

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JULY 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
Spencer Park
Steve Farrell
Kendall Crittenden
Marilyn Crittenden
Jeff Wade

EXCUSED: Councilman Danny Goode

STAFF: Heber Lefgren, Assistant Wasatch County Manager
Wendy McKnight, from the Clerk's Office
Jon Woodard, Assistant Wasatch County Attorney
Mike Davis, the MIDA Coordinator
Joey Granger, the Wasatch County Clerk/Auditor
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner
Rick Tatton, Court Reporter via Zoom.
Shelby Thurgood, Assistant Wasatch County Attorney

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Chair Mark Nelson and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday July 20, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present with Councilwoman Marilyn Crittenden present by Zoom and Councilman Danny Goode is excused. 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.

**COUNCIL
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 in the first meeting in August we should discuss joining RPR and we will put material regarding that in the packet.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Mark Nelson asked if there were any public comment on matters not on the agenda.

Mr. Lynn David indicated that this matter is regarding a presentation of an illegal rock mining operation that is going on in Brighton Estates. Chair Mark Nelson indicated that we will not hear a presentation this afternoon because the Wasatch County Council is not ready for a presentation because they have no idea what you are talking about. We are happy to look at this and have the County look at this and consider this for a future presentation.

APPROVAL OF THE MINUTES FOR JULY 13, 2022

Councilman Steve Farrell made a motion to approve the minutes for July 13, 2022 as written. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden via Zoom
AYE: Kendall Crittenden
AYE: Steve Farrell**

**NAY: None.
ABSTAIN: Councilman Spencer Park (excused)
ABSTAIN: Councilman Jeff Wade (excused)**

DISCUSSION/CONSIDERATION OF 2022 TAX SALE

Joey D. Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that we had eight total parcels that ended up going to sale on June 9, 2022 and six of those were essentially assessed and one of the six essentially assessed mining claims did not sell. The other two regular parcels did sell.

Councilman Steve Farrell indicated that mining claims are parcels of interest and have been on the tax roll for years and they ought to be sold to the other mining claim interests and why the one called Margaret didn't sell because the others did. Joey Granger indicated that you haven't certified the sale yet and I could go back and do some more research regarding this claim called Margaret and bring it back to the Wasatch County Council. Councilman Steve Farrell indicated that this could be deferred and we could try to sell it next year and that would be my recommendation regarding this matter. Joey D. Granger indicated that she will bring this matter back to the next agenda just to make sure before the whole tax sale is certified.

Councilman Steve Farrell made a motion that we table this matter until the August 3, 2022 Council meeting and ask our County Attorney's Office to do some research dealing with what is legal. I don't know if we want to be a partial owner in a property that we have no control over. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Steve Farrell indicated that we need to give Joey Granger, clerk's office, the treasurer's office and recorder's office a vote of thanks the way this matter was handled.

DISCUSSION AND POTENTIAL CONSIDERATION FOR THE ADOPTION OF POLICY 145-001, EVACUATION OF FACILITY DURING UNSAFE SITUATIONS.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that for the past few months, Wasatch County's Executive Team which include all departments and office directors within Wasatch County, Solid Waste, Park and Recreation and the Health Department have been meeting bi-weekly to review and create new county-wide policies intended to improve operations, employee morale, and the public perspective towards

Wasatch County Government.

The policy being brought to Council through the Council items is Policy 145-001. Evacuation of Facility during unsafe situations. This policy provides guidelines and direction to staff on what to do when a situation becomes unsafe and the need to evacuate becomes necessary. This could include emergency situations such as a fire, earthquake, or during an active shooter situation. The policy is aligned with nationally accepted best practices and what is taught by the County's Emergency Management Office. Also this item does not have a fiscal impact.

The fire is not involved in this and have not yet created a policy and if this policy is something that they would like to adopt they would bring it to the Fire Board. That is the same thing with the Health Department. The only two departments that have adopted this is Solid Waste and Parks and Recreation.

Councilman Jeff Wade made a motion that we adopt Policy 145-001 Evacuation of facility during unsafe situations. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden via Zoom

AYE: Jeff Wade

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Spencer Park

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that he had our quarterly meeting with the Wasatch County Building Department today and indicated that we discussed the MWR Hotel with regard to permitting and inspections and that is working well. The big discussion today was the proposal of the one million square feet of condos, ski amenities, and they are proceeding with that. The discussion was how the building department would be processing and handling that. It is going to cover twice the square footage what the current MWR Hotel is which is a big endeavor and there will be two hotels associated with this and lots of retail and commercial activities that support the ski component of what they are doing. This is a big project and the biggest one that we have seen. As a result it is likely that the building department will need additional staff for this because the permit alone will be in the millions. They want to get the permitting process started by the end of this year.

Mike Davis also indicated that I asked Paul Morris, with MIDA, about joining in with the County regarding support of the by-pass road and Paul Morris indicated that we want to do everything we

can to be a team player with Wasatch County but this is outside of our responsibilities. If there is something that would potentially affect us adversely one way or the other or support us one way or the other that is something we can do. If it is something that affects MIDA in any way they would get involved. Right now he couldn't see anything that would be affecting MIDA right now.

COUNCIL/BOARD REPORTS

Councilman Spencer Park indicated that after our watershed meeting, I was wondering if we could reconvene a committee. The watershed committee was myself, Councilman Steve Farrell and Councilwoman Marilyn Crittenden and previous had another committee which was me, Councilman Steve Farrell and Councilman Jeff Wade. Maybe we could have a committee to combine both of those committees. Chair Mark Nelson asked Councilwoman Marilyn Crittenden to serve with Councilman Steve Farrell and Spencer Park also a member of the County Manager's office and Mike Davis, the MIDA Coordinator.

Councilman Spencer Park indicated that it is in regard to a trail by the Crossings and we will end at the Paul Clark Subdivision. The trail master plan has a trail that goes along 2400 and it has this trail along the Lake Creek channel and also a trail that went across the canal. What I am proposing and met with the Planning Department today and this particular trail shouldn't get built and in talking with the developer have him escrow the money that he was going on that trail that would go nowhere. We could use that money then for a trail and other amenities in this other area. The Planning Department agreed that should be done that way. Chair Mark Nelson indicated that the Paul Clark Subdivision has a trail in it which given what is going on up at the Crossings that we are working on will go nowhere and that we should get with the Planning Department and try and eliminate that trail requirement in the Paul Clark Subdivision and somehow transfer that obligation or those funds that would have been spent for that over on the other side of the canal to help with bridges and other things where people will actually use them. The Council felt like that was a good way to handle this matter if it can be worked out.

Councilman Kendall Crittenden indicated that he mentioned this a month or so ago regarding the 988 National Suicide Hot Line is now active. Also the Parks and Recreation did a nice little retirement social for Doug Smith this afternoon and retired after forty years with Wasatch County.

MANAGER'S OFFICE

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that yesterday he sent out the Resolution to UDOT. UDOT indicated that they received it and will record that.

CLOSED SESSION

The Wasatch County Council and others indicated that there is no need for a Closed Session this afternoon.

Councilwoman Marilyn Crittenden made a motion to go in recess until 6:00 p.m. when the County Council will handle the three public hearings. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Mark Nelson indicated that the record should reflect that the time is 6:00 p.m. and the Wasatch County Council is again in session to consider the three public hearings scheduled this evening. The record should also reflect that Councilman Kendall Crittenden is not present. Councilman Spencer Park is present via Zoom-, Councilwoman Marilyn Crittenden is present and not via Zoom. Councilman Danny Goode is excused.

PUBLIC HEARING JULY 20, 2022

CHAD CHRISTENSEN, REPRESENTING REED F. CHRISTENSEN TRUST, REQUESTS OVERALL PRELIMINARY APPROVAL FOR STONY OAKS SUBDIVISION, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 11 LOTS ON 15 ACRES LOCATED IN THE EASTERN PLANNING AREA IN SECTION 12, TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURE 1 RA-1 ZONE.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the proposal is for preliminary subdivision approval which will include Council determination for affordable housing obligation. If approved, the project will be allowed to apply for final subdivision approval where minor technical items should be resolved through that process. This parcel of ground has never been

previously subdivided or anything and there is an existing home that is on the property and that home would remain as part of the subdivision on lot 11. Lots 1 through 5 do have a double fronted condition but the double fronting is on 1200 South which is a major collector road. One of the provision of the Wasatch County Code does allow double fronting on collector roads in place of the limited access there. The DRC has reviewed the proposal and it has been marked ready for a decision. Also I need to mention that because it is slightly different than what the staff report and after the staff report was published the applicant did contact me regarding the affordable housing and since you as the Council need to approve what their obligation is. He has indicated and indicated in the Planning Commission meeting as well that their intent is to utilize and do a ten percent obligation and asking it be done by fee-in-lieu. That is what they are intending to do. Also this follows the Wasatch County Code. Also the entrance to Lot 2 would come in from Mills Lane.

Austin Corry then went through the DRC findings:

JORDANELLE comments:

- Water rights will need to be determined according to the Water Action Report as per Wasatch County Water Board and conveyed to the district before final approval.
- Detail plan review comments for water, sewer and pressure irrigation to be coordinated directly with Twin Creeks Special Service District engineer.

FIRE SSD comments:

- Hydrant needs to be located at the intersection of Mills Lane and Stony Oaks Lane to serve lots at entrance.

PLANNING comments:

- Final plans will need to demonstrate that the existing fencing on the property lines for the adjacent parcels complies with the right-to-farm regulations of the County.
- The setback from 1200 South is 50 feet or 85 from centerline whichever is greater. For other typical setbacks, I prefer to have the setback notes just state that it is subject to Wasatch County Code at time of building permit. We typically only included setbacks if there is some exception or unique situation like 1200 South 16.21.07(B).
- Lot 1 will need to be adjusted to have 150 feet of frontage along Stony Oaks Lane. There is ample room to make that correction without significantly affecting the plat. Final plans will need to correct this 16.08.06(B).
- Response to PLN10 says to reference the grading plan for a note about the fencing requirements. No note was found other than a legend that says existing fence. Please reference the comment again and the County's right-to-farm regulations. Final plans will need to verify compliance.
- For sake of clarify, it would make sense to have the relocated power line notes that were added to the site plan also show up on this utility plan. Final plans should do so.
- Response to PLN14 says lot 1 was adjusted, however, comparison of the two submittals shows it has remained the same. The response also mentions the measurement being made from the setback, but frontage is measured at the ROW. Final plat will still need to make

the correction previously noted.

RECORDER comments:

- There are no addresses for the lots in this subdivision.
- Coa: Owners dedication. This property changed ownership in March of this year. It should be signed and acknowledged at Stony Oaks Holdings L.L.C.

Austin Corry indicated that he has had conversations with the applicant based on Moderate Income Housing which we discuss during preliminary subdivision. The application did not have the study provided but preliminary applications typically have.

Austin Corry then went through the proposed findings:

1. The subject property is approximately 15 acres located at the southeast of the intersection of 1200 South and Mill Lane.
2. The subject property is in the RA-1 Zone.
3. The RA-1 Zone allows density of 5 acres per unit if not connected to public sewer and water and 1.3 acres per unit if connected to public sewer and water.
4. Additional information will be required at final to refine the plans to continue to demonstrate compliance with applicable law.
5. WCC 16.30 requires an affordable housing report to be provided with any development of 6 ERUs or more in the absence of a report, the applicant has the option to use a 10 percent default. This would result in an Affordable Unit Equivalent AUE of 1.1 units required.
6. Preliminary approval does not grant a variance from County Code standards that cannot be determined at the level of detail provided at Preliminary.
7. The Development Review Committee has reviewed the project for technical requirements of applicable codes and forwarded the item for consideration with comments noted in the DRC report.

Austin Corry then went through the proposed conditions:

1. All issues raised by the DRC, as noted in the latest DRC report, shall be resolved to the satisfaction of the applicable review department.
2. A plat note be added that prohibits driveway access to 1200 South.
3. The preliminary approval, including the affordable housing obligations, be memorialized in a development agreement prior to final approval.

Applicant:

The record should show that the applicant was not present.

Public Comment:

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

Councilman Steve Farrell made a motion to go ahead and grant preliminary approval to the Stony Oaks Subdivision in light of the findings and subject to the conditions that has been noted by the Planning Staff and by the Planning Commission. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

**PUBLIC HEARING
JULY 20, 2022**

ENSIGN ENGINEERING REPRESENTING HUISH CONSTRUCTION L.L.C., REQUESTS A PLAT VACATE TO THE LAKE CREEK ACRES SUBDIVISION IN ORDER TO VACATE PARCEL 1 FOR THE PURPOSE OF FURTHER SUBDIVIDING THE 6.418 ACRE PARCEL OF PROPERTY IN A NEW PROPOSED SUBDIVISION TO BE CALLED HUISH SUBDIVISION LOCATED IN SECTION 2, TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURE 1 RA-2 ZONE.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that the proposed preliminary subdivision has not yet cleared through the DRC review process for technical requirements, but the request to vacate is being sent to the County Council for decision. The consideration at this time is only for the request to vacate parcel 1 out of the plat essentially making it raw agricultural ground in terms of following the rights under the zoning ordinance at that stage. They are looking to make six lots out of this and one of those lots is an existing home that is primarily south of this area. They are including that because they want to use the back yard for lot 4. The applicant's letter requesting for approval which indicates their position for their request that they have met the requirements for good cause and that is made a part of the record. If approved they would have to bring sewer and water services to the area.

Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. The State Law requires a public

hearing to vacate any plat when the vacation is not signed by all the owners within the plat. As of the time of this report, one objection has been received in response to the notices sent

Austin Corry indicated that the person who objected to this being done wrote a letter which is in the file stating why this plat vacate should not be granted. The letter was then read to the Wasatch County Planning Commission. At this time the letter was read to the Wasatch County Council, as stated below verbatim so that the Wasatch County Council was able to consider the individual's comments as to why he objected.

"Dear Wasatch County Planning Department and Wasatch County Council.

"As a previous owner and adjacent property owner of the subject property, I would like to respectfully request the denial of the proposed plat vacate for the Huish Subdivision.

"It is my understanding that this plat vacate is a requirement for the new owners to increase the density in Wasatch County

"I sold the subject property to the previous owner knowing that the plat would allow no more than one new home on the six acres.

"I have made significant decisions regarding my own property based on this fact.

"It is also my understanding that County code requires good cause for the plat vacate. In my opinion this will adversely affect my property and could possibly create a no presumption of regularity situation.

"The new owners bought the subject property as is, and while I appreciate individual property rights this property had already been platted in a subdivision.

"There seems to be very little Good Cause in this situation in my opinion.

"Thank you for your time and service to Wasatch County. Respectfully, Greg McPhie."

Austin Corry then went through the key issues to consider.

1. The Vacate of Parcel 1 will result in 6.418 acres becoming available for subdivision under the RA-1 Zone.
2. There are no existing structures on lot 1.
3. Parcel 2 of the subdivision was a road dedication of Lake Creek Road.
4. If approved to vacate, the applicant currently show the proposed subdivision Mylar as the method for recording the vacate approval.

The Utah Code Annotated 17-27a 609 states that the land use authority may approve the vacation or amendment of a plat by signing an amendment showing the vacation or amendment if the land

use authority finds that there is good cause for the vacation or amendment and no public street or county utility easement has been vacated or amended.

In the Wasatch County Code Chapter 16.04.02 the County defines good cause as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.

The Planning Commission heard this last week and after the public comment period and applicant's presentation the Planning Commission had a difficult time identifying anything that they felt would justify good cause and they have forwarded this onto the Council with a recommendation that you deny the plat vacate request. The findings for denial was included in their decision.

Austin Corry then went through the DRC comments:

PLANNING comments:

- Since the subdivision name is changing in the amended plat, this is a vacate request. Planning will send this on for Council decision on the vacate without the preliminary subdivision that is still in review with the DRC unless the applicant would like to wait to run them concurrently.

FIRE SSD comments:

- Fire hydrant required at intersection of Lake Creek Road and at the end of road.
- Released prelim submission with fire hydrant note.
- Please specify sheet that hydrant is added to.

GIS comments:

- The addresses for lots 105 look good. I notice the address for lot 6 is missing still. Please add this address to lot 6. 4774 East Lake Creek Road. Let me know if you have any questions Ivan Spencer.Spencer@wasatchutah.gov

RECORDER comments:

- Lot 6 does not have an address.

SURVEYOR comments:

- This is a preliminary plat. The surveyor's office will review the final plat when submitted on Mylar signed by the project surveyor. Please send closure sheets at that time.
- Our office is sending the project forward however, we reserve the right to review before signing.

MAG TRAIL PLANNER comments:

- County Trails Master Plan calls for a 10 multi-use trail along 4800 East and Lake Creek Road.
- Plans do not show 10 foot paved trail continuing down 4800 East.

Austin Corry then went through the proposed findings for approval:

1. The County Council is the land use authority for this plat vacate request.
2. The subject property is Parcel 1, 6.418 acres of the Lake Creek Acres One Lot Subdivision.
3. The applicant has requested to vacate the lot from the Lake Creek Acres One Lot Subdivision.
4. If approved, the applicant intends to include the 6.418 acres into a proposed six lot subdivision under the existing Residential Agriculture 1 RA-1 Zone.
5. The RA-1 Zone allows for 1-acre minimum lot sizes only if access to public sewer and water is available. If no access to public sewer and water is available, the RA 1 Zone requires a 5-acre minimum lot sizes.
6. The property does not currently have public sewer and water services, but the applicant's proposed new subdivision would be required to include the installation of the required services.
7. Zoning does not provide the right for 1 acre lots within a platted subdivision unless good cause is determined to vacate the parcels out of the subdivision, and all other requirements are met.
8. Utah Code Section 17.27a 609 requires the County land use authority to make a finding of good cause in order to vacate or amend any existing subdivision plat.
9. Wasatch County Code defines good cause as: Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety and welfare of Wasatch County.
10. The applicant has provided statements of how they believe the proposed amendment provides a good cause which include.
 - a. The new subdivision will provide new sewer line and water line to the existing home along with the new lots.
 - b. The septic tank and drain field will be removed and the well will be used for irrigation purposes.
 - c. The area will be enhanced and beautified.
 - d. The existing out structures will be removed.
 - e. A new 10 foot asphalt trail along Lake Creek Road will be provided as a benefit to the area and meet the County Trails Master Plan.
 - f. The amended Subdivision will still preserve the character of the neighborhood and Wasatch County along with furthering the health, safety, and welfare.
11. The County has received one comment from a property owner indicating reasons that the proposal would not preserve the character of the neighborhood or otherwise not meet the standards for good cause to be found by the land use authority. When the packet was prepared we had not received any objections and that should be noted.

12. After consideration of the applicant's statements, the County considers the justifications sufficient as providing findings of good cause, and therefore finds that the proposal is consistent with Utah Code Section 17-27a-609.

13. Goals and policies of the General Plan encourage lower density as the distance from Heber City increases and the land use authority believes this development location meets those criteria.

14. No public or private roads are being vacated as part of this plat amendment.

15. The Development Review Committee has reviewed the project and determined that the vacate request should be forwarded to the land use authority for decision. The related preliminary subdivision application is not yet ready at this time due to technical requirements waiting to be resolved with the DRC.

Austin Corry then went through the conditions for approval:

1. The related application will also need to be approved and recorded to include notice of the vacate, or the vacate recorded by ordinance, within one year of the approval of the vacate by the Wasatch County Council, in order to comply with Wasatch County Code 16.01.16 Expiration of Applications of Approvals.

2. This approval does not grant approval of the related subdivision application for the proposed six lot Huish Subdivision that has not yet been forwarded by the DRC.

Austin Corry then went through the findings for denial.

1. The County Council is the land use authority for this plat vacate request.

2. The subject property is Parcel 1 of the Lake Creek Acres One Lot Subdivision.

3. The subject property is 6.148 acres. (Finding No. 3 should be joined with Finding No. 2.)

4. The applicant has requested to vacate the lot from the Lake Creek Acres One Lot Subdivision.

5. If approved, the applicant intends to include the 6.418 acres into a proposed six lot subdivision under the existing Residential Agriculture 1 RA-1 Zone.

6. The property does not currently have public sewer and water services.

7. The RA-1 Zone allow for 1-acre minimum lot sizes only if access to public sewer and water is available if no access to public sewer and water is available, the RA-1 Zone requires 5-acre minimum lot sizes.

8. Zoning does not provide the right for 1-acre lots within a platted subdivision unless good cause is determined to vacate the parcels out of the subdivision, and all other requirements are met.

9. Utah Code Section 17-27a-609 requires the County land use authority to make a finding of good cause in order to vacate or amend any existing subdivision plat.

10. Wasatch County Code defines good cause as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.

11. This finding as been modified slightly and it just eliminates the statement about an agreement that you believe the General Plan is being followed about the lower density as the distance from

Heber City increases.

12. The subject property is approximately 4 miles from Heber City Center.

13. No discretionary land use project shall be approved by the County unless it is found to be consistent with the General Plan that is found in Wasatch County Code 16.03.09.

14. The land use authority determines this development location approximately one acre in order to meet the General Plan's encouraged lower density as the distance from Heber city increases.

15. The properties in the vicinity of the subject property are a variety of different sizes ranging from 1 acre parcel 12-6321 to 80 acres parcel 08-8893.

16. The majority of the property in the vicinity, or neighborhood of the subject property are over 5 acre lots and are used primarily for agriculture, including parcel 08-9164 acres which is adjacent to the subject property to the west, parcels 20-0250 8.79 acres and 08-8893 80 acres which are directly across the street from the subject property to the north, and parcels 14-6493 10.07 acres and 14-6485 10 acres which are adjacent to the subject property to the south.

17. The plat vacate would not preserve the character of the neighborhood of the subject property because it would lessen the agricultural use of the property as the residential density increased, and by allowing smaller lots than those that are predominant in the area.

18. The vacate would help facilitate the pending application for 5 additional building lots, which would increase issues related to density by, among other things, increasing traffic and the number of people in the area.

19. After consideration of the applicant's statements, review of the General Plan, issues related to density, and consideration of preserving the character of the neighborhood, the land use authority determines that good cause does not exist.

20. Without a finding of good cause, Utah Code Section 17-27a-609 requires the County to deny the request.

21. No public or private roads are being vacated as part of this plat amendment.

22. The Development Review Committee has reviewed the project and determined that the vacate request should be forwarded to the land use authority for decision. The related preliminary subdivision application is not yet ready at this time due to technical requirements waiting to be resolved with the DRC.

23. There is a safety concern at the Intersection at Lake Creek Road. The visibility of the topography there as Lake Creek Road comes through and the road intersection that would be created by the higher density subdivision.

Applicant:

Chair Mark Nelson then asked if the applicant is present and there was no one representing the applicant and the applicant was not present.

Public Comment:

Chair Mark Nelson then opened the public hearing up for public comment and there was no public comment so the public comment period was closed.

Councilman Steve Farrell made a motion that we deny the request to vacate the Lake Creek

Acres Subdivision because they didn't meet the showing of good cause on what they presented. I would make this in light of the findings and subject to the conditions and the findings of the Planning Commission and staff and include the thoughts and how it would change the entire neighborhood which are right on point and make sure that Mr. Greg McPhie's comments are included in the findings and conditions. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

**PUBLIC HEARING
JULY 20, 2022**

**DISCUSSION AND CONSIDERATION FOR UPDATES TO THE CRMP COUNTY
RESOURCE MANAGEMENT PLAN ORDINANCE 22-17.**

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that since the last time this matter was discussed staff has had additional time to work on the proposed updates to the General Plan. The text has been reviewed by PLPCO (Public Lands Policy Coordinating Office a state agency) the Deputy County Attorney and discussed in the public lands meeting. Recommendation from the attorney have been accepted in the draft copy that is before you this evening. The proposal for the most part contains all new language and only some changes to the existing language which is noted in red in your copy. In accordance with Senate Bill 2 of the 2021 legislative session the County needs to update what is referred to as the CRMP (County Resource Management Plan). The CRMP is part of the General Plan. Senate Bill 2 does not have a deadline to have the updates completed but the State is requesting that counties try to have updates adopted by July 2022 however there is not penalty if not adopted. With approximately 70 percent of the County controlled by federal and state agencies which include, the Bureau of Land Management, Bureau of Reclamation and Forest Service, the CRMP is an important document that will provide the necessary language to allow the County to work with federal agencies on land use proposals. Also adopting regulations in our General Plan allows the County to have a voice and make recommendations based on language adopted by the legislative body not just commenting in a survey. Goals, policies and objectives adopted as part of the General Plan would hopefully require environmental, cultural, and aesthetic and tourism impacts to be addressed. There are 28 required categories in the original CRMP and the new categories are in Land Access to Public Lands and

RS 2477 Roads. Also mining, energy and mineral resources, critical mineral resources, rare earth element and renewable energy resources and utility corridors and pipeline and infrastructure. Doug Smith then read some policy changes to show the Council how the changes were made. Doug Smith also indicated that there are eighteen pages in this document.

Doug Smith then went through the proposed findings:

1. The County Resource Management Plan, adopted as part of the County General Plan, is intended to provide input on land use proposals on federal lands.
2. SB 2 of the 2021 legislative session requires updates to the County Resource Management Plan.
3. The updates required by the state are for, land access, critical minerals, rare earth elements, renewable energy, utility corridors and pipelines and infrastructure.
4. Approximately 70 percent of Wasatch County is public lands.
5. It is the intent of the County through the CRMP to enhance the collaborative working relationship with state and federal agencies.
6. The General Plan is intended to be a fluid document that is updated as goals are accomplished and as preferences and needs change over time.

Doug Smith also indicated that Wasatch County has a public lands meeting every month with the Bureau of Land Management, Forest Service and state agencies to keep abreast of what is taking place with public lands and federal lands.

Public Comment

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

Councilwoman Marilyn Crittenden made a motion that we approve Ordinance 22-17 regarding the updates to the CRMP (County Resource Management Plan.) Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

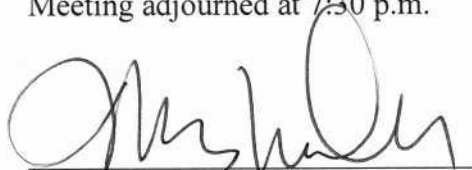
ADJOURNMENT

Councilwoman Marilyn Crittenden made a motion to adjourn. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 7:30 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/ CLERK/AUDITOR

