State of Utah

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Governor

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Lieutenant Governor

Office of the Lieutenant Governor

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February 13, 2026

Town of Bear Canyon Request for Feasibility Study Determination

Joey D. Granger
25 N. Main
Heber City, UT 84032
Via Email: ClerkAuditor@wasatch.utah.gov

R. Steven Austin
30251 Golden Lantern, Suite E PMB 251
Laguna Niguel, CA 92677
Via Email: steve@advancedcivilgroup.com

Dear Wasatch County Clerk and Mr. Austin,

On January 1, 2026, the Office of the Lieutenant Governor (OLG) received a feasibility request (the "Request") for the creation of a preliminary municipality known as the Town of Bear Canyon ("Proposed Incorporation Area") as is allowed under Utah Code §10-2a-502. Pursuant to Utah Code §10-2a-503(1)(b) the OLG is required to review and determine whether the Request complies with Utah Code §10-2a-502 within 45 days after the initial filing, and to notify the Wasatch County Clerk and the primary sponsor contact of the determination. This letter serves as that notice.

After review of the Request the OLG finds that the Request does not comply with Utah Code §10-2a-502 and accordingly must be denied.

As required by Utah Code §10-2a-503(4) the OLG provides the grounds for the rejection:

1. Utah Code §10-2a-502(2)(d)(i) requires that "on the day on which the person files the feasibility request…the area is owned by no more than three persons, all of whom consent to incorporation as a preliminary municipality." The OLG consults with the County Clerk for data to determine if the proposed preliminary municipality area complies with Utah Code §10-2a-502(2). The Request states that Evan H. Ault, Andrea A. Oveson and Steven H. Ault are the sole applicants/owners of all the real property included within the

Proposed Incorporation Area. However, Wasatch County identified six (6) separate and distinct record owners of property within the proposed boundaries on January 1, 2026, the date the Request was filed. The number of property owners within the proposed boundaries exceeds the statutory three-owner limit and therefore compels rejection of the Request under Utah Code §10-2a-502(2)(d)(i).

2. Utah Code §10-2a-502(5)(a) requires that "*a person who files a feasibility request…shall file the feasibility request with the lieutenant governor, including in the feasibility request…the signatures of all owners of real property included in the proposed preliminary municipality area, showing that the owners consent to including the real property in the proposed preliminary municipality area*." According to Wasatch County, the Proposed Incorporation Area contains six real property owners. Only individuals with representative capacity for Deer Creek Park, LLC, the SHCH Alaska Trust, and Metonymy Alaska Trust, signed the Request and consented to include their real property in the Proposed Incorporation Area. None of the other three record landowners signed the Request or otherwise consented to include their property within the Proposed Incorporation Area. The Request does not include the signatures and consent from all owners of real property and, on that basis, also fails to comply with Utah Code §10-2a-502(5)(a).

In accordance with Utah Code §10-2a-503(7), sponsors may, subject to Utah Code §10-2a-505, amend the Request to correct the deficiencies and re-file the feasibility request with the OLG, within 90 days after the day on which the OLG rejected the Request. **If the sponsor does not submit an amended request for feasibility study to the OLG by May 14, 2026, at 11:59 P.M., or the amended feasibility study request does not comply with Utah Code §10-2a-502, the preliminary municipality incorporation process cannot proceed.**

Warm regards,

Arden Cook
Local Entity Specialist,
Office of the Lieutenant Governor