

**MINUTES OF THE
WASATCH COUNTY COUNCIL
NOVEMBER 8, 2023**

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

PRESENT: Chair Spencer Park
Mark Nelson
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan.
Erik Rowland

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Wendy McKnight, from the Clerk's office
Mike Davis, the MIDA Coordinator
Scott Sweat, Wasatch County Attorney
Kay from the Clerk's office
Jeremy Hales, Emergency Director

PRAAYER: Remarks and Prayer by Chair Spencer Park

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

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday November 8, 2023. The record should also show that the Wasatch Council is meeting in the Wasatch County Senior Citizen's Building located in Heber City. The record should also show that all the Wasatch County Council is present. Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

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

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there is any administrative issues for future meetings.

Dustin Grabau, the Wasatch County Manager indicated that we will talk a little bit about it today in our budget discussion on the County Courthouse expansion project. In order to be ready to construct that project in the spring we will need to begin the process to issue the debt for the construction of that building as soon as in December and wondered if you are planning on meeting on December 20th which is the third Wednesday in December or we should move that up to the December 6th public meeting for the adoption of what would be called the parameters resolution which set what the restrictions are on the process and is the first step in that process but it takes about ninety days so if you want to be ready by March to have those funds in place for later March or early April construction start we need to begin with this matter. The Council indicated that the 20th of December looks pretty good for having a meeting.

Dustin Grabau and Councilman Luke Searle have been talking about coordinating a legislative meet and greet with our state legislators. Councilman Luke Searle indicated this matter was talked about previously. Possibly moving it to January and gives us an opportunity to discuss the upcoming legislative session with our representatives. Possibly that first Interlocal meeting to be this where it gives an opportunity for the other municipalities to also participate to have a discussion with the elected officials which are the state leaders. The County Council thought that November or early December would be way better than January. Possibly could do this with the next Interlocal meeting. Dustin Grabau indicated that the legislature is trending forty percent above last year for bill files in which last year they set a record for the number of bills. They talked about December 10th and will see if that works with everybody being present.

Councilman Mark Nelson asked if the November 15, 2023 meeting still being held or is it cancelled but we still could hold the meeting if necessary.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA.

Chair Spencer Park asked if there is any public comment on items not on the agenda and there was none.

COUNCIL AGENDA

DISCUSSION/APPROVAL OF APPEALS FOR BOE

Dustin Grabau, the County Manager indicated that Joey Granger, the County Clerk asked that this item be continued and it would be more helpful if she came back at our November 29th meeting

because she will have more information to report at that time.

DISCUSSION AND DIRECTION OF THE 2024 TENTATIVE BUDGET

Dustin Grabau indicated that he will go through a little bit of general property tax information about how property tax works in Utah and then Heber Lefgren, the Assistant Wasatch County Manager will go into some of the substances of the tentative budget itself and there is an obvious connection there. Dustin Grabau then presented a power point presentation dealing with property tax information and how it works. This subject becomes a very delicate balancing act and there are a lot of factors that affect individual property and there is not uniform value changes and not every house in the County adjust by a set percentage. There are some that increase more quickly than others and those can change the balance of where those things come in. Entities can approve truth in taxation but if for instance Heber City approved a tax in truth taxation that wouldn't have an automatic of anyone that lives in Midway. As those values shift the balance of taxes shift but the amount that the entities collect doesn't shift. So entities that don't hold truth in taxation don't collect additional revenue. Property taxes are used with seventy percent of all the money that is collected goes to education. There are also significant changes in our budget, those changes this year had was no truth in taxation that applies to Wasatch County and aren't collecting any additional revenue on those things such as a result of new growth.

Heber Lefgren then presented a power point presentation and what is in the tentative budget and went into the substance of the budget document that he has provided to the Council. The focus of this presentation we are going to spend some time talking about and providing a summary of the 2024 tentative budget. I am going to narrow it down into the General Fund and spent some time talking about revenue as requested in the last meeting. Then talk about the expenditures within the General Fund and then will move into the other funds and will provide a summary and detail in that. The total tentative 2024 budget which equals \$75 million. That is broken up into various fund categories of which the largest is the General Fund which represents about fifty-four percent or \$37.9 million. There are eleven specialty funds that we have also. In those funds we are looking at about \$14.3 million which represents about twenty percent. We have three capital improvement funds equaling \$12 million and by internal service funds equaling four point six or seven percent of the budget and then two debt service funds equaling \$1 million. Even though there is the two debt service funds that are included, one of them was closed out last year and so that million dollars is within one fund.

Heber Lefgren discussed budget priorities.

Remain financially sound and prepared

- Maintain GF fund reserves fund balance of 50 percent of total GF revenues and establish emergency budget of \$220 K
- Increase contributions to Vehicle Replacement Fund for future anticipated expenditures
- Decrease GF contributions to MIDA and Library Funds
- Eliminate need to increase Property Taxes through Truth in Taxation by strategically

paying for various services with transferred funds from other accounts.

Be a high performing County with a highly trained workforce.

- Provide a 2.5 percent across-the-board increase in employee wages.
- Fully fund the 2023 wage study recommendation and provide recommended 2.5 percent step increases for employees.
- Budget \$300 K for various county-wide training opportunities.
- Implement new Employee Performance System County wide.

Prepare for future anticipated growth.

- Fund various operations budget adjustments to more closely align budget to prior year actual expenditures.
- Restructure personnel within the Sheriff's Office maintain expected services levels to within growing community.
- Fund creation of a Comprehensive Emergency Action Plan.

Improve service levels to enhance quality of life.

- Add one Public Information Officer Position to improve communication with community members.
- Fund Digitization Project to transfer essential information into electronic format.
- Design new communication strategy to include additional community events, changes to website and improved use of new branding material.

Maintain rural character and preserve open space.

- Maintain increased funding for lobbying efforts.
- Fund creation of a long term Capital Improvement Strategy Plan

Heber Lefgren indicated that we are projecting no increase in the budget on sales tax. The 6.5 percent increase of property tax represents new growth. The Council instructed us to do all that we can to avoid truth in taxation for the General Fund portion of that increase. To do that we could use some of these other funds to offset some of the expenses of the General Fund. We have the TRT Fund and recommending in the tentative budget to transfer funds from the TRT Fund into the General Fund to pay a portion of the Search and Rescue services that we provide to the community. Recommending a transfer from the communication fund into the General Fund to help offset some of the costs associated with the dispatch services that we provide to the community. This could be a sustaining transfer.

Heber Lefgren indicated that we are projecting a 3.3% increase compared to last year's budget and in reality we are projecting only about a \$1.8 million increase or 5% increase compared to our estimate of what we now anticipate that we will receive for our budget. We also were asked to remain conservative in our budgeting approach so our property tax increase is lower than the prior year's increase. Our projecting revenue for sales tax remains unchanged compared to 2023 budget. Projecting only minor increases in development fees despite that we believe that we are going to see some large projects coming to fruition next year. We are looking into everything that we can

to avoid using truth in taxation. With regard to the truth in taxation and as a reminder in November the Council directed us to proceed with providing notifications to the residents about potential truth in taxation increase in 2024 but however with that approval we recognize that you also strongly encouraged us to find ways to avoid that. In accordance with the State Law we did send out notifications showing the potential increase in the amount of \$350,000 for the General Fund and \$400,000 for the library fund even though we anticipated and wanted to be able to find alternative funding sources. With the development of the tentative budget I want to emphasize that the tentative budget as presented before you recommends no truth in taxation increase for the General Fund portion. However we continue to recommend utilizing truth in taxation for the increase associated with the library fund portion which includes about \$400,000.

Councilman Steve Farrell replied that he thought that the court system was a pass through from the State. Dustin Grabau replied that the way that we currently fund the Justice Court and the State District Court is through a lease agreement and so we own the facility so what we are budgeting for is our incurring the entire cost of construction and the court will pay the County back over a period of time for leasing their portion of it and basically a fifty-fifty split so part of the construction project also includes co-locating the attorney's office there so that expanded footprint becomes the County's responsibility. Councilman Steve Farrell indicated we are showing the lease payment made by the state as a revenue source to help cover part of that cost. .

Heber Lefgren then went through the non-General Fund funds. Heber also indicated that within the General Fund we will have at the end of next year, based upon our recommendations, we will have about nearly \$19 million in reserve which represents about a fifty percent of our annual expenses. We have about a seventy percent reserve rate for all of them combined. Heber Lefgren indicated that there is an increase in training and divided with each department for their training and operating expenses.

Dustin Grabau indicated that we will come back to you at our first meeting in December with the final budget and there are some potential things that may change between the tentative budget and the final budget and we will make sure that if there are changes we will highlight those with you and if you have any questions or concerns please let myself or Heber Lefgren know and that also pertains to the public because the budget is on the Wasatch County website and physically in our offices as well. In December we will be holding the public hearing meeting considering the truth in taxation request for the library. Councilman Eric Rowland thanked Dustin and Heber for finding the extra money so that truth in taxation won't be necessary for the General Fund.

Dustin Grabau indicated that what we have included in this tentative budget is to begin the design process of a new administrative building which is similar to what is being done with regard to the new courthouse. Some preliminary work will take several months to go through and do some of that design. We have already completed a needs assessment so we have a good base to start with. We need to have a discussion in designing selecting sites and bringing in an architect on board would give us a better sense of what would the cost of some of those alternatives of those sites. There is twenty acres across South field Road from South Field Park would be a good place possibly for a new administrative building to be built because the added parking would be helpful

on the weekends when other events are taking place. Also the bypass road would impact us some but if we locate along the south and east side and none of the proposed alignments intersect that portion of it. We only need about three acres out of the twenty to be able to build an administrative building and so that side of the property is pretty safe.

Heber Lefgren then introduced Randy Bates as the new financial director for Wasatch County. Randy then gave a brief comment about his background with thirty years of experience.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that there was no meeting this last week so there is nothing new in that respect. There has been a fire in the barn last week and it burned the equestrian center under construction to the ground and the handling of the fire by the Wasatch County Fire Department was excellent. Councilman Steve Farrell indicated that the fire water system and fire protection system that was installed there worked great and had all kinds of water to put the fire out.

COUNCIL/BOARD REPORTS

Councilman Luke Searle replied that the Smithsonian ribbon cutting exhibit that was held at the library was a real success and thanked the Council Members that came out to that exhibit.

Councilman Steve Farrell indicated that the job announcement for a manager for the Heber Valley Sewer System has gone out and will go until the middle of December before we close that.

Councilman Kendall Crittenden indicated that we had that UAC training today on Senate Bill 174 which as informative.

MANAGER'S REPORT

Dustin Grabau indicated that the Council Members could bring the microphones closer for the benefit of on line participants. The staff just wanted to remind you to speak up.

CLOSED SESSION

Chair Spencer Park indicated that there is no need for a closed session to be held this afternoon so we will now take a brief break to 6:00 p.m. when we will hear the scheduled public hearings.

WHERE UPON A BRIEF BREAK WAS TAKEN.

Chair Spencer Park indicated that the record should show that the Wasatch County Council is back in session to hear the public hearings. All the Wasatch County Council is present and we are meeting in the Wasatch County Senior Citizens Building located in Heber City, Utah 84032.

ITEM 1 KARL MINER, REPRESENTING CORE ARCHITECTURE AND THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS REQUESTS CONSIDERATION BY THE COUNTY LEGISLATIVE BODY FOR APPROVAL OF ORDINANCE 23-16 ENACTING, APPROVING, ADOPTING OR AUTHORIZING THE EXECUTION OF A LEGISLATIVE DEVELOPMENT AGREEMENT IN ORDER TO ADDRESS ASPECTS OF THE TEMPLE PROJECT. AN ASSOCIATED MOU WITH THE COUNTY, THE CHURCH AND HEBER CITY REGARDING IMPROVEMENTS ON CENTER STREET WILL ALSO BE INCLUDED AS AN EXHIBIT TO THE LEGISLATIVE DEVELOPMENT AGREEMENT.

Item 2 KARL MINER REPRESENTING CORE ARCHITECTURE AND THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR THE HEBER VALLEY UTAH TEMPLE. THE SUBDIVISION CONTAINS ONE LOT AND DEDICATES PROPERTY FOR IMPROVEMENTS ON CENTER STREET. THE PARCEL IS 18.17 ACRES LOCATED AT 1400 EAST CENTER STREET IN TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURE 1(RA-1) ZONE.

ITEM 3 KARL MINER REPRESENTING CORE ARCHITECTURE AND THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, REQUESTS SITE PLAN APPROVAL FOR THE HEBER VALLEY UTAH TEMPLE, A PROPOSED RELIGIOUS TEMPLE CONSISTING OF A 88,000 SQUARE FEET OF TEMPLE 2,000 SQUARE FEET OF GROUNDS BUILDING, PARKING. LANDSCAPING AND ASSOCIATED IMPROVEMENTS ON 18 ACRES LOCATED AT 1400 EAST CENTER STREET IN TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURE RA-1 ZONE.

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented a power point presentation. Doug indicated that the proposed building is 87,626 square feet. There is a grounds building that sits on the east side of the temple that is 1933 square feet and along with that there is a chiller enclosure which is an area inside a wall for the chiller to be located, trash enclosure and then the site percentages are forty-four percent or 7.58 acres in landscaping. Hard

surface which is sidewalks, walkways and parking area is forty-eight percent. Buildings are four percent and undisturbed area is four percent which includes the creek area and the flood way and the total is 17.23 acres so that is the net acreage after the dedication for the road improvements.

Doug then went through a summary of dates that we have been through since it has been somewhat a long process.

1. November 22, 2022 the lighting amendment was applied for.
2. April 19, 2023 the lighting code was approved.
3. May 19, 2023 the application for site plan subdivision was deemed complete for review. At that point we sent out the application for the Development Review Committee to review, which is seventeen internal county entities and consultants that we worked with for that review. It goes through a number of cycles before it is signed off by each department. Once it is signed off by those seven departments that is placed on an agenda.
4. June 7, 2023 there was a presentation by the Church in a public meeting on a legislative development agreement process.
5. June 21 of 2023 there was a legislative development discussion with the Council in a public meeting with no direction by the Council not to follow the development agreement route.
6. October 2, 2023 there was DRC sign off by the Development Review Committee for advancement to the Planning Commission.
7. Then October 25, 2023 the Planning Commission advanced this item to the Council.

There has been a lot of public discussion over this item as everyone is aware. We received a large number of e-mails and concerns over the building. The things that we heard about numerous times was about the height and size of the building, lighting of the building, traffic the temple will create, de-watering of the site.

The Staff Report that was written was something to justify the approval or argue for or against the approval it was to provide the information for the Planning Commission to be able to make an educated decision. This is a legislative determination by the County Council and this was recommended for a positive approval by the Planning Commission.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and presented an extensive power point presentation. There has been comments floating around that there might be undue influence so I want to ask the questions directly regarding undue influence. I am not asking you to disclose your status as a member or a non-members of the Church of Jesus Christ Latter Day Saints or as a temple recommend holder of the Church or for your feelings or beliefs about the Church but if you could raise your hand if any of these applied to you. Have any of you been threatened by a leader of the church that your temple recommend, if any, would be revoked if you did not approve this application? Have any of you been threatened by a leader of the Church or any other organization that your status with the organization would be changed if you did not approve or deny this application? Have any of you been promised financial incentives or benefits for approving or denying this application? Nobody raised their hand in response to these questions.

Jon Woodard then went into more detail on the specific development rights and obligations that are proposed to be legislatively approved, without expressly finding compliance with all the standards of the Wasatch County Code. Jon Woodard explained that there have been concerns that the County is ignoring the standards of the code, by entering into this development agreement. This is a process that is allowed under Utah Code, which the applicant has applied for. That allows for this approach to be used of a legislative development Agreement it is a mechanism that is allowed for an applicant to ask for specific provisions of the code to be superseded. And we have to follow the same rules in place for an acting land use regulation in order for this to be allowed

Jon Woodard indicated that the County retained a lighting consultant to review the lighting plan to ensure conformity with the exterior lighting ordinances that was recently adopted. Also explained that even if the pending lawsuit declares the Exterior Lighting Ordinance invalid, the project would still be subject to the new code through this agreement and enacting ordinance. The older code allows for unlimited outdoor lighting as long as it is pointed down, that would prevent unlimited lighting. It also sets hours of operation from 6:00 AM to 10:00 PM regardless of changes in actual hours. Approves the lighting plan as compliant with the exterior lighting ordinance, makes future changes to the lighting plan subject to the exterior lighting ordinance, and states that the applicant has worked with the FAA to identify the lowest amount of lighting as identified in the FAA regulations.

As far as the ridge line or view shed, the County has never used the ridge line/view shed rules to limit the height of development on the valley floor in other development applications. The goal of that code is to ensure structures do not protrude above primary and secondary ridge lines when placed in close proximity to a ridge and does LDA (legislative development agreement) as drafted clarified that 16.27.22 does not apply to the project. The project is consistent with the General Plan allows the use and height as a permitted use not a conditional use and that the use meets the findings required for a conditional use considering RLUIPA (Religious Land Use and Institutionalized Persons Act) will be compatible with surrounding structures in use location, scale, mass, design, and circulation. The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions. All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise and vibrations have been adequately mitigated through conditions. The use will not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County; and memorializes public trail requirements and ongoing maintenance by the owner. Ensures for payment of fees. Ensures for construction of project improvements. Establishes requirements for storm water management. Provides for performance and warranty bonds. Establishes that the lighting for the project will be governed by the lighting code as approved in the lighting plan and verified in the field during construction. Allows for the building height and massing as proposed. Allows for exterior lighting during the hours of operation. Allows for an MOU with Heber City regarding Center Street. Stipulates that the ridge-line/view shed analysis portion of the County code is not applicable to the temple. Stipulates FEMA flood zone requirements. Allows for closure of the stub-street referred to as Pamlico Drive and stipulates requirements. Reinforces that the

County Council is the land use authority for the applications for the project allows for signage as proposed.

Jon Woodard indicated that local land use laws are superseded by federal law when there are constitutional issues at play. One of those is discrimination that is prohibited under the fourteenth amendment against the states. You cannot have land use laws that discriminate against people on the basis of race and that is both if they directly discriminate and if they have the effect of discriminating. The Federal Government put teeth into these laws and by that I mean if a plaintiff sues for a violation of race discrimination and the plaintiff prevails the city or county or whatever entity it is that was found to be in violation has to pay the other side's attorney fees. There are also protections in place for first amendment rights under Federal Law. Jon Woodard then went into RLUIPA (Religious Land Use and Institutionalized Persons Act) and what it says. Staff does not recommend the legislative development agreement as good practice for most developments but will make a lot more sense in some projects. If this was under the administrative approval the County would be required to apply the existing application and apply RLUIPA to the application. The temple is a conditional use in the RA-1 Zone so a temple can be built under the current code subject to the conditional use process. Ordinance 23-16 is the ordinance that enacts the legislative development agreement authorizes the County Manager to sign it and then Jon Woodard then read the Legislative Development Agreement and remember that the Church has asked for this agreement.

Jon Woodard then went into specific provisions of the development agreement. Section 8 is the most essential section to those issues where the development agreement supersedes land use regulation in effect to the extent that they conflict with the development agreement. We are not forgetting the rules in place we are following the rules in place to amend those rules. The development agreement does cite both RLUIPA and URLUA (Utah Religious Land Use Act). Just remember we are only doing this if the Council feels that this is in the interest of the general welfare by building this. Both the Church and the County would be agreeing that no concessions would be required to be made to this application or to future changes requested need to be evaluated independently for what has been proposed and if it is approved they could not claim a violation of RLUIPA.

Jon Woodard went through massing, parking, exterior lighting that was recently adopted and the request was just granted by the court so as of now all counts in the lawsuit have been dismissed but the court did grant a time period for the petitioner to consider amending their motion asking for leave to amend the petition so in other words revise the petition to bring up new claims and that time period has not passed so there is a potential here that a new petition will have to be considered but for now the litigation has been dismissed on this lawsuit. The LDA says we are going to enter into a MOU with Heber City and Heber City has already approved that. Went through the ridge line -view shed, Pamlico Drive and Triple Crown the intersection of Pamlico Drive and Preakness Road less than 150 feet from the end of Pamlico Drive so that would make it so we wouldn't need to have a circle at the end of it and can do a hammer head as has been proposed by the applicant. Finish landscaping sidewalk curb and gutter at the dead end and the fire district does not oppose this plan. The Church would need to do a thorough street here that would separate

the temple and a large portion of the parking lot to comply with the code. The trail at the end of Pamlico Drive would only connect to the trail network through sidewalks and Triple Crown. The trails are public and maintained by the applicant. The applicant and the County enjoy all the entities of Utah Code for recreation use. This trail approval supersedes contrary provisions of the Wasatch County Code including 16. 21.18. Maintenance so we supersede rules on an open space easement that would sometimes apply to a project like this. Again it repeats those provisions. The applicant would be responsible for maintenance for those things that normally an HOA would be responsible for on an ongoing basis. Signs are another situation where the development agreement would supersede the county code. The sign for this project would be approximately a three by thirteen foot sign. The agreement would allow and approve and also allow Holiness to the Lord and House of the Lord on the temple without additional approval. Allow for traffic signs within the project in accordance with the manual and the uniform traffic control devices and this would be the parking lot signs and signs where it abuts up against Center Street. The Legislative Development Agreement approval would help improve the health, safety, and welfare interest served by helping people know what the temple building is and how to enter the premises including visitors from throughout the world that come to visit the temple and the community. We think there is a potentially a health, safety, welfare interest for allowing different signage that would normally be allowed under the code. The County Council will serve as the land use authority on the project. Normally, there would be a site plan and conditional use permit in a small scale subdivision application that is approved by the Planning Commission or staff. The Development Agreement would make the Council as the approving body for all of these applications before you. The Development Agreement makes both the Temple and height permitted for the property so this would not go through the conditional use process and would not be approved as a conditional use. The land use authority shall approve the conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. Under the development agreement pursuant to RLUIPA and URLUA the County finds that permitting the use of a property for the temple and the project subject to the terms, limitations, conditions and obligations of this agreement is the least restrictive means for furthering the County's compelling governmental interest and imposing a cohesive County wide zoning frame work.

Doug Smith, the Wasatch County Planner, again addressed the Wasatch County Council and presented a power point presentation. If the Council approves the Legislative Development Agreement it is approving the highlights of it really quick. If you agree to the Legislative Development Agreement you are agreeing that the property is consistent with the General Plan, allows the use and height as a permitted use and not a conditional use and that use meets the findings required for a conditional use considering RLUIPA. Memorializes public trails requirements and ongoing maintenance by the owner. Ensures payment of fees. Ensures for the construction of project approvals. Establishes requirements for storm water management, provides for performance. Establishes that the lighting for the project will be governed by the lighting code as approved in the lighting plan and verified in the field during construction. Allows for the building height and massing as proposed. Allows for exterior lighting during hours of operation. Allows for an MOU with Heber City regarding Center Street. Stipulates that the ridge line/view shed analysis portion of the county code is not applicable to the Temple. Stipulates FEMA flood

zone requirements. Allows for closure of the stub street referring to Pamlico Drive and stipulates to these requirements. Re-enforces that the County Council is the land use authority in applications for the project. Allows for signage as proposed.

Doug Smith then went through the small scale subdivision and site plan. The small scale subdivision essentially combines two lots into one. The Heber Flood Plain is an issue in this area. That means that upstream from the work being done they can't create any rise in that flood way elevation of water. The County has approved that. Ground water is another issue that has been discussed. The continued flow of the water is to be anticipated fifty to eighty gallons per minute. This will be from a French Drain around the parameter of the foundation at approximately fifteen feet below finished grade. The water has to be put to beneficial use. Concerned about the dewatering and what that does to the Broadhead Spring which is another source for Heber City's water. It has been determined that there is no issue with this dewatering of the site and wouldn't have any impact to the Broadhead Spring. Studies concerning this has been done. It was determined that the water from the temple and the Broadhead Spring come from different systems and are separated by a shallow layer of bedrock that lies between the two sites. The applicant will be making improvements to Center Street including building a roundabout. Heber City has reviewed the applicant's traffic report and have approved the proposed amendments and improvements to the Center Street as well as the MOU for maintenance and construction. The temple would create traffic at its peak hour 8:00 a.m. of 172 trips and that is hourly and not daily as has been specified in the property subdivision. The traffic studies that have been done are acceptable by Heber City. The landscaping will be done by the Church. The trail system and there is a trail that stubs just into the project just to the southwest of the Questar substation there on the upper right-hand side. The trail will be done by the Church, a ten foot asphalt trail. If the trail or the road does not go through a connection to the trail will be available in the cul-de-sac in Triple Crown as well as the trail along the canal here which comes out and connects to the road by the detention pond. The setbacks are in excess of what would be required in the RA-1 Zone for the typical use there. There is a maintenance building which is just under two thousand square feet and about thirteen feet tall. The church did a noise study on it and one was provided which was fine with me regarding the chillers. Forty-four percent of the site is landscaped and is far in excess of what the code required. The fencing will be done as outlined. The church has to comply with the adopted County lighting plan. All lighting would be turned off after hours, after the 11:00 p.m. hour is what is proposed other than the red static beacon. Anything other than the parking lot and IBC required lighting is counted.

Doug Smith indicated that my findings and there are a lot of them. Findings essentially are taking a 130 page staff report and boiling it down to what I feel the important aspects of this project are to consider. Doug Smith then went through the proposed findings.

1. The proposal is for approval of a legislative development agreement, one lot final subdivision plat approval and site plan approval.
2. Due to the uniqueness of the proposal among other reasons stated in the development agreement, the County legislative body has decided to enter into a legislative development agreement as allowed by Utah Code 17-27a-528(2)(a)(iii).

3. The legislative development agreement process was discussed with the Council on June 21, 2023 in a public meeting and no reason for not following this process was given by the Council.
4. The proposal is located in an RA-1 (Residential Agricultural) zone which is a single family zone that allows churches/temples as conditional uses (WCC 16.21.(II)).
5. Utah Code states that a land use authority shall approve a conditional use if reasonable conditions are proposed or can be proposed to mitigate anticipated detrimental effects. See Utah Code 17-27a-506(2) (a) (ii). The County has chosen a development agreement that can include additional terms that may not be allowed in a conditional use process.
6. The proposed legislative development agreement would make the temple a permitted use.
7. For reasons explained in the development agreement and this staff report, the legislative development agreement makes both the temple and its height a permitted use, whereas without the development agreement the temple and the height would be conditional uses that would have to be approved or denied in a manner consistent with applicable law and RLUIPA (Religious Land Use and Institutionalized Persons Act).
8. Working with the applicant through a legislative development agreement creates a substantially diminished risk that the applicant could bring claims under RLUIPA. RLUIPA is a federal law, which among other things, prohibits the County from imposing a land use regulation in a manner that substantially burdens a religious institution, unless the County proves the regulation is advancing a compelling County interest in the least restrictive means. By having the County legislative body and the applicant agree to standards for this project through the development agreement that both are satisfied comply with RLUIPA, and also advance the health, safety and welfare interests of the public in compliance with Utah Code, the disagreements can be avoided that could arise over whether and how RLUIPA could apply to this project.
9. A determination denying a conditional use would be made more difficult due to RLUIPA, because the standards and requirements of a conditional use cannot conflict with federal law UCA 17-27a-506(I).
10. Normally under Utah Code, if an application meets the requirements of the code, the land use authority must approve the application. Due to the legislative development agreement, which allows a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, the Council has greater discretion than would normally be allowed.
11. The RA-1 zone allows for single family homes with a density of 1.3 acres per unit for large scale developments that comply with code requirements, which might allow up to 13-14 lots on the subject property.
12. Single family homes in the RA-1 zone are allowed to have a maximum height of 35 feet from natural grade.
13. The temple is proposed to be 200 feet tall at its highest point from finished grade, with 82 feet to the top of the screen parapet and 137 feet to the top of the east tower. Due to the natural grade sloping to the west measurements from natural grade is a range through the middle of the temple. There is 10 feet of fill at the west facade and 4 feet of fill at the east facade.
14. The legislative development agreement gives the County legislative body the discretion to allow or require the height they believe is a benefit to the health, safety, and welfare of the community. If the legislative development agreement is not approved, or is not accepted by the applicant, the County may have to consider the appropriate height restriction under the conditional

use criteria and considering RLUIPA.

15. WCC 16.21.II states: Structures Not for Human Occupancy: Chimneys, flagpoles, clock towers, church towers and similar structures not used for human occupancy or industrial uses, are excluded in determining height, except as specifically otherwise required in this title.

16. WCC 16.21.II states: Churches are a conditional use in all zoning districts. I. In the event that a conditional use is granted for a greater height than is permitted in the zone, additional setbacks may be required.

17. The setbacks for the temple are significantly greater than setbacks required by code.

18. The temple has substantially more landscaping than would be typical for a residential development and it provides a substantial area without structures that will function to protect an open area or flood plain in the County.

19. ADT (Average daily trips) for a 14 lot subdivision would be approximately 140 trips per day.

20. The temple during its peak hour is anticipated to create 173 trips during peak am hour and 172 trips in a peak pm hour and 2,014 anticipated weekday daily trips. The amount of daily trips is roughly equivalent to 200 homes.

21. The roads adjacent to the site, including the eastern bypass road, are in Heber City who has approved the proposed dedication for the widening of Center Street and reviewed and approved the traffic analysis and approved an MOU with the church.

22. The applicant is required to do improvements to Center Street as well as complete the round-about under Heber City's direction.

23. In talking with the Heber City Engineer the LDA (levels of service) for City roads is maintained at a LOS "C" which is acceptable to Heber City.

24. If the temple site would have developed as a residential development the stub road at Pimlico Drive would have gone through pedestrian access would have been to the right-of-way in for form of sidewalks on both sides of the road.

25. The proposal is to finish Pamlico Drive and not require a pedestrian connection at Pimlico Drive due to access at other places in the subdivision.

26. The proposal dewater the site by pumping 600-800 GPM of water into the Lake Creek channel after the initial foundation excavation that is to a depth of 41.25 feet during construction.

27. There is anticipated to be an ongoing flow of around 50-80 GPM. This flow will come from a gravity flow French drain around the perimeter of the foundation that will be installed approximately 15 feet below finished grade and approximately 5 feet into the ground water level.

28. The Lake Creek channel is a FEMA regulated zone A-E. A "no rise" report has been submitted, reviewed and approved by the County. The State FEMA office and the regional FEMA office in Denver have also been involved in the conversation.

29. According to the State Engineers office and the applicant, if the applicant is not putting the water from the foundation drain to beneficial use, the applicant can dewater the site and discharge into the Lake Creek Channel.

30. The site plan application was submitted and considered complete after the adoption of the lighting ordinance (23-10) and is considered vested under the recently adopted lighting code regardless of the outcome of the litigation challenging the ordinance.

31. The property is in the Heber City airport flight path and is required to comply with FAA requirements. As proposed, the west tower that is 210 feet tall would be required to have a static red light.

32. FAA lighting may not be required if the west steeple is lowered.
33. The lighting code exempts the lowest levels of parking lot lighting (as recommended by the IES and the lowest levels of IBC lighting for egress. This leaves a maximum of 25,000 lumens per improved acre for the balance of the site for non-essential pathways and building lighting.
34. The temple lighting plan shows that the "counted lighting" required by code comes to a total of 24,939 lumens per improved acre.
35. The appellant has agreed that the operational hours of the temple will be from 6:00 A.M. to 10 P.M. this will ensure that all exterior lights are turned off at 11:00 P.M.
36. If the development agreement was not approved, the signs would need to be re-evaluated in light of the standards of the Wasatch County Code and the requirements of RLUIPA.
37. The Development Review Committee has reviewed the project and forwarded the item for Planning Commission consideration and Council decision.
38. The proposed legislative development agreement adopts the project as proposed. The development agreement adopts the design guidelines, the building height, the massing, the parking, the exterior lighting and hours of operation, the cooperative agreement MOU regarding Center Street, the ridge line analysis, the flood zone, the southern boundary property issues, the regional trail, the maintenance obligations, the signs, the process for approving the project, the land use authority for the project, the temple and its height as an approved use, payment of fees, bonding, storm water management, maintenance of trails, among the other things contained therein.
39. The development agreement explains the rationale for many of the matters addressed therein. The Council hereby adopts the recitals of the development agreement, and the body of the development agreement, as findings for those matters addressed therein.
40. Ordinance 23-16 authorized the adoption of the development agreement. The Council adopts Ordinance 23-16.
41. This staff report and the presentations made by staff during the public meetings are hereby incorporated into these findings.

Doug Smith indicated that this matter went to the Planning Commission and there was a lot of public comment and after deliberation the motion for Item No. 1 which was the legislative development agreement was six to four votes and one opposed. Item No. 2 which was the subdivision was six four and one opposed and Item No. 3 which was the site plan approval was five/four and two opposed. They forwarded the items to the Council with a motion to approve with all the findings I just read and conditions of the staff which are listed below.

Doug Smith then went through the recommended conditions. .

1. Where parking is adjacent to residential uses, trees must be spaced no greater than 25 feet apart.
2. The temple lighting is easily adjustable. Grounds and building lighting must be maintained at the levels shown and approved by the County Council and in the development agreement. "Light creep" cannot occur over time.
3. The presented lighting plan shows 22 candelas per square meter at the brightest spot. County code allows up to 27 candelas per square meter. The lighting plan submitted, reviewed, vetted in public hearings and approved by the legislative body must be the final plan used in the field and be consistent with the limits approved.

4. Lower light poles at the west facade so that height to luminaire or light source is not higher than 25 feet as required by code.
5. Any changes made by the Council in their approval of the application shall be reflected in the development agreement to the satisfaction of the County Manager with input from legal and planning staff before execution.
6. The Development Agreement shall be executed by the County and the applicant prior to any final plats being recorded.
7. The final plat shall be recorded in accordance with WCC 16-01.16. Expirations of application or approvals in the event that there is litigation between the County and a third party or the applicant and a third party regarding this approval, that reasonable duration of the litigation. This shall not be interpreted to imply that litigation regarding this approval would, in itself, prohibit or prevent a final plat from being recorded.
8. If there is an adverse report related to the nearby Broadhead Spring that it be adequately addressed to the satisfaction of the County Council and of Heber City.
9. Add a provision to the agreement that the lighting levels be validated on a regular basis to ensure light creep does not occur.

Chair Spencer Park then turned the time for a power point presentation by the applicant.

Applicant:

Curtis Miner, representing the Church of Jesus Christ then presented a detailed power point presentation and then started with talking about history of religious buildings and they are important to people to attend various religions. Also as we worked with the design of the building and put together some guiding principles. We then looked at precedence found in Heber Valley which contained basic landscaping as well as mountains. We also looked at building precedence such as the Wasatch State Tabernacle to understand and respond in an appropriate way to the general welfare of the community. We designed the temple to meet the current and future needs of the people that the temple will serve. We believe that we complied with the intent and the detail of the Wasatch County General Plan which was outlined in a letter that you should have received.

Curtis Miner then talked about dewatering and citizens of Wasatch County have been dewatering their properties for a very long time which has no effect on the watering system found in Wasatch County. Heber City has noted that they accept the study done regarding the Broadhead Spring and well are safe from the dewatering that will be done with the temple.

With regard to site design and parking that has been Okayed by Heber City. Improvements that need to be done will be paid for by the Church along with a parking evaluation.

Also forty four percent of this property is landscaped. The garden area of this property is open to the public during normal hours of operation.

A traffic study was performed and found acceptable by Heber City and the Church will install the round-about and pay for it. The trail system currently is disconnected and the temple project will

connect that trail system and the church will install and maintain new sections of the trail.

With regard to site and architectural lighting will be followed by the Church as has been outlined and complies with the exterior lighting regulations of Wasatch County. Also this will be done consistent with dark sky requirements and would make Wasatch County one of the most aggressive counties in the United States with regard to its outdoor lighting policy. This temple by temple standards one of the dimmest temples with regard to lighting in the world. Also followed the candelas with regard to the lighting concerns. This was brought about by using the Legislative Development Agreement instead of using a conditional use permit. With regard to FAA lighting it was determined to have a single steady red light on the western steeple only. The Church feels that is the least impactful to the citizens of Wasatch County. Building and massing have been taken care of along with setbacks. We then looked at the different views of the temple from different places in Wasatch County such as on top of the Memorial Hill in Midway and other places like that to see how visible the temple is.

Curtis Miner indicated in conclusion with the concessions that have been done by the church are;

1. Install a new roundabout on Center Street.
2. Widen and improve Center Street.
3. Complete the disconnected trails system.
4. The Church will install over 7.5 acres of high quality landscaping.
5. Create a high quality building and site.
6. That reinforces the Heber Valley heritage and design themes.
7. Lowered the ground building by 5 feet from the original design out of respect to the one of the neighbors that expressed some concerns about that.
8. Changed the color of roof membrane from the standard white to gray to blend better with other exterior colors when seen from above.
9. We changed the stone color and texture to reduce light refraction.
10. Reduced the brightness of site lighting from the temple standard.
11. Reduced the brightness of the architectural lighting from the temple standard.
12. Reduced lighting by eighteen per cent from the Wasatch County standard referring to the canals per square meter.
13. Changed from a wall wash architectural lighting approach to highlight entries and architectural features.
14. The plan is to turn off all site lighting and architectural lighting after temple operations.
15. Reduced the color temperature from the temple standard 4000 Kelvin to 3000 Kelvin.

Curtis Miner indicated that with regard to:

Water

- Drinking water is safe, not depleting the deep aquifers
- Site dewatering is common in Heber Valley and has not been detrimental
- studied extensively by professional engineers and verified by Heber City

Site Design

- complies with all site design standards
- will complete a disconnected trail system

Traffic

- Traffic study has been validated and accepted by Heber City
- Roundabout and Center Street construction will improve traffic for the entire community

Lighting meter meets or exceeds the Wasatch County exterior lighting regulations and selected the least intrusive FAA lighting. As far as height and massing is concerned for the purpose of height evaluation the building is eighty-one feet six inches from the finished floor. The building will be within the suggested building envelope. Seventy-four percent of the building is above grade. The size of the building is appropriate for those it will serve now and in the future. The massing design and height of the building are all expressions of religious faith.

Again our request is that we approve the Legislative Development Agreement and the final subdivision plat and the site plan.

In conclusion going back to our design principles. We have made what we believe is a good effort hopefully to balance the design standards with the reasonable concerns of the community and the development rights of the property. This building will be beautiful. The garden will be beautiful and will re-enforce the pioneer heritage of Wasatch County and we believe it is overwhelmingly supported by the community and are excited to be part of the community to the construction of this building and look forward to building the Heber Valley temple.

Councilman Steve Farrell asked regarding the dewatering if you are just going to dump the water back into the Lake Creek which goes into a flood channel and goes right into Deer Creek and out of the area. Have you ever considered an injection well on your site? Curtis Miner replied that we have actually. The injection well is dependent on the capability of the ground to take the water, absorb the water and what we have found in a preliminary study was we were not in any where affected in getting the water back into the shallow ground water system, in doing that as opposed to just putting it back into the creek. It was much more expensive and we leaned back towards putting it back into the creek.

Councilman Steve Farrell asked his second question which was and have been trying to get an answer for this for quite some time. At what height is the FAA requirements come take effect. Curtis Miner indicated that with my conversation with the FAA inspector last week and found out from the FAA that we can propose removing the light from the building but would have to reduce the building height by roughly half. If we were to do that we would have the ability to go back to the FAA and request a re-analysis of the property which would be given to at least ten different agencies and they would have to each agree that the light would not be required. Even with significant reduction in the height it is not guaranteed that the light would ever go away.

Councilman Luke Searle asked when the light would turn off and turn on. Curtis Miner replied that the red beacon would be roughly on from twilight to sunrise and during the day it would be

off.

Chair Spencer Park then indicated that it is time for public hearing which will be done in three parts. First the in-person public hearing and then do an on line public hearing and then the written letter from e-mails. I would ask that the comments be courteous and respectful and not repetitive and a lot of people here that are on line and people that signed the document which is over six hundred people and not counting multiple people that are watching on line. Please limit your comments to the specific agenda items and now the public hearing comments are open. The comments will be limited to two minutes per person.

1. JIM RITCHIE: waited a long time for the building, so approve the building of the temple and am pleased to have the temple in Wasatch County along with others in Wasatch County.
2. ALLISON SMOOT, lived in Wasatch County at various times all my life. Want a Temple in this valley but think there is a better location.
3. MARVIN RUST thanked everyone for taking the time to arrive at a good solution in addressing so many different concerns and need to arrive at a good compromise. We need to make sure that the proper procedures been followed to arrive at whether the development agreement should be approved and that answer is yes. We need now to go forward and build the temple.
4. TERRY SHOEMAKER past superintendent of the Wasatch County School District indicated that this temple will reduce the time spent going down Provo Canyon to serve in the temple and the temple should be built because all the codes have been met.
5. STEWART WALDRIP retired Superior Court Judge who lives in Midway indicated that the research has been done to meet the codes and experts have been consulted. The temple should now be built.
6. BOB PEARLMAN indicated this is not about religion and the location and size is the question. I would urge you to either deny the LDA or to delay your vote and if necessary recuse yourself from voting on this issue.
7. LISA WILLIAMS indicated that she supports the construction of the temple.
8. DAVE JOHNSON lives in Heber City and thanked everyone for the work that has been done to follow the codes. There is always a problem when there is change and growth and does the approval of the temple promotes the general welfare and it does. I support the temple in the Heber Valley.
9. TRAVIS WILCOX long time resident of Wasatch County indicated that are we going to honor the applicant's property rights or are we not. I am in favor of the temple.
10. VAUGHN HOKANSON indicated that he would encourage you to vote no on this and come to a resolution or compromise that meets the needs of all of the community and am for the temple.
11. PAUL McCALLISTER, lives in the Wild Mare Subdivision, indicated that he loves the proposed location and the question is it a strong promoter of the general welfare among the County and in my opinion it is.
12. DAVE SPEAR indicated experts have been hired to study this matter and commend you for following their advice to reduce the facade lighting on the new temple to make this more of a dark sky community.
13. AARON DOGAN indicated that he grew up out of state and is in favor of the location and the applicant has complied with the codes and so they have a right to build a temple. Encourage you

to vote yes and go forward and get the project moving.

14. JOHN ROGERS lived here twenty-five years. They need to build on their property if all the codes are met. This is not about religious expression. We need to compromise in this matter. We don't need a red beacon in Heber Valley.

15. NEIL ANDERTON, former member of the Wasatch County Council, indicated that he is for the building of the temple in that location and the Council has followed the laws that are required. I would recommend that you approve this.

16. ROBERT LOCKHEAD indicated that he spent most of his life as a practicing attorney and applaud the County and staff for the work they have done regarding this matter. I support the building of this temple. The legislative development agreement does an excellent job of balancing the legitimate concerns of the community.

17. MORRIS TANNER, resident of Midway for forty-five years indicated that he is in favor of the temple being built in Wasatch County and this is a beautiful location for the temple to be built on.

18. MIT SMITH, indicated that everything has been done by the applicant that they needed to be done so let's build the temple.

19. SETH LAVEER, resident of Wasatch County and live fairly close to where the temple is to be built and is in favor of the temple and would urge you to support the land owner in this case because they have followed the codes and standards laid out.

20. MAKALA PATTERSON grew up in Wasatch County indicated that the temple will be a great asset to Wasatch County and residents who live here. I support the building of the temple.

21. CORRY NOISE indicated that there is a conflict of interest here with the County Council and should be embarrassed and ashamed if you vote on this.

22. DANIEL LYMAN lives in Wild Mare Subdivision and am a architect with vast experience and the problem is that people don't want the temple in their back yard. The building of the temple should move forward and find no objective reason that the temple proposal should not be allowed and approved.

23. SARAH DANSY indicated that she supports the building of the temple and will have a great view of the temple from my backyard.

24. CARSON SMITH, resident of Wasatch County for five years, indicated that he is in favor of building of the temple in the location that has been chosen.

25. LISA BAHASH, Wasatch County resident, indicated that she thinks the building is too tall and too bright for this location. The traffic study is flawed and likely understated. This will open the flood gates for other projects to claim discrimination if not given the same inappropriate use of an LDA. Please vote no on the LDA. This is not a question of sentiment but one of zoning law application.

26. JARED CHRISTENSON indicated that her home is about three quarters of a mile from the proposed site. This location is a great and perfect location for the temple. I am in favor of the temple.

27. MATT SANDERS thanked the County Council for looking at all aspects of this proposal. I encourage you to vote in favor of the applicant's proposal for all the reasons submitted by them and the County's Planning Commission.

28. TYLER SHINE indicated that he is in favor of the public trails that the church will be helping to build because he enjoys exercising and running on trails and in favor of the building of the

temple.

29. MIKE BRADSHAW, Wasatch County resident and developer in Wasatch County, indicated that if you are a member of the L.D.S. Church or not is not material to the vote tonight and voting tonight is for support of property rights and a big property rights supporter. The Legislative Development Agreement is the way to do a special project like this. I am in support of the building of the temple.

30. SHAWN DAVIS, Wasatch County Resident, indicated that the Utah Legislature passed Senate Bill 199, local land use amendments, which disallows referral of a referendum to voters of municipal land use laws that passed by unanimous vote of the local legislative body. In favor of building of the temple and the applicant is following the legal pathway and framework of the codes of the State and County and it will move forward and not be subjected to referendums that will further delay its construction.

31. KATHY WITT, resident of Wasatch County, indicated that she is for the building of the temple and in favor of the lighting that has been proposed for the temple.

32. RUSS WITT, resident of Wasatch County, indicated that he is in favor of the building of the temple.

33. MARNIE SHELBY resident of thirty years, indicated that this building is too big for the site and takes property values down by ten to twenty percent. I would ask you to reconsider this again and look at the various things such as is this the right place and is it for the general welfare.

34. DEANNA KENNARD, lived in Heber since 1981, this temple might be too big but is the way that it should be. In favor of the temple being built.

35. ALISE OVERLY, new comer to Wasatch County, indicated that lets allow Heber Valley to be unified from whatever decision is made tonight or whatever vote is taken regarding this matter.

36. BURKE RONEY, resident of Wasatch County, indicated that Heber Valley needs this temple. I urge you to vote in favor of the temple and follow the recommendation of the Planning Commission.

37. DENNIS ALLEN indicated that this temple is the right temple in the right place at the right time. I am in favor of the temple.

38. KELLY ROGERS indicated she has lived in the valley close to twenty-eight years. I would ask you to deny this land agreement and that there should be more time taken to discuss this and would like to see a compromise. There needs to be a better location.

39. ALLISON SAULSBERRY indicated she is not in favor of the location, etc., and other things associated with this matter.

40. CARL GRAY, resident of Midway, indicated that he is in favor of the building of the temple because the codes have been followed.

41. BRENDA WILCOX indicated that she urges you to pass this matter so the temple can be built because the codes have been followed and experts have indicated that laws have been adhered to.

42. LANE LITHGOW, lifelong resident of Heber Valley, indicated that we stand at the crossroads of a monumental decision tonight. If we are divided as a community we will not resolve these issues that is coming to Heber Valley and become victims to growth. I am in favor of the temple.

43. ADAM CROSS indicated that the property owner needs to exercise his rights and the temple should be built in Heber Valley.

44. MARGARET LOWE indicated we are against what this LDA is. It is an overthrow of our General Plan, our rural residential zoning, etc. Against the location of where the temple will be

built. There are better locations. Vote against the LDA and follow the conditional use process.

45. BRUCE QUADE indicated that he doesn't see where compromise has been made.

46. JULIE LEVENSTAN lives in Wasatch County and indicated that there are friendships that are being lost because of this temple. We need to find a better compromise.

47. LISA MISNER, Wasatch County resident, indicated that we believe that it doesn't serve the general welfare as it is proposed today. We ask the church and the County to compromise and revise the temple plan so it better fits with our general plan and as it does today it does not.

48. DENISE BAGLEY, lives in Midway, indicated let's move forward and move this application ahead and start the process and build the temple.

49. BRAD AND MICHELLE GLASSMAN, indicated that she loves this valley and love the people and we have lived here for fifteen years. The County Attorney is bias in favor of the church and should not be giving legal advice to the County Council. The development agreement is flawed and should not be approved. The church should use the conditional use process. I look forward to having a temple in the valley but the laws need to be followed.

50. CAMERON KIEFER, resident of Midway for the past eighteen years, indicated that he is in favor of the temple project and we should move forward and you vote in favor of it.

51. EMILY KING, thanked all of you for what work that you have done to consider this project. I support the approval of all three items and seeing a beautiful temple in our valley.

52. SHAWN SABERENO, indicated the temple would be an asset to the community and no argument with that. It should be an appropriate land based decision not an emotional decision. There needs to be a compromise reached with the entire community in mind and in compliance with the Wasatch General Plan and County Code. We should rely on the conditional use permit process.

53. LENA SMITH, indicated that this is not about religion and would want the temple.

54. AARON CHEATWOOD, resident of Heber City, and in favor of the building of the temple.

55. BILL IVIE, resident of Heber City, indicated that where the Council are all LDS it would be a conflict of interest which clouds any objective review with bias. This is not fair to the County residences who are not members of the church.

56. TATE STONE, indicated that he lives in Charleston and indicated that let's see if we can do something to make everybody happy and make sure that all the ideas are heard.

57. AARON BARLOW indicated that he is a new comer to the valley. The analysis that has been done is awesome. I support this project because it sounds like a great addition to the community.

Chair Spencer Park then closed both on line and in person public comment and bring it back to the County Council for action.

WHEREUPON, A BRIEF BREAK WAS TAKEN

Councilman Mark Nelson. I just want to make a few comments. We received an e-mail recently that listed a few things that I just wanted to comment on and I believe that over the past many months that we have had robust public debate. I think that we have listened to many concerned citizens and considered what they had to say. I have read hundreds and hundreds of e-mails and hundreds and hundreds of pages of documents and considered them.

Councilman Mark Nelson has spoken to many people are opposed. To me I believe this is for the general welfare of the residents of Wasatch County. I feel quite strongly and it has been pointed out several times that the County Council has broad discretion in the things that we are considering tonight. That is what I wanted to say.

On the question of the Legislative Development Agreement and several of the other questions that some of our friends and citizens who have been opposed to this that the Legislative Development Agreement has been carefully considered in my opinion. That County Council has the discretion and is the legislative body responsible for making that decision. Councilman Mark Nelson feels like we have very carefully considered that and the application should move forward and be approved.

Councilman Kendall Crittenden indicated that I would like to make a comment is that one of our speakers tonight during the public hearing made about attending the Planning Commission meeting a couple of weeks ago and the amount of time she sat in on that. I would say that I was there too. I was on Zoom. I sat through that meeting also knowing that I would hear much the same in two weeks here tonight. I wanted to hear the public comment. I wanted to know what people were thinking and what was being said. I have sat here tonight and I want to add that anybody that has been on a legislative council knows that prior to the meeting the two or three hours or the hardship that you have to sit through to listen to this and all the things that Doug Smith had to share and Jon Woodard had to say so that we covered that in the public process. There are many, many hours that we as legislators and we as Council Members spend outside of those meetings. If I was an attorney and keeping track of my billable hours I would be a rich man right now in the amount of time spent.

Councilman Kendall Crittenden was a member of a three member committee that put together the lighting ordinance. The time we spent looking at that and studying that and looking at other alternatives, discussing what would be best to put into that ordinance and what advice from our consultant to take and what fit best for our County. I spent a lot of time. We spent a lot of time otherwise. My fellow Council Members can testify that they don't know the piles of stuff that I have home that relates to this that they know that I can usually bring it if it comes up in a future meeting. I keep stuff. I read stuff. I look at the issue.

It has been accused that we should recuse ourselves because we are in favor of the temple. Yes I celebrated with every other person in the valley that had looked forward to that for many years when that was announced. Councilman Kendall Crittenden is in favor of the temple. There is no reason that I need to recuse myself. I have done the due diligence. I have studied. I have worked with the committees and worked with the process.

The lighting issues and you know some of the issues that were brought out and some of the things that has been said many times that gee we are in favor of it. Let's just put it somewhere else. I pointed out a month or so ago in a meeting when another lighting ordinance was proposed by the group. Councilman Kendall Crittenden pointed out to them and they made a statement in a podcast a year before the location of the temple was announced. At that time I think everybody in the valley

after it had been announced and I think that everybody in the valley assumed that it was going to be in the North Village. That is where it had been suggested by some tonight. Yes, it ought to be out there and there would be none of these issues.

One of these individuals that is opposed to dark sky and a year before the location was announced made a comment on that podcast that gee there goes our dark skies assuming that it is going to be in the North Village. It doesn't matter where it goes. There would be a group that would oppose it because it is in my backyard now. A lot of things develop.

Councilman Kendall Crittenden lives on Walmart Boulevard. It used to be called Third West but Heber City put a light on First South and that is the route to Walmart. It is the route to two schools several blocks from me. I have sat up to five minutes at times to get out of my driveway onto Walmart Boulevard. It didn't used to be that way. It was a quiet street. We enjoyed it. That is progress okay. It happens sometimes we are impacted by people's use of their property rights or future growth or development or whatever.

Councilman Kendall Crittenden just wanted to say that we have done due diligence. We have looked at the issues. We have studied it. We have worked with the church. They worked with the Planning Department. Compromises have been made. I think it is time to move this forward, thank you.

Councilman Erik Rowland indicated that like Councilman Mark Nelson said and most of you are probably aware of this. All of us except for two represent a specific area in the County and they are called at large so they represent the whole valley. I am one of those that represent a specific area. In that area I would probably characterize the existence and to be fair to the others I could be wrong but exist the most adamantly for and adamantly against the temple.

In trying to represent both of those constituents it has been challenging. About three days ago while rewind that in January once Councilman Erik Rowland was elected to office he started to receive e-mails about the temple. Over the course of the year I have been reading those e-mails. I have been putting them into a specific folder. I decided three days ago to re-read through every single one of those. I think that last count before this meeting started there was just about twelve hundred e-mails. It took three days, about eight hours a day reading through every single one just to make sure that for myself I had context and an understanding for all the constituents.

As a member of the Church of Jesus of Latter Day Saints there are few moments in its history that are particularly impressive to me. They boil down to two fundamental things. There are without stumbling through a lot of detail or history a certain amount of prosecution with those in the church. What is interesting about that is looking not just what happened within the LDS Church but throughout the world. Some of the ugliest and some of the most hurtful situations start with some of the most benign or perhaps the best intention comments. I like who you are but please don't do it here, go somewhere else. Councilman Erik Rowland doesn't mind what you stand for but don't do it by me go somewhere else. Then to take that further and start to ask that I don't like how you worship. Please worship like this. In a temple there is a very strong indication of how to worship.

While Councilman Erik Rowland came here tonight wanting to hear is there anything that we haven't heard before that needs to be considered. How can this be boiled down to the most fundamental concerns. I completely agree but now agree but I completely understand that for those who are against the temple. They don't mind having a temple here in the valley. I believe them when they say that. I believe that when they say just not by me. Put it somewhere else.

For a temple to be announced and the statement this is the place means something to those in the LDS faith. It is an important statement. It is why we are here in the Salt Lake Valley and why we are here in Heber because of the statement made hundreds of years ago this is the place. For that reason it is hard for me when an applicant has come and has presented a case that checks all the laws, checks all the things that they must comply to. It is hard for me to deny that. It is hard for me to look for reasons why it can't be done that doesn't cross into gray areas that have represented the worst of humanity when we start telling others how to worship. I know that we are better than that.

For Councilman Erik Rowland a decision needs to be made so that healing can begin at some point. I recognize there will be some who may never heal who will always have feelings against decisions made but a decision needs to be made. I encourage that we make a decision tonight.

Councilman Steve Farrell indicated that in my nineteen years here on the Council that we have never had an issue so decisive and we never had an issue that we did not research and cover so many aspects and do a due diligence to get this project done.

To some there is never going to be a right answer. I think we have done our best to bring all the facts and put them on the table and do what is best for the community and for the good of the County. I am a member of the LDS Church. I don't consider this a conflict of interest because there is no monetary value or gain for an individual. I am ready to move on.

Councilman Luke Searle indicated that what I want to share is that I have been grateful to be part of this process. I am grateful for this process to be able to have gone through the public hearings and to hear from you. I am like Councilman Erik Rowland I asked Dustin to ask the IT Department to just query how many e-mails I got that referenced temples and don't think a quicker way of doing it but I did read your correspondence and I really do believe that as we get involved in the process it is a really, really good thing and is part of our democracy as well as you electing us as our representatives for issues that deal with Wasatch County. I am grateful that our founding fathers allowed us to have and I mean to articulate the ability to freely say what we want and to exercise the religions whatever we chose to be as well as to not limit those who have a certain faith being in any elected office. I do believe that the oath that I took as well as those that are on the stand now and mean who are here today really is for all citizens and for us to uphold our constitution.

Councilman Luke Searle believes that in this particular case instead of using the words concessions or compromises I think the term should be concerns. I think that Doug Smith pointed out there that

things that have been brought up through this process because it hasn't been rushed and it hasn't been delayed. It has gone through a process to ensure that things have been addressed. They have been all out at once to be able to address and including water. If this was a process that I felt like wasn't above board maybe we wouldn't discuss water but we have and all those other areas that I believe that we have gone through.

Councilman Luke Searle believes that this Legislative Development Agreement does meet the general welfare for our County and all of our citizens so I am going to support this and we should make a decision tonight.

Councilman Karl McMillan indicated that it has been a long drawn out process and a lot of give and take by everyone and a lot of in-depth research. I think Doug Smith and his staff have done a wonderful job. I think that Jon Woodard has done a wonderful job. Whether it needs to be signed tonight or not I am neither for nor against. I do appreciate the process that everyone has gone through and the commitment to it for or against. Where I live I have had very vehement comments both for and against. I didn't particularly like either said when they got that wound up. Let's get her done.

Chair Spencer Park indicated that he is not really good at this but I do like to say that I am a member and I do dislike the comments that I should recuse myself. I was voted in by my constituents because of who I am. Now I am a lot more things than just a member of the church and I am sure I have been face book shocked and you guys know that I am because it is not hard to see. I get voted in by my constituents by who I am and what I stand for and what I support and I am a lot more things than just a member. That probably is not the reason that they voted for me. I don't know why they voted for me.

I do take offense to that when somebody says that this process was tainted. That is ridiculous to say that. It is not tainted. We have spent I think almost ten to twelve months on this to this point and have studied every aspect and had it re-studied and re-certified by somebody else it seems like. I also believe it is time to move this forward.

Motion:

Councilman Erik Rowland made a motion to approve Item No. 1 Ordinance 23-16 and its associated Legislative Development Agreement for approval. Councilman Kendall Crittenden seconded the motion.

Doug Smith indicated that he is sorry to interject and this is the last minute. I forgot to mention a condition that the Planning Commission had for their approval and that was that the lighting levels be validated on a regular basis and if you are comfortable with that please add that.

Chair Spencer Park can we do that part of the findings. Councilman Kendall Crittenden it is listed in the findings from the Planning Commission so if we include those findings of the Planning Commission it will pick that up. As I was looking for that earlier for that every statement is

mentioned further up and don't know whether it is a condition or whatever but it talks about that it won't allow light creep and it is checked everything year to avoid light creep and I think the applicant is okay with that as I understand. Yes it is part of the findings of the Planning Commission.

Councilman Erik Rowland indicated that he would like to amend his motion to include both the findings and that condition and other conditions. Councilman Kendall Crittenden indicated that his second still stands and would also second the amendment to the motion.

Chair Spencer Park indicated that he has got a motion and an amended motion and a second by Councilman Kendall Crittenden on the motion and amendment to the motion and the motion carries with the following vote:

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

NAY: None.

Motion

Councilman Kendall Crittenden made a motion that we approve the Final Subdivision Plat for the temple as it is mentioned in Item No.2 on the agenda for tonight with the findings and conditions that apply to that. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

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

NAY: None.

Motion

Councilman Erik Rowland made a motion that we approve Item No. 3 the site plan for the temple project along with all findings and conditions. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Kendall Crittenden indicated that he would make a motion that we have scheduled a regular county council meeting next Wednesday and I don't know that we have officially cancelled that in case we had a need to continue this item further to look at. In as much as we don't need that we have scheduled a county council meeting on November 29, 2023 to deal with some planning commission issues, etc.

Councilman Kendall Crittenden made a motion that we move the meeting from the November 15, 2023 to November 29, 2023. Councilman Mark Nelson seconded that motion and the motion carries with the following vote:

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

NAY: None.

ADJOURNMENT

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

AYE; Mark Nelson
AYE: Karl McMillan
AYE: Erik Rowland
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Chair Spencer Park

AYE: Luke Searle

NAY: None.

Meeting adjourned at twelve midnight.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

