPOINTMENT OF AN EX-OFFICIO MEMBER OF THE HVT (High Valley Transit) BOARD.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we have received an official notification from the High Valley Transit Board to have

an Ex-Officio member appointed to the Board which is a non-voting member just to get the Council's input. The Council indicated that Chair Mark Nelson should be the one appointed to be an Ex-Officio member representing the Wasatch County Council on that board.

Councilman Danny Goode via Zoom made a motion to appoint Chair Mark Nelson as the Ex-Officio member of that High Valley Transit board. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

CONSIDERATION OF A RESOLUTION SUBMITTING COMMENTS TO UDOT FOR THE HEBER VALLEY CORRIDOR EIS.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that I went through the criteria and there were two particular areas that applied better than the rest to this selection process. One is a clean water act requirement listed in this report. Another one is with regard to significant historic properties. I took this as specifically addressing alternatives WA1, WB3 and WB4. Also the historic properties do not need to be of national significance but can be of local significance and still qualify for the National Register.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that all he really did was I took the UDOT study that they did. In that there is language that says value places impacts and indicate that there are no impact to any valued places. Also took Heber City's General Plan and took a lot of things that are stated in Heber City's General Plan which indicates there is any impacts to valued places. Also took the Wasatch County General Plan and did the same thing with it such as maintaining open space, maintaining separation between communities, preserving agricultural land, purchasing development rights which things are listed in Heber City's General Plan and in the Wasatch County General Plan. I put that in findings and whereas statements. Also adding Vision and Purpose Statement to what Wasatch County values in our community. The North Fields is really the big area that Wasatch County and Heber City has in both of those General Plans.

Councilman Kendall Crittenden indicate that the intent of this comment period is for us to point out their errors and not necessarily our opposition, but there errors in these five significant routes.

Councilwoman Marilyn Crittenden indicated that these things need to be added with our comments. Councilman Danny Goode via Zoom indicated that he was contacted by Ryan Stack, a Heber City Councilman and indicated that Wasatch County Council should not be referencing the Heber City General Plan but allow Heber City to speak on their own behalf. Councilwoman Marilyn Crittenden indicated that we should be able to reference the Heber City's General Plan because the EIS itself and criteria references it. Councilman Steve Farrell indicated that what has been mentioned well addresses our concerns.

Heidi Franco, Heber City Mayor, addressed the Wasatch County Council and indicated that she is very happy to submit what the Heber City's General Plan is to UDOT and I will do so. I will also mention how many times Heber City has ratified the preservation of the North Fields.

The Council indicated that both whereas from the previous resolution and what Doug Smith has presented should be looked at more closely and then bring that back to the Council for their consideration and all of the whereas could be mentioned in the final draft. Dustin Grabau indicated that we can incorporate those two sets of whereas and send them to the Council Members to look at. Councilman Steve Farrell indicated that lets make the next Council meeting which is a work session but make that as a regular meeting and have these two sets of whereas merged into one document and send them to the Council so we can have a chance to comment about them before the next meeting.

Chair Mark Nelson indicated that the Resolution should be kept short. Councilwoman Marilyn Crittenden indicated that she agrees with Chair Mark Nelson in keeping it shorter and at the same time make sure we don't lose the content of the specifics.

Jerry Duke, Heber City resident, addressed the Wasatch County Council and indicated that there is a species in the North Fields that is a spotted frog and was almost on the extinct list at one point and probably still is and there has been a paper on it and an agreement with the State of Utah.

Mike Kohler, Utah State Representative, addressed the Wasatch County Council and indicated that if we look at the route options that are still out there that WA1 is really the only one that meets the goals that we have had over time which is non-stop and grade separated and we ought to really be careful about offering or going anywhere that offers any latitude to go anywhere except that one. That is their long term goal and the only one that trucks will use because of the non-stop and the speed and just leave that as my personal opinion.

Councilman Steve Farrell indicated that we are talking millions and probably billions of dollars with regard to this route and wonder if that money could be better spent on a mass transit system and not have a by-pass road because I don't know what we are going to accomplish.

Chair Mark Nelson indicated that today we need to make a comment to the EIS process and think that the Council is unanimous in wanting to do this.

Councilman Spencer Park indicated that he won't be present next week but just want to make sure that it is on the record that I recommend the approval of this Resolution.

Councilman Steve Farrell made a motion to make the work meeting next week July 13, 2022 a regular meeting so we can address this matter. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Mark Nelson indicated that the action that the Council have asked our County Manager and staff to do is summarize this and put it in a concise form and send it out to the Council to review before the next week meeting that will give us time to look at it and make any comments on it and then will consider it for a vote.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that he didn't make the regular meeting because of a matter that had to be taken care of at home. Others at the meeting contacted me and told me it was mainly to discuss High Valley Transit with working with MIDA. I do need a closed session this evening.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that he was wondering if the Council wants to sponsor a table to help with the Community Caring Coalition at their event which is a \$200 sponsorship. We can put it on the agenda for approval next week if you wanted to do it. Councilman Steve Farrell indicated that we should go ahead and sponsor a table and take the money out of our Council discretionary fund.

Chair Mark Nelson indicated that Si Hutt, Administrator from the Intermountain Hospital wanted to present a power point presentation that needs to be done each year so that the hospital can keep its not for profit status and we can give you a little bit of an update of what is going on. Si Hutt then presented a power point presentation showing why we should not pay property taxes. The hospital is a Level Four Trauma Center. Presently we are recruiting for primary care physicians

because so many people have moved into the area. Also will expand the specialty clinic. We don't have shareholders or stockholders in trying to get a return on their investment. We support medical education and do a lot of research throughout all of the hospitals. If people come in and need treatment we treat them and there is no discrimination. We have a community board of directors that oversees things. This board is made up mostly of lay persons in the community. We also have charity cases and we look at a person's ability to pay and then adjust that bill up front. We also have the people's health clinic which is strictly for patients that don't have insurance. Capital improvements are down from what they usually have been. The MRI service will be replaced and updated. We donate money to some organizations. Also provide a lot of community education. We have a community health needs assessment every three years. We have done screening events for persons that are not insured or don't have easy excess to healthcare. We have had a great relationship with the Wasatch County Health Department and have worked side by side over the last two years and developed a really great work relationship. There are state requirements that we need to meet to keep our not for profit status such as a not for profit and are a 501 C3. Have a volunteer hospital board of local community members. We don't have shareholders or stockholders and as a result none of our money goes to private shareholders. Provide care to everyone that is seeking medical care regardless of race, religion, gender, etc. We create policies that reflect the public's interest and one of the reasons we have a community board is to make sure that we are doing that. Also have a charity plan that we go through each year and have a community needs assessment. Also by law we have to make this presentation to you to keep our tax exempt status and our 501 C3 status. Dustin Grabau indicated that no motion is necessary for this matter.

Chair Mark Nelson indicated that regard to the discussion of re-branding, my initial thought is that we should wait to do that next year after the new members of the Council come. Dustin Grabau indicated that would give us the opportunity to budget for it. Also Councilman Danny Goode, Councilwoman Marilyn Crittenden and Councilman Jeff Wade might have a different opinion about that. The three members of the Council on the committee indicated that is fine with them to.

Councilman Steve Farrell indicated that we had our Public Lands Meeting this morning and one thing that came out was the Heber District is having a timber sale in Wolf Creek of 1231 acres of timber they are going to try and get marketed by November. Also came out with a new environmental procreation opponent in the Strawberry Valley trying to make more opportunity for recreation and that will be coming out for public comment here shortly and would like to have a comment on that. The State Parks are all having trouble with getting employees. The State Lands Office has joined our group now.

MANAGER'S REPORT

APPROVAL FOR THE COUNTY TO ENTER INTO A SERVICE AGREEMENT WITH MCGRATH RESOURCES GROUP FOR THE PURPOSE OF CONDUCTING A WAGE STUDY OF ALL WASATCH COUNTY POSITIONS AND THOSE POSITIONS WITHIN THE FOLLOWING SSDs: PARK AND RECREATION, SOLID WASTE, HEALTH DISTRICT, AND FIRE DISTRICT.

Dustin Grabau indicated that we have one item under manager's report and our Assistant Wasatch County Manager will give a report on that. Heber Lefgren indicated that on June 14, 2022 the RFP closed with two qualified responses were provided one by McGrath Human Resource Group and the other Pay point HR. The selection committee reviewed both responses and ranked them based upon three main criteria. If selected, work would begin immediately with the goal to be finished towards the end of the year. While the project will not be fully completed prior to the start of the budget development process, it is believed that sufficient progress will be so that the County will have enough information to make any necessary policy and budgetary decisions needed for the 2023 budget. If approved the total cost to services for Wasatch County and all applicable SSDs could range between \$52,500 and \$60,000 depending upon how much travel will be necessary. The 2022 budget has \$50,000 currently allocated for this study and can absorb the remaining amount due to vacancies savings realized over the past six months. We are here tonight asking for authorization for the County to enter into the service agreement with McGrath Human Resource Group to conduct the wage studies for all positions in Wasatch County but also the funding is available to do the wage studies for Park and Recreation, SSDs, solid waste, health district and fire district if they are desirous to receive it.

Councilman Spencer Park made a motion to award the RFP as recommended. Councilman Danny Goode via Zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

Dustin Grabau indicated that we do need a Closed Session for Reasonably Imminent Litigation and Property Acquisition.

Councilman Kendall Crittenden made a motion to leave our regular session and go into Closed Session for Reasonably Imminent Litigation and Property Acquisition. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Jeff Wade via Zoom
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Danny Goode via Zoom**

AYE: Steve Farrell
AYE: Spencer Park

NAY: None.

Councilman Spencer Park made a motion to leave our Closed Session and go back into the Regular Session to hear the Public Hearing matters. Councilman Jeff Wade via Zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Mark Nelson indicated that the time is now 6:00 p.m. and the Wasatch County Council is meeting in the Wasatch County Council Chambers to hear the three public hearings that are scheduled for this evening. The Wasatch County Council Chambers are located in the Wasatch County Administration Building located at 25 North Main Heber City, Utah 84032. Chair Mark Nelson then called the first public hearing.

**PUBLIC HEARING
JULY 6, 2022**

**ITEM 1 CONSIDERATION OF ORDINANCE NO. 22-15, AMENDING TITLES 14
AND 16 OF THE WASATCH COUNTY CODE TO UPDATE STANDARDS
RELATED TO LAND DISTURBANCE IN COMPLIANCE WITH
RECOMMENDATIONS OF A RECENT WATER QUALITY STUDY.**

Staff:

Ryan Taylor, the Wasatch County Engineer, presented a Power Point Presentation and addressed the Wasatch County Council and indicated that this is related to a recent water quality study that was done. Due to significant growth and development activities in Wasatch County, there are large areas of land which are being denuded and disturbed during construction activities. Many development activities increase the potential for sediment, debris, and other pollutants to be transported with store water runoff into storm drain facilities. It is recommended that the code be modified to eliminate almost all land disturbance activities in slopes greater than 30 percent. Not allowing any construction above 30 percent and restricting all land disturbance related to development on slopes between 20 percent and 30 percent with minimal cut and fill areas and volumes would support preservation and water quality. Building on steeper slopes induces exponentially more surface disturbance and resultant erosion. Ryan Taylor then went over the current code 16.27.25 physical constraints analysis requirements, Natural Grade of land that exists or existed prior to man-made alterations, such as grading, filing or excavating. When man made land disturbance has occurred, the natural grade will be estimated by interpolation between natural areas, by historic records, or by a geologist, to the maximum reliable extent practicable.

The proposed text changes to Title 14 are: 14.02.04 are: Any area where the native vegetation is removed for the purpose of construction or similar activities shall be required to provide permanent stabilization for all disturbed areas equal to or better than the vegetation that was removed or disturbed. Calculations demonstrating, in kind, stabilization shall be presented in the SWPPP document and approved by the County Engineering Coordinator prior to land disturbance.

Steep Slope: Portions of natural grade which exceed a slope of 30 percent or greater when calculated using a 30 foot 10 meter grid for at least two consecutive grids.

Ryan Taylor and Doug Smith then went through the proposed findings:

1. Over 70 percent of the water for the Wasatch Front comes through Wasatch County increasing the need to maintain water quality.
2. Due to watershed concerns a water quality advisory committee was created in 1981 made up of local, state and federal agencies which is now the Provo River Watershed Council.
3. Wasatch County commissioned a water study that was completed in 2019.

4. The water study contains recommendations, one of which is limiting development on steep slopes to lessen soil erosion and enhance water quality.
5. The Council adopts the findings and recommendations of the 2019 water study to limit development including road development on slopes of 30 percent or greater.
6. The County code currently limits development for building pads to less than 30 percent slopes but does not limit roads.
7. The proposal clarifies how slopes are calculated and uses the same basis for Title 16 as Title 14.
8. As slopes increase the amount of disturbance and erosion resulting from development activity including roads, increases significantly.
9. As found in the 2019 water study, erosion decreases the water quality in Wasatch County and in the watershed for the Wasatch Front.
10. Due to land values and development pressure steeper areas of the County are being proposed for development.
11. The proposal furthers the health safety and welfare of the citizens of Wasatch County by improving water quality lessening erosion and visual impacts that large areas of cut and fill create.
12. The General Plan Chapter 3 Goal 16 et al calls for measures to maintain the pristine groundwater quality to ensure that surface streams meet their water quality classifications, development requires erosion control, and requires culinary water quality to be protected.
13. This ordinance advances the water quality goals of the General Plan by reducing water pollution from contaminants resulting from development activities.
14. The General Plan 3 Goal et al calls for promotion of preservation of views and the prohibition or development in sensitive areas with physical or environmental constraints.
15. The ordinance advances the preservation of natural views and limits development in sensitive areas by limiting the impacts of roads on highly visible hillsides and mountainsides, which the study has demonstrated are substantially more prone to erosion than less sloped area.
16. This ordinance does not require vested developments to follow the new standards.

Ryan Taylor indicated that a very large grid is used such as a 30 percent grid and basically includes some averaging and the intent here is that on a lot of the plans that are reviewed technology has gotten really good. As a result we are now getting sub centimeter accuracy and getting amazing resolution. We have suggested here a thirty foot grid and at least two consecutive grids so we are looking for a sixty foot average from one end to the other. As a result we are looking for the large slopes and not looking for that little rock out-crop. Sometimes problems are created by a little rock or little pile of dirt and the intent of this code is to follow through with and limit the disturbance on the steep slopes and on the big steep slopes and not let the little rock cropping's interfere. We are proposing in the code is to go to these much bigger grids and these much bigger averages and what this would do is it would average out all of those little ones. That would mean we would be left only with the major thirty percent slope in a particular area.

Ryan Taylor indicated that we are not running new code and there are a number of entities in Utah that have similar codes. The meat and potatoes of what Wasatch County is proposing and this is the code change to 14-02-04 and is where it ended up. It reads that the steep slopes as defined above with the bigger grid shall not be disturbed or vegetation removed on the steep slopes for the construction of roadways, subdivisions specific utilities, driveways but not including service roads

which are not secondary accesses for subdivisions or properties but which are deemed by the fire marshal required to adequately respond to wild fire or other emergencies and crude non-motorized trucks. Also disturbance of jurisdictional wetlands is prohibited which it already is but due to some state codes that was a good one to act on. Disturbance of streams and drainages where a lot of 30 percent slopes are and if you cross one you do one at a perpendicular angle for the size of a one hundred year storm so that we don't have flooding or washouts both for water quality and for public safety. Also if the vegetation gets disturbed it will be put back to the original way it was and stabilized.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that Title 14 is the engineering code. There are a few changes that need to be made in Title 16 to make it consistent with any changes to Title 14. One is definition of terms and words and changed that so it is nine hundred square feet so it complies with the thirty foot grid. Also taken two other sections and moved them from a more general erosion control section of the code to the more specific code section for those zones. The last one is in the North Village Overlay zone, the zone is the Mountain Zone and to develop in the Mountain Zone would be limited to the restrictions which would be allowed to the grading that could be done.

Doug Smith then went through the findings as was listed above which would be if this ordinance amending Titles 14 and 16 of the Wasatch County Code was approved. Doug Smith indicated that the Planning Commission did not recommend a positive recommendation with this. They made a qualified no vote and feels like more study needs to be done on it before it is approved by the Wasatch County Council.

Council Comments:

Councilman Steve Farrell asked what Summit County's standard is because we are competing with that County. Ryan Taylor replied that Summit County does not have the ordinance and do allow roads on thirty percent of both slopes. Also are doing more things to keep the water quality pristine and working with better restoration as much as they can. That is a workable option. Councilman Steve Farrell asked what can be done to mitigate the thirty percent slope acceptable. Ryan Taylor replied that there are ordinances that allow more than thirty percent but less than forty percent is common throughout some other codes that I read so they will allow no buildings on anything thirty percent or above and they will allow disturbance of up to forty percent for roads for short stretches. I felt like we accommodated that with the larger sixty foot, the two continuous thirty foot grid for a total of sixty feet that would allow us to that. We are allowing more by using that larger grid and a lot of our smaller areas go away and left just with the large areas. When we use this larger grids a lot of the problem areas go away and leaves the big, big areas and the attempt was to use the bigger grid and still capture the areas of concern but balance this against the development needs where we were still able to put roads in the vast majority of places that we needed to.

Councilwoman Marilyn Crittenden indicated that the grid makes it a little clearer than just saying a thirty or forty which is a big range. Ryan Taylor replied that you can see the difference between a thirty-five and a forty percent slope in terms of the area impacted is pretty significant. We tried

to keep it simpler and use those larger grids instead of using all the exceptions and just use the big averaging. My goal was a little easier and I wonder if I made it a little bit more complicated. My attempt was to leave out the exceptions and find a grid size and then averaging what we could live with.

Chair Mark Nelson indicated that in summarizing the motion that the Planning Commission made the comment that they believe water quality needs to be protected but the proposal needs more work. Now do you feel like the presentation that you made today is that more work and has it been modified since then sufficiently that you feel that comment in the motion has been addressed.

Doug Smith replied that what has happened between now and then would accomplish what their intent was. Also felt like it was something that the legislative body could hear and consider and if you recommended that more work be done on it then we would do that.

Ryan Taylor replied that one thing that I think could use more work is to look at some of these developments because this will affect developments a lot and make large areas that are developable today but not developable if this passed. The areas of concern that I had that the developments that I thought it would really impact and when it went back and looked it really hasn't had that impact that I thought it would. So for some of the larger developers that are worried that this could be concerning to but urge them to go back and look at that with a different grid and look at it and see how it actually impacts people or impacts that development because I was surprised as I did that in select areas the impacts were not as great as I originally anticipated.

Public Comment:

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

Dallin Webster, from the Provo River Watershed Users Council, addressed the Wasatch County Council and indicated that these are some of the things that were considered.

1. The road crossings is big concern where we can find a common ground to work through these areas and kind of find a compromise there is a good goal.
2. We thought the grid was maybe one of the better methods to meet the needs of the developers and water quality standards we were trying to meet within Wasatch County.
3. Looking at the wetlands and the steep slopes and the natural discharges that were in the ordinance.
4. Utilities is something that has been considered and integrated into the code.
5. Erosion potential is high especially with the steeper slopes.
6. The grid was considered as a compromise to help improve the code in the management of those lands.
7. Help the one hundred year storm event for the different drainages and left that a little bit vague. We need more definition on that one hundred year storm event and look at that on a case by case basis.
8. Consider public safety and not over-engineering something just to meet basic public safety standards and felt that the current text changes were appropriate.

9. Consider adding more definition to this code amendment and adding maybe a proposed restoration sheet be added to the application requirements and more of a defined documentation of how to restore these developments once they are kind of in place and how they can be restored with more permanent stability.

Richard Catton, attorney representing MIDA, addressed the Wasatch County Council and indicated that he was concerned with the consequences that would come about in the MIDA area such as the eastside in generating monies with the developments and certain developments on lands that we have relied upon it being developed at a certain level and the concern is that this ordinance may impact our developments being built at that level. We just don't want this to affect MIDA at all and are concerned that it may affect it in some places more than others which could potentially cause some financial issues. Our request is that at the end of the day if the County adopts this and protecting the water is a great goal and don't have any problems with that. Our desire is in the project area we would like to be excluded from the application of this ordinance and there are some solid legal reasons to exclude us other than just the financial reasons. We would ask that you don't vote on it until we have had a chance to sit down and work through some of these issues with the County.

Jacob Ballstaedt, representing a group of developers that own property within the MIDA area and JSPA, addressed the Wasatch County Council and indicated that this development on some of the 250 ERUs have no vesting and could be subject to this new ordinance if it passes. As being part of the MIDA area we have commitments to repay loans that were made. To have this ordinance put in place would really affect our future development needs to repay back these certain loans that were taken out. The two properties that we have with no entitlement to and both of areas where there is over thirty percent slope which would have a large affect to pay back our loans. I think that there is more than one way to do it and could be other practices that would protect the future of our water quality. This is the first time that the grid has been proposed to us and the impact that it would have on our developments.

Susie Burton, representing the East Park Owner's Association, addressed the Wasatch County Council and indicated that we are a platted subdivision and the first one in the Jordanelle. This ordinance will affect us greatly because two of the easements from the south and east and are able to use that property we won't be able to develop so this is very critical since we have been there since the 60's and 70's for development.

Rhett Anderson, property owner, addressed the Wasatch County Council and indicated that we have looked at the new grid and it is absolutely impossible to develop with. Three things came out of this presentation and one is water quality and is this really about water quality. Also assume that a storm water pollution prevention plan should be able to mitigate these water issues. The second issue is road cuts can be properly managed and will not look like that way if there is proper revegetation and proper plans implements they won't look like raw dirt forever and don't erode if properly managed. The third one that I heard was maintenance of these road cuts. Also problems with access on properties that I can never get to without roads being built. This ordinance looks like it is trying to limit development. Let's just enforce the existing requirements that Wasatch

County has.

Kelly Walker, owner of property that will be affected with this ordinance being put in place, addressed the Wasatch County Council and indicated that I would ask you to reject the changes to the code. This has no justifiable merits. Also I have 406 acres in Lake Creek Canyon for the purpose of subdividing the land into twenty acres parcels. Due to the topography of my land the proposed code changes would eliminate sixteen of my current eighteen lots which would have a financial impact to me. The water quality on my property doesn't go into ditches, streams and other water ways because it goes directly into the ground. These amendments would eliminate my ability to access my property. I would ask you to protect land owner rights and reject these proposed changes and hope this is not a legal taking by Wasatch County. Also with the sixty foot grid I am still not able to develop my property. I could access it from Lake Creek road under the old code.

Jody Hoffman, land use attorney, addressed the Wasatch County Council and indicated that she has led the State Land Use Task Force which discussed with developers and Realtors and County officials and planners which consisted of about 40 people every two weeks to get together and discuss how we could have good land use laws in Utah. Also a lot of jurisdictions had these thirty percent slope ordinances. They were in many respects arbitrary. Also we adopted what we call a geologic hazard ordinance and it was to get rid of the thirty percent slope ordinances and was to protect how pretty the slopes were. There are ways to protect slopes that can be done to protect property rights and protects the public's interest. I don't think you can do this as a flat thirty percent slope. Everyone has the right to access their property and you have to respect property rights. This cannot be done legally. A lot of the codes that have been enacted are not legal and to change them would cost hundreds of thousands of dollars to do it right and go back and redo your codes. When the statute is raised to them they don't enforce it. Also the State Legislature is not happy about that and are not pleased that the jurisdictions have not followed up with the state mandates.

Rhett Ryding, land developer of Tuhaye, addressed the Wasatch County Council and indicated that it is called Storied Deer Valley Development. We are pretty much done with our development and if this was done before our development was proposed we wouldn't have been able to develop a big junk of land just in Tuhaye. Rhett Ryding showed some drawings to the Council that was done with the new grid and showed the roads that we wouldn't have been able to access. Also we would have lost somewhere around seventy-five percent of the developable area inside Dancing Sun. We are required by the code to re-vegetate with Wasatch County approved seed mix and put this on the cuts that we have done and all are re-vegetated and we haven't had much erosion. We need to work together and come up with a solution for the best practices to use. If we need to re-vegetate differently we can do that. Also wouldn't be opposed to working with the Wasatch County Council, the Planning Commission or working with planning and zoning to come up with different ideas for re-vegetating some of these cut slopes. Would like to be able to work together to find some mitigating ways to handle these problems.

David Cummings, land developer in Wasatch County, addressed the Wasatch County Council and indicated that the way this code is written now that a lot of the projects that I have done in the

County wouldn't exist because of the way this code is written. The larger grid does change things. The biggest problem is the way the code is written that says no disturbance on thirty percent. The ways these different things are built should take care of the concerns that we have for the run-off if it is done right. I would be more than willing to take the time with the County and others to come up with some input to help mitigate these concerns so we can come to some solution to these problems.

Blake Allen, resident of Wallsburg, addressed the Wasatch County Council and indicated that I own fifteen hundred acres with a partner in Wallsburg and about seven or eight hundred of that is in the thirty degree slope and wouldn't be able use it, access it or do anything on it. I feel that this is taking our property rights away. It is just not developing stuff. I wouldn't be able to use that ground to hunt on, chop wood with my family and have fun and if this passed I would be putting in a subdivision at the bottom of it and get rid of it, if I can't access it and build roads and utilize it so I think there are a lot of things here that would play into that.

Chair Mark Nelson then closed the public comment.

Councilman Steve Farrell indicated that there is enough concern and information that has been brought forward in the Planning Commission Meeting as well as this meeting tonight. I would make a motion that we ought to take this under consideration and re-look at some of the issues and see if we can't work out some of the concerns and to table this indefinitely until we get another opportunity to look at what has been presented tonight. We would table this indefinitely with the understanding that we are going to review the comments that were taken here and in the Planning Commission and take them into consideration and if there is need to re-work the proposal lets go ahead and do it. When the staff is ready to come back to bring it back and continue to work with the Committee made up of Councilman Spencer Park, Councilwoman Marilyn Crittenden, Councilman Steve Farrell, engineering and legal. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Jeff Wade via Zoom

AYE: Danny Goode via Zoom

AYE: Steve Farrell

AYE: Spencer Park

NAY: None.

**PUBLIC HEARING
JULY 6, 2022**

RHETT RIDING, REPRESENTING STORIED DEER VALLEY L.L.C., REQUESTS OVERALL PRELIMINARY APPROVAL FOR PAINTED BLUFF, A PROPOSED RESIDENTIAL PHASE OF THE TUHAYE MASTER DEVELOPMENT. THE PHASE CONSISTS OF 33 LOTS AND 72.78 ACRES OF OPEN SPACE ON A TOTAL OF 112 ACRES LOCATED AT THE NORTHWEST CORNER OF THE TUHAYE MASTER DEVELOPMENT IN SECTION 28, TOWNSHIP 5 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated the comprehensive plan shows this property having a mixture of low density residential, medium density residential, and high density residential use. The applicant is requesting detached single-family lots throughout the entirety of this phase. Painted Bluff is a neighborhood located at the northwest edge of the Tuhaye large scale development, a 2,026 acre, 900 ERU master plan project.

Tuhaye is a Master Plan Development in the Jordanelle Basin Overlay Zone. Tuhaye received the initial Master Plan approval in 2007 and amended the approval in 2018 and again in 2021. The amendments, primarily were to add additional property to the development that the development purchased without adding any additional ERUs. The Tuhaye Development Agreement does have a north/south connection requirement that is currently served along this area and there is an existing trail head just north of Long View Drive and this proposal would increase a relocation of the trail head and the abandonment of some of the existing north/south connection trail in favor of relocating some of the trail network to work through the development.

The item that came up with the most concern that was resolved by the time it went to the Planning Commission is the road access that comes through this property and ends up with a portion of the residential development in the JBOZ that is to the west of it there. What is remaining now is a portion that we refer to the Brodtkin parcel. There is a right-of-way easement that Storied has granted to Robert Dunlap for access to that property. It is a non-exclusive easement and it goes to the Dunlap property but it doesn't exclude other people being able to utilize that as well. That is that the Dunlap and Brodtkin would continue to work together and could eventually work some access down this way. There is an additional access easement that follows the same alignment but also circumvents the Dunlap property and runs directly to the Brodtkin property. So if Dunlap and Brodtkin weren't able to work out an agreement of access to either one of them exclusively could still access their property through this new proposed easement.

The DRC has reviewed it and forwarded onto the Planning Commission. The Planning Commission has forwarded it onto you with a recommendation for approval. With that the discussions that were had in the Planning Commission meetings and some developments that came

out after the staff report was published. The Brodtkin and Storied began working together after the staff report was published about what would be amenable between the two groups.

Austin Corry then went through the DRC Report.

ENGINEERING: comments:

- Show drawings for the trail head parking area which is to be replaced as part of this project.
- Your density testing requirements are old on this sheet again, correct at final.
- Verified wetlands must be shown on the plat. Indicate appropriate offsets.
- Add catch basins at the southern corner of the intersection of Tuhaye Park Drive and Longview Drive.
- Add a note to the detention plan describing the depression in the natural contours north of Swale B the UDOT pond. Ensure that it is preserved and protected.
- Consider putting catch basins in front of lots 16, 2 and 17 so that all flow is not concentrated to a single collection point at the end of the cul-de-sacs. This will significantly reduce the chance of clogging at these points.
- In Basin 2, the storm water system should not discharge onto lot 24 and flow overland to the basin. Change the pipe to go past lot 25 to the next set of catch basins.
- In Basin 3, please explain the structure behind Lot 29.
- Swale C and D should be piped further. Storm water cannot be expected to make the turn in the grade reliably after a long period of time.
- Storm water swales should be installed to either side of the intersection of Fox Meadow and Uinta Drive. Otherwise, too much of the Basin 1's storm water will be focused at the catch basins just north of Lot 1.
- Basin 1 seems too large, additionally everything east of Uinta Drive appears as though it should flow towards the existing pond in Tuhaye. Please confirm or revise these calculations.
- All comments are conditions of approval to be resolved at Final.

PLANNING: comments:

- Final submittal will need to include the site plan for the new trail head that results from the relocation.
- The section of the N/S trail behind lots 21-24 can be realigned into the open space area, but it is planning's opinion it should remain. Unless the regional trail planner disagrees, the trail connection should stay.

SURVEYOR: comments:

- The surveyor's office has approved this preliminary plat so the plat can move forward.
- We reserve the right to review the final signed plat.

Austin Corry then went through the proposed findings.

1. The Tuhaye development received Master Plan and Density Determination for 900 ERUs in 2007.

2. In 2018 additional property was added to the Master Plan although no additional ERUs were added.
3. The density being proposed is consistent with what was approved in the master plan.
4. The approved Moderate Income Housing Plan is outlined in the Development Agreement and the developer currently has a credit balance of fee-in-lieu that is sufficient to meet the 13 AUE requirement of this proposal.
5. Preliminary approval does not grant a variance from County Code standards that cannot be determined at the level of detail provided at Preliminary.
6. The proposed development complies with the product types required by code and approved during the Master Plan approval.
7. The Development Review Committee has reviewed the project and has forwarded the item for consideration by the Land Use Authority.
8. There is a recorded non-exclusive easement between Storied Deer Valley and Robert Dunlap to define an access from Long View Drive to the Dunlap parcel in general alignment of one of the accesses conceptually identified in the Jordanelle Land Use Plan. The non-exclusivity results in access to the Brodtkin parcel as well.
9. Storied Deer Valley has proposed an additional easement to the Brodtkin parcel in coordination with the Brodtkin property owners.

Austin Corry then went through the proposed conditions:

1. All the issues being raised by the DRC as noted in the DRC report shall be resolved to the satisfaction of the applicable review department prior to final approval.
2. Conceptual trail alignment changes should be verified for compliance by the county wide trail planner prior to submission for final subdivision review by the DRC.
3. The easement involving the Dunlap and Brodtkin properties shall be finalized by the final subdivision applications so those easements now will become a requirement if you chose to approve this and adopt the Planning Commission's recommended conditions those easements would have to show up in order for final approval to be granted.

Applicant:

Rhett Riding, the applicant, addressed the Wasatch County Council and indicated that he has nothing to add and the easements have been worked out.

Public Comment:

Chair Mark Nelson then opened the public hearing for public comment. Terry Brodtkin, one of the parties, addressed the Wasatch County Council via Zoom and indicated that I have been waiting since 2004 for this moment and I want to thank the Planning Department for the cooperation so that I may use my land and Mr. Dunlap and I are in agreement to work together as a team to work with the Planning Department and the Wasatch County. Chair Mark Nelson then closed the public comment period.

Motion:

Councilman Steve Farrell made a motion that we go ahead and approve the overall preliminary approval for Painted Bluff as a proposed residential phase of the Tuhaye Master Development in light of all the findings and subject to the conditions as was presented by the Planning Commission. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

ALLISON AAFEDT, REPRESENTING JORDANELLE GOLF ACADEMY L.L.C., REQUESTS FINAL SUBDIVISION AND SITE PLAN APPROVAL FOR THE JORDANELLE EQUESTRIAN FACILITY, A PROPOSED PUBLIC USE FACILITY WITH A 34 STALL BARN, INDOOR/OUTDOOR ARENAS, AND APPROXIMATELY 2 MILES OF EQUESTRIAN ONLY TRAILS LOCATED AT APPROXIMATELY 11000 NORTH ORION DRIVE IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA. THE PROPOSAL ALSO INCLUDES PROPOSED AMENDMENTS TO THE JSPA DESIGN HANDBOOK.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the proposal is not only for site plan and final plat approval but, due to the materials and colors being proposed for the indoor arena, barns and other out buildings, the applicant is requesting an amendment to the JRA materials and design handbook. The proposed amendments, if approved, would allow for materials only used on equestrian centers and ancillary buildings. The request also includes a request for approval of a standing seam roof color that currently is not consistent with the color palette for the JRA design guidelines. The amendment to the handbook is a recommendation from the Planning Commission to the County Council. Doug Smith also indicated that he advertised this erroneously and included the same advertisement that went to the Planning Commission. Final plat approval has already been granted by the Planning Commission because they are the land use authority. They also have granted site approval. The only thing that you are reviewing today is the amendments to the design handbook. The handbook is really specific for residential and talks about materials, siding, stone, roofing materials and all that type of things and colors and there was nothing that really addressed an equestrian center. This is probably the only equestrian center that can happen in the JSPA.

There is a 34 stall barn. There is an indoor riding arena. There is an outdoor riding arena and hay barn. The JSPA Planning Commission has forwarded this matter to you with a positive recommendation and what it is, is for wood grain metal siding. They are requesting the color of the metal roof to be red. The roof color that is proposed does not comply with the color palette in the handbook so there will need to be review and recommendation from the Planning Commission to the Council not only on the color but the proposed language to break up the roof. The purpose and intent portions of the JRA Handbook have not been proposed to be changed. Admittedly the JRA Handbook was written with residential uses in mind, however, the purpose and intent sections of the code still apply unless amended. This will allow public use and there are equestrian trails that are separate from hiking and biking trails and will lead from this barn/corral equestrian center area.

Doug Smith indicated that the JSPA Planning Commission discussed this at length and in the end felt like the metal siding and the architecture of the buildings still fits within the area.

Doug Smith then went through the DRC comments:

PLANNING comments:

- The materials for the barn are a departure from the JRA Handbook with metal siding and faux stove base. There needs to be a discussion about this. This will need to be a JRA Handbook amendment through the PC and possibly Council.
- Condition of moving this forward, this is the first time the proposed amendment to the JSPA Handbook has been submitted. It is written specific to this project not for any number of non-residential uses. My thought was that this amendment would be for barns, equestrian facilities, maintenance buildings and other non-residential utility type buildings probably not to include restrooms or public uses. There needs to be additional work done on this so it applies to more than this use and can be in a format that can fit into the JSPA Handbook. Perhaps I can work with Lori Gull on this. I don't know if this warrants not moving the project forward but this must be developed much more before the Planning Commission meeting and packets go out. Recommendation for approval would be contingent on additional detail to this.

JORDANELLE comments:

- Detailed plan review comments for JSSD facility to be coordinated with District Engineer.

FIRE comments:

- Access to be approved by Wasatch Fire applicant requested approval with acknowledgment of the requirement for secondary access prior to permit. No secondary access would not allow approval of permit.

ENGINEER comments:

- Street lights for a public facility is a safety issue. The trailer parking lot is relatively large. I know we do not want to contribute to light pollution here, but it also has to be safe. Safe

for pedestrians, moving about with long trailer traffic. What about the crime factor. The intersection street light does look good but does not fit for this application. My recommendation is to require some taller lights that will illuminate things better.

- Everything is very tight between the existing manhole at station 25+95 running north approximately 75 feet. There are options they have to fit the potential gas, electric, and existing sewer and still get in the guardrail. They will be required to provide design drawings for all walls over 4 feet stamped by a geotechnical engineer. JSSD will also have to approve the wall plans where the wall or guardrail may affect the existing sewer prior to construction.

Doug Smith then went through the proposed findings.

1. The proposal for an equestrian facility furthers the intent of the JSPA to be a year-round recreation destination and can be in compliance with the JSPA/JRA plan and guidelines, if proposed amendments are approved.
2. The equestrian facility is part of the approved master plan and overall preliminary plans.
3. The equestrian facility is open to the public.
4. This approval is for the equestrian facility, ancillary buildings, the final plat creating the equestrian facility parcel and amendments to the JRA Handbook materials and colors.
5. The parking section of the code does not have a parking use and requirements similar to the proposal.
6. The proposal has been reviewed for water quality by a third party consultant paid for by the PRWC.
7. There is an operating management plan for animal waste and runoff.
8. The Development Review Committee has reviewed the project and recommends approval.

Doug Smith then went through the proposed conditions:

1. All comments included in the DRC report, staff report and findings and conditions of approval are a part of the approval.
2. The plat must be recorded before issuance of any building permits.
3. If parking becomes a consistent problem the applicant will need to provide additional parking in the area. This can be done by adding head-in stalls to the north of the outdoor riding arena on the west side of the road.
4. The hay barn and storage shed are required to have the same materials, walls and roof and eave overhang of the other buildings if amendments are approved.

Applicant:

Allison Aafedt, representing the Jordanelle Equestrian Facility, presented a power point presentation and then addressed the Wasatch County Council and indicated that the request is for:

1. Site plan approval.
2. Final plat approval creating the 26.29 acre parcel.
3. Amendment to the JRA design handbook to allow for wood grained metal siding, no rock

wainscot on buildings other than the indoor riding arena. Amendments would only be for equestrian centers.

4. Allowance in the color palette through the updated JRA language handbook, for a rust colored roof.

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 Kendall Crittenden made a motion that we approve the proposed amendments to the JSPA Design Handbook as has been presented in light of the findings and subject to the conditions. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

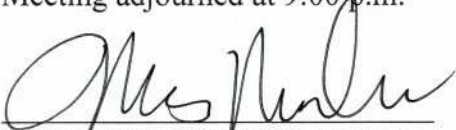
ADJOURNMENT

Councilwoman Marilyn Crittenden 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 via Zoom
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE; Danny Goode via Zoom
AYE: Steve Farrell
AYE: Spencer Park**

NAY: None.

Meeting adjourned at 9:00 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER, CLERK/AUDITOR

