

**MINUTES OF THE
WASATCH COUNCIL
DECEMBER 21 , 2022**

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

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

EXCUSED: Councilwoman Marilyn Crittenden
Councilman Steve Farrell

STAFF: Eric Rowland, Incoming Wasatch County Councilman
Luke Searle, Incoming Wasatch County Councilman
Karl McMillan, Incoming Wasatch County Councilman
Heber Lefgren, Assistant County Manager
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner
Rick Tatton, Court Reporter via Zoom
Joey Granger, Wasatch County Clerk/Auditor
Wendy McKnight, from the Clerk's Office.
Shelby Thurgood, Assistant Wasatch County Attorney
Mike Davis, the MIDA Coordinator
Jon Woodard, the Assistant Wasatch County Attorney
Dustin Grabau, Wasatch County Manager
Natalie Foster, Secretary to the Wasatch County Manager
Todd Griffin, Wasatch County Assessor

PRAYER: Councilman Kendall Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Jeff Wade and repeated by everyone.

Vice Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday, December 21, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present except Councilwoman Marilyn Crittenden and Councilman Steve Farrell who are excused. Chair Mark Nelson is present via Zoom. The record should further reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County

Administration Building located at 25 North Main, Heber City, Utah 84032.

Vice Chair Spencer Park 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.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

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

Councilman Jeff Wade made a motion to leave our regular session and go into SSA#1. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

SSA#1
CONSIDERATION OF ADOPTING COUNTY WIDE POLICIES BY SSA#1

Board Member Kendall Crittenden made a motion to adopt county wide policies that would apply to SSA#1. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park
AYE: Chair Mark Nelson via zoom
AYE: Kendall Crittenden
AYE: Jeff Wade.
AYE: Danny Goode

NAY: None.

Board Member Danny Goode made a motion to leave SSA#1 and go back into regular session. Board Member Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Board Vice Chair Spencer Park
AYE: Board Member Mark Nelson via zoom.
AYE: Board Member Kendall Crittenden
AYE: Board Member Jeff Wade
AYE: Board Member Danny Goode

NAY: None.

APPROVAL OF THE MINUTES FOR DECEMBER 14, 2022

Councilman Kendall Crittenden made a motion to approve the minutes for December 14, 2022 as written. Chair Mark Nelson via zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

COUNCIL

APPROVAL OF BOE RECOMMENDATIONS AND ADJUSTMENTS

Joey Granger, the Wasatch County Clerk/Auditor addressed the Wasatch County Council and indicated that she had 181 appeals and 124 of them were recommendations for changes through hearings and 45 were recommended to be denied because lack of evidence or evidence with not sufficient to support the taxpayer's claim. 12 stipulations with changes and that makes 181 that have recommendations for changes today. That leaves us with a total of 244 left to go. If these ones are approved then we have made it through 836 and have 250 that were duplicates. 142 of those are actually with the assessor office right now waiting for them to get their stuff together and 102 are ready for scheduling. We have a hearing officer for the last three Thursday and Fridays of January and a goal is to have everything finished by the end of January. There is one assessor adjustment and it is an error just like we did last time and adding them on to make sure that we are following the process correctly. We still aren't above one and a half percent even yet on our total market value change. A lot of the stipulations aren't even considered by the assessor's office unless there has already been a major change in the area and using those recommendations one to make the process easier and two if we know there was an error or something that has already been considered and that helps the process as well.

Bill Quapp, Wasatch County resident, presented some picture showing his property and others. There is a state statute that says the property assessments need to be adjusted equally around the county until the county assessor is able to evaluate and equalize all the assessed values of comparable properties. We are not in compliance with the State Law. One of my properties has not been approved for the requested equity adjustment. The County is not in compliance and I believe this will end up if my appeal is rejected today that it is just going to cause more challenges for the County Council and the Assessor's Office in going forward.

Councilman Kendall Crittenden made a motion that we approve the Board of Equalization recommendations and adjustments that have been presented. Chair Mark Nelson via zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION RESOLUTION #22-20 ADOPTING THE 2023 MEETING SCHEDULE.

Councilman Danny Goode made a motion that we approve Resolution 22-20 adopting the 2023 meeting schedule as presented. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Chair Mark Nelson via zoom.
AYE: Kendall Crittenden
AYE: Jeff Wade
AYE: Danny Goode**

NAY: None.

DISCUSSION/CONSIDERATION OF ORDINANCE 22-24 AMENDING WASATCH COUNTY CODE TITLE 8 ANIMAL CONTROL.

Councilman Kendall Crittenden indicated that in the September 26, 2022 the Heber Valley Animal Services Board meeting we talked about some of the issues they are having at the animal shelter. They wanted to update their policies regarding two issues. One of them was community cat program, feral cat impoundment disposition and another one was leaving animals in vehicles on hot days, etc.

Shelby Thurgood, the assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that there are some changes in the definition to update and match the state code. The main new portion is in 8.03.11. Basically, it adds a provision to the animal cruelty section that if an animal is left in a confined space or vehicle and the interior is hotter than ninety degrees and they are in there longer than ten minutes and there are indications of animal in distress. It gives enforcement officers the ability to remove the animal and take them to a shelter and also to have any needed medical care conducted for the animal. It makes clear that the owner of the animal is responsible for all costs and expenses related to removing, rescuing and treating the animal and makes it clear that enforcement officers will have no liability as they remove, rescue and treat the animal. The second main addition that in our cat section 8.04.02 I added an exception for the community.

The cat community program essentially is that our animal shelter has too many cats and is too full. The shelter wants us to enact this ordinance which allows cats that are healthy and have been spayed, neutered and vaccinated to release back into the community where they were picked up at and this only applies to cats that have been evaluated that they pose no health or safety to the community. Those are the main changes.

Also Midway passed the community health program portion and tabled the hot care animal cruelty portion. The version is different than what was presented to Midway City and more conditions

were added. Councilman Kendall Crittenden indicated that as of October 1, 2022 Heber Valley Animal Services are no longer accepting owner surrendered cats.

Mike Davis, Wasatch County resident, indicated that he has a dog in a contained dog run and it gets over ninety degrees outside will that be a problem. Also people come down by my property and they dump cats out on my street. Shelby Thurgood indicated that she will look into that for the second reading with regard to containment.

Councilman Kendall Crittenden made a motion that this is the first reading and set the second reading for January 18, 2023. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WASATCH COUNTY AND JURISDICTIONS AND SUMMIT COUNTY AND JURISDICTIONS CREATING AN INTERLOCAL ENTITY KNOWN AS THE WASATCH BACK RURAL PLANNING ORGANIZATION.

Councilman Kendall Crittenden indicated that we have been working probably for several months. We have had a local RPO for quite a while in talking about transportation issues in Wasatch County. It evolved into a joint agreement which gives us a little more strength if we are asking UDOT for certain situations and what not to have a collective opinion on different things. This is the first draft presented for passage if we chose to pass it. There are a lot of entities that are included which are listed on the front page. We need to work with Summit County to have a common transportation plan where it makes sense. Shelby Thurgood, the Assistant Wasatch County Attorney, indicated that the County Attorney's Office hasn't had a chance to look at this particular document.

Councilman Jeff Wade made a motion that we continue this to the January 4, 2023 Wasatch County Council meeting. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Danny Goode**

**AYE: Chair Mark Nelson via zoom.
AYE: Vice Chair Spencer Park**

NAY: None.

CONSIDERATION OF THE 2023 HOLIDAY SCHEDULE RESOLUTION #22-21

Councilman Danny Goode made a motion that we accept the Resolution #22-21 for the 2023 Holiday Schedule as presented. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Chair Mark Nelson via zoom.
AYE: Vice Chair Spencer Park**

NAY: None.

DISCUSSION/CONSIDERATION ON AMENDING THE 2022 BUDGET

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that throughout the year there have been a couple of financial decisions that the Council has made that were not included in the 2020 adopted budget. Those programs or those initiatives have been approved but as we are approaching the year end it has come time for us to be able to amend the 2022 budget to incorporate the expenditures of those items and this does require a public hearing which we will have at 6:00 p.m. this evening. The main thing we are adjusting the budgets in the amount of about \$8.2 million. The majority of the adjustment is moving funds from the General Fund into our CIP fund in order to mature that fund balance remains below the 65% threshold. Other changes \$70,000 towards the trail improvement project funded through the MIDA fund, \$302,000 in the ARPA Fund to pay for one time startup costs associated with the Hi Valley Transit Partnership. \$652,000 for the newly created transportation fund to pay for the public transportation service associated with the partnership of the Hi Valley Transit District. About \$11,000 in the jail commissary fund due to the rise of costs of goods that are sold within the commissary. \$1.8 million in the transit room tax to pay for the cowboy village park project. \$350,000 in the fleet replacement fund for the purchase of vehicles that were budgeted and ordered in 2020 and 2021 not delivered and invoiced until this year. Then \$7,000 in the sales tax bond fund so that can be closed out. We are asking your approval to amend those budgets within those funds. This matter will be continued on until the 6:00 p.m. agenda.

CONSIDERATION OF AMENDED RESOLUTION 22-16 ENACTING THE IMPOSITION OF A LOCAL SALES AND USE TAX FOR THE PURPOSE OF FUNDING RECREATION, TRAILS AND OTHER FACILITIES.

Shelby Thurgood, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that the only two changes other than to adopt an ordinance directing the disbursement of revenue collected by the imposition of this tax pursuant to Utah Code sections 59-12-703 as amended, 59-12-704 as amended, and all other applicable sections of the Utah Code, as amended, and as agreed to in any applicable Inter local agreement as amended. And the effective date of the tax shall be April 1, 2023 instead of January 1, 2023. In January we will have to go through the ordinance process.

Councilman Jeff Wade indicated that the businesses should be notified in some manner in paying the money collected by this tax so that the businesses don't get behind. The State of Utah doesn't do a very good job of informing them to pay this sales tax needs to go up. Possibly handle this with business licenses.

Councilman Danny Goode made a motion to accept the amended resolution 22-16 with the amendments as has been presented by our attorney. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson via zoom.

AYE: Vice Chair Spencer Park

AYE: Danny Goode

AYE: Jeff Wade

AYE: Kendall Crittenden

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and presented a slide presentation made by Extell showing the progress that is being made in their development. Chair Mark Nelson asked Mike Davis how he feels and sums up the year as far as the general progress and working with MIDA because you had a lot of different moving pieces and responsibilities and just wondered how you would sum up the year. How is it working? Mike Davis replied that it is working fairly well and from a reality versus a projected standpoint I think it is pretty close as to what everybody projected would be coming on line and building and permitting and so forth. The valuations are a little bit higher so we are seeing an acceleration of payments back to Wasatch County and those types of things and collections on their one percent and those types of things are probably a little accelerated as well. I wasn't sure that they would get as much construction in as they have. Everybody is working well together such as MIDA, Wasatch County and Extell.

Everything that has become a concern has been worked out which is good news.

COUNCIL/BOARD REPORTS

Councilman Danny Goode indicated that he has enjoyed being a Wasatch County Councilman and thanked everybody for his support while he was serving in that capacity and he indicated that he wants everybody to remember this who can hear me. Remember every day you are smart, you are strong, you are kind, you are beautiful, you love everyone and you sometimes make mistakes and you get better every day. You all made today a wonderful day, thank you.

Councilman Jeff Wade thanked everybody for the support that you have shown me while serving on the Wasatch County Council. It has been a learning curve to begin with and I've learned a lot and the most that I have learned is there is a lot of people in this County that work for this County that love doing what they are doing and try their hardest that they can to make this a better place. To me that is everything. I don't think you could find a better place to live than here and lot of it is the people that is in this valley. Thank you.

Councilman Kendall Crittenden indicated that this is important and it has to do with the Heber Valley Airport in keeping as a B-11 Airport. There has been a request from Heber City to Wasatch County for the County to help fund that study and what it would cost to maintain a B-11. We asked Heber City to come to the Wasatch County Council and make a presentation in that regard. It was brought to my attention that the study has been done and also a survey has been done and it looks like somebody has done these things on their own and not with the knowledge of Heber City that it has been done. Also I have sent every one of the Council, also the new Councilman that will be sworn in, so that they have an opportunity to look at that study. With the first of the New Year, the Council needs to take a very serious look on what we want to do. The study was done by Inter VISTAS and whether that was done by T.O. Engineering who contracted them I don't know.

Mike Davis indicated that he participated in the survey which came by e-mail as a citizen of Wasatch County and wasn't very impressed with how the survey was written and how the survey questions were asked. Councilman Kendall Crittenden indicated that a flight time line which has just now been released. There is a public open house regarding this on January 9, 2023 and the Airport Layout Plan with the new plan will be presented. There are some important things that the Council need to take a look at the first of the year to decided what as a County want to do going forward with this.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING MEMBERS TO THE BOARD OF HEALTH

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and

indicated that as of the end of December two seats of the Board of Health will have expired terms. We have received three applications for these two seats including two applications for reappointment in working with the Health Director, it is recommend that Dr. Neal Burton and Britt Manning be reappointed to the Board of Health.

Councilman Danny Goode made a motion to reappoint Dr. Neal Burton and Britt Manning to the Wasatch County Board of Health. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Chair Mark Nelson via zoom.
AYE: Jeff Wade
AYE; Kendall Crittenden
AYE: Danny Goode**

NAY: None.

SCHEDULING OF THE NEWLY ELECTED OFFICIALS OF WASATCH COUNTY AND THE NEWLY ELECTED COUNTY COUNCIL MEMBERS.

Dustin Grabau indicated that is intended to be the first Monday in January, January 3, 2023. That will be done in the Council Chambers. Also pictures will be taken there also to be put on the County website. That will take place on noon on January 3, 2023. We will also notice it as a meeting of the County Council.

Councilman Danny Goode made a motion to leave our regular scheduled agenda and go into Closed Session. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE; Vice Chair Spencer Park
AYE: Chair Mark Nelson via zoom.
AYE: Kendall Crittenden
AYE: Danny Goode
AYE: Jeff Wade**

NAY: None.

Councilman Kendall Crittenden made a motion to come out of Closed Session and go back into regularly scheduled agenda and go into recess until 6:00 p.m. for the public hearings to take place. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Chair Mark Nelson

AYE: Danny Goode

AYE: Jeff Wade

AYE: Kendall Crittenden

NAY: None.

The record should show that the Wasatch County Council is again in session and the time is 6:00 p.m. when the public hearings are scheduled to take place. Also indicated that Councilman Steve Farrell, Councilwoman Marilyn Crittenden and Councilman Danny Goode are excused.

**PUBLIC HEARING
DECEMBER 21, 2022**

BRITTANY RASHAK, REPRESENTING NATE LAMB, REQUESTS A PLAT AMENDMENT TO DEER CREEK AT TIMBER LAKES PLAT 22 IN ORDER TO AMEND/RELOCATE A PORTION OF PRIVATE STREET RIGHT-OF-WAY CURRENTLY EXISTING ON LOT 5 LOCATED AT 10555 EAST DEER CREEK DRIVE IN THE MOUNTAIN M ZONE.

Staff:

Austin Corry, Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that the applicant is seeking to relocate the platted Deer Creek Drive cul-de-sac bulb downwards by 33 feet to create more buildable land for a septic system and a single family home on Lot No. 5. Deer Creek Drive, which was originally platted as Short Cut Drive is a private road owned and maintained by the Timber Lakes Property Owners Association. The applicant was able to obtain an HOA approval letter to alter the platted turnaround on Lot No. 5. Lot No. 5 has some geographic limitations including steep slopes at or over 30 percent and Spring Creek running through the rear of the property. Wasatch County Code does not permit any structures to be built on slopes at or over 30 percent and does not allow any structure within the 50 feet setback from streams high-water mark. The applicant's proposed home is located within the line of construction and complies with Wasatch County Development Standards. If the request is not granted, the applicant will not be able to have a legal septic system and build the proposed single-family home due to the limit of construction line stated on the plat and the 30 foot front setback standards. Since the request involves the

alteration of a platted right-of-way, the County Council is the land use authority on this application. To alter a street, or a portion of a street, Utah Code 17-27a-609.5 requires the County to hold a public hearing and determine whether (a) good cause exists for the road vacation/alteration, and (b) the public interest or any person will be materially injured by the road vacation/alteration. Utah Code 17-27a-207 requires the County to give at least 10 days of noticing prior to the hearing by sending letters to neighboring property owners within 500 feet, posting noticing signs on the property near the right-of-way, and publishing on the Utah Public notice website. As of the time of this report, no objections have been received in response to the notices sent or signs posted on the property.

Austin Corry then went through some key issues to consider.

1. Lot No. 5 is 5.06 acres.
2. The lot is in Deer Creek at Timber Lakes, a legal nonconforming subdivision.
3. The proposal is to relocate a portion of the road to have more buildable area.
4. The platted cul-de-sac bulb was not fully constructed.
5. The lot has non-buildable constraints that limit the buildable area.
6. Deer Creek Drive is a private road owned by the subdivision.
7. The HOA has issued a letter of approval to relocate a portion of the cul-de-sac downwards by 33 feet.

Austin Corry then went through the DRC comments:

SURVEYOR comments:

- The distance shown in the lower left corner of the plat does not mirror the recorded plat. If measured and plat distance are different, please indicate so on the plat.

Austin Corry then went through the proposed findings.

1. The request is to relocate the platted Deer Creek Drive cul-de-sac bulb downward by 33 feet.
2. The property is in the Mountain Zone.
3. The subject lot is in Deer Creek at Timber Lake Subdivision.
4. Deer Creek at Timber Lake's is a legal nonconforming lot established in 2007.
5. Deer Creek Drive was labeled on the original subdivision plat as Short Cut Drive.
6. Deer Creek Drive is owned and maintained by the Timber Lakes Property Owners Association.
7. The platted cul-de-sac bulb was not constructed and instead was built as a through road.
8. The HOA has issued an approval letter for the partial cul-de-sac bulb relocation.
9. The subject lot has slopes over 30 percent in the rear of the lot.
10. Lot No. 5 has Spring Creek running through the rear property.
11. The applicant is required to build within the line of construction.
12. The lot is not exempt from meeting the other applicable development standards, including the 30 percent plus non-buildable slopes regulation and the 50 foot building setback from creek's high-water mark standard.
13. Without the amendment, the owner will not be able to have a legal septic system and construct

their proposed single-family home.

14. Good cause for the partial right-of-way cul-de-sac bulb relocation exists because it is resolving an existing issue and utilizes best planning practices.

15. Utah Code 17-27a-609.5 allows the County, by plat or ordinance, to vacate/alter a street if certain findings can be met.

16. Utah Code 17-27a-207 requires a 10-day noticing prior to the public hearing to relocate the private right-of-way.

17. This proposed revision conforms to the Wasatch County development standards.

18. The Development Review Committee has reviewed the project and provided a favorable recommendation.

19. No objections have been received in response to the notices sent or signs posted on the property.

20. No objections have been received in response to the notices sent or signs posted on the property

Austin Corry then went through the proposed conditions.

1. Before the Mylar is signed, the applicant shall submit a letter from pertinent utilities stating that they are aware of and approve of the adjustment the public utility easement along the side where the partial right-of-way alteration is located.

2. The newly located cul-de-sac bulb shall be bonded and constructed with HOA approval.

3. The applicant shall correct the plat scale to the satisfaction of the Surveyor's office.

Applicant:

No one appeared for the applicant.

Council Comments:

The Council had no comments to be made

Public Comment:

Vice Chair Spencer Park opened the public hearing for public comment and there was none so the public comment period was closed.

Motion:

Councilman Kendall Crittenden made a motion to approve the Deer Creek at Timber Lakes Plat 22, Plat Amendment/Street Vacate in light of the findings and subject to the conditions as presented by the Planning Staff and the Planning Commission. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Chair Mark Nelson

AYE: Kendall Crittenden
AYE: Jeff Wade

NAY: None.

PUBLIC HEARING
DECEMBER 21, 2022

BARXBAR REQUESTS PRELIMINARY APPROVAL FOR STRAWBERRY COVE, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 87 LOTS ON 180 ACRES LOCATED IN SECTIONS 6 AND 7, TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE PRESERVATION P-160 ZONE.

Staff:

Austin Corry, Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that this request is for preliminary approval of 87 lots on 180 acres and will be known as Strawberry Cove. This will be a seasonal development that will only have snowmobile access in the winter months. The applicant only has water for 87 lots currently, which is what they are applying for with this application. In the event that additional water is obtained they will need to go through a revised preliminary approval for the additional lots. Including the 87 lots with the approval the density total for all three phases will be 252 lots, 48 less than what the original agreement anticipated. This subdivision has been reviewed by County staff using the 1979 Wasatch County Development Code with the exception of some safety issues that do not carry the same vesting rights as land use criteria would.

The new phase of development will require expansion of the existing infrastructure systems for water, sewer, and roads as further noted in the analysis. These improvements are necessary to address health, safety, and welfare requirements for the expanding development. The developer has also agreed to deed a parcel about five acres in size to the County that could be used for the site of a future fire station.

All lots in Strawberry Cove are required to be at least one acre in size. The front setbacks for all structures will be 60 feet from the centerline of the road, 30foot rear setbacks and 12 foot wide setbacks. Corner lots in the subdivision are required to have 60 foot setbacks from the center lines of both streets.

There is no low income housing requirement for this development because there were no requirements for affordable housing when the development agreement was approved and because of the recreational nature of the development.

The existing road network will also be expanded to cover current safety issues. The applicant is intending that all roads within this phase of the development are private gravel roads and will be

maintained by the Homeowner's Association. Also no trails have been planned in the development. Also there are a number of natural drainages that pass through the site that need to be properly mitigated to ensure safety for the home sites being proposed. Applicant must demonstrate compliance with all recommendations. Thirty percent slopes are considered unbuildable.

At such time as the applicant decided to create a common area amenity, it is required to go through the site plan process and, if not already, be included in a subdivision plat to create a parcel of common area where the parking site would be located.

The developer proposes to construct a new 250,000 gallon water tank that will supplement the existing 300,000 gallon tank that currently supplied water to the area. The new tank will provide additional storage and fire flow to the subdivisions. Also an expanded sewer system will be constructed to handle the expansion for the 87 lots.

With regard to heights the structures in the RF-1 are limited to 20 feet measured from the existing natural grade prior to construction activities. For commercial parking, that has not gone through any kind of an approval process. Also conex boxes in storage facilities are not allowed through the Land Use Ordinance there. Also any zoning violations need to be corrected before much else can occur.

The project included three specific phases. You have got Strawberry Lake Estates, Strawberry Lakeview and then what is now in front of you as Strawberry Cove. There are six hundred left that needs to be donated to the Forest Service. They are planning to do sub phases of Strawberry Cove. They only have enough water for 87 lots on the project right now. There is a commercial parking lot that was being operated outside of the boundaries of what is proposed as the Strawberry Cove Subdivision but within that overall project area. There was some actions taken and stopped the commercial operation of that but we were then notified then they have been parking snowmobile trailers and a conex box. There was a misunderstanding of something they could potentially do but they didn't come through and process to get a formal approval for that. We would have a site plan process and what they are looking to operate as is an HOA amenity for that overall development. The main issue with this is that they have not gone through the County processes to get that approved and that is where we would identify how the code to allow certain things and what would be allowed there and to make sure that they are complying there. The Planning Commission as forwarded this on to you with a vote of six to one. The one no vote was primarily the individual thought there were too many unresolved issues to really move forward.

Austin Corry then went through key issues to consider.

1. The project was originally approved under the Recreation Forestry 1 RF-1 zone.
2. The project has a density determination agreement for 300 lots total 135 remain.
3. The project is for recreation cabins and open space, not permanent residency.
4. The project is required to make open space donations in connection with the density allowed.
5. Roads and access to the project are allowed to be gravel surface, but still subject to updated fire standards and must be maintained by the HOA.

6. A zoning violation has been identified on nearby property.

Austin Corry then went through the DRC comments which are made a part of the record. There are a number of comments that are in there and a couple of things that were raised by the engineering department primarily related to the drainage plans that were submitted with the project. Where they are showing potential future lots there are areas where there could be potential conflicts with the designing of their drainage. Just to be clear we want to make sure that there is not a thought that there could be a variance given or something like that because of storm drainage infrastructure being put in for these phases if they are not able to then bump up and get to that 135 lots total because they are placing their storm water facilities that we as a County could not consider as a hardship that would qualify for a variance. It is obviously self-imposed and they are very aware where they are putting those facilities.

Austin Corry then went through the proposed findings.

1. The subject property is 180 acres of an overall 1,300 acre development originally approved under the Recreation Forestry 1 RF-1 Zone.
2. The overall development received a Density Determination Agreement in July 1985 under the provisions of Wasatch County Code 9-3 Planned Recreation Development 1979.
3. The subject property is now zoned Preservation P-160.
4. The subject property has potential for 135 lots under the vesting of the Density Determination Agreement, but the applicant is seeking approval for 87 lots at this time due to water constraints. If additional water becomes available, the applicant will need to seek a revised preliminary approval and verify no other constraints preclude the ability to increase density above the 87 included in this proposal.
5. All 87 lots comply with the Planned Recreation Development standards of the 1979 Wasatch County Code.
6. Roads in the project are required to be private and maintained by the HOA.
7. The proposed drainage plans have potential conflicts with future development areas as shown by the applicant.
8. Future development lots are not reviewed as part of this approval process and proceeding with the 87 lot approval is at the risk of the applicant.
9. The Developer has stated they will deed roughly five acres to the Fire District as part of the project although the site has not been identified at this time.
10. The Developer has constructed a secondary access road from Highway 40 to the Strawberry Lakeview development.
11. Approximately 600 acres of ground remains to be donated to the Forest Service as Sage Grouse habitat prior to application for final approval.
12. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the intent of the density bonus and other aspects of the Wasatch County Code.
13. A zoning violation of an unauthorized parking area has been identified on the overall project site, potentially in an area required for Forest Service donation.
14. The applicant has made no request for site plan or subdivision approvals to create an HOA common area that could serve as a parking facility for residents of the development.

15. Common areas and ancillary development amenities are required to be within the subdivision and cannot be located in off-site locations.

16. This Development Review Committee has reviewed the project and forwarded the item for consideration by the Land Use Authority.

Austin Corry then went through the proposed conditions:

1. All issues raised by the DRC, as noted in the DRC report, shall be resolved to the satisfaction of the applicable review department prior to final approvals.

2. There will need to be a development agreement recorded previous to or concurrently with the approval for the first final subdivision plat that will include memorialization of things such as, but not limited to, maintenance agreements, finalized forest service land donation, Fire District land donation, water and sewer servicing requirements, and phasing and improvement timing as related to building permit issuance.

3. The forest service land donation must be completed in accordance with the density determination agreement prior to application for final approval. A location for the downstairs for all the phases of development must be agreed upon by the developer and the county before final approval. They have locations and plans by the way. It is just that final approval and each stage of final approval need to be finalized. Determination of when the deeding of the five acre parcel by the developers need to be determined. Planning Staff recommends that it happens either with final approval or with the recording of the first plat. It must comply with the conditions listed in the water development action report. The roads in the development need to be maintained by the HOA and need to be ten feet on all sides. Establishment of drainage ponds in the project area are at the discretion of the applicant and do not constitute a hardship that would permit a variance if the applicant cannot achieve the lot layouts not being reviewed by this proposal. The drainage report shows that they were creating some conflicts with where they are showing potentially future lots. We are just making it clear that doesn't justify a variance to come in and violate the County codes. The applicant should be aware of where those are and how they would lay out. The final plat shall include a note regarding the twenty foot building height limits and identify any areas where fill may exist after construction of further plans submitted by the applicant. A completed physical constraints analysis needs to accompany the final plans and twelve all zoning violations within the project area shall be

4. A location for the dumpsters for all the phases of the development must be agreed upon by the developer and the County before final approval.

5. Determination of when the deeding of the five acre parcel from the developer to the Fire District will need to be determined. Planning Staff recommends that it happen either with final approval, or previous to the recording of the first plat.

6. Must comply with the conditions listed on the Water Development Action report.

7. All roads in the development must be maintained by the HOA.

8. PUEs on the plat be increased to ten feet on all sides.

9. The establishment of drainage ponds in the project are at the discretion of the applicant and do not constitute a hardship that would permit a variance. If the applicant cannot achieve the lot layouts not being reviewed by this proposal. What I am referring to there like I mentioned that a number of comments in the drainage report showed that they were creating come conflicts with

where they are showing potentially future lots and just making it clear that doesn't justify a variance to come in and violate the county code. The applicant should be aware of where those are and how they would lay out things that they pursue.

10. The final plat shall include a note regarding the 20 foot building height limits and identify any areas where fill may exist after construction of the subdivision per the plans submitted by the applicant.

11. A completed physical constraints analysis will need to accompany final plans to ensure compliance with Wasatch County Code 16.27.25.

12. All zoning violations within the project area shall be immediately ceased by the applicant. No parking or HOA amenity areas will be permitted and no final subdivision applications for additional development will be accepted until the property owner has applied for and been approved for such activities within the boundaries of a platted subdivision development.

Don Mecham, the applicant, addressed the Wasatch County Planning Commission and indicated that this plat has previously fully approved in 2018, the preliminary plat. There is a remaining 262 acres to be donated. Had a really good meeting with the Forest Service and the State of Utah on conservation districts. I want this property conserved. The homeowners association has taken care of the property in a great way. The parking lot is kind of a good and bad thing and that has been inherited. The forest service doesn't want the liability of the parking issue, nor do we, nor does the County. There has been a nonconforming use with regards to that parking lot. It is not handled as a commercial area because we couldn't charge for that. We will work through how to keep the public safe. I would ask that you as a Commission move us forward with this preliminary. When you next see us we will have worked out a solution for the parking. I am totally aware of the obstacles and work toward solving them before final.

Don Mecham went through the findings and conditions and indicated the things that they are doing to comply with the findings and the conditions and also agree with the conditions and findings that need to be corrected. Also one of the big things is the parking area which needs to be worked out so that is legal. People also are so willing to help with things to make this living area much better. The Council will need to help us out with this problem. We don't want to be held up on the final plan when we have already complied with the forest service. The five acre deeded property we will work that out and you are welcome any time to come and walk the area. Also we can work out the twenty feet high for the cabins or homes. Zoning violations will be discontinued by the applicant. I would humbly ask for approval of the preliminary so we can get to work on the last details and get all of this behind us.

Public Comment:

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

Joe Thomas, resident of Spanish Fork and owner of a cabin there, addressed the Wasatch County Planning Commission and indicated that he manages that parking lot up there right now. There is no security there on the parking area. There has been many thefts up there. The HOA has given us money to put the light over the gate and put the electronic readers so anybody going in or out we

will know. We have put in cameras and have got volunteers, twelve watchers that watch those cameras. We have no problems this year because of the light and the cameras there. This has gone on for over 45 years and let's get it done now so please push this forward. Doug Smith, the Wasatch County Planner, indicated that we really need to work this issue out. Joe Thomas indicated that people who own property in that area really want to help in solving the parking problems and are willing to do anything to fix that. We need to get a fire station up there because we need safety up there.

Wes Pierce, used to work for the Division of Wildlife Resources, our biggest concern is public parking and access to that parking lot. We have had it for so long but if we can't work with the developer and everybody and we need to have a new parking lot somewhere. That is what we would like to see happen.

Vice Chair Spencer Park then closed the public comment.

Staff Comments:

Austin Corry indicated to have it not be like a public trail head type of thing they would have to go through the process to make it an HOA amenities so they can control it or otherwise it would need to be rezoned like a highway commercial. We will not be able to take care of this parking area and reach a conclusion this evening. Can the Council approve the preliminary subject to the condition that the staff work through some of these issues with the property owners?

Jon Woodard, the Assistant Wasatch County Attorney, indicated that he always worries about shifting the burden over to staff because that creates a whole bunch of liabilities for the County that I would rather not have. My experience with staff though is that they are trying to figure out solutions. It is possible a solution here is even considering the historical contacts of this that there be an ordinance addressing this specific issue. I would prefer to keep the conditions in place as they are in that respect but I think the staff is hearing. It is our standard procedures as were moving from preliminary to a final level to try and work through these issues and that can happen in various ways. Having the condition there is a place holder that makes sure that the applicant understands that these issues can be worked through then they can move forward with an approval. I think that is important.

Austin Corry indicated that this is just a process question and I think it is what you mentioned Council Member Jeff Wade so there is the Forest Service does own an easement over some of that property. There are certain agreements that you need to work through with the Forest Service in order to provide those options. We have a way for the County to make determinations and ensure that something complies with code so there is a secured approval on something. Ours would be the site plan approval process and then platting it as common area and how it jives with code I don't know because we haven't been able to review it against that yet but that is what we would want and think would generally use as a process to work through what are the details of this and is there public parking or is there private parking and how is it working. Just getting the clear understanding of what does the County allow them to do and what is the Forest Service okay with

or not okay with. Public parking is allowed and when it started to be commercial and were charging people pay to park there that moves it into a violation.

Councilman Jeff Wade indicated that he would like to see public parking there. Jon Woodard indicated that one of the things that I have seen as so difficult in the past when we are trying to address the differences between an historic code and the current code is so when the developers want to get all the benefits of the old code and get the new code modified so they get more benefits. That gives them more than they ever could have gotten under any code. I suspect these are unique circumstances in this case and I suspect there is a way forward that we could move forward with but I don't think that has been looked at to make any decision to be made or even recommended tonight.

Jon Woodard was thinking about the height and I trust Austin is very good at reviewing the code. It is also such a strange thing where so many of these houses have been developed that are higher than that and so I wonder if that condition could be modified to say height is in accordance with the applicable code so that we could see if we could figure out a way forward on that that might be in conformity with how those once were done. The other things we can do a variance we have to figure out a legal way forward.

The other thing that Jon Woodard was thinking about is this property that is supposed to be donated to the Forest Service and I hear they don't want it but I think that would be the best case scenario if they took it but I think if the Forest Service doesn't want it there is still public benefits that could be realized in how we handle that property. My thought would be if the Forest Service won't take it to get a conservation easement on by a third party if we could do that maybe we could do something like we have done in other developments where there is a public trail system in there and an open space easement in favor of the County that prevents future development on it but the fee title to the property remains with the HOA and the maintenance responsibilities remain with the HOA. I don't know if that is something that would be possible but it seems like there would be a lot of benefit to keeping that property open and allowing for some public use of it.

The other thing I wanted to bring up is regards to the parking lot. Jon Woodard agrees with how Austin has put together that condition. We can't waive enforcement. The other side of it is the County's practice is if we are working in good faith towards a resolution to a problem we don't jump in and start taking enforcement actions by fines or other remedies so I think as long the developer is working with the County toward the resolution of those issues with regard to parking lot in good faith I don't see jumping in and shutting it down. The other side of that if it is sooner or later and we haven't seen any progress in trying to resolve this and we receive complaints from neighbors that is where I think potentially we would be derelict in our duty if we started working towards an enforcement action.

Austin Corry indicated that the parking lot is a big issue but just so the Council remembers the application that is in front of you is for preliminary approval of Strawberry Cove and so you are not considering any plans or approvals on the parking lot. They have got an application process that they have to go through before that. There will need to be some sort of an agreement that the

Council is going to have to be part of.

Council Comments

Vice Chair Spencer Park indicated that there needs to be a provision that this matter comes back to the Council for final. Austin Corry replied the subdivision doesn't include the parking lot so that is why I brought that up. Vice Chair Spencer Park replied that you can't have the subdivision without the parking lot to function. Austin Corry replied there is no application in front of you to bring you to actually make an approval on the parking.

Councilman Kendall Crittenden replied that in the motion it is stated that it comes back. Austin Corry replied that they need to go through the process to get it approved. The developer does want the parking lot there but all we are saying is that we can't move further on this subdivision until they also come in with a parking lot.

Chair Mark Nelson replied that if we approve what is before us as it has been presented with the conditions and findings that are there that still requires this parking problem to be resolved doesn't it. Austin Corry replied that is correct.

Motion:

Chair Mark Nelson via zoom made a motion that we approve Bar X Bar L.L.C.' preliminary approval for Strawberry Cove in light of the findings and subject to the conditions that have been presented tonight. This motion includes Jon Woodard's suggested amendment to that code. Also that it would come back to the Council for final preliminary approval of Strawberry Cove and it has a lot of conditions and findings and that is probably one of them. Doug Smith asked if that is final for the parking area or the subdivision. Chair Mark Nelson indicated what is before us is preliminary approval of Strawberry cove and it has a lot of conditions and findings and that is probably one of them. Dustin Grabau replied if we solve the parking to you want the final on this or would rather to let them proceed with the normal process. Vice Chair Spencer Park indicated that there is enough issues with land donation and everything I don't think it hurts if it comes back to us. Chair Mark Nelson indicated that what has been said is okay to put in my motion. Council Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE; Chair Mark Nelson

AYE: Kendall Crittenden

AYE: Jeff Wade

NAY: None.

**PUBLIC HEARING
DECEMBER 21, 2022**

**CONSIDERATION AND POSSIBLE RECOMMENDATION OF A PROPOSED
AMENDMENT TO WASATCH COUNTY CODE TO UPDATE THE GENERAL
LANDSCAPE STANDARDS PERTAINING TO ALL DEVELOPMENT TYPES AND TO
ALLOW FOR WATER CONSERVATION METHODS TO BE USED.**

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Planning Commission and indicated that earlier this year, the state passed HB282 that restricts the ability of Counties and HOAs from requiring turf areas as part of the landscape requirement. After reviewing our County Code it showed that previous amendments to the landscape ordinance has created ambiguities that do not appear to have been intended. Since general cleanup was needed planning staff has taken the opportunity to review options that would clear up missed references or inconsistent statements to provide better clarity to the ordinance. The purpose of the landscaping standards and requirements shall be to enhance and conserve property values by encouraging pleasant and attractive surroundings that create the necessary atmosphere for the orderly development of a pleasant community. What has been done we took and wrote an encouraging word that we are not against you if you want to eliminate turf and things and the wording in the ordinance has been made clearer.

Austin Corry then went through the proposed findings:

1. Chapter 16.21 of the Wasatch County Code regulates General Landscape Requirements.
2. The current landscape regulations have ambiguities to when and where they apply.
3. The proposed amendment promotes the design, installation and maintenance of landscaping that is both attractive and water efficient.
4. HB282 2022 requires Counties to allow certain practices that help prevent irrigation water from being wasted.
5. The proposed amendment is consistent with the purpose and objectives outlined in Section 16.21.10.

Council Comments:

No Council Comments

Public Comment:

Vice Chair Spencer Park then opened the public hearing up for public comment and there was none so the public comment period was closed.

Motion:

Councilman Jeff Wade made a motion to approve the proposed amendment to Wasatch County Code to update the General Landscape Standards pertaining to all development types and to allow for water conservation methods to be used in light of the findings listed in the staff report. The Ordinance No. Is 22-21. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Chair Mark Nelson via zoom
AYE; Jeff Wade
AYE: Kendall Crittenden**

NAY; None.

**PUBLIC HEARING
DECEMBER 21, 2022**

**PUBLIC HEARING TO CONSIDER BUDGET AMENDMENTS TO THE 2022
GENERAL FUND AND OTHER FUNDS.**

Staff:

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that we discussed these amendments previously in our agenda.

Public Comment:

Vice Chair Spencer Park 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 to approve the budget amendments to the 2022 General Fund and other funds. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson via zoom.
AYE: Vice Chair Spencer Park
AYE: Kendall Crittenden
AYE: Jeff Wade**

NAY: None.

ADJOURNMENT

Councilman Kendall Crittenden made a motion to adjourn. Councilman Jeff Wade seconded the motion and the motion carries with the following vote;

AYE: Chair Mark Nelson via Zoom.

AYE: Vice Chair Spencer Park

AYE: Kendall Crittenden

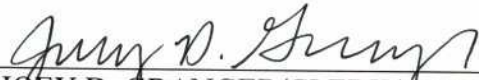
AYE: Jeff Wade

NAY: None.

Meeting adjourned at 9:00 p.m.



SPENCER PARK/VICE CHAIR



JOEY D. GRANGER/CLERK/AUDITOR