



**PUBLIC NOTICE** is hereby given that the County Council of Wasatch County will hold a **REGULAR** session in the Council Chambers in the County Administration Building, 25 North Main, Heber City, Utah, commencing at 4:00 PM, Wednesday, April 3, 2024.

The public is welcome to attend and participate in this meeting real-time either in-person or by joining the Zoom Webinar.

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Online Zoom Webinar attendance is available using a suitable network device or via a phone using the information below:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83669998961?pwd=WXZzQjVFVzFsMG1vT0FsN0g4OHdLUT09>

Webinar ID: 836 6999 8961

Passcode: 551430

Or Telephone:

1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-646-558-8656 or 1-301-715-8592

Webinar ID: 836 6999 8961 Password: 551430

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A recording of the meeting may also be viewed afterwards by using the Wasatch County Website (<https://docs.wasatch.utah.gov/OnBaseAgendaOnline/>) and selecting the desired meeting.

Public participation (*comments and questions*) in this meeting will be accepted in-person, via email or online Zoom Webinar attendance. Emails will be accepted up to meeting time. Emails need to be sent to [publiccomment@wasatch.utah.gov](mailto:publiccomment@wasatch.utah.gov).

**WASATCH COUNTY COUNCIL**  
**DATE: Wednesday, April 3, 2024**  
**Order of Agenda Items Subject to Change without Notice**

**Prayer/Remarks Luke Searle**

**Pledge of Allegiance Karl McMillan**

**Call for Agenda Items**

**Public Comment**

**Approval of Minutes**

- 1 Approval of Minutes of March 21, 2024

**Council**

- 1 FFA soil contest winners request for support - Kendall Crittenden Korli Clyde
- 2 2024 tax sale updates -Joey Granger
- 3 BOE reconvened and assessor adjustments - Joey Granger
- 4 Discussion and direction of potential changes to the County PID policy – Dustin Grabau

- 5 Discussion and consideration of a resolution # 24-01 authorizing No Parking signs near the Crandall Point Trail Head – Dustin Grabau & Jon Woodard

## **Council/Board Reports**

### **Manager's Report**

#### **Closed Session - As Needed**

- 1 Purchase, Exchange or Lease of Property
- 2 Pending or Reasonably Imminent Litigation
- 3 The Character, Professional Competence, or Physical or Mental Health of an Individual

### **Public Hearings 6:00**

<ROLLUP\_DATE>

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Joey D. Granger  
Clerk/Auditor

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COUNTY COUNCIL MEETINGS.  
In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify  
Wendy McKnight 435-657-3193 at least one day prior to the meeting.  
This agenda is also available on the County Internet Website at <http://www.wasatch.utah.gov> and on Utah State's Website at  
[www.utah.gov](http://www.utah.gov).

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**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
MARCH 20, 2024**

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  
Erik Rowland  
Mark Nelson  
Kendall Crittenden  
Luke Searle  
Karl McMillan

**EXCUSED:** Councilman Steve Farrell  
Dustin Grabau, Wasatch County Manager

**STAFF** Heber Lefgren, Assistant Wasatch County Manager  
Rick Tatton, Court Reporter via Zoom  
Scott Sweat, Wasatch County Attorney  
Doug Smith, Wasatch County Planner  
Austin Corry, Assistant Wasatch County Planner via Zoom.

**PRAYER:** Councilman Kendall Crittenden

**PLEDGE OF ALLEGIANCE:** Led by Councilman Luke Searle and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday March 20, 2024 and indicated that all the Wasatch County Council are present with the exception of Councilman Steve Farrell who is excused. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building at 25 North Main, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

**THE OPEN AND PUBLIC MEETING AFFIDAVIT**

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

### **LEGISLATIVE ISSUES FOR FUTURE MEETINGS**

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

Councilman Luke Searle indicated that he has been working with the President of Rocky Mountain University of Health Professionals and he wanted to come and talk to us a little bit about their University and the programs that they offer which are potential extension programs to Wasatch County and were hoping to come to the Council's June 19th, meeting which is a normal meeting.

### **ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS**

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

### **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

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

### **APPROVAL OF THE MINUTES FOR MARCH 6, 2024**

Councilman Mark Nelson indicated that there are two corrections. Both corrections are on Page 35. One is Councilman Erik Rowley should be changed to Rowland. There was one NAY vote which was Councilman Luke Searle and on page 35 it says that Councilman Luke Searle voted AYE and that should be changed to NAY.

**Councilman Mark Nelson made a motion and indicated that with those two corrections the minutes are correct. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

## COUNCIL

### **BRIEFING ON A PROPOSED MOU FOR ANIMAL CONTROL SERVICES WITHIN WASATCH COUNTY PROVIDED BY HEBER CITY.**

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and presented a power point presentation and then indicated that Heber Valley Animal Services (HVAS) provides animal related services throughout all of Wasatch County and is a division housed within the Heber City Police Department. While HVAS is funded and staffed through Heber City all dispatch services utilized by HVAS are funded and staffed by the Wasatch County's Sheriff's Office. HVAS has an Animal Services Board made up of members who represent the participating community and is responsible for providing the organization supportive guidance and direction. Wasatch County currently has two seats on the board which are Councilman Luke Searle and Sheriff Jared Rigby.

Over the last year, the Animal Control Board has met with Heber City to discuss long-term needs of HVAS and the best way to provide essential animal related services to this community. This topic was a point of discussion in 2024 during a Wasatch County Council meeting and during a Interlocal government meeting in July. During these meetings, it was generally agreed that a new MOU between participating agencies would be needed in order to structure future investment and improvement needs since the existing MOU is out of date.

The purpose of this agenda item is to present the attached recommended MOU in draft format in order to seek input from the County Council. Similar meetings are being held among other participating jurisdictions with the intent that a final recommended MOU can be updated and then presented to all agencies for adoption by May 2024.

Heber Lefgren then went through a HVAC five year performance record. Also the budget remains relatively stable with only modest annual increases. Distribution of service fees are based upon the percent of total population within each agency. The animal control facility is located on Airport Road next to Solid Waste Service Station and is 3,040 square feet. The Animal Control Board has been meeting to discuss the future of Animal Control. The facility has been maintained well and has seen positive home grown improvements to meet the current demand for services. The first agreement that we have was established in 1998 and didn't have an expiration date. Also unaware of any signed copy of that agreement. The facility is outdated and unable to provide space for key services. The Heber Valley Animal Shelter is responsible for providing all animal related services requests for all of Wasatch County and dispatch services provided y Wasatch County. The facility is managed as a division within Heber City Police Department. The employees consist of 3 full-time and 1 part-time city employees. The facility has an Animal Control Advisory Board made up of members representing participating community and two representatives from Wasatch County. The current MOU is being updated and concerned about future financial needs associated with animal services and also what agency is best equipped to manage and oversee HVAS. While there was not a general consensus regarding who should manage HVAS in the future, there was an

agreement that the MOU needed to be updated and additional financial commitments would be needed in the future. The Animal Control Board has worked to update the MOU to meet the following needs:

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- Clarify the roles, responsibilities and relationships between HVAS participating jurisdictions, and the Animal Management Board.
- Outline the services to be provided to participating jurisdictions and how the expenses of those services will be shared by participating jurisdictions.
- Outline the method of cost sharing for current and future services being provided.
- Explain how future changes will be managed such as increasing financial support; adding additional jurisdictions, or changing the agency that would oversee HVAS operations.
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The majority of proposed MOU is based upon current, but undocumented practices. The summary of the MOU provides a high-level summary of the proposed MOU.

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- The term of agreement would be 5 years with automatic renewal unless written notice is provided. The Current goal is to start July 1, 2024.
- Heber City will serve as the operating jurisdiction and responsible for the day-to-day operations of HVAS.
- Services provided by HVAS to participating jurisdictions are consistent with the current level of services provided by HVAS.
- This includes but is not limited to Enforcement of animal control ordinances and licensing program.
- Sheltering and holding of stray and owner surrender animals.
- Finding positive outcomes for sheltered animals, removal of dead domesticated animals from public rights-of-way
- Regulation of vicious and/or dangerous animals.

The MOU includes the creation of a management committee.

- The management committee would be made up of five voting members. Two appointed by Heber city, 2 appointed by Wasatch County, and 1 appointed by Midway. Alternative voting member will also be appointed by Interlaken and Hideout. This member will have voting authority only if there are fewer than 5 voting members present. Also additional non-voting members may be appointed by Participating Jurisdiction if needed/desired.
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- Also in accordance with the budget schedule, the proposed HVAS budget and annual service fees would be provided to Board Members with sufficient time for them to seek input and direction from the jurisdiction governing body. The proposed budget would be considered approved after receiving a super majority approval from Board members four of five votes. Also service fees in proposed MOU are to be structured similar to the current practice. The following shows the percent of participating jurisdiction. Heber City, 48.79 percent. Wasatch County unincorporated 30.19 percent, Midway City, 16.98 per cent, Hideout 3.59 per cent and Interlaken 0.45 percent.

The next steps to follow with the MOU:

- Purpose of today is to seek Wasatch County Council's input regarding the substance and direction within the proposed MOU. Provided MOU is in draft form and still requires review from legal teams. Other participating jurisdictions are doing the same thing at this time.
- Draft MOU will be an item of discussion during next Interlocal meeting.
- Feedback received today and from all other meetings will be discussed during the next HVAS Board meeting and integrated into a final recommended MOU.
- Final recommended MOU will be provided to legal team, Wasatch County and Heber City for final substance review.
- Final MOU will be presented for approval to Wasatch County in May/June 2024.
- Goal is to have a full executed and approved MOU before July 1, 2024.

Heber Lefgren indicated that the conversation that we are having today is in regards to the substance and direction to make sure that where we are heading is where we would like us to head. We will then have another meeting and then when we have our next Interlocal meeting and put this on the agenda as well to have a conversation. Similar conversations are being held with some of the other entities. The goal is to be able to get all the feedback ready and brought back to the board meeting to integrate it to a final recommended MOU. At that point we will provide the information to our legal team both Wasatch County and Heber City to be able to make sure that everybody is comfortable with it. Then we hope to be able to bring it back to you for final recommendation and approval in May or June with a goal of going live July 1<sup>st</sup> of this year.

This MOU does a couple of things. One is formalized a lot of the structure that we have already but it also creates it in such a way that allows us to plan for things that we know are coming. For example we recognize that there are going to need to be some additional financial support as we grow and this structure creates a framework that allows it to happen. In the upcoming years we will need to have some conversations about how do we pay for large capital projects and again this framework creates the ability for us to be able to have that. Also who is the best organization to run animal services whether that be Heber City, Wasatch County, a special service district and there was not complete agreement on that one and we still need to have that conversation to identify where is the best place and the framework is created to allow us to be able to make that transition if and when we need to do that.

Heber Lefgren's recommendations are that as we identify the structure and once we are good with the structure we need to start doing some longer term planning on what are the financial needs for animal care and based on the recommendation of that discussion then at that point once we know what those financial needs are and we have an understanding of what those costs are then when we start looking at strategies on how do we pay for that and that will go in naturally into who is the best organization to run the shelter. That would be done after we had a discussion about what are the financial long term needs of animal services. Also we still need to give the draft copy of the MOU to the Wasatch County Attorney's office for review and Heber City will provide that to their legal team.



Today we need to know that the substance and the direction is aligned with what you envision is needed. The majority of this MOU is new and the previous MOU was literally like a one page maybe a one and a half page document so this provides a little bit more robust direction on some of the practices that we have had. Also with regard to the committee, the chair of that committee will be one of the representatives of the operating jurisdiction so right now it falls under Heber City and that means that one of the two Heber City representatives would serve as the chair of that committee.

### **Council Comments**

Councilman Mark Nelson indicated that in different parts of Wasatch County the definition of animal services is very different because there is quite a range of expectations. Heber Lefgren replied that the shelter has taken that responsibility on to make sure they understand what is the difference the laws between one entity and another entity and to carry it out. With regard to enforcement there is going to be some variation but the services being provided and this MOU basically says this is the service that is being provided. If you want a higher level of service then you are going to work with the jurisdiction to pay extra for that additional service. If we feel like we want a higher level of service there is a way for us to be able to pay for that higher level of service.

Councilman Luke Searle indicated that as suggested by our budget if we as Wasatch County had a municipal services fund to ensure that the unincorporated parts that we take our money to pay for animal services from that particular portion then we would assure ourselves that is where the money is coming from. It is an internal thing. Also when these meetings take place are this committee meetings being recorded? Heber Lefgren replied that it doesn't have anything in the MOU requires the recording and that would be based upon the recommendation of the operation jurisdiction for how they manage that. The MOU provides the details of the quarterly meeting and a lot of the solutions to our problems is us just meeting and paying attention to the issues that we have and as a result we have had some good work done and working with the Sheriff and Heber, Midway, Interlaken and Hideout. If we continue to do what we have been doing it will make us able to tackle some of those long term planning issues. We need to proactively plan for this. Possibly we could look at the name to be the Animal House. Where we are evolving as the population and we have to decide what new services we are providing and what existing services are being strained by all the new growth and things such as that we need to be moving forward with.

Heber Lefgren indicated that as we look at the creation of this new management board that there are some aspects where it is not just an advisory board that we are giving them decision making authority particularly when it comes to the budget that they will be reviewing and approving the budget then that as a Council we would be required to kind of participate in. That is one of the steps that we have added. The difference is we have input in those decision making and not just the operating jurisdiction saying here is what next year's budget is and your contribution that we have a voice at the table to be able to have that conversation in what increases are required or will be required. The idea is once the board makes the decision as a participating entity we would



commit to that. We need to make sure that we are clear on that.

The Wasatch County Council indicated that this was a good presentation and we should keep moving forward with finalizing the MOU.

## **COUNCIL/BOARD REPORTS**

Councilman Kendall Crittenden just reminded the Wasatch County Council regarding the meals on wheels where you go to the senior citizens at their home and deliver meals.

Councilman Kendall Crittenden indicated that he was approached by Bob Allen from MAG, we share the costs of the County with Heber City and Midway for a trail planner and our grant writer. Summit County has expressed to join into that and have them, utilize their services also. Wasatch County Council expressed there would be a concern with time that they spend that would take away their services to us. Councilman Mark Nelson indicated that there are two things to consider and one is what do they want, the grant writer and the trail planner do they want to have more hours. Also what does Wasatch County want? We don't want to share them. We have plenty to do and do not want to share them. The Council and Doug Smith, the Wasatch County Planner, expressed that concern. Councilman Kendall Crittenden indicated that he will talk to Bob Allen and let him know our feelings regarding spreading our trail planner and grant writer too thin and as a result we would not get the response time that we want out of them. Councilman Luke Searle indicated that he agrees with the time factor that would entail. Councilman Kendall Crittenden indicated that he would take what the Council has indicated to Bob Allen.

Councilman Luke Searle reminded the Wasatch County Council regarding the mine tour on Monday that Max Covey, the General Manager of the Jordanelle Special Service District has planned on taking the Council on that tour. Also the Pie Event that took place at the Senior Citizen Building was a big success and raised \$735.00 from the donations.

## **MANAGER'S REPORT**

### **LITTLE POLE ROAD AND INCREASED DENSITY**

Heber Lefgren, addressed the Wasatch County Council and indicated that the County has received a couple of requests seeing if there is any appetite for us abandoning either that road or portions of that road. The road is a Class B gravel road. From the County's perspective there is some advantage for the fact of abandoning at least a portion of that because the County is taking care of that property and not going anywhere. Also last week we had somebody come in to talk about changing the County code to allow for more density. We also received this week a couple of more requests for taking county property and making it high density and the question that we have is this a topic that we want to create a committee to have a discussion looking forward and how do we want to handle high density requests. Councilman Karl McMillan indicated that they haven't

got enough water to have any density. Chair Spencer Park indicated that they need to run it through the process because there is no water. Heber Lefgren replied that the question that the County has is there desire for us to have that conversation of what our policies regarding the high density development in the County. Councilman Mark Nelson replied that by definition the County is not supposed to be involved. Heber Lefgren replied that it sounds like the County is not intended to be dense and the best strategy it needs to be put on like Heber City's annexation plan.

Doug Smith, the Wasatch County Planner, replied by Zoom that the land owners are asking for more density than what is there now because it is P-160 and there are four thousand acres that they are combining together with Christensen property and goes all the way up Little Pole and is adjacent to Victory Ranch, Wolf Creek Ranch and the Sorensen property and Greener Hills. We have been very cautious with telling them that our General Plan recommends that densities get lower as you transition away from the city center.

Councilman Luke Searle replied that the entire Council to look into the matter rather than a committee. We are not interested in changes until we all can have a discussion about something or if there was a particular need.

Councilman Mark Nelson replied that without specifics and a formal recommendation we have to follow our General Plan.

Heber Lefgren replied that he feels like he got the information which is needed to say is this a topic that we want to consider and it sounds like we are comfortable with what we have.

Austin Corry, the Assistant Wasatch County Planner via Zoom, indicated that one of the things that is really to keep in mind is that the process is very important and when things are being talked about things that actually would affect our General Plan or would be contrary to our General Plan going through the process of how you amend is that is part of how you answer those questions rather than avoiding the perception of a decision is made and now we are going to write a General Plan that follows that decision. Heber Lefgren indicated that if something unique comes along we have a process already in place for us to look at that and direct people to that process.

### **REMOVAL OF TREES ON COUNTY PROPERTY**

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that with regard to our IT and Planning Building in the front yard we have quite a few partially dead trees and some trees that are considered to be trash trees that have grown up over the course of the last few years and we are looking at going through and cleaning that up to make that presentable. Heber Lefgren showed some pictures showing what he is talking about. The Wasatch County Council indicated that they are in favor of doing that because we need to make it look good around our County Buildings. Heber Lefgren replied that the County reached out to Heber City and said that for this area you can take these trees out so there is no requirements associated with it. Councilman Luke Searle replied that the County needs to look at the sign also.

**CLOSED SESSION**

The Wasatch County Council and Staff both indicated that there is no need for a Closed Session this evening.

**Councilman Kendall Crittenden made a motion that the Wasatch County Council go into a recess and then return at 6:00 p.m. to handle our one public hearing. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park**

**AYE: Mark Nelson**

**AYE: Erik Rowland**

**AYE: Kendall Crittenden**

**AYE: Luke Searle**

**AYE: Karl McMillan**

**NAY: None.**

WHEREUPON, THE WASATCH COUNTY COUNCIL TOOK A RECESS.

Chair Spencer Park indicated that the record should show that it is now 6:00 p.m. and the Wasatch County is again in session to have the Public Hearing that is scheduled for this evening.

**PUBLIC HEARING  
MARCH 20, 2024**

**RECOMMENDATION FOR ADOPTION OF WASATCH COUNTY ZONING MAP. AS PER 16.02.04 THE ZONING MAP IS TO BE APPROVED BY THE LEGISLATIVE BODY AND SIGNED BY THE CHAIRPERSON.**

**Staff:**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter is a County initiated proposal to amend the County zoning map. The zoning map in its current form, has been used for the last approximately 20 years. Changes are made periodically that incorporate any rezones that have been approved as well as annexations and other changes. This zoning map proposal not only updates the map as far as the areas that have been rezoned, but also changes the format so that the entire County is contained on one page. This has been somewhat confusing in the past where the County zoning map was split in half, due to the

size of the County and a match line that shows the eastern portion of the County. The code regarding adoption of the zoning map is listed in your staff report.

Doug Smith then went through the major updates to the zoning map.

1. Updates the map to incorporate recent rezones.
2. Changes the format so the entire County is now on one page so that the match line is not confusing.
3. Changes the colors of the various zoning districts so they are more typical of industry standards which is darker colors for higher density/intensity zones.
4. Different legend and cross hatching for various overlay districts.
5. Updates borders of municipalities and MIDA to reflect recent annexations.
6. Updates total acreages of various zones to reflect recent rezoning and annexations.
7. Has a larger scale map of the valley floor and Jordanelle area.
8. Incorporates the new County logo.

Doug then went through some key issues to consider.

1. In the updated format for the zoning map acceptable?
2. Are there any thoughts about other updates listed above that have been made to the zoning map?

Doug then went through the proposed findings:

1. The existing County zoning map has been in a similar format for approximately 20 years.
2. The existing zoning map shows the western portion of the County and has a match line for the eastern portion or the Strawberry area.
3. The existing map with the match line is confusing because you cannot see the entire County on a single map.
4. Colors have been changed so that lighter colors are for lower density/intensity zone then darker colors in conformance with typical color standards uses.
5. The updated map changes areas to correctly portray recent zone changes.

Doug Smith then read the proposed condition:

1. The Given's rezone that occurred in Wallsburg last year needs to be reflected correctly on the map before adoption by the Wasatch County Council.

**Public Comment:**

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

**Councilman Karl McMillan made a motion that we accept the recommendation of the Planning Commission for adoption of the Wasatch County Zoning Map as per with the findings and the one condition as outlined with regard to the Givens property. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park**

**AYE: Mark Nelson**

**AYE: Erik Rowland**

**AYE: Kendall Crittenden**

**AYE: Luke Searle**

**AYE: Karl McMillan**

**NAY: None.**

#### **ADJOURNMENT**

**Councilman Karl McMillan made a motion to adjourn. Councilman Luke Searle seconded the motion and the motion carries with the following vote:**

**AYE: Chair Spencer Park**

**AYE: Mark Nelson**

**AYE: Erik Rowland**

**AYE: Kendall Crittenden**

**AYE: Luke Searle**

**AYE: Karl McMillan**

**NAY: None.**

The meeting adjourned at 7:00 p.m.

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SPENCER PARK/CHAIRMAN

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JOEY D. GRANGER/CLERK/AUDITOR

21-1243 JD II LLC â€” Dedicated to Heber (Heber Meadows) Tax and penalty = \$8905.56

7-5064 Canyon View LLC â€” part of Burgi Lane and Pine Canyon intersection in Midway. Tax and penalty = \$8828.20

[Agenda Item: 2024 tax sale updates -Joey Granger](#)

Agenda Item: BOE reconvened and assessor adjustments - Joey Granger





<b>Policy Number</b>	<b>190-002</b>
<b>Policy Category</b>	<b>Development</b>
<b>Policy Title</b>	<b>Public Infrastructure District Establishment</b>
<b>Policy Description</b>	Policy establishing the process and criteria for authorization of a new public infrastructure district.
<b>Version # (Revision Date)</b>	V.01 (07/13/2023)
<b>Prior Version Date(s)</b>	N /A

## SUMMARY & PURPOSE

This policy statement addresses the criteria under which Wasatch County, Utah (the “County”) will consider applications for proposed Public Infrastructure Districts (the “District”). Compliance with these criteria shall not obligate the County to approve formation of the District. The Governing Document will be subject to approval by the County in both form and substance. The criteria are intended to serve as guidelines for the review of letters of intent and Governing Documents.

The policy statement has three sections:

1. Process for applying, including fees charged
2. The County’s decision-making criteria
3. Governing Document requirements

## I. PROCESS & FEES

1. Any proposed Public Infrastructure District will be considered in relation to the best interests of the County. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the County.
  - a. Petition and Letter of intent to form a Public Infrastructure District
    - i. The applicant shall submit (1) a petition meeting the requirements outlined in Utah Code Title 17B, Chapter 1, Part 2 as modified by 17D-4-201 and (2) a letter of intent containing the following information in summary form. The petition and letter will be used by staff to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. A positive staff response to the petition or letter of intent does not assure approval of the Governing Document. The petition shall also be submitted concurrently with the recorder of the County for certification pursuant to Title 17B.
    - ii. Letter of intent contents:
      1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;

2. Description of proposed development within the boundaries of the proposed District including general distribution of land uses and densities and phasing of development;
3. Summary of needed infrastructure, services and facilities:
  - a. Currently expected development scenario;
  - b. Required local and regional infrastructure and facilities for such development;
  - c. Regional and local infrastructure the proposed District is to provide;
  - d. Estimated construction costs for the proposed District improvements;
  - e. General description of phasing of construction based on development projections;
  - f. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
  - g. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area; and
  - h. A sample plan of finance depicting the possible sources and uses of funds for the District.
4. Provide the following financial plan information:
  - a. Proforma financial overview of total costs and total revenues from all revenue and capital sources demonstrating a complete plan of finance for the entire project;
  - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the "Board") within the parameters of the Governing Document;
  - c. Proposed operating budgets for the District's first three years of existence; and
  - d. Any other forms of public financing and assistance being sought, including assessment areas.
5. Proposed timeline for District creation.
6. Acknowledgement that a consent must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.
7. Disclosure of any conflicts of interest between the applicant and the officers and employees of the County.
8. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the County and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document.

**b. Review Process**

- i. The County Manager and the County's financial advisor and bond counsel will review District applications on behalf of the County. Additional County staff and advisors may be included as needed. The petition and letter of intent will be reviewed utilizing these criteria

to determine whether or not to direct the applicant to proceed with preparation of a draft Governing Document for submittal. Conceptual approval does not assure approval of the governing document.

- ii. An application will not proceed to preparation of a Governing Document unless the underlying project has a Development Agreement approved by the County or a draft development agreement has been prepared for consideration simultaneous with drafting of a Governing Document.

**c. Governing Document**

- i. If the concept for the District as contained in the letter of intent is approved, the County staff will work jointly with applicant and legal and financial advisors to submit a draft Governing Document to the County's Management Office.
- ii. The draft Governing Document will be reviewed by the DRC for compliance with the criteria and requirements contained herein. The DRC will discuss with appropriate policy-makers issues that arise during this drafting period to have such issues resolved.
- iii. The final Governing Document will be forwarded to County Council for action through the standard County and statutory processes.

**d. Fees**

- i. No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to Wasatch County and sent to the County Manager's Office.
  - 1. Letter of Intent: A Letter of Intent is to be submitted to the County Manager's Office and a \$5,000 retainer shall be paid at the time of submittal of the Letter to cover the cost of staff review.
  - 2. If the applicant proceeds to the submittal of a Governing Document the applicant shall be required to pay actual costs of the County in connection with the review and negotiation of the Governing Document. The County may request an additional retainer at such time.
  - 3. Other Expenses: The applicant for a District shall pay all reasonable consultant, legal, financial advisor, and other fees and expenses incurred by the County in the process of reviewing the draft Governing Document prior to adoption and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses. The County may request an additional retainer to cover such costs.

## **II. CRITERIA FOR EVALUATING PROPOSED PUBLIC INFRASTRUCTURE DISTRICTS**

### **1. Public Interest**

- a. Formation of a District bestows certain public interests on the District's proponents and is expected to provide public interest consistent with the Creating Entities policy goals. At a minimum, a project must demonstrate the following:
  - i. Resulting development generates a diverse tax base of property, sales, and/or other taxes.
- b. Additional components of public interest to be considered may include some of the following generally ordered from most to least public interest:

- i. Resulting development that is in conformance with the County's General Plan and all applicable supplements;
- ii. Preservation or creation of agricultural areas, open space, parks, trails, or other outdoor public amenities; and
- iii. Commercial and/or industrial development that will provide employment opportunities, retail, dining, entertainment, and consumer services and diversify the sales tax base.
- iv. Provision of and/or contribution to needed regional and sub-regional infrastructure;
- v. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, retail and consumer services, increased affordable housing availability, and civic amenities;
- vi. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, energy efficient upgrades, and pedestrian-friendly building design;
- vii. Sustainable design including multimodal transportation, water conserving landscape design, green building design, and formation of and participation in transportation management programs;

## 2. Evaluation Criteria

- a. These criteria provide thresholds for consideration. Compliance with some or all of these criteria is desired; however, alternative approaches may be considered.
  - i. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document. In such cases, the relationship with the existing districts must be addressed in the Governing Document.
  - ii. A District consisting of commercial and industrial uses planning to levy more than 10 mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
  - iii. A District consisting of residential uses planning to levy more than 6 mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
  - iv. There must be a demonstrated public interests directly resulting from the creation of the District and its undertakings for both the County and the future taxpayers of the District as described in the Governing Document.
  - v. A District consisting solely-primarily of residential uses and intending to finance solely primarily localized horizontal improvements through limited tax bonds will not-only be considered for projects in the Jordanelle Basin.

## 3. Evaluation of Applicant

- a. The following criteria relating to the applicant and the development will be considered:
  - i. Historical performance of the applicant (within and outside of the County);
  - ii. The current proposed plan of finance of the District and the project;
  - iii. The current development plans and relationship to the master plans of the County; and
  - iv. The regional, economic development, or overall benefits to the County from the proposed plan of finance.

### III. GOVERNING DOCUMENT REQUIREMENTS

1. In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the County, as well as the considerations that compelled the County to authorize the formation of the District. The Governing Document for the proposed District shall contain and will be reviewed for compliance with the following policies and requirements.
  - a. District Description
    - i. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history within the proposed district boundaries, and proposed development scenario (land uses by type and intensity and general urban design character).
    - ii. Description of the public interests resulting from the creation of the District and its undertakings.
    - iii. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area.
    - iv. Explanation of the relationship, if any, between the District and any other public infrastructure districts with shared annexation area or overlapping boundaries. If more than one district is proposed to be created within an annexation area, describe how ultimate district boundaries will be determined.
    - v. Estimated construction costs of such infrastructure.
    - vi. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
    - vii. Description of any proposed divisions and an annexation/exclusion process as appropriate.
    - viii. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.
    - ix. A governing document may permit the District to issue C-PACE debt or other financing structures pursuant to Title 11, Chapter 42a of the Utah Code with respect to commercial developments, without such debt counting against the debt limitation of the District.
  - b. Requirements and Expectations
    - i. The planned ownership of the Improvements, including any relationship with an existing statutory district should be addressed in the Governing Document.
    - ii. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
    - iii. All bonds shall have a maximum term and termination date.
    - iv. Land, easements or improvements to be conveyed or dedicated to the County and any other local government entity shall be conveyed in accordance with the related standards at no cost to the County or local governmental entity.
    - v. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.
    - vi. The District shall not pledge as security any land, assets or funds to be transferred to the County.
    - vii. The District shall be subject to County zoning, subdivision, building codes, and all other applicable County ordinances and regulations. Approval of the Governing Document shall not bind the County to approve other matters which the District or developer may request.
    - viii. The District shall pay all fees and expenses as provided in the Governing Document.

- ix. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof, any end user for the costs of Improvements.
- x. The District shall be subject to State of Utah’s procurement statutes and regulations. At a minimum, the acquisition of completed or partially completed improvements shall be for fair market value, as reasonably determined by a surveyor or engineer retained by the District.
- xi. To ensure that development of a property tax base keeps pace with debt obligations, governing document shall provide for milestones in the construction of residential and commercial properties (in the form of number of dwelling units and amount of square footage, respectively, or some other metric as set forth in the governing document), completion of which shall be conditions on the District’s issuance of any additional bonds.
- xii. The Governing Document shall provide a sunset clause to address dissolution of the District upon completion of infrastructure buildout and paying off all bonds used to finance the infrastructure or in the event that the PID does not issue any bonds. Such clauses shall make reference to statutorily prescribed dissolution procedures set forth in the Utah Code Title for Limited Purpose Local Government Entities - Local Districts and any such dissolution procedures that would be carried out accordingly. The clause may address dissolution prior to any levy of taxes and issuance of bonds for occurrences and conditions outside of the control of the Developer, such as recessions, economic and market conditions, and acts of god; once taxes have been levied and bonds issued, there shall be no dissolution of the PID except as prescribed under U.C.A. 17B-1-1301 et seq.

xiii. Bonds may not be purchased by parties who have a material conflict of interest related to the ownership of the property within the District.

xiii.xiv. For Districts consisting of primarily residential uses in the Jordanelle Basin, may not impose a property tax mill levy for purposes of repaying debt of the district but shall instead be considered for a one-time special assessments that must be paid off prior to a certificate of occupancy. This shall not be intended to restrict a property tax mill levy to be used for administrative expenses of the District, should be used on those residences and not an on-going property tax levy.

**c. Disclosure and Reporting Requirements**

- i. Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.
  - 1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
    - a. Containing a description of the boundaries of the District;
    - b. Stating that a copy of the Governing Document is on file at the office of the County;
    - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax or an imposition of fees/assessments (if applicable to conform to this Policy);
    - d. Stating the maximum rate that the District may levy;
    - e. A disclosure outlining the impact of any applicable property tax, in substantially the following form:
      - i. “Under the maximum property tax rate of the District, **for every \$100,000 of taxable value, there would be an additional annual property tax of \$ \_\_\_\_\_** for the duration of the District’s Bonds.”



- f. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
  - a. All of the information required under C.1. above;
  - b. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
3. The District shall provide the following information to the County Manager's Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
  - a. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year;
  - b. List of current interlocal agreements, if changed (to be delivered to the County upon request);
  - c. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
  - d. District office contact information;
  - e. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
  - f. A summary of any litigation which involves the District Public Improvements as of the last day of the prior fiscal year;
  - g. Status of the District's construction of the Public Improvements as of last day of the prior fiscal year and listing all facilities and improvements constructed by the District that have been dedicated to and accepted by the County as of the last day of the prior fiscal year;
  - h. A table summarizing total debt authorized and total debt issued by the District as well as any presently planned debt issuances;
  - i. Official statements of current outstanding bonded indebtedness, if not previously provided to the County;
  - j. Current year budget; and
  - k. The District's financial statements, for the previous fiscal year, such statements shall be audited if required pursuant to State law or relevant bond documents (such statements shall be submitted within 30 days of completion if completed after 180 days following the end of the fiscal year).

**d. Submittal Instructions**

- i. All letters of intent, draft Governing Documents, annual financial information, and additional documents and requested information should be submitted to the County Manager's Office:

Wasatch County  
Attn: County Manager  
25 North Main  
Heber City, UT 84032  
435-657-3310





## Wasatch County Council Agenda Item Staff Report

**Subject:** Discussion and direction of potential changes to the County PID policy

**Background:** Last year, the county adopted a public infrastructure district (PID) policy that outlined the process and criteria for establishing those districts. In discussions with some applicants, potential changes to the policy have been discussed that might allow a broader range of priorities to be met in the Jordanelle Basin of Wasatch County.

**Recommendation:** Provide direction on the PID policy proposals

**Fiscal Impact:** none

**Presenter's Name:** Dustin Grabau

**Requested Duration of Presentation:** 20 Minutes



## Wasatch County Council Agenda Item Staff Report

**Subject:** Discussion and consideration of a resolution authorizing No Parking signs near the Crandall Point Trail Head

**Background:** In working with the Jordanelle State Park and the public lands board, Wasatch County was asked to consider parking restrictions on portions of Old Keetley Road adjacent to the Crandall Point Trail Head. The resolution, as proposed, authorizes the placement of No-Parking signage and would allow both Wasatch County and the Utah State Parks law enforcement to ticket illegally parked vehicles in that area.

This arrangement differs from other parking enforcement areas, notably the Bonanza Flats agreement with Park City. In this case, Wasatch County Justice Court would process all citations and collect all fees associated. If the county wished to pursue an agreement that more closely matched the Bonanza Flats model, this resolution would need to be amended.

**Recommendation:** Motion to approve or amend the policy

**Fiscal Impact:** none

**Presenter's Name:** Dustin Grabau

**Requested Duration of Presentation:** 20 Minutes

**WASATCH COUNTY**

**RESOLUTION NO. 24-01**

**A RESOLUTION AUTHORIZING NO PARKING SIGNS ALONG  
PORTIONS OF OLD KEETLEY ROAD**

**RECITALS**

**WHEREAS**, Wasatch County has enacted Ordinance 21-13 authorizing procedures for prohibiting, regulating, restricting and enforcing parking in Wasatch County; and,

**WHEREAS**, said ordinance only applies to roads or portions thereof which the County Council authorizes and directs that signs regulating parking be placed; and,

**WHEREAS**, Jordanelle State Park, the County, and JSSD, have cooperated to construct the Crandall Park Trailhead, and an associated parking lot, to facilitate access to public trails near the Jordanelle Reservoir; and,

**WHEREAS**, Jason Whitaker, the Park Manager with the Jordanelle State Park has requested no parking signs on a certain portion of the Old Keetley Road, so as to encourage use of the new parking facility and trailhead, and so as to prevent interference with JSSD operations and use of the Old Keetley Road; and,

**WHEREAS**, the County Legislative Body finds that cars parked along Old Keetley Road, starting at Alpine Avenue and continuing North until the JSSD gate, as depicted on Exhibit A, could interfere with the Jordanelle State Park's plans for the Crandall Point Trailhead; and

**WHEREAS**, The County Legislative Body finds that authorizing Jordanelle State Parks to post signage on Old Keetley Road as shown on Exhibit A; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that:

Wasatch County Public Works, is authorized to place and maintain No Parking signs on Old Keetley Road, as shown on Exhibit A.

**APPROVED** and **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**ATTEST:**

**WASATCH COUNTY COUNCIL**

\_\_\_\_\_  
Joey Granger  
Wasatch County Clerk / Auditor

\_\_\_\_\_  
Spencer Park, Chair

**VOTE**

Spencer Park, Chair	_____
Karl McMillan, Vice Chair	_____
Steve Farrell	_____
Erik Rowland	_____
Kendall Crittenden	_____
Luke Searle	_____
Mark Nelson	_____

EXHIBIT A

