

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
APRIL 18, 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  
Spencer Park  
Mike Petersen  
Steve Farrell  
Kendall Crittenden  
Danny Goode  
Mark Nelson

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilman Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Danny Goode and repeated by everyone.

Chair Greg McPhie called the meeting to order at 4:00 p.m. and 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.

Brian Balls, from Summit Engineering, addressed the Wasatch County Council and indicated that Dan Luster who is present is working with Tom Whitaker on developing Tom Whitaker's property. Two exhibits were presented to the Wasatch County Council for their review by Brian Balls. Brian also indicated that Midway City has asked us to come to the Wasatch County Council since the Memorial Hill is owned by Wasatch County and this has to do with parking and an access and something needs to be worked out that would be acceptable to Midway City and Wasatch County and the public issue could be worded as Discussion of the Memorial Hill access road as related to the Whitaker Farms Development. The Wasatch County Council indicated that matter will be put on the May 2, 2018 agenda for discussion.

### **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 and there was none.

Councilman Mike Petersen indicated that we had asked the Affordable Housing Board to come to a future meeting. Councilman Kendall Crittenden indicated that he will report on that matter in Council/Board Reports.

### **ADMINISTRATIVE ITEMS FOR FUTURE MEETINGS**

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

### **APPROVAL OF THE MINUTES FOR MARCH 7, 2018, MARCH 28, 2018 AND APRIL 4, 2018.**

**Councilman Mike Petersen made a motion to approve the March 7, 2018 and March 28, 2018 minutes as written and the corrections as noted below. Also just because the Council passes minutes doesn't always mean that we agree with what is written in them, it is just that they are written correctly on what was discussed that evening. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**NAY: None.**

**Councilman Kendall Crittenden made a motion to accept the minutes as written for April 4, 2018 with the corrections notes below. Councilman Danny Goode seconded the motion and the motion carries with the following vote;**

**AYE: Chair Greg McPhie**

**AYE: Spencer Park**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**NAY: None.**

**ABSTAIN: Mark Nelson (absent)**

**ABSTAIN: Mike Petersen (absent)**

Councilman Farrell indicated that on the April 4, 2018 minutes on page three the last paragraph where it says Veterans Appreciation Day over at the Wasatch Mountain State Park and it says April 11, 2018 and it should read August 11, 2018. Then on the next line down with regard to the Mitigation Commission it should say Mark Holden with the Mitigation Commission.

Councilman Kendall Crittenden indicated that on the March 7, 2018 minutes on page 6 it probably is appropriate what yesterday was and down at the bottom of that last paragraph where it says that the Sheriff's Department only responds out of those areas for safety reasons as related to animal control such as animal bites

Councilman Steve Farrell indicated that on March 28, 2018 on page 6 on the second paragraph from the bottom it should say Dave Kennamer instead of Kent Kennamer

## **COUNCIL**

**DISCUSSION AND POSSIBLE MOTION ON ORDINANCE 18-01. THE ORDINANCE AMENDS CHAPTER 4 OF THE WASATCH COUNTY GENERAL PLAN ENTITLED LAND USE. THE AMENDMENTS ARE MORE SPECIFICALLY FOR THE CENTRAL PLANNING AREA BY ADDING LANGUAGE ON PAGE 168 AND THE SOUTHERN PLANNING AREA ADDING LANGUAGE TO PAGE 192. THE ADDITIONS PROVIDE THE LANGUAGE TO ESTABLISH A BOUNDARY BETWEEN THE CENTRAL PLANNING AREA AND THE SOUTHERN PLANNING AREA.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this is a General Plan Amendment that was talked about in February.

Doug Smith then went through a time line of things that have happened with regard to this matter. This matter has to do with a re-zone and if a physical boundary could be established between the two planning areas. Doug also indicated that in Wasatch County there are thirteen planning areas and for the most part these planning areas have a geographical boundary. Also the Central Planning Area and the Southern Planning Area doesn't have a definite boundary and the Planning Staff was asked to see if a definite boundary could be established. Doug Smith indicated that what

brings us here tonight is with regard to the referendum and this matter was continued indefinitely. The direction from the Wasatch County Council was to establish 650 South Road would become the boundary between the Central Planning Area and the Southern Planning Area so everything to the north of that boundary would be Central Planning and the south of that would be Southern Planning area. Also it is just the Probst Property that came into this Southern Planning area and the other properties would not be included in that unless they made application to go into the Southern Planning area.

Doug Smith then went through the ordinance language which has changed quite often and the Wasatch County Attorney's Office has added language to make the ordinance more deliberate. The whole intent with this ordinance was to have future legislative bodies understand that this was a very deliberate decision on the present Wasatch County Council and that 650 Road was the boundary line. Councilman Mike Petersen asked how many people are here this afternoon that has property south of the 650 road and three raised their hands. Also it was noted that there are no designated wet land areas in this area as designated by the United States Army Corp of Engineers or other agency of the Federal Government has designated the land as wet lands.

Chair Greg McPhie then allowed some public comment to be made.

Marilyn Crittenden, Wasatch County resident who submitted a letter with responses by other people, addressed the Wasatch County Council and indicated that her biggest concern with this is if made is in the good of public interest. The public interest has been that they want the zoning to stay the same as the General Plan has already stated and if changed the Wasatch County Council is not listening to the voice of the people. Marilyn then indicated that she would hope that the Wasatch County Council would reconsider this matter.

Trudy Simmons, Wasatch County resident, addressed the Wasatch County Council and indicated that she was a signer of the letter submitted by Marilyn Crittenden and indicated that she was very disappointed that the Wasatch County Council didn't respond to some of her concerns as well as other people's concerns. Another concern is that the General Plan may only be amended if the amendment is in the best interests of the residents of Wasatch County. As a result nothing has been shown that this re-zone is in the best interests of the Wasatch County residents.

Tracy Taylor, Wasatch County resident, addressed the Wasatch County Council and indicated that her concern is that there has been a formal notification to the Wasatch County Council and the Wasatch County Attorney that there are some concerns about following some state and county codes and the citizens should get a detailed explanation from the Wasatch County Attorney on some of the issues that have been raised. If the Wasatch County Council moves forward with a vote on this matter that the Council is ignoring a formal written complaint about some process and whether state and local code has been followed and indicated that has a fiscal and legal impact study been done concerning this re-zone.

Chair Greg McPhie then asked Scott Sweat, the Wasatch County Attorney to send the responses to these people who have voiced concerns in the letter so that they will know because we have taken the concerns of the public very seriously.

Karl South, Wasatch County resident, addressed the Wasatch County Council and indicated that the wet land issue should be taken into consideration. Chair Greg McPhie indicated that with the information that has been provided there is not a wet land concern.

Kit Kosakowski, Wasatch County resident, addressed the Wasatch County Council and indicated that this matter is not just a matter of state and local law but also a matter of federal law when there is a discussion about wet lands. As a result of that a letter needs to be obtained by the Army Corp of Engineers concerning jurisdictional determination.

**Councilman Danny Goode made a motion that we deny Ordinance No. 18-01 as presented. Councilman Mark Nelson seconded the motion and the motion fails.**

**AYE: Mark Nelson  
AYE: Danny Goode**

**NAY: Spencer Park  
NAY: Mike Petersen  
NAY: Steve Farrell  
NAY: Chair Greg McPhie  
NAY: Kendall Crittenden**

**Councilman Danny Goode made a motion that we table Ordinance No. 18-01 to November 7, 2018 that would give us time to address a lot of the concerns mentioned and some of the things that are missing and also would put us in the November window for making a change. The motion died for a lack of a second.**

**Councilman Steve Farrell made a motion that we approve the first reading of Ordinance No. 18-01 and have Doug Smith, the Wasatch County Planner, request a review of this parcel by the Corp of Army Engineers to determine if there is any wet lands located on the property and table this action and give the Corp of Army Engineers until the May 16, 2018 meeting. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

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

Councilman Spencer Park also indicated that there may be no problem with the boundary change but maybe not okay with the zoning change.

Councilman Mike Petersen indicated that there can be three readings for this ordinance.

Councilman Mark Nelson indicated that it would be good practice by the Council as part of this process to publicly respond to the concerns that have been expressed here in some way.

Councilman Steve Farrell then indicated that he would like to request that we okay the letter that we have received from the Wasatch County Attorney that we send out to the people who signed that letter that we received.

Marilyn Crittenden had a concern about what Councilman Steve Farrell just indicated with regard to the people who spoke at the meeting on January 17, 2018 because Marilyn Crittenden indicated that she spoke at that meeting and didn't receive any response. The Wasatch County Council needs to respond to those people who spoke at the public hearing with regard to a change or amendment to the General Plan. Chair Greg McPhie indicated to Scott Sweat, the Wasatch County Attorney to take this under advisement and send the Council a response so that the Council can get back with Ms. Crittenden in a timely manner. Marilyn Crittenden then indicated that one last thing if this is done the Wasatch County Council is opening up a bad precedence because nobody knows what is going to happen in the future and the boundaries have to be adhered to and this matter will just snow ball and the boundary will continue to be changed in the future.

Riley Probst, the applicant, indicated that this matter all stems from the by-pass road and that is the whole reason that this matter is here. The General Plan change was not really my choice because that was the Wasatch County Council's recommendation to us. The 650 South is not the boundary but that is the constraint and not necessarily the boundary right now. There was an issue with the wet lands and there is no wet lands.

**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 REGULATION ACCESSORY RESIDENTIAL UNITS AND CARETAKER UNITS. THIS ITEM WAS CONTINUED FROM THE FEBRUARY 21<sup>ST</sup> 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 Wasatch County Council has the red line copy of the code. Also this could be the first reading. Doug then gave the Council a brief update concerning the matter. Doug also indicated that another topic was a house that could have a second kitchen in the basement or whatever and language has been added concerning this matter. Doug also indicated that he will get to the

Wasatch County Council a cleaned up version of Ordinance 18-02 before the next meeting.

**Councilman Spencer Park made a motion that we pass this Ordinance 18-02 and send it on as the first reading tonight and move it on for the second reading on May 2, 2018. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

**NAY: Danny Goode**

Councilman Mike Petersen thanked Doug Smith, the Wasatch County Planner, for the great job he is doing with these ordinances.

**MEGAN PROBST IS REQUESTING A REZONE OF 20.50 ACRES FROM A-20 AGRICULTURAL 20-ACRE LOTS. TO RA-5 RESIDENTIAL AGRICULTURAL 5-ACRE LOT. THE PARCEL #00-0008-4686 IS LOCATED AT APPROXIMATELY 1555 WEST 650 SOUTH IN SECTION 1, TOWNSHIP 4 SOUTH, RANGE 4 EAST IN THE SOUTH FIELDS AREA. CONTINUED FROM THE FEBRUARY 7, 2018 MEETING.**

**Councilman Kendall Crittenden made a motion for the same reason that we have continued the previous amendment to the General Plan until Item No. 1 on the Council agenda and make a motion for the same reason we continue this particular issue until we resolve this Ordinance 18-01 and continue the matter to May 16, 2018. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

## **DISCUSSION/CONSIDERATION ON AN AGREEMENT TO FUND RESOURCE OFFICERS**

Jared Rigby, from the Wasatch County Sheriff's Office, addressed the Wasatch County Council and indicated that there has been a discussion with the Superintendent of the Wasatch County School District with an agreement. The Wasatch County Council indicated that they haven't seen that agreement. Jared Rigby indicated that the amount is \$700,000.00 dollars total and the Wasatch County School District providing half of the funding. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the amount of \$700,000.00 is not a total for the resource officers because some of that amount was with regard to the jail which was \$350,000.00. As this relates to the resource officers the total was \$350,000.00. Jared Rigby indicated that he would send the agreement to the Wasatch County Council. Chair Greg McPhie indicated that this matter will be put back on the calendar for consideration for the next Wasatch County Council meeting on May 2, 2018.

Todd Bonner, the Wasatch County Sheriff, addressed the Wasatch County Council and indicated that the Wasatch County School District is going to pay for is one hundred and eighty days of the school year and after that the officers would be assigned to be handling Wasatch County business but would still require the officers to be paid one way or another and to go through the Peace Officer's Standard and Training which means they will have to be certified in order to deal with school issues. There will be four new officers hired and will be difficult to find them and at this time are recruiting.

## **COUNCIL/BOARD REPORTS**

Councilman Steve Farrell indicated that the Wasatch County Weed Board meeting was held today and there is approximately one hundred thousand dollars in grant money so far. One issue is to amend the General Weed Plan and add in a section dealing with targeted grazing for Wasatch County. Targeted grazing is where you heavily graze a parcel and then take the livestock off and then come back and do it as a way of controlling the noxious weeds. This program has been worked on for the last six months and it is ready to go and will be talking to Doug Smith, the Wasatch County Planner, on what needs to be done to change that and this is to be done on public lands.

Councilman Kendall Crittenden indicated that with regard to meeting with the Affordable Housing Board and would schedule that in the May 9, 2018 work meeting to have a report on what the Affordable Housing Board is doing and what has been accomplished, what projects are in the works right now.

Councilman Danny Goode asked about the architect for the expansion of the Wasatch County Library. Mike Davis indicated that a contractual agreement has been entered into with the architect and hoping to have his report done soon. Things are progressing as expected.

Councilman Mark Nelson indicated that he wanted to thank Mike Davis, the Wasatch County Manager, on a really great presentation he gave last week on TRT. Also some of those decisions on how that money is dispersed. The Wasatch County Council should probably look at those assumptions because some of them were made ten years ago. Also trails have been talked about recently about hiring a part time trails planner to coordinate trail activities.

Councilman Danny Goode indicated that some of that TRT money could possibly be used to help fund resource officers or in conjunction with a tax increase.

### **MANAGER'S REPORT**

#### **DISCUSSION AND POSSIBLE DECISION ON APPOINTMENT TO THE JSPA, JORDANELLE SPECIAL PLANNING AREA.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that a member of the JSPA Board passed away recently and actually had an opening for an alternate position. Also Mike Davis indicated that he has received two applications and would recommend that Brad Lyle be appointed to take the seat that was held by Ivin Broman who passed away. Councilman Spencer Park indicated that Ivin Broman was a licensed architect on the board and shouldn't he be replaced with a licensed architect. Mike Davis then indicated that he will hold off on appointing two board members and do some more research. So let's continue the matter.

#### **DISCUSSION AND POSSIBLE APPOINTMENT TO BOARD OF HEALTH**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he has the application and recommendation for Barbara Rodriguez. Chair Greg McPhie asked if there is any reason for a closed session to consider this recommendation. The Wasatch County Council indicated that there is no need for a Closed Session. **Councilman Steve Farrell made a motion that we accept the Wasatch County Manager's recommendation to be appointed to the Wasatch County Board of Health as Barbara Rodriguez. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**NAY: None.**

**DISCUSSION AND POSSIBLE DECISION ON COUNTY REVIEW ENGINEERING CONTRACT.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that after requests were sent out on this matter two responses were received back and after reviewing the proposals by Doug Smith, the Wasatch County Planner and Andy Dahmen, Wasatch County Engineer Consultant the recommendation would be to go with GDA. Chair Greg McPhie asked if there was any reason for a Closed Session regarding this matter and the Wasatch County Council indicated that they were all right with the matter. Councilman Mike Petersen indicated that he has had some professional dealings with GDA in the past so I would recuse myself from this matter. **Councilman Steve Farrell made a motion to accept the recommendation of Mike Davis to appoint GDA Engineering as the Wasatch County's Consultant. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

**AYE: Chair Greg McPhie**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Danny Goode**

**NAY: None.**

**DISCUSSION ON PROPOSED GATE ON COUNTY ROAD ADJACENT TO PROVO RIVER**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that when the public lands meeting was held Mark Holden came from the River Commission. The River Commission wants to move the fisherman's access down on the north side of Midway Lane as you get to the Provo River Bridge. Mike Davis then showed the Wasatch County Council a map showing what is being proposed. Mike Davis also indicated that they are getting a lot of illegal activity in that area at night. As a result the River Commission would like to move the parking lot up closer to where the main road is and in doing so the River Commission wants to reclaim the parking lot and the road has been considered a Wasatch County Road. The County doesn't want to lose that road because that is a second access to get across the Provo River and access to private property. As a result they are asking that a gate be put up to where the parking lot will be put. Councilman Steve Farrell indicated that he is in favor of moving because that does create a problem back to where the road goes and if the illegal activity can be eliminated that would be great. Probably should find out how many cars can be accommodated up there is the same as down here which is a very used area. The Wasatch County Council indicated that they are good with a gate being place there. Mike Davis indicated that he would get more information about the matter and bring it back to the Council. Councilman Steve Farrell indicated that he would get a hold of Mark

Holden tomorrow and ask him about the car issue.

**EMERGENCY MANAGEMENT UPDATE FROM JEREMY HALES HEAD OF EMERGENCY MANAGEMENT FOR WASATCH COUNTY.**

Jeremy Hales, Director of Emergency Management for Wasatch County, addressed the Wasatch County Council and indicated that he has received some training in helping the Sheriff's Office advance our Inter-Structure Training. Jeremy also indicated that one of his goals is to make sure that all of the elected officials and Senior Management Officials have the required training to make sure that they are aware of what we need to do and what we are expected to do in the event that we have an all hazard approach disaster situation arise in Wasatch County to our citizens. As a result of that would it be possible to do some training in the Wasatch County Council work meeting which would be a two hour session. The training would be for senior management officials and elected officials, and extend the invitation to our city and town partners as well so they can be a part of this training. Councilman Kendall Crittenden indicated that there would be a work meeting on June 13, 2018. Jeremy Hales indicated that date would possibly work but would check it out to make sure that it is okay and possibly schedule a larger room for the training to be held. Also have the meeting start at 6:00 p.m. and have it noticed as a public meeting.

Jeremy Hales also indicated that on May 19, 2018 which is a Saturday we will be meeting with the citizens up in Timber Lakes to prepare for the wild fire season and will be doing training. Then on May 1, 2018 there will be a meeting with all of the first responders to talk about our wild fire season. Also the second access road out of Timber Lakes is back in the L.D.S. Church's hands. The L.D.S. Church Presiding Bishopric Office has submitted a conceptual approval of that road and there are some questions with regard to the road such as widths, etc. Councilman Mike Petersen indicated that tomorrow there is a schedule Earth Quake meeting in Wasatch County at 10:15 p.m. Also the Wasatch County Health Department is doing an evacuation and test their procedures there. Also there will be some communication drills tomorrow starting at 8:00 a.m. with the partners from the Wasatch Back.

The record should reflect that this Public Hearing concerns Councilman Mike Petersen and the record should also reflect that Councilman Mike Petersen has recused himself from hearing this matter and has left the Wasatch County Council meeting for the this matter to be heard and the time is 6:05 P.M.

**PUBLIC HEARING  
APRIL 18, 2018**

**MIKE PETERSEN, REPRESENTATIVE FOR LINDSAY HILLS VIEWS, L.L.C., IS REQUESTING A PRELIMINARY PLAT APPROVAL OF A LARGE SCALE SUBDIVISION KNOWN AS THE VIEWS AT LINDSAY HILL-NORTH. THE APPLICANT IS PROPOSING A 6 LOT SUBDIVISION ON APPROXIMATELY 10.06 ACRES. THE PROPOSED SUBDIVISION IS LOCATED AT APPROXIMATELY 70 SOUTH 2400 EAST, PARCELS 00-00320-1814 AND 00-0008-9339, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RA-1 RESIDENTIAL AGRICULTURAL 1-ACRE ZONE.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this request is for preliminary approval of a 6-lot subdivision on property that currently has frontage along Center Street and 2400 East. The property is zoned RA-1 which allows a maximum of one unit per 1.3 acres. The applicant is proposing 6 lots on 8.719 developable acres which works out to be an average density of 1.45 acres per lot. Doug Smith then presented a power point presentation to the Wasatch County Council. Doug also indicated that the applicant is making variance requests to the curb and gutter requirement and sidewalks and requesting swales. This variance does not go to the Wasatch County Board of Adjustment but stays with the Wasatch County Engineering Department and the Wasatch County Council to decide on this variance request. Doug then read a letter from Andy Dahmen, Wasatch County Review Engineer, indicating what things that need to be done before final approval and why he recommends that curb and gutter be put in.

Doug then went through the land use summary:

Total Acres	10.061 acres.
Constrained Land	1.342 Acre (existing roads dedication)
Developable Acreage	8.719 acres
Lots	6 lots
Sewer and Culinary	Twin Creeks SSD
Irrigation	Lake Creek Irrigation Company.

Doug then went through the DRC Comments;

Engineering Department, Michael Davis comments: Road standard does not meet County standard. Asphalt should be 30 foot. Could not verify road grades. It appears that intersection grades do not meet County or ASHTO standards. Driveways should be shown where snow easements are. Suggest road to be private.

Recorder Peggy Sulser comments: At the present time, there are 3 owners on the two parcels that are being used for this subdivision. Please have enough signature lines and notary areas that will be needed for all owners. Notice: From this point on, name of subdivision needs to be at the top of

the plat, in larger font. No exceptions, please move the name to the top. In the narrative-should a note be typed-no driveways will be allowed onto 2400 East for lots 1 and 6?

Fire WCFS comments: Please provide fire hydrant locations and distances.

JSSD/Twin Creels/North Village Ron Phillips comments: Developer shall adhere to all stipulations of the will serve letter and development agreement.

GIS/Addressing Ivan Spencer comments: The street name will be 70 south. Please make sure this is on the plat. Addresses will be assigned during the final approval process.

Planning/Trails Luke Robinson comments: Approval conditional upon, receiving written approval letter from Andy Dahmen, County Review Engineer. Compliance with any condition imposed by engineering. Compliance with conditions outlined in staff report and presentation to Planning Commission. Implementation of a 8 foot asphalt trail along 2400 East in the ROW as shown on county trails master plan.

Manager Michael Davis comments: Submitted information does not appear to be complete nor address current conditions at the site. Road cross sections in the package do not meet County Code. I met with Dallas Nichols and discussed the road and sidewalk issues. Andy Dahmen's letter has his comments attached to a letter from Summit Engineering. A comment in the letter misrepresents, I think, what I said pertaining to road widths. It is stated in the letter that Mike Davis insisted that the roads be 30 feet of asphalt to accommodate pedestrian traffic. My feeling on this is I insisted that the road be 30 feet of asphalt because that is the road standard for this type of development in Wasatch County. It was suggested by Mr. Nichol that maybe the edges of the 30 foot road could be used. My suggestion was to prepare a pedestrian plan using that scenario. That proposal would require a variance from County Code. The current County Code requires a 30 foot asphalt road with one or two sidewalks or an approved trail that serves all properties. The property has had significant grading and site work without a permit or inspections. The submitted Geotechnical report states in several sections that soils should not be disturbed except according to the procedures in the report and with the supervision of the Geotechnical Engineers. That has not happened. The report further states that nonstructural fills should not be used and they have. I do not feel the report accurately reflects the current disturbed conditions. Since it has been done without permit, the County cannot verify if what is done will meet the requirements of the Geotechnical Engineer. We will need further verification from them as to the work that continues to be done before approval of engineering drawings. Lots on the north side of development may not now meet requirements for slab construction, driveways, sidewalks, etc., due to unstructured, non-compacted fill. More information is needed. Excavation on the road does not appear to comply with Geotechnical Engineer report. No inspections from Geotech.

Assessor comments: Green Belt Rollback will be applied.

Doug Smith then went through the proposed findings:

1. With conditions and possible variances from the County Council, Planning Staff believes that the proposal meets the intent of the current code. The applicant will need to demonstrate compliance with all conditions at final.
2. The proposed density does not exceed the base density in the RA-1 Zone of one unit per 1.3 developable acres.
3. In compliance with the current code, after a recommendation from the Planning Commission the County Council should approve the moderate income housing requirement of 0.6 AUE's. The applicant has not indicated a desire to build on site, so a fee-in-lieu should be imposed for the 0.6 AUE's.
4. The County Council must decide if they want to approve variances to Title 14 as proposed by the applicant, or use the existing road cross-sections and recommendations of the County Engineering Staff. The applicant is proposing the following variances:
  - A. The cross-section is modified to replace the curb and gutter with compacted road base shoulders and swales.
  - B. The requirement for sidewalks is eliminated

The County Engineer has recommended that they use the current "major local" standard which includes rolled or modified gutter (see reasoning in Andy Dahmen's March 29<sup>th</sup> review letter) and sidewalks. The County Engineer did suggest that he would be supportive of eliminating sidewalk on one side of the street and doing an asphalt walkway on the other side, which would be in-lieu of the requirement that sidewalks are along both sides.

Doug Smith then went through the proposed conditions:

1. Provide a 20 foot emergency maintenance easement in favor of the County, for any retention ponds that are not immediately adjacent to the County right-of-way. Also a plat note that easement should be free of fences, trees, or other obstructions unless they allow for a 15 foot clearance path for the mobilizing of equipment into the pond area.
2. Developer must topsoil, seed and irrigate the retention area.
3. If there is no HOA, then a note on the plat that the property owners are responsible for the short and long-term maintenance of the storm water facilities on private lots.
4. Must comply with comments from Andy Dahmen's review letter dated March 29, 2018 at final.
5. Approvals expire one year from date of approval if no extension is approved or application for final has been submitted.
6. Applicant responsible for 0.6 AUE's to be paid as a fee-in-lieu. The obligation and fee-in-lieu amount must be approved by the County Council and recorded in the Development Agreement.
7. Improvements must be bonded for previous to plat recording and in compliance with County bonding guidelines in 16.27.21.
8. Must comply with conditions of approval outlined in action report from Wasatch County Water Board dated January 3, 2018.

9. A plat note must be added indicating that access from Center Street or 2400 East is prohibited and must be from 70 South.

10. Must construct an 8 foot asphalt trail along 2400 East in the ROW.

11. Must comply with DRC comments from Engineering, Recorder, Fire, TCSSD, GIS, Planning, Manager and Assessor previous to final.

12. Regarding the grading violation:

a. No additional grading work is performed until final approval is granted and a grading permit for the anticipated improvements has been issued. When applying for the subdivision construction permit, the engineers estimate should reflect the grading work that has been completed. The previous grading permit did not cover this work.

b. The applicant submits a S.W.P.P.P. (Storm Water Pollution Prevention Permit) plan to the State for the current conditions, including the areas of extra disturbance from bringing in the fill. With the addition of all the added fill, all drainage for the property was compromised. Right now the entire fill section drains towards 2400 East with no control features in place. The current area disturbed is out of compliance with State regulations and is subject to fines. The S.W.P.P.P. should be approved and all BMP's need to be in place, except for the construction entrance improvements by April 19<sup>th</sup>. (That has been done)

c. That the applicant posts a bond (amount to be approved by Andy Dahmen) with the County Engineer for the cost of filling in the disturbed area, replacing the topsoil that was existing and re-seeding.

d. That if the applicant does not receive final approval and a grading permit by June 21<sup>st</sup> (7days after the June PC meeting) that they have to fill in, top soil and re-seed the disturbed area.

13. Unless the County Council specifically grants a variance in their motion, the applicant will need to comply with the County major local road standards, which requires curb and gutter and sidewalks.

14. Applicant must ensure that the east and south boundaries are fenced with the County minimum fencing (14 foot mesh net and two strands of barbed wire) previous to plat recording.

Doug Smith then indicated that this matter was recommended for approval to the Wasatch County Council for approval by the Wasatch County Planning Commission with a unanimous four vote. Also the Wasatch County Planning Commission felt like this road should be a private road.

Chair Greg McPhie indicated that the Wasatch County Council hasn't granted a variance on the actual road standard on this type of a subdivision. Doug Smith indicated that he doesn't recall a variance being granted. Chair Greg McPhie also indicated that the staff is not recommending that we make any variances. Doug Smith indicated this comes under Title 14 so Wasatch County is relying on Andy Dahmen's and Mike Davis's recommendations that we leave the matter the way that has been done on others.

Councilman Spencer Park suggested that we have a Geotechnical Engineer review their Geotechnical Engineer before we approve a road section. Also Councilman Spencer Park indicated that he likes swales.

Councilman Steve Farrell asked if there is an option in going with the variance and making it a private road. Mike Davis, the Wasatch County Manager, indicated that you can if the road is narrow because of the type of construction maybe it would be appropriate for it to be a private road but for a Wasatch County road, the road should be built to Wasatch County standards.

Councilman Steve Farrell indicated that the frontage needs to be close to two hundred feet on each lot and lot three and four where the bulb is that has got the limited frontage why wasn't the bulb required to be moved deeper to those lots to increase the frontage? Doug Smith indicated that if the Council goes with the road section that would take care of this matter.

Councilman Danny Goode indicated that if the Wasatch County Council continues to consider swales then maybe the code should be changed. Chair Greg McPhie agreed along with Councilman Spencer Park and possibly an option could be given.

Brian Balls, from Summit Engineering representing the applicant, addressed the Wasatch County Council and indicated that with regard to the Geotechnical report there is some misrepresentation states. There was some clay soils found and there was no testing done on those clay soils to find collapsible soils. Also we plan on putting a sub section of sub base soil to be applied which would make a sub base section, a base core section, and then of course the asphalt on top of that which is being planned for no matter what

Chair Greg McPhie then opened the matter up for public comment.

Brent Crittenden, Wasatch County resident, addressed the Wasatch County Council and indicated that Doug Smith mentioned about trails and what about the grades associated with the trails and nothing was said about. Also what about the canal going through there. Chair Greg McPhie indicated that goes with the south project and not with this particular project. Brent Crittenden also indicated that what the developer is planning to do that needs to be put in writing so down the road this looks like a good community. Doug Smith then explained that the trails will be the typical 8 foot asphalt foot trail and also showed on a map where the trail will go and the grade and steepness is pretty minimum and goes steeper as the trail goes east and west.

Chair Greg McPhie then closed the public comment period.

**Councilman Spencer Park made a motion that we approve the Lindsay Hills Views request for preliminary plat approval with the use of a 30 foot asphalt section for the road with the trail option on one side, a riprap in the swales with a minimum of six inch riprap and a note on the plat for homeowners to be required to install culverts at all driveways as per the County Engineer requirement and that is across the swales so that the water keeps continuing. Also once again have the Geotech review the soils and soil conditions because the Geotech may come back and want a base underneath those or something to alleviate the water corridor. The trail on one side. That the swale be reviewed by the Geotechnical Engineer and by the Wasatch County Geotechnical Engineer. That the swales be riprapped**

**with a riprap of six inch minimum stone. Note on the plat for the culverts at all driveway crossings sizing per County Engineer, 30 foot asphalt section per County standard and then accept all other conditions as presented and findings. Also stay with public roads. Also 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: Steve Farrell**

**NAY: None.**

The record should indicate that Mike Petersen just rejoined the Wasatch County Council. Chair Greg McPhie also indicated that he will be gone during the next Wasatch County Council meeting on May 2, 2018 so please excuse me.

**Councilman Danny Goode made a motion to leave our regular Wasatch County Council session and go into closed session to discuss personnel and land acquisition. Councilman Mike Petersen seconded the motion and the motion carries with the following vote:**

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

**NAY: None.**

**Councilman Danny Goode made a motion to leave the Closed Session and go back into the regular Wasatch County Council agenda. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

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

**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: Chair Greg McPhie**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Mike Petersen**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

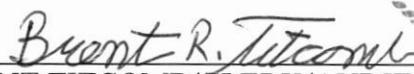
**AYE: Danny Goode**

**NAY: None.**

Meeting adjourned at 8:15 p.m.



  
GREG MCPHIE/CHAIRMAN

  
BRENT TITCOMB/CLERK/AUDITOR