

**MINUTES OF THE
WASATCH COUNTY COUNCIL
OCTOBER 18, 2023**

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 Spencer Park
Steve Farrell
Mark Nelson
Karl McMillan
Luke Searle
Kendall Crittenden

EXCUSED: Erik Rowland

Staff: Dustin Grabau, Wasatch County Manager
Jon Woodard, Wasatch County Attorney via Zoom
Austin Corry, Assistant Wasatch County Planner
Wendy McKnight, from the Clerk's Office
Mike Davis, MIDA Coordinator

PRAYER: Steve Farrell

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

THE OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made a part of the record.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Spencer Park asked if there was any legislative issues for future meetings.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park: Kendall has a quick Public Comment then we will move on to further comment.

Kendall Crittenden: I'd like to introduce to the Council the new Heber City Police Chief **Sever**, I meet with him today. Chief Seyvor: I apologies I won't be able to stay for the whole meeting, right now we live at the Jordanelle. A little bit about me I was born in California Hedford in 1997 I started to work police department for 27 years from Office to Chief of Police the last 8 years. I and my family are excited to be

here. My cell # is on my card if you ever fill like there's a citizen that would benefit me talking to them fill free to give that to them as well.

Chair Spencer Park: Is there any other Public Comment on item that's not on the agenda state your name for the record. Danny Goode: I live in Wasatch County, I was on the Council for the last 8 years with some of you. First of all thank you guys on what you have been doing you've done an excellent job. I was really happy with the increase you did with Solid Waite staggering out throughout the year. I know that was difficult, but necessary good job on that one, also with Parks & Re, senior citizens, cowboy facility, rec building to baseball fields. My son and I have been out to the facilities. The thing I wanted to talk about is the first amendments there are three main pillars. One is public and two are private. One is the existence of churches this temple you guys have bent over backwards. I think you have done as much as you can, because you all are a member of the religion, you know I'm not a member of any of the religions, however; for the 1st time I did pray for rain & snow your welcome- the existence of the churches protect our first amendment just by existing, and that's very important another is your public library protect ideas, we have never asked for an increase before. I've been on the board for 10 years, so I hope you would support that. The last pillar in our first amendment in our first amendment in our society something we don't have around here is a Comedy Club that's where people can get up and say very unpopular things and try and do it in a humorous way, they miss a lot, but it's the attempt first amendment right is what they protect, a very popular comedian right now Dave Schappel he said the first amendment is first for a reason and the second amendment is there just in case the first one doesn't work out. As soon as you can please approve the temple moving forward. I think the community will take care of the rest for you and support the Library if you can.

Chair Spencer Park: Any other public comment anyone on line. Dustin Grabau: No hands raised.

Chair Spencer Park: Okay, we will move onto the approval of the October 4, 2023 minutes.

Councilman Steve Farrell: Mr. Chairman I make the motion to approve the October 4, 2023 minutes as been presented. Karl McMillan second that.

Chair Spencer Park: Okay, I have a motion by Steve Farrell and a second by Karl McMillan is there any discussion or amendments, we will go ahead and vote.

AYE: Chair Spencer Park
AYE: Steve Farrell
AYE: Karl McMillan
AYE: Luke Searle
AYE: Mark Nelson
AYE: Kendall Crittenden

NAY: None

Chair Spencer Park: Next item on the agenda is the Council Agenda:

Item # 1 CHRIS GIVENS, REPRESENTING THE KENNETH NILE GIVENS TRUST.

Austin Corry: Okay, Thank you Mr. Chair I'm not sure what all you would want me to present on this one. The Item was continued back in December last year, I thought I would very quickly summarize or remind you what the item was and then open it up for any discussion you might have for me. I think it might be more appropriate to have this item after your public hearing portion where there's farm preservation code amendment that's on the agenda. **Kendall Crittenden:** I was looking at today and was going to make that idea or present that. **Austin Corry:** I'll just go through this if that helps, obviously it's your agenda you let me know what you want me to do, and this is property up in Wallsburg its long and narrow there's two section lines if you want to refer to it that way I guess. There's a section line that runs North and South and a section line that runs east and west. The request that was made to you little less than a year ago. The general plan calls for this to be a preservation area it's in the south hills area, from our general plan planning area. So the reason zone change request was brought to you was so they could pursue a farm preservation subdivision a 3 lot subdivision with those 60 acres. The planning commission forward you a recommendation for approval with a fairly length description of what that recommendation included, and they was saying, they weren't real thrilled with taking RA-5 up the hill side but they was real supportive of specificity ideal that was being presented. Based on the limitations that they had they would recommend approval but because that's the only option they see to move forward as a Council, you discuss that with similar concern raised about the precedence of moving the RA-5 up into unirrigated grounded during the course of the discussion, it was also talked about the possible section lines because that makes sense, as a common delineator discuss could there be a perpetual for amending farm preservation code in a way that wouldn't require a zone the RA-5 approach up the hill side. Staff does have propose code for you on the 6:00 pm agenda so I don't know if you like to wait on making a decision on this one or if you fill like understanding you as a Council have an idea with what you want to do with a particular zone change. I'm happy to answer any questions. **Steve Farrell:** I don't know if I want to wait because we have the Givens and I don't want them to sit here all night, so I'd like to go ahead & handle this now. This is what conjugated code change tonight. **Spencer Park:** The code change doesn't really modify the farm preservation, but it doesn't allow the P1-60 acre to be included in there open space. **Austin Corry:** I want to be careful that we're not stepping on the outside bounds of the public hearing process and obviously there's no decision made on the code amendment proposal. The proposal that is on tonight's agenda was, this application was the cade list for the proposal to be put together in essence what it does it takes right now the farm preservation code is only allowed in RA-1 and RA-5 zones. What the proposal is to allow just the preservation piece to now go into P1-60 zones, in exchange for allowing preservation piece to be utilized some other tweaks the biggest one 10 year sunset clause on the deed restriction would go away.

Councilman Spencer Park made a motion to approve the owner request with the RA-5 extending to the section line, but not any higher. Councilman Mark Nelson second the motion carries with the following votes:

Aye: Chair Spencer Park
Aye: Steve Farrell
Aye: Mark Nelson
Aye: Karl McMillan
Aye: Luke Searle
Aye: Kendall Crittenden

Nay: None

Item #2 Discussion / Approval of appeals for BOE.

Joey Granger: As always we are trying to get through these, we are going to have two more round. The goal is to be done in two sections of hearings. This is our second one that I have for you, the 681 appeals break down of just this round 166 no change which is basically is a denial lack of evidence, or the assessor office wasn't available to validate their original assessment the value change as market value at the end of this we do plan to have a comprehensive break down so we know where we are at have total perceptive percentage. I just want to remind you these are all reviewed by a certified hearing officer.

Councilman Steve Farrell made a motion to approve BOE change so they can get the processing so we can get the tax notices out if we hold this up then it causes problems for the tax payer escrow and everything else. **Joey Granger:** those have actually gone to print so the ones that are in process right now we have let everyone known. **Councilman Spencer Park:** We have a motion not a Second. **Councilman Kendall Crittenden** second. **Spencer Park** any more discussion.

AYE: Mark Nelson
AYE: Steve Farrell
AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

Nay: None

Chair Spencer Park: Tracy did you have a comment?

Tracy Taylor- with Wasatch Tax Payers Association back in June Todd the assessor said some of that information wasn't on each individual parcel, on the web site was taken down, because they didn't want to deal with it, well there still not up. It's very difficult for the tax payers to look up on the website, see what their sq. ft. is, see what their information is when their getting their billing Nov. This was supposed to be put back up a month or two ago. People have the right to see what their Sq. Ft. being charge that effects all the appeals, these appeals talk about. I wish you would a broken system it's not a science how their adjusting some people come in with great information and get denied.

Councilman Luke Searle: Tracy is any other Counties that does it any other way BOE hearing officer,
Tracy Taylor: Talk with the estate that's what their there for.

Item #3 Presentation of the 2023 Wasatch County Criminal Justice Coordinating Council strategic plan

Councilman Kendall Crittenden: As you're aware the state legislators mandated we have coordinating Council that we have a strategic plan to present to the state Nov. 30th we are two months ahead it will be submitted to UAC then we will put it altogether send it to the state.

Item #4: Consideration of County Public Relations contract award

Dustin Grabau: Council we talked about this briefly last week, what I'm looking for today potential a formal approval of the remainder of the physical year using PR Firm \$10,000, \$5,000 for Nov. and \$5,000 for Dec. We also talked about budgeting in 2024 for an in house PI Position and that will be part of our truth and taxation agenda after this. Do you have any questions? **Mark Nelson:** I think we should approve it. **Steve Farrell:** I'll second it **Spencer Park:** I have a motion from Mark and a Second from Steve Any other discussion?

Aye: Mark Nelson
Aye: Steve Farrell
Aye: Spencer Park
Aye: Kendall Crittenden
Aye: Luke Searle
Aye: Karl McMillan

Nay: None

Item #5: A detailed discussion and potential vote regarding Truth-in-Taxation the intent of Wasatch County Library property taxes in 2024.

Heber Lefgren: The purpose of today's Mtg. is to seek Council approval to increase the revenue in 2024 through the property tax increase in the total amount of \$750,000 both between the general fund and the Library fund. **Steve Farrell:** Don't we have to adopt the preliminary budget? **Heber Lefgren:** I don't believe we have to traditionally we have, but you don't have to do that. **Dustin Grabau:** The State code requires we present it to you in November, I think we have had you accept that. **Steve Farrell:** I think we opt to do that. **Kendall Crittenden:** What we look at on the 8th **Steve Farrell:** and on Dec. 6th the motion approve the final budget. **Heber Lefgren:** Last year we presented it and have the public hearing on the same date. **Dustin Grabau:** What your comfortable level is what we are hoping for through this process help you be involved. **Heber Lefgren:** So in preparation for today's meeting staff has done a lot of work in regards bot the library and the general for 2024. This presentation is focused on the general fund, and the second portion is focused on the library fund. The adopted budget now 2023 is \$34,626,370. What we would like to recommend for 2024 tentative budget to \$27,469,931. Council had approved a new policy direction in regarding the wages to where we provide an employee step increase, we are recommending as part of the budget step increase is to designed recognize longevity, but we want to keep but we want to still be completeive we are recommending a 2.5% cola increase effect at the first of the year. We do have an increase in the IT service fees, this is more than normal increase because of two folds in the last couple of years, IT related expenses have juristically increased also last year we subdivided of the IT fund. We had extra funds balance that's why it was lowered last year, and that's why we are bringing it back up. We are recommending as part of the IT budget addition of a position to provide technical support to some of our systems. Doing a study on our vehicle replacement fund separate fund by those department has vehicles and put money into that fund, for the anticipation replacement when the time comes. Our policy is to replace the vehicle when it reaches 85,000 miles **Kendall Crittenden:** Okay, I was thinking 75,000 miles. **Heber Lefgren:** or over 13 years of age **Steve Farrell:** Is the \$181,858 a new addition to that bond **Heber Lefgren:** Correct it's an increase. **Steve Farrell:** So how much is being put into the budget for vehicle replacement. **Heber Lefgren:** In total for next year. **Kendall Crittenden:** That in again broken down by department like the IT. **Heber Lefgren:**

Correct, this represented the contribution of the department in the general fund into the vehicle replacement fund.

Heber Lefgren: Library fund 2023 1.5 million general fund 2.5% cola at the first of the year as well as their step increase based on pay scale.

Councilman Steve Farrell made a motion and Karl McMillan second the motion carries with the following vote:

AYE: Steve Farrell
AYE: Mark Nelson
AYE: Karl McMillan
AYE: Kendall Crittenden
AYE: Spencer Park

NAY: Luke Searle

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated we did meet today with the building department in the MIDA Group quarterly this time line was given to us today from MIDA the newest information they had from the developers. The goal for these seven properties is to break ground between May & June 2024 and they may or may not happen. Lot 18 is 60 town homes a designer hotel and condos, ski services and club building which is the 1.1 million sq. ft. village condos first phase of that day lodge that deer valley's going to build Park Peek, the gondola hotel which is going to be a hotel up by the apartments, and a five star hotel likely the second quarter or early third quarter of next year. So their anticipation MWR hotel was a million and a half on the permit itself. A lot of that goes to reviewing plans inspection those are big numbers. If half this happens or even 30% of this happens it will be a significant contribution to Wasatch County and building, that's all I have.

Councilman Spencer Park: Thank you Mike. Is there anything on the manager report?

Dustin Grabau: We want to talk about scheduling Interlocal meetings next year, We did not schedule one for the fourth quarter this year because it would have been the end of November, what I would like to suggests to shift to the first month of each quarter. So we would schedule next January and the fourth one would be in October.

And secondly Intern Richard this is his last week, Richard has done an excellent job and has filled an exceptional role and provided a lot of service. I think he has worked with you on several projects. I wanted to recognize him and his contributions.

Council Board Reports

Councilman Mark Nelson: The Chambers Gala is on November 28, 2023 if anyone wants to go and wants to buy a table, it will be at the Zermatt.

Councilman Steve Farrell: Heber Valley services meeting last Thursday and the board voted to request the County work with them and, put on a manufacturing protection zone similar to what the Ag

protection zone is on the facilities, it looks like we're going to have developments all around us, so we would ask the planning department work with us on coming up with an ordinance that the County would pass dealing with the manufacture protection zone. **Dustin Grabau:** We will work with the attorney's office

Councilman Luke Searle: Just wanted to let you know there's a clothing drive that's being done by Heber Valley Rotary.

Councilman Spencer Park: Okay, that takes care of Board reports.

**PUBLIC HEARING
OCTOBER 18, 2023**

NATHAN AND ELIZABETH WRIGHT REQUEST THE CREATION OF AN AGRICULTURAL PROTECTION AREA CONSISTING OF 28.19 ACRES OF HAY PROTECTION, LIVESTOCK GRAZING, AND FRUIT ORCHARD ON LOT 1 OF THE ORSON FIELDS SUBDIVISION LOCATED AT 721 WEST 240 NORTH IN THE AGRICULTURE 20 (A-20) ZONE.

Austin Corry: Your all very familiar with Ag protection area, this one is located on the SW corner 2400 N and 600 W Rock Creek runs through the center of it, they have livestock grazing and some hay production, and a small orchard on the side their proposal is, for the entire property to be in Ag protection. So it comes to you with both the Ag advisor board, the planning commission on giving positive recommendation.

Councilman Spencer Park: Opened the hearing up for public comment. **Councilman Spencer Park** closed the public comment and brought it back to the council for action.

Councilman Steve Farrell: made a motion to approve the Ag protection area consisting of 28.19 acres of hay production, livestock grazing and fruit orchard on lot 1 of the Orson Fields Subdivision located at 721 West 2400 North in the Agriculture 20 (A20) zone. **Councilman Kendall Crittenden** second the motion. And the motion carries with the following vote.

Aye: Mark Nelson
Aye: Steve Farrell
Aye: Spencer Park
Aye: Kendall Crittenden
Aye: Luke Searle
Aye: Karl McMillan

Nay: None

Consideration and possible recommendation regarding Ordinance 23-13 amending Wasatch County Code Chapters 14.01 and 14.02 on Building Permit and updates to Title 16 to add a section that requires certificates for building that meet certain criteria

Jon Woodard: This is an Ordinance for Engineering, Building and Planning. This ordinance clarifies that standards of the building code to help applicants better understand the requirements, and help the building officials administer the codes. The language to the actual ordinance list both the current Engineering code and provision of development agreement.

Chair Spencer Park: We will go ahead now and open up to the public hearing.

Rhett Riding: I was in planning commission last Thursday, and everybody understand the process the building department already has in effect a lot of the stuff I'm already having to follow, in the second or third paragraph when it says something about engineering permit, there's already a structure engineer that has stamped it he's responsible for that. Then it goes out to the DRC to be reviewed.

Jon Woodard: What this is referring to is under state guidelines if there is over 1 acre of disturbed area they need to go through and get oversight at the building department tis not prepared to handle so by doing this letting the count take care of it clarifying what we have already been doing for years, when you have a building permit you don't need an engineering permit, unless exceptional circumstances come up.

Chair Spencer Park: We'll close the public hearing and bring it back to Council for action.

Councilman Steve Farrell: Mr. Chairman I'll make a motion to Ordinance 23-13 amending Wasatch County Code Chapter 14.02 and 14.02 on Building Permits and updates to Title 16 to add a section that requires certificates for building that meet certain criteria. **Councilman Karl McMillan** second the motion and the motion carries with the following vote:

Aye: Mark Nelson
Aye: Steve Farrell
Aye: Spencer Park
Aye: Kendal Crittenden
Aye: Luke Searle
Aye: Karl McMillan

Nay: None

Chair Spencer Park: The next thing on the agenda

Consideration and possible recommendation regarding Ordinance 23-14 amending Wasatch County Code 16.05.04 and 16.27 for the purpose of creating the ability for Farm Preservation Subdivision to potentially include P-160 zoned property as part of the required Preservation Parcel and to amend the preservation are required to be determined on the number of lots proposed in a subdivision.

Austin Corry: The actual language is in the packet given to you a summary of what's going on. The first couple creates some definitions so it helps with administration defines what the Farm Preservation parcel is and defines what a building lot is that's an important distinction now because how we handle P1-60 ground, another thing it does not related to the P1-60 it is in line with the past practice even in a RA-5 and RA-1 zone right now with the way the code reads in a Farm Preservation Subdivisions you have

20 acres preservation piece this makes a shift in that process instead focus on the five acres per unit density. **Chair Spencer Park:** I asked for this provision if people had 15 acres that would want to do this we would still get a 12 acre field which is an advantage long term in three one acre lots.

Austin Corry: I think that main intent of that is to encourage if someone is not maximizing the farm preservation which right now allows you go up to five lots. The largest change inquiring right now is to allowing farm preservation is allowing RA-5 and RA-1 zones, this has wording in there that grants the ability for the acceptations to where that subdivision that could include P1-60 ground but in exchange there preservation ratio would go higher, so it would go to 40 acres per lot instead of four acres per lot and the deed restriction that right now sunset in 10 years in perpetuity. The last thing it does makes modifications to the options available for the deed restriction holder. Right now in the code deed restriction holder would be the County solely in this proposed amendment, it allows the option for an IRS qualify conservation easement to also be utilized. This is a policy that that increases density or grant density zone having a 160 acres per building lot the dedication deed restriction taking 40 acres per lot is a 1/4, keep in mind that's a bonus density.

Chair Spencer Park: We'll open the public hearing.

Chris Givens: I think this will be very beneficial for us if you grant this just to be able to have our family by us.

Chair Spencer Park: Closed the public hearing and bring it back to the Council. **Councilman Karl McMillan:** I'll make a motion to accept Ordinance 23-14 amending Wasatch County Code 16.05.04 and 16.27 for the purpose of creating the ability for Farm Preservation Subdivision to potentially include P-160 zoned property as part of the required Preservation Parcel and to amend the preservation area required to be determined on the number of lots proposed in a subdivision. **Councilman Steve Farrell:** seconded the motion **Chair Spencer Park:** I have a motion from Councilman McMillan and a second from Councilman Steve Farrell is there any more discussion we'll go ahead and vote.

Aye: Mark Nelson
Aye: Steve Farrell
Aye: Spencer Park
Aye: Kendall Crittenden
Aye: Luke Searle
Aye: Karl McMillan

Nay: None

Consideration and possible recommendation of an ordinance amending titles 14 and 16 of the Wasatch County Code to update standards related to land disturbance in compliance with recommendations of a recent water quality study.

Ryan Taylor: The intent is to get the code in line with the state code requirements and protect ground water quality. There is a balance of maintaining steep slopes and providing the opportunity for development.

Chair Spencer Park: Open up the public hearing no one in public or on zoom, we will now close the public comment and take it back to the Council. **Councilman Mark Nelson:** made a motion to amend ordinance Title 14 and 16 of the Wasatch County Code to update standards related to land disturbance in compliance with recommendations of recent water quality study. Councilman Kendall Crittenden: second the motion. And the motion carries with the following vote:

Aye: Mark Nelson
Aye: Steve Farrell
Aye: Spencer Park
Aye: Kendall Crittenden
Aye: Karl McMillan

Nay: None

CONSIDERATION AND POSSIBLE RECOMMENDATION REGARDING ORDINANCE 23-15 AMENDDDING TITLE 16 OF THE WASATCH COUNTY CODE BY ADDING APPLICABLE DEFINITIONS, ADDING LANGUAGE REGARDING CONSERVATION SUBDIVISIONS TO VARIOUS CHAPTERS 16 AND CREATING A NEW SECTION ENTITLES " CONSERVATION DEVELOPMENTS" IN 16.27.06.5 WHICH WOULD ALLOW FOR CLUSTERING OF LOTS WHILE PROVIDING FOR CONSERVED OPEN SPACE.

Doug Smith: Conservation Ordinance # 23-15 would only be applicable to the P1-60 zones and the mountain zone P1-60 and Mountain zone areas where cuts and fills excavations would be most noticeable ridge line lines the areas we want to preserve as much as possible this Ordinance would hopefully provide protection for just a few of the highlights for the zone. The decades is determined by the underline zone based density divided by the total acreage there's 75% open space required would be unlike the farm preservation there would be a required nonprofit 501 C3 conservation easement held on the property. Non-motorized public access required. So there would be public benefit to it as well P160 & mountain zoning about 70% of the County is State and Federal lands. There are however large tracks of P1-60 thousands of acres that are held by private owners. The purpose and intent of the conservation perpetual development ordinance is to preserver rural landscapes sensitive natural land resource steep slope areas and other areas of open land while permitting residential development at low rural density.

Chair Spencer Park: Opened the public hearing for public comment. No public comment bring back to the council for action.

Councilman Steve Farrell: made a motion to approve Ordinance 23-15 amending Title 16 of the Wasatch County Code by adding applicable definitions, adding language regarding conservation subdivision to various chapters of Title 16 and creating a new section entitled "Conservation Developments" in 16.27.06.5 which would allow for clustering of lots while providing for conserved open space. **Councilman Karl McMillan** second the motion and the motion carries with following vote:

Aye: Mark Nelson
Aye: Steve Farrell
Aye: Spencer Park
Aye: Kendall Crittenden
Aye: Karl McMillan

Nay: None

ADJOURNMENT

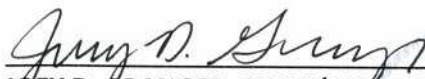
Councilman Karl McMillan made a motion to adjourn. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Mark Nelson
AYE: Steve Farrell
AYE: Spencer Park
AYE: Kendall Crittenden
AYE: Karl McMillan

Nay: None

Meeting adjourn at 8:00 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER, CLERK/AUDITOR

