

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
MARCH 28, 2018**

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

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

OTHERS PRESENT: On list attached to a supplemental file.

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Chair Greg McPhie and repeated by everyone.

Chair Greg McPhie called the meeting to order at 4:00 p.m. and indicated that Councilman Kendall Crittenden will be a few minutes late. Chair Greg McPhie 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 was any public issues for future meetings and there was none.

**ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS**

Chair Greg McPhie asked if there was any administrative items for future agendas and there was none.

## **LEGISLATIVE ITEMS FOR FUTURE AGENDAS**

Chair Greg McPhie asked if there was any legislative items for future agendas. Councilman Steve Farrell indicated that the Governor of the State of Utah signed Senate Bill 226 authorizing the Counties of Utah to do their own ordinance to approve the Urban Farm Bill and Wasatch County needs to get started on that ordinance. Councilman Steve Farrell indicated that he will get more information on that and get that to Scott Sweat, the Wasatch County Attorney.

Councilman Mike Petersen indicated that possibly on a work session have the Wasatch County Affordable Housing Board come and report to the Wasatch County Council what is taking place and just give us an update on what projects have been done. Possibly that could take place on the Wasatch County work meeting on April 11, 2018 at 4:00 p.m.

### **APPROVAL OF THE MINUTES FOR FEBRUARY 7, 2018 AND FEBRUARY 21, 2018.**

**Councilman Mike Petersen made a motion to approve February 7, 2018 minutes as written and I wasn't in attendance on the February 21, 2018 minutes. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie  
AYE: Danny Goode  
AYE: Mark Nelson  
AYE: Spencer Park  
AYE: Mike Petersen  
AYE: Steve Farrell**

**NAY: None.**

**Councilman Steve Farrell made a motion to approve the February 21, 2018 minutes as written. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**ABSTAIN: Mike Petersen, (absent)**

**Councilman Spencer Park made a motion to leave our regular Wasatch Council Agenda and go into Wasatch County SSA #1. Councilman Mike Petersen seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie  
AYE: Danny Goode  
AYE: Mark Nelson  
AYE: Spencer Park  
AYE: Mike Petersen  
AYE: Steve Farrell**

**NAY: None.**

### **WASATCH COUNTY SSA #1**

#### **APPROVAL OF THE WARRANTS**

Board Chair Steve Farrell indicated that the warrants are in the amount of \$408,135.82 which the majority of this warrant list is \$406,428.00 which goes to Central Utah Project for the project water. **Board Member Greg McPhie made a motion to approve the warrants in the amount \$408,135. 82. Board Member Mike Petersen seconded the motion and the motion carries with the following vote:**

**AYE: Board Member Greg McPhie  
AYE: Board Member Danny Goode  
AYE: Board Member Mark Nelson  
AYE: Board Member Spencer Park  
AYE: Board Member Mike Petersen  
AYE: Board Chair Steve Farrell**

**NAY: None.**

**Board Member Mike Petersen made a motion to leave Wasatch County SSA #1 and go back into the regular Wasatch County Council agenda. Board Member Greg McPhie seconded the motion and the motion carries with the following vote:**

**AYE: Board Chair Steve Farrell  
AYE: Board Member Mike Petersen  
AYE: Board Member Spencer Park  
AYE: Board Member Greg McPhie  
AYE: Board Member Danny Goode  
AYE: Board Member Mark Nelson**

**NAY: None.**

**REGULAR WASATCH COUNTY COUNCIL**

**DISCUSSION/CONSIDERATION ON DIVISION OF WATER QUALITY UPDATE FOR THE COUNCIL ON A PROPOSED WATER QUALITY STUDY-SANDY WINGERT.**

Councilman Steve Farrell indicated that he received a phone call yesterday asking that they would like to reschedule and come back later in May of 2018.

**Councilman Steve Farrell made a motion to continue this matter until it is ready and then put it back on the Wasatch County Council Agenda. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie  
AYE: Danny Goode  
AYE: Mark Nelson  
AYE: Spencer Park  
AYE; Mike Petersen  
AYE: Steve Farrell**

**NAY: None.**

**APPROVAL OF TAX SALE METHODS AND RULES, AND TO SET THE DATE FOR THE TAX SALE FOR MAY 17, 2018 AT 10:00 A.M.**

Brent Titcomb, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that we just need approval of Ordinance No. 2018-5 for the approval of the methods and procedures of the tax sale. Also that is the same as was done in the last couple of years so there was no modifications or changes. **Councilman Steve Farrell made the motion that we approve Ordinance No. 2018-5 dealing with the tax sale and how it is to proceed. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie  
AYE: Danny Goode  
AYE: Mark Nelson  
AYE: Spencer Park  
AYE: Mike Petersen  
AYE: Steve Farrell**

**NAY: None.**

Councilman Steve Farrell indicated that there has been two meetings of the tax committee which has really cut down on the number of problems and is proceeding very smoothly.

### **DISCUSSION/CONSIDERATION ON WASATCH OPEN LANDS, OPEN SPACE BOND**

Councilman Steve Farrell indicated when this matter was last discussed the Open Lands, Open Space Bond Board made some clarifications regarding questions that were asked at that last meeting. As a result we will now have a further discussion by the Open Lands, Open Space Bond Board and then after that would ask if the Wasatch County Council consider passing that draft resolution and put this on the ballot for 2018.

Justin Keyes, from the Open Lands, Open Space Bond Board then presented a power point presentation. Justin then presented the concept of Conservation Easements which involves a voluntary or willing seller or owner of property and is not a purchase of property itself by a public entity like has been seen in Bonanza Flats. Also the development rights are purchased by the owner to lock the land up in its current usage, agricultural or open space or whatever it is. For this to happen money could come from grants, private donors and bonds. Also there would not be any transfer of development rights because the development rights would be removed from the property so there would no longer be developments on a particular piece of property. The conservation easement would be brought about by a voluntary landowner. Also with the money from the bond that would be used to preserve open space, the development rights would be purchased from the property and lock it up in its current status. Also two good reasons that a property owner would want to do that are tax benefits and estate taxes. You would have to have an IRS appraiser come in and determine the value of a particular piece of property. Also this bond would help individual private land owners conserve the land in its current state through the use of Conservation Easements and the ownership stays with the title owner of the property. Also the property owner again could sell the property for that same use and the Conservation Easement stays in place. Also the difference between Green Belt and a Conservation Easement is that Greet Belt is only temporary and a Conservation Easement is forever. Also with continuing growth in Wasatch County that bond cost per valuation over time will decrease. Also there are matching grants that are available and also private donors that are willing to donate if the bond is passed. In conclusion we would like to have Wasatch County let the voters decide on this matter.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that a donation has been mentioned and what happens if the property owner doesn't donate any property. Justin Keyes indicated that this will be a competitive bid system because there is only so much money that is being put up on behalf of the public. Mike Davis then put figures on the blackboard to explain just how the figures work concerning the increments of the bond. Mike Davis also indicated that the average cost of a home in Wasatch County last year was \$380,000.00 and so by asking for this bond to be okayed you are almost doubling a resident's taxes to pay for a bond such as that.

Heidi Franco, Heber City Councilwoman and Open Space Bond Board member, addressed the Wasatch County Council and indicated there is no way that the bond could be raised high enough to protect all of the open land in Wasatch County. Chair Greg McPhie indicated that the land in Wasatch County has developed at full capacity at its current zone. Councilman Farrell indicated that another way to look at this because all that is happening is creating a tool to help the property owners find value in their property other than to change the zone. Heidi Franco also indicated that now the Open Space Bond Board has been formed we have other options to deal with property other than just developing it and start approaching landowners with these other options that would be available.

Councilman Steve Farrell indicated that Scott Sweat, the Wasatch County Attorney, prepared a resolution which the Councilmen should have received yesterday which says that the Wasatch County Council is willing to put on the ballot for the year 2018 the proposal to do a bond which would be a fifteen million dollar in five increments over twenty years.

Kim Danley, Wasatch County resident, addressed the Wasatch County Council and indicated that she has written a lot of grants for different organizations. Also at the present time there is a lot of money available for grants. Also Wasatch County should receive this grant money more than any other county in the State of Utah because of the agricultural heritage that Wasatch County has and also the pressure of development that is present. Also if you put money towards open space in perpetuity you actually save tax money in the long haul. Also right now landowners don't have an option to preserve their land other than just sell the property for development.

Tracy Taylor, Wasatch County resident and member of the Open Lands Board, addressed the Wasatch County Council and indicated that this matter has been worked on for the last three years and now the pieces are starting to come together and the only one that is remaining is the seed money that this bond would accomplish. Also an initiative petition is three hundred and sixteen days or April 15, 2016 so that would have to go on 2019 ballot. The referendum petition is forty-five days.

Councilman Mike Petersen indicated that what is happening here is creating a bond and taxing everybody in Wasatch County to do it and there are other options that can be done.

Dave Kennamer, Wasatch County resident, addressed the Wasatch County Council and indicated that the property doesn't have the option to develop it without the property being re-zoned and the public already registered its approval of that once before. Also it can be negotiated with all of these tax advantages that are present unless the zoning is changed.

Chair Greg McPhie indicated that for a resident's taxes to almost double seems quite a bit to me. There are other places money could be spent such as more officers, more for fire and EMS, and other priorities that are on a list also. Money will be needed for more officers to be present in the schools in Wasatch County for more protection which is approximately \$700,000.00 for school resource officers.

Councilman Steve Farrell indicated that these things as Chair McPhie mentioned needs to be brought to the public attention before a vote takes place so the voter is fully apprised as to what is taking place.

Councilman Mark Nelson indicated that most of the citizens in Wasatch County know how this particular bond works including me and most of the people in this room really understands the ramifications of this and how the process is going to work and how the money will be used and for this matter to succeed there are a lot of issues and questions that need to be answered so a serious effort should be put forth to take care of those issues. Also this matter is just not solely about the North Fields but the whole County as a whole.

Councilman Danny Goode indicated that if the Wasatch County Council puts this matter on the ballot then the Council is responsible for educating the citizens. Then if the citizens put it on the ballot with a citizen initiative then it is their responsible to educate the public.

Councilman Steve Farrell indicated that he doesn't believe that Wasatch County will ever see the full fifteen million be used and there probably will be enough grant money coming in and other options to take care of this. Councilman Steve Farrell indicated that he will be voting for the resolution because surveys and polls have been taken and the people in Wasatch County want open space preserved so put them on the line and let them pay for having open space. Also think this is a good opportunity for the Wasatch County Council to show the public that the Council is in favor of such a resolution and there is a lot of work that needs to be done in informing the public of what is taking place.

Councilman Kendall Crittenden indicated that he appreciates the work that the Public Open Lands Board has done and is a good plan what they have presented to look at. The bottom line for me is let the voters decide and the Wasatch County Council doesn't have the responsibility to put this on. Councilman Kendall Crittenden indicated that he will be voting against the resolution to put it on the ballot. If the matter is put on the ballot it should be put there by the public with a citizen initiative.

Councilman Mike Petersen indicated that he is all for open space in Wasatch County and Wasatch County has about 80 percent open space as it is right now. Also should go with the zoning and keep that intact. Also fifteen million is a lot of money and there are other priorities for money and is this open space our number one priority. As a result the priorities should be identified and see if this is the number one priority to spend fifteen million dollars on. Also it is not the government's job to get involved this way. As a result I will be voting against this resolution as well and it is the citizen's responsibility to do it.

Councilman Spencer Park indicated that tonight the vote is not to raise taxes. Also this is a important issue and will be voting yes for this resolution to make sure that the Wasatch County Council gives the citizens our trust.

**Councilman Danny Goode made a motion that we approve the Resolution 2018-05 as presented. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:**

**AYE: Spencer Park  
AYE: Danny Goode  
AYE: Steve Farrell  
AYE: Mark Nelson**

**NAY: Chair Greg McPhie  
NAY: Mike Petersen  
NAY: Kendall Crittenden**

Councilman Danny Goode indicated that he voted AYE for this because I kind of pushed this matter along with Councilman Steve Farrell. The preservation and integrity of Wasatch County is important.

**DISCUSSION/POSSIBLE APPROVAL ON A TAX MATTER FOR GORDON PETERSON**

Councilman Steve Farrell indicated that Mr. Peterson purchased a home in Midway. That home was treated as a primary residence. Then he purchased a home up on Homestead Drive and in 2014 he filed for primary exemption as for the primary home and didn't qualify that year because Mr. Peterson had a home in St. George which was being treated as a primary. Then in the year 2015 he reapplied and for some reason he didn't get credited so he paid secondary in 2016 and 2017 and now that has been corrected for 2018 and Mr. Peterson wants to be credit for 2016 and 2017. The home in St. George is treated as a secondary residence. This procedure would eliminate the need for the State of Utah appeal and a very good chance that the State would award what is being asked for.

**Councilman Steve Farrell made a motion that we go ahead and make the adjustment to Mr. Gordon Peterson's primary residential exemption and allow him the primary residential exemption for the tax years of 2016 and 2017. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie  
AYE: Danny Goode  
AYE: Mark Nelson  
AYE: Spencer Park  
AYE: Mike Petersen  
AYE: Steve Farrell**

**NAY: None**

## **DISCUSSION/CONSIDERATION ON A CONFLICT OF INTEREST POLICY**

Chair Greg McPhie indicated that it has been decided that this matter will be continued to maybe a Wasatch County work meeting. Councilman Mike Petersen indicated that he put this matter on and because of the length of the agenda tonight this matter could be put off to possibly the work meeting on April 11, 2018. **Councilman Spencer Park made a motion to continue this matter for the work meeting on April 11, 2018. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Danny Goode**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**NAY: None.**

## **DISCUSSION/PRESENTATION-SCOTT LOOMIS, CONSULTANT TO THE COUNTY ON MODERATE INCOME HOUSING, WITH DISCUSSION REGARDING AMENDMENTS/UPDATES TO THE AFFORDABLE HOUSING CODE CONTAINED IN 16.30 OF THE LAND USE CODE.**

Chair Greg McPhie indicated that the Wasatch County Council needs to further discuss this matter further in a work meeting and then come back with some suggestions from the Wasatch County Council. **Councilman Mike Petersen made a motion that this matter be continued to the work meeting on April 11, 2018. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Danny Goode**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**NAY: None.**

## **DISCUSSION/APPOINTMENT OF WASATCH COUNTY LIBRARY BOARD MEMBER**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is an opening on the Wasatch County Library Board and submit the name of Mitzi Nelson

to take the board vacancy. Chair Greg McPhie asked if there is any reason that the Wasatch County Council would like to go into a Closed Session to discuss this recommendation and the Wasatch County Council indicated that there is no need or a Closed Session. Councilman Danny Goode indicated that the Wasatch County Library Board met and felt good about this nomination to fill the vacancy on the Wasatch County Library Board. **Councilman Danny Goode made a motion to accept Mike Davis' recommendation of Mitzi Nelson to fill the board vacancy. Councilman Mike Petersen seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Danny Goode**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**NAY: None.**

The record should indicated that Councilman Kendall Crittenden just joined the Council and was present when the Open Lands, Open Space on the Wasatch County Council Agenda was discussed.

#### **DISCUSSION/CONSIDERATION ON ANIMAL CONTROL SERVICES**

Chair Greg McPhie indicated that when this matter was talked about in the work meeting some options were discussed. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that in talking with the Wasatch County Sheriff Todd Bonner that \$600,000 would be needed to fund animal control services with additional five officers and have this department under the Wasatch County Sheriff. Also with the four resource officers for the school district which will cost approximately \$700,000.00 and additional \$600,000.00 for animal services they both can't be done and both of these sums are approximations. Councilman Kendall Crittenden indicated that a County wide department seems to solve this problem to spread the cost over the whole County and everyone within Wasatch County will get the service. As a result this idea would have to wait. Mike Davis, the Wasatch County Manager, indicated that if there is going to be an increase in taxes that decision has to be made fairly soon. Councilman Mark Nelson indicated that he is against considering this matter this year and should look for more participation with us.

Brent Crittenden, Wasatch County Resident, addressed the Wasatch County Council and asked about licensing fees for dogs and that should be covering more of this service. Councilman Steve Farrell indicated that approximately about fifty percent is all that is collected. Pam Patrick, Wasatch County resident, addressed the Wasatch County Council and indicated that if a dog is

picked up and is not licensed there should be an additional fee collected. Sheriff Todd Bonner indicated that the people just get a citation and a fine.

Councilman Spencer Park indicated that he is in favor of Wasatch County taking this on as an Interlocal Agreement and maybe charge as whatever is used. Sheriff Todd Bonner indicated that when it comes to dealing with animals that will be a loss of revenue forever.

**Councilman Kendall Crittenden made a motion that we sit on this matter right now and not take action on it this year with all the other things that is being looked at. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

#### **DISCUSSION/CONSIDERATION ON AN OAK HAVEN BOND**

**Councilman Steve Farrell made a motion that we table this matter. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**DISCUSSION/CONSIDERATION OF A POSSIBLE PENDING ORDINANCE REGARDING MODULAR HOUSING WHICH WOULD ALLOW A TIME FRAME TO DETERMINE A CODE FOR THE REGULATION OF MODULAR HOUSING.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that a policy was written by the Wasatch County Building Department which states that they need to inspect every aspect of the home. With respect to a modular home that is hard to do when the home is shipped here and already built they can't inspect all the items that they designate that they need to so they aren't able to sign off on a modular home.

Doug Smith indicated that a second thing that has been done by the Wasatch County Building Department is an ordinance that has been written by the Wasatch County Attorney's Office and again goes in Title 14 which is the Building Department which says that they have to inspect things and require all the inspections to be done. Also if the manufacturer was to fly a member of the building department out to their company and let them inspect the things that are necessary that would work also. Doug Smith indicated that in other words the building department is looking at these modular homes as being inspected just like the building department would inspect a stick built home.

Doug Smith also indicated that the Planning Department is not asking for approval of anything tonight but just saying that this is a pending ordinance that puts people on notice that this is what is happening and then the Building Department will have to work with the Wasatch County Attorney's Office and come up with the actual language that will need to be put in ordinance form.

Doug Smith also indicated that Robert McDonald the Wasatch County Building Director has indicated that he would want an inspector certified in Utah to be able to inspect the modular home on site if they had someone there on site.

Chair Greg McPhie indicated that when the language is put in the ordinance and the ordinance come back to us possibly Robert McDonald, the Building Department Director could be here and help out on the matter.

Councilman Spencer Park indicated that whatever is done he doesn't want to inhibit people from buying a Boise Cascade Home and possibly focus on what the reasoning is for why the process is being done.

Scott Sweat, the Wasatch County Attorney, indicated that the intent of this ordinance is just so that the Wasatch County Building Department can do their job because the building department is required to inspect homes and if they can't inspect the home then Wasatch County puts them in a bad position because they will be signing off on a home that the Building Department did not inspect.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the concern that Robert McDonald, the Wasatch County Building Director, has is that can be built anywhere and shipped here to Wasatch County and doesn't care about that but what Robert McDonald cares about is the shipping completed homes that they can't inspect as they are being built. In some instances components are shipped in and that gives the Building Department an

opportunity to inspect the different components as they are shipped in separately and then are put together piece by piece.

**Councilman Kendall Crittenden made a motion that we accept this as a pending ordinance regarding modular housing which would allow a time frame to determine a code for the regulation of modular housing. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**NAY: Mark Nelson**

**DISCUSSION/CONSIDERATION ON ORDINANCE 18-02 AMENDING TITLE 16 OF THE WASATCH COUNTY CODE TO ALLOW CARETAKER AND ACCESSORY RESIDENTIAL UNITS IN APPLICABLE ZONING DISTRICTS, DELETING GUEST ACCESSORY DWELLINGS AND ALLOWING AND REGULATING ACCESSORY RESIDENTIAL UNITS AND CARETAKER UNITS. THIS ITEM WAS CONTINUED FROM THE FEBRUARY 21 WASATCH COUNTY COUNCIL AGENDA FOR WRITTEN COMMENT TO BE MADE TO PLANNING STAFF.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the recommendation that came from the Wasatch County Planning Commission to the Wasatch County Council was that a mother-in-law unit was only allowed in a detached single family home that would be a conditional use. Guest ADU's was deleted from the ordinance. ADU's caretaker units on ten acre parcels up to fifteen hundred square feet. Then there was large agricultural over ten acres and transient lodges on ten plus acres and have an unlimited size caretaker as long as it is ancillary to the main dwelling for the main use on the property and regardless of the zone a ten acre minimum is required. Also a clarification made on lots of records and lots of record not be allowed to have caretakers on them or guest ADU's.

Doug Smith indicated that written comments were received from Mike Johnston, Paul Berg, Jay Eckersley and Jeff Graham on the proposed code which comments are made a part of the record.

Doug Smith also indicated that he is just asking for direction from the Wasatch County Council and nothing else this afternoon. A direction that would be helpful is do we allow guest ADU's? If we allow ADU's do we allow them in every zone? Do we allow ADU's where there is no sewer? Do we allow attached guest ADU's mother-in-law apartments with second kitchens and

separate accesses within an administrative conditional use approval and deed restriction? Are there concerns about rental of these units after the initial applicant sells the property?

Councilman Mike Petersen indicated that enforcement is a concern.

1. Enforcement of nightly rentals
2. Businesses licenses
3. ADU's like being talked about now
4. Primary residence versus second homes.

Councilman Mike Petersen indicated that the caretaker ADU and to scratch that maximum of three thousand square feet if they have ten acres and they build two houses who cares how big they are because it could be zoned ten houses on ten acres and there would be a lot more than that. Councilman Steve Farrell indicated that if Heber City and Midway would go along with the enforcement issues and have a Code Enforcement Officer supported by those three municipalities that would be great and have the support of other entities as well to pay into having such an officer.

Councilman Mike Petersen indicated that Number one the maximum of three thousand square feet be scratched. Number two is probably written well. Number three seems like it is okay if we do it in single family detached homes so let's go with this one as how Mike Johnston has worded it and work together in putting together something like this.

Doug Smith indicated that with regard to Number two that the Mountain Zone be taken out of that. And if you have ten acres and meet the existing zoning that way it wouldn't be in some of the older subdivisions that are on smaller lots and then they could do have to three thousand square feet or whatever.

Chair Greg McPhie indicated also if you are in the Mountain Zone and you have over ten acres and meet that. The issue there is the small lot mountain subdivisions that are older with limited access one way in and one way out and the roads that aren't necessarily brand new and up to new county standards.

Councilman Spencer Park indicated that he would like to see it meet the existing zone. This shouldn't be done on a twelve acre parcel if it is a lot of record and already has it and the ten acres would be fine because it will not double the density in the RA-5. Councilman Greg McPhie also indicated that would be the main use unless it is big enough that the underlying zone would allow you to do something additional. Councilman Spencer Park also indicated that parking is a big concern and require a parking requirement. Also take the three thousand square feet out and sewer would be a good idea and if you are in the Mountain Zone and you have seventy acres it would probably okay to have larger square footage. Doug Smith also indicated that if there is ten acres or more they could do any square footage with regard to the caretaker. Councilman Spencer Park indicated that with regard to the mother-in-law the same thing would be done if it meets existing zoning which would eliminate some of your old subdivisions that don't meet the zoning requirements now that would also refer to the guest ADU. Also can't be built in a non-conforming subdivision and the existing zone. Also deed restrict it and has to be a relative and put a limit on

the square footage up to one thousand square feet. Also to have kitchens that would be detached and if a kitchen is allowed then that would be deed restricted and in no non-conforming subdivision.

Jay Eckersley, Wasatch County resident, addressed the Wasatch County Council and indicated that he has three comments and indicated that he is the Wasatch County Board of Adjustment chair and is not here in that capacity but here as an individual for personal reasons. Jay Eckersley also indicated that he agrees with what Mike Johnston put in his comments. Also agree with abiding by the law and putting deed restrictions in and agree with having a code enforcement officer. Also appreciate all the work that has been done regarding this matter.

Jeff Graham, with VR Acquisitions, addressed the Wasatch County Council and asked how the Council feels about being able to build this ADU prior to the main residence being built and if the main residence is not built in two years of this ADU being built that their ability to go build an additional residence on that lot is void. The Council indicated that is fine with them and should be defined in the ordinance.

Doug Smith indicated that he feels like he has received the guidance that he was looking for and will bring a new draft back to the Wasatch County Council for their review.

### **COUNCIL/BOARD REPORTS**

Councilman Mark Nelson indicated that with regard to the administration of the Transient Room Tax and possibly an update could be given how that is done because several individuals have asked how that is done and see if the present Wasatch County Council agrees with how that works. Possibly that could be put on as an agenda item for discussion at a work meeting in April 2018.

Councilman Mark Nelson also indicated that he attended a meeting yesterday with Ryan Starks, Director of Economic Development, also with the Wasatch Trails Alliance and talked about various trails initiatives, etc. Also that Wasatch County, in the past, had a part time position dealing with trails to help coordinate and communicate various trail issues with other entities. So possibly that could be put on as an agenda item and discussed further. Doug Smith, the Wasatch County Planner, indicated that he could get further numbers and information on that matter.

Councilman Danny Goode indicated that he attended the Heber City Council meeting and the matter of the annexation map has been tabled for now. Also talked about how Red Ledges has set aside some ground for a fire station at some point and the question came up whether that was needed now or not.

Councilman Steve Farrell indicated that there is a drainage issue with regard to Swiss Alpine and will do further research into that matter.

Councilman Steve Farrell indicated that last Friday Mike Davis and I attended a stake holder meeting on Bonanza Flat. The Conservation Easement that has been worked on and took that to the Park City Council and what wants to be done is limit the access to Bonanza Flat and eliminate all motor vehicles on Bonanza Flats, snowmobiles, ATV and four-wheelers of any kind. The literal access needs to be limited totally to either a snow cat up the road which is a direction that they want to go. The problem is that if they want to limit it, it needs to be limited to everybody. There are a lot of issues that need to be discussed. Rick Johnson from Brighton Estates voiced his concerns about this and indicated that they need Wasatch County to help resolve this issue and help Brighton Estates concerning this matter. Park City would like to make a decision on May 3, 2018. Also a public meeting is being held on Monday April 2, 2018 from 4:30 p.m. to 6:30 p.m. to hear what the public has to say. Perry Rose, former owner of Pride Security, indicated when he was involved in this that what a enforcement nightmare it was. Councilman Steve Farrell indicated that they are working on a meeting to be held to discuss the matter

Councilman Mike Petersen indicated that the affordable housing will be put on the work meeting for April 11, 2018. The work meeting will just take place among ourselves and not have Scott Loomis and Steve Laurent present. The Wasatch County Council indicated that is their understanding. Doug Smith, the Wasatch County Planner, also indicated that he could see if it is possible to have the individual who the Nexus Study were present so that he could answer some questions that the Wasatch County Council has. Chair Greg McPhie indicated that possibly that would be a good time to have the conflict of interest issue discussed.

Councilman Spencer Park indicated that he has been invited to be on the School District to set up a school safety commission and the first meeting will be held tomorrow. Todd Bonner, the Wasatch County Sheriff asked if he should start the process with regard to the four additional resource officers. The Wasatch County Council indicated that probably the process should start.

Councilman Kendall Crittenden indicated that with regard to hearing from the Affordable Housing Board on what has been done in the past. It was noted to Councilman Crittenden that will be discussed at the work meeting on April 11, 2018 at 4:00 p.m.

Councilman Kendall Crittenden indicated that there is a meeting regarding GRPD on April 16, 2018 at the Governor's office for anybody that is interested in attending. Also another meeting regarding the Public Safety Assessment Tool is being held between Summit and Wasatch Counties and the Administration of the Court is offering a free Continuing Legal Education on pre-trail risk assessment. Scott Sweat, the Wasatch County Attorney, indicated that he will look into the matter.

Chair Greg McPhie indicated that he received a letter from the Wasatch County Affordable Housing Board indicating that they have raised the Affordable Housing Rate Fee-in-lieu from \$28,000 to \$85,000 and the board is recommending that be passed by the Wasatch County Council. Also that letter has gone out to the others cities as well.

## MANAGER'S REPORT

### APPROVAL OF BID FOR CONTRACTOR ON LIBRARY EXPANSION

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we need the approval of the bid on the library expansion for the contractor and the lowest responsible qualified bid goes to Poulsen Construction at \$1,381,868. Also would request that the Wasatch County Council approve Poulsen Construction for that library expansion. **Councilman Steve Farrell made a motion that we approve the Wasatch County Manager's recommendation and award the bid for the library expansion to Poulsen Construction for \$1,381,868. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**NAY: None.**

### APPROVAL WASATCH COUNTY HOUSING AUTHORITY BOARD MEMBER

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that I would recommend that Kent Shelton be reappointed to the Wasatch County Affordable Housing Board which is an at large position. Chair Greg McPhie asked if there needs to be a closed session taken to discuss this appointment and the Wasatch County Council indicated that was not necessary. **Councilman Kendall Crittenden made a motion that we reappoint Kent Shelton and accept Mike Davis' recommendation for Ken Shelton to serve an additional term on the Wasatch County Affordable Housing Board. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE; Chair Greg McPhie**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**NAY: None.**

## **NEW AREA FOR THE MOTOR VEHICLE DIVISION**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Motor Vehicle Division seems to be functioning well in their new area. At the present time looking to hire an additional staff member for the Motor Vehicle Division. Also looking at installing another counter for helping people coming in.

### **PUBLIC HEARING MARCH 28, 2018**

**JEFF GRAHAM, REPRESENTATIVE FOR VR ACQUISITIONS L.L.C., IS REQUESTING AN AMENDMENT TO THE PRELIMINARY PLAT AND SITE PLAN APPROVAL FOR PHASE W-2 TO THE VICTORY RANCH SUBDIVISION. THE AMENDED AREA WOULD BE KNOWN AS PHASE W-2 AND WOULD CREATE 13 ADDITIONAL SINGLE FAMILY LOTS FOR A TOTAL OF 41 LOTS WITHIN PHASE W AND TWO ADDITIONAL COMMON SPACE PARCELS ON APPROXIMATELY 27.054 ACRES. IT WOULD ALSO ENLARGE THE OVERALL BOUNDARY FOR PHASE W BY APPROXIMATELY 2 ACRES, MAKING THE OVERALL ACREAGE 287.24 PREVIOUSLY IT WAS 285.54. PHASE W RECEIVED PRELIMINARY AND FINAL APPROVALS IN 2017, BUT NO PLATS HAVE BEEN RECORDED. THIS PROPOSAL IS THEREFORE AN AMENDMENT TO THE PREVIOUSLY APPROVED PRELIMINARY APPROVAL. PHASE W-2 IS LOCATED ON THE SOUTH SIDE OF EVENING START DRIVE IN SECTIONS 6 AND 7 OF TOWNSHIP 3 SOUTH, RANGE 6 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this proposal is for preliminary approval of Plat W. The entire project consists of 5,600 acres which does not include the property on the north side of Highway 32. The original density determination and master plan allowed for 693 ERU's. When the property was foreclosed on by the bank the Double Bar A parcel on the east side of the development was not purchased by the new owners. That property had 54 ERU's that have been subtracted from the density for a total of 639 ERU's. Doug then presented a power point presentation.

Doug then went through the DRC comments:

Fire: WCFD comments: Any road in excess of 1,300 feet must have secondary access provided and the 2015 fire code.

JSSD/Twin Creeks/ North Village, Ron Phillips comments: Recommend approval with the condition that Plat W plans showing updates to water and sewer line connections with Plat W-2 are resubmitted to JSSD.

GIS/Addressing, Ivan Spencer, comments: The street name High Plains Court is approved. Addresses will be assigned during final approval.

Planning/Trails, Luke Robinson comments: Approved pending the applicant complying with conditions as proposed by staff and receiving a letter recommending approval from Andy Dahmen.

Assessor comments: Parcels 12-1488 and portions of 12-1496 are on Green Belt and will need to be rolled back in the process approval of Plat W-2 Victory Ranch.

Doug then indicated that the possible findings are:

1. No lots are being proposed in the 100-year flood plain at this time.
2. The proposal should be feasible from a development standpoint at this approval.
3. The density is lower than the 640.
4. The Planning Commission voted unanimously for approval.

Doug then indicated that the possible conditions are:

1. Setbacks are as follows:
  - a. Front - 25' from the right-of-way.
  - b. Side - 12'
  - c. Rear - 30'
2. Approvals expire one year from date of approval if no final approval is approved.
3. Adjust odd shaped lot lines for lot 377 previous to final.
4. Relocation of back country trails that are being covered with storm drainage ponds.
5. The applicant will need to comply with the comments from Doug Hawkes email dated 2-20-2018.
6. Applicant must add a note to the plat indicating that the property owners must have a site specific geotechnical report produced for their lot, relative to the site conditions and proposed improvements and structures. This report should be submitted at time of building permit, for review by the building department. They must comply with the recommendations of that report.
7. FIRE, DRC comment: No cul-de-sacs over 1,300 feet and must comply with 2015 Fire Code.
8. JSSD DRC comment: Recommend approval with the conditions that Plat W plans showing updates to water and sewer line connections with PLAT W-2 are resubmitted to JSSD.
9. ASSESSOR DRC comment: Green belt roll back taxes on parcels 120-1488 and portions of 12-1496.
10. Must comply with Andy Dahmen's review comments previous to final approval.

Councilman Kendall Crittenden asked about the affordable housing for these thirteen lots. Jeff Graham, representative for VR Acquisitions, addressed the Wasatch County Council and indicated that each lot would be assessed this affordable housing fee when these additional units are built. When we record our Plat we pay twenty percent of what the affordable fee is and then when it goes to a purchase the remaining eighty percent of that affordable fee is paid as each lot closes.

Councilman Mike Petersen indicted that it is commendable for a developer to reduce voluntarily

the number of ERU's that he was granted so nice job.

Jeff Graham, representative for VR Acquisitions, addressed the Wasatch County Council and indicated that he has nothing further to add.

Chair Greg McPhie then opened the matter up for public comment and there was none so the public comment period was closed.

**Councilman Mike Petersen made a motion that we approve this amendment for preliminary plat and site plan for Phase W of Victory Ranch and the new Phase will be called Phase W-2 and accept all of the findings and conditions that are in the report and accept the staff report. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**Councilman Kendall Crittenden made a motion to leave our regular session and go into Closed Session to discuss personnel and property acquisition. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**Councilman Danny Goode made a motion to leave the closed session and go back into our regular Wasatch County Council Agenda. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**REGULAR SESSION**

**Councilman Kendall Crittenden made a motion to adjourn. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**



Meeting adjourned at 8:15.

  
GREG MCPHIE/CHAIRMAN

  
BRENT TITCOMB/CLERK/AUDITOR