

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
FEBRUARY 21, 2018**

The Wasatch county Council met in regular session at 4:00 p.m. at the Wasatch County Administration Building, Heber City, Utah and the following business was transacted.

PRESENT: Chair Greg McPhie  
Danny Goode  
Kendall Crittenden  
Mark Nelson  
Spencer Park  
Steve Farrell

EXCUSED: Councilman Mike Petersen

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilman Mark Nelson

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

Chair Greg McPhie called the meeting to order at 4:00 p.m. and indicated that Councilman Mike Petersen is excused and then welcomed those present and called the first agenda item.

**OPEN AND PUBLIC MEETING AFFIDAVIT**

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

**PUBLIC ISSUES FOR FUTURE MEETINGS**

Chair Greg McPhie asked if there were any Public Issues for Future Meetings and there was none.

**ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS**

Chair Greg McPhie asked if there were any Administrative Items for Future Agendas and there was none.

## **LEGISLATIVE ITEMS FOR FUTURE AGENDAS**

Chair Greg McPhie asked if there were any Legislative Items for Future Agendas and there was none.

### **APPROVAL OF THE MINUTES FOR JANUARY 3, 2018 AND JANUARY 17, 2018.**

**Councilman Steve Farrell made the motion that we approve the minutes for January 3, 2018 and January 17, 2018. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park  
AYE: Steve Farrell  
AYE: Chair Greg McPhie  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark nelson**

**NAY: None.**

Councilman Kendall Crittenden indicated that on January 3, 2018 that the SSD the Sewer Board will be discussed in February and Councilman Steve Farrell indicated that has been taken care of because it happened when you were absent.

Councilman Kendall Crittenden indicated that on the January 17, 2018 minutes on page five it talks about what Ryan Starks has said that the General Plan would be updated. Chair Greg McPhie indicated that it was a suggestion by Doug Smith, the Wasatch County Planner, if that information was correct that we would look at updating the General Plan. Councilman Kendall Crittenden also indicated that possibly the matter could be put on a Wasatch County work meeting in March to be looked at and talked about.

## **COUNCIL**

**AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE TO ALLOW CARETAKER AND ACCESSORY RESIDENTIAL UNITS IN APPLICABLE ZONING DISTRICT DELETING GUEST ACCESSORY DWELLINGS AND ALLOWING AND REGULATING ACCESSORY RESIDENTIAL UNITS AND CARETAKER UNITS.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the existing code allows for Guest Dwelling Units above 2000 square feet on an acre or more which could be a detached dwelling. It also allows caretaker dwelling units up to 3000 square feet and four bedrooms on lots of five acres or more and allows for attached accessory residential units mother-in-law apartments or any type of dwelling in it. The direction that was given is that the staff would approve a conditional use permit for detached single family only meaning that detached single homes would have a mother-in-law apartment in it and have a separate kitchen, 1000 square feet and that would be an administrative conditional use unless neighbors complained which that would then have to go to the Wasatch County Planning Commission. Also guest ADU's are deleted from the ordinance. ADU caretaker units are on ten acre parcels or more with up to 1500 square feet for a caretaker unit. Large agricultural uses over ten acres and transient lodges on ten plus acres can have an unlimited size caretaker dwelling as long as it is ancillary to the main dwelling and there is a deed restriction for no further subdividing. Also regardless of the zone the ten acre minimum is required so if it is a lot of record in a twenty acre zone or P-160 Zone if it was ten acres they could have a caretaker ADU. Doug Smith indicated that is what he understood from the last meeting. Doug also indicated that what has been changed is that on dwelling units there was a change that there is 3500 square feet on ten acres and are deed restricted and more clarification on the ten acre requirements or grandfathered lots. Also a change made for the mother-in-law ARU's to be handled as a administrative conditional use along with those other changes.

Councilman Spencer Park indicated that it was his understanding that the ten acre minimum or meet existing zoning like if a lot of record existed in the A-20 there needed to be twenty acres to get the additional unit not just be ten acres. Doug Smith indicated that he missed that so a lot of record would not qualify. Chair Greg McPhie indicated that was the thought that the underlying zone would be the prevailing zone and if that underlying zone held to that. Councilman Park indicated that with regard to the lot of record issue that if you have a lot of record that is not meeting the current zoning you can't have this and do whatever is allowed under the current zoning and that is it. Doug Smith then indicated that would need to be added there would have to be ten acres or more and that the underlying zoning applies. Also with regard to mother-in-law apartments that they can only be in single family detached homes.

Chair Greg McPhie opened the meeting for public comment. Mike Johnston, local engineer, addressed the Wasatch County Council and indicated that what is not in the current ordinance is what is being called mother-in-law apartments which is not in the accessory dwelling ordinance. This ordinance with regard to caretaker or guest dwellings was crafted to meet the needs and the desires of a lot of residents in Wasatch County. There are a lot of people who have a guest ADU and it is not permitted. Also this has not increased a density problem. The issue is that it needs to be crafted what a residential unit is or the ARU the mother-in-law what are the requirements for that and where should that be located and that should be located in a single detached home. The big issue is that the Wasatch County Council is completely removing the ability for anybody to do this 1000 square foot guest ADU legally. The matter just comes down to stoves because that will

make the dwelling have a kitchen which makes the dwelling an ARU. Mike Johnston indicated that in summary he would like to have this re-thought carefully and not throw out this guest ADU because it is a tight code and the bigger problem is with people who have not come in to get a conditional use permit which is the enforcement problem not the code. Also Wasatch County should come up with good ways to allow good transient rentals. Also keep the guest caretaker issue separate from the in home mother-in-law apartment stove/kitchen issue because they are completely separate but have them file and Doug Smith signs it and record a notice of issue document indicating that the unit will not be rented and then the enforcement issue has some teeth in it.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the challenge that Wasatch County has are the nightly rentals because people will rent their dwellings out so the dwellings will be paid for by rentals taking place and the owner will only come once a year to stay in it.

Marilyn Crittenden, Wasatch County resident, addressed the Wasatch County Council and asked if there is a law against nightly rentals and Doug Smith, the Wasatch County Planner, indicated that there is a law against nightly rentals but nightly rentals are allowed in certain areas of Wasatch County.

Chair Greg McPhie indicated that lets put this matter back on the work meeting agenda for the March 14, 2018 meeting for the matter to be discussed further and if the Councilmen have any further comment about this matter to get those comments to Doug Smith. Doug Smith, the Wasatch County Planner, indicated that he will add the necessary comments that were made this evening.

### **COUNCIL/BOARD REPORTS**

Councilman Steve Farrell indicated that there has been a Timber Lakes Water Board meeting last night and complying with the State of Utah with regard to the data collection and with the changes in the legislature this will create a lot of problems for all of the water districts and the management with the tracking of the quantity of water that is being used. Also a person needs to be appointed to the Timber Lakes Water Board who is a part time resident so if anybody here knows of anybody that would be interested in that have them fill out an application.

Councilman Kendall Crittenden indicated that there are a couple of bills in the legislature that Wasatch County might be interested in which is Senate Bill 189 which deals with small wireless users with regard to large towers. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this bill would allow any what was termed as a small wireless user and the bill being promoted by AT&T which would make it illegal and not have the ability to franchise off from any of our easements or utility poles within Wasatch County's easements AT&T would just have the right and would not have to ask. Councilman Kendall Crittenden also indicated that House Bill 250 expands challenges with impact fees which in even years you can challenge an impact fee. Mike Davis also indicated that what can be challenged is what the impact fees was used for. Also Heber City has a public hearing on the annexation proposal on March 1, 2018 at 6:00 p.m. Also there is a joint Wasatch County and Heber City on March 13, 2018 at 7:00 p.m. at the Heber City Council Room.

Councilman Danny Goode asked if the RFP was obtained for the Wasatch County Library and Mike Davis, the Wasatch County Manager, indicated that yes it was obtained.

## **MANAGER'S REPORT**

### **RFP REPORT FOR THE WASATCH COUNTY LIBRARY**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the RFP went out and is in today's local paper and in the Salt Lake Tribune which will run for two weeks and then hopefully receive the two bids so everything is moving forward on track.

### **WASATCH COUNTY SHERIFF'S FACILITY**

Mike Davis, the Wasatch County Manager, indicated that this is proceeding right along and most of the vertical walls are up and that will make the dispatch center larger and more office space for the Sheriff's Department.

### **RFP FOR ENGINEERING SERVICES**

Mike Davis, the Wasatch County Manager, indicated that the engineering services for Wasatch County are larger than he can handle so there is a need for engineering services which is an RFQ has gone out. Also one of our review engineers has some medical procedures which will put him out of commission for about six weeks. This will be paid for by the developers. Also this will give Wasatch County more capacity and this advertisement will be out for two weeks in the papers.

**DISCUSSION AND POSSIBLE DECISION ON AFFORDABLE HOUSING BOARD POSITION.**

Mike Davis, the Wasatch County Manager, indicated that one position for re-application from Edd Thacker to be re-appointed to the Wasatch County Affordable Housing Board and there are a couple of other positions but the applications have not been received yet. Mike Davis asked that the Wasatch County Council re-appoint Edd Thacker.

**Councilman Steve Farrell made the motion to take the Wasatch County Manager's recommendation and re-appoint Edd Thacker to the Wasatch County Affordable Housing Board. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park  
AYE: Steve Farrell  
AYE: Greg McPhie  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark Nelson**

**NAY: None.**

Mike Davis, the Wasatch County Manager, indicated that a request was received from Heber City for their position to the Wasatch County Affordable Housing Board which is currently held by Jason Bradley and want to switch Heber City's representation from Jason Bradley to Heber City Councilman Ron Crittenden so that would be my recommendation. **Councilman Spencer Park made a motion to take Mike Davis' recommendation and appoint Heber City Councilman Ron Crittenden to the Wasatch County Affordable Housing Board. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park  
AYE: Steve Farrell  
AYE: Greg McPhie  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark nelson**

**NAY: None.**

**DISCUSSION AND POSSIBLE DECISION ON ACQUIRING PROPERTY**

Mike Davis, the Wasatch County Manager, indicated that he would request a closed session on this matter.

**LEGISLATIVE REPORT FROM REP. TIM QUINN, SEN. VAN TASSELL  
AND MIKE KOHLER.**

A Legislative Report from Representative Tim Quinn and Mike Kohler was given regarding certain bills that were before the legislature and can be researched on line. Senator Kevin Van Tassell was unable to make the council meeting. Bills that were discussed were HB171 which disappeared and won't be brought up again which pertained to SSD's. Also water bills which are leaning towards metering all the way down to agricultural users. HB187 which gives the sheriff certain rights in financial matters. HB271, where government provides certain services as other private entities creating competition problems. A lot of bills were run by the Home Builder's Association with regard to impact fees, etc. SB97 allows irrigation companies concerning storm drains and the moving of irrigation ditches and irrigation companies have to be notified. HB124 pertains to water to get more public with that water really costs. HB423 regarding transportation taxes. SB29 requires a county to list special purpose entities like the Heber Valley Railroad. . HB343, HRC regarding global warming is a fact. HB385 changes rules for deductions for Utah State tax payer's personal individuals. HB62 regarding eminent domain issues. HB21 regarding adding the average uncollectables for the past 5 years to your current growth factor. Also talked about a bill regarding e-mails use. Also talked about some school problems facing the legislature to make sure what is equal in one county is equal in another county. Also talked about the older legislators leaving and how that will affect the legislature. Also talked about SB 204 which deals again with water metering which could ruin small farmers. Councilman Steve Farrell made a comment that what Wasatch County needs is some storage capacity in the Jordanelle Reservoir so Wasatch County's water could be spread out then that would do Wasatch County to conserve the water so Wasatch County has the same water in May 1<sup>st</sup> as there is September 1<sup>st</sup>.

The Wasatch County Council thanked Mike Kohler and Representative Tim Quinn for taking the time to address the Wasatch County Council.

Mike Davis, the Wasatch County Manager, indicated that this will have to take place at 7:00 p.m. because that is the earliest that these people will be available to address the Wasatch County Council.

**ELECTION EQUIPMENT.**

Mike Davis, the Wasatch County Manager, indicated that the State of Utah has been discussing election equipment. Brent Titcomb, the Wasatch County Clerk/Auditor feels strongly that new election equipment should be purchased because Wasatch County's election equipment is worn out. This would force Wasatch County into a mail in ballot system. Mike Davis indicated that the cost to make this change would be \$117,000.00 for Wasatch County which would be everything which also includes turning the old equipment in. This would be a onetime cost. Mike Davis also indicated that Wasatch County should just pay for that out of the reserves that Wasatch County has and tax dollars has to be used out of the General Fund. Mike Davis indicated

that it is his recommendation that we move ahead and buy the election equipment. The Wasatch County Council indicated to Mike Davis that they are in favor of proceeding with purchasing the new election equipment.

### **WORKING WITH HEBER CITY ON THE ANNEXATION AGREEMENT**

Mike Davis, the Wasatch County Manager, indicated that Wasatch County has been working with Heber City on a proposed annexation agreement. Heber City's staff called the Wasatch County's staff and said that we will no longer do an interlocal agreement. That the Heber City Council has told us that we can only have an agreement which is basically a hand shake. The Wasatch County Staff is really disheartened because the reason that was said and they were told that we don't want to be forced to abide by the agreement. Wasatch County is just wasting time with Heber City. Mike Davis indicated that he is just talking about an annexation agreement for new development. Councilman Danny Goode indicated that the feedback that he has received is that Wasatch County's approval process for development is much more strict, stringent and harder and slower than Heber City's process. Councilman Steve Farrell indicated that he would not be opposed to the annexation plan if they held to Wasatch County standards. Councilman Spencer Park indicated that maybe if Wasatch County would streamline the process the issue of annexation wouldn't be as pleasing to developers.

**Councilman Danny Goode made a motion to leave our regular Wasatch County Council Agenda and go into closed session to discuss acquiring property, potential litigation and personnel. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park  
AYE: Steve Farrell  
AYE: Greg McPhie  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark Nelson**

**NAY: None.**

**Councilman Steve Farrell made a motion to come out of Closed Session and go back into the Wasatch County Council agenda and to the public hearings. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park**  
**AYE: Steve Farrell**  
**AYE: Chair Greg McPhie**  
**AYE: Kendall Crittenden**  
**AYE: Danny Goode**  
**AYE: Mark Nelson**

**NAY: None.**

**PUBLIC HEARING**  
**FEBRUARY 21, 2018**

**VR ACQUISITIONS, L.L.C., IS REQUESTING A CODE TEXT AMENDMENT TO 16.21.27 B OF THE WASATCH COUNTY LAND USE AND DEVELOPMENT CODE TO LOWER THE MINIMUM ROOF PITCH FOR SINGLE FAMILY RESIDENCES FROM 2.5:12". AND TO ALLOW FLAT ROOFS ON A CASE BY CASE BASIS.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that in working with the applicant, we're recommending the following language for your consideration. The language is the roof of each single-family dwelling shall have a minimum pitch of one and one-half to twelve inches 1.5:12". Small sections of roof constituting less than 25 percent of the total roof area may have a lesser slope even flat. At non-gable ends of the roof, there shall be an overhang at the eaves of not less than twelve inches (12") inclusive of rain gutters. Doug also indicated that the matter went to the Wasatch County Planning Commission and the vote was unanimous to add this amendment. Also an HOA that has got some architectural standards can trump this.

Chair Greg McPhie then asked if there was any public comment regarding the matter and there was none so the public comment was closed.

**Councilman Danny Goode made a motion that we approve the code text amendment to 16.21.27.B of the Wasatch County Land Use and Development Code to lower the minimum roof pitch for single family residences from 2.5:12" and to allow flat roofs as proposed with the exception and minus of the case by case basis. Also to accept the staff report in full. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park**  
**AYE: Steve Farrell**  
**AYE: Chair Greg McPhie**  
**AYE: Kendall Crittenden**  
**AYE: Danny Goode**  
**AYE: Mark Nelson**  
**NAY: None.**

**PUBLIC HEARING  
FEBRUARY 21, 2018**

**DISCUSSION AND POSSIBLE MOTION ON AN AMENDMENT TO CODE SECTION 16.27.10 TO UPDATE AND CLARIFY APPLICATION SUBMITTAL REQUIREMENTS FOR MASTER PLAN, PHYSICAL CONSTRAINTS, AND DENSITY DETERMINATIONS ON PROPOSED PROJECTS WITH IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that 16.27.10 contains submittal requirements for various levels of project approvals for various land use planning areas of the County. This item adopts a clear list of application requirements for a master plan and constraints analysis in the JBOZ. We currently have an application that requires a number of items to be submitted. However, an application is not an ordinance. The application requirements should be adopted by ordinance otherwise the County could be challenged and requirements may not be enforceable. Doug also indicated that the matter was unanimous for recommendation of approval from the Wasatch County Planning Commission.

Councilman Steve Farrell indicated that on Exhibit No. 4 utility letters and would think that we should be separating the water and sewer feasibility letter in the SSD and separate that from the water action board and on the water board would specify the quantity and source of water. Which would be (A). Water action report and (B) Water and sewer feasibility letter from the SSD.

Chair Greg McPhie then asked if there was any public comment regarding the matter.

Mike Kosakowski, Star Harbour Estates resident, addressed the Wasatch County Council and indicated that he represents the Star Harbour Homeowner's Association and have no quarrel what is being done here but have one question and one issue. The question is who has the submission letter to know that. Doug Smith, the Wasatch County Planner, indicated that we have an application that we give the developer so that they can turn in their master plan. Mike Kosakowski also indicated that a letter was submitted yesterday stating that my homeowner's association would like to be contacted for all of those matters that in that letter that includes this matter. Again we would submit the request that we be notified of all such actions that would involve the General Plan. People need to be notified as to what is going on under the authority of CLUDMA that we would be given written notification of such changes and amendments. Also we have no objections to any of the substantive matter to the subject of this.

Doug Smith indicated that my secretary Sherry Lawrence has on her computer to send notices to Mike Kosakowski and Doug indicated that Sherry always does that but am not one hundred percent sure. Doug also indicated that Sherry has been instructed to send Mike Kosakowski notices for Star Harbour.

Chair Greg McPhie then closed the public comment period.

**Councilman Kendall Crittenden made a motion that we make an amendment to the code section 16.27.10 to update and clarify application submittal requirements for Master Plan, Physical Constraints, and Density Determinations on proposed projects with the changes that are made in Exhibit Item No. 4. with all of the findings and conditions and also accept the staff report in full. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

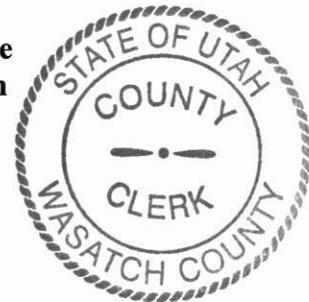
**AYE: Spencer Park  
AYE: Steve Farrell  
AYE: Chair Greg McPhie  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark Nelson**

**NAY: None.**

**Councilman Danny Goode made a motion to adjourn. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE: Spencer Park  
AYE: Steve Farrell  
AYE: Chair Greg McPhie  
AYE: Kendall Crittenden  
AYE: Danny Goode  
AYE: Mark Nelson**

**NAY: None.**



Meeting adjourned at 8:30 p.m.

  
GREG MCPHIE/CHAIRMAN

  
BRENT TITCOMB/CLERK/AUDITOR