

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MAY 16, 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
Steve Farrell
Kendall Crittenden
Danny Goode
Mark Nelson

EXCUSED: Councilman Mike Petersen

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 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 are any public issues that need to be discussed at a future meeting.

Pam Patrick, Wasatch County resident, addressed the Wasatch County Council and indicated that with respect to the Memorial Hill we really need to look and honor our veterans and it is just not a matter of money because these people laid down their lives for the freedoms that we are enjoying now.

ADMINISTRATIVE ITEMS FOR FUTURE MEETINGS

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

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

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

MINUTES OF APRIL 18, 2018 AND MAY 2, 2018

Councilman Kendall Crittenden indicated that on the April 18, 2018 minutes on page eleven the very last paragraph and talking about the emergency management update from Officer Hales. The next item refers to the public hearings and the record indicates that Councilman Mike Petersen recused himself from that hearing and not clear what hearing that is referring to so that the hearing that is referring to should be better defined.

Councilman Kendall Crittenden made a motion to accept the April 18, 2018 minutes with the noted correction. 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.

Councilman Kendall Crittenden that on the first page the name has been spelled Jack Ruben and it should be spelled Rubin.

Councilman Spencer Park made a motion to accept the minutes for May 2, 2018 with the noted correction. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Greg McPhie

AYE: Kendall Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Steve Farrell

NAY: None.

ABSTAIN: Councilman Danny Goode (absent)

UPDATE/DISCUSSION FROM EXTELL REGARDING THE MAYFLOWER DEVELOPMENT

Kirton Krieg, representing Extell Development, addressed the Wasatch County Council and presented a very detailed power point presentation discussing the proposed amendment being asked for. Kirton indicated that there are three keys things which are density determination, constraints analysis and the master plan approval. Also there are no variances asked for at this point. This development was developed as a walkable community.

There are three cornerstone elements that will bring the mass together which are a skier hotel, luxury hotel and a conference hotel. The total acreage is 940 acres and the 340 acres of developable land has been divided into three core elements 51 acres of the core village which is the village in high density, 24 acres of medium density and then 265 acres of single family lots and there will be 67 percent open space in the end.

There also is a Military Recreational Facility. Also 100 percent of the commercial is within the village and the pedestrian area. There will be 250,000 square feet of commercial is being requested. There is 1498 residential ERU's and 410 hotel and commercial ERU's which totals 1908 ERU's. Residential/commercial subtotal with that is the commercial retail 250,000 square feet, recreational building at 68,000, and then workforce housing and affordable housing at 95,000 for 130 residential which is far different than the application that was turned in which will be built on site. Also there will be a fire/life safety plan put in place.

With regard to the portals or secondary access and there are one or more portals required for this project and has been determined that there is a second portal or the southern portal that Extell will be working with Wasatch County. Also a traffic analysis has been created by Hales Engineering which addresses the traffic impacts that this development will cause with the ERU's that has been mentioned above.

A parking analysis has been prepared which is included in the proposed amendment which addresses the parking that will be required to accommodate the build out of the project including four components, residential, commercial, retail and skiing. Also an onsite transit plan is being developed to move the guests throughout the village.

As requested by Wasatch County the need for a zip code so Extell is working with the United States Postal Service and have started the initial dialog to create a postal zone not only for Mayflower but for this region. With the workforce and affordable housing being built on site it was indicated that there was a need for a grocery store being within the village and that has been put in the amended plan.

Kirton then indicated that with regard to the non-amended elements there are three of those is the land and working with the Wasatch County Fire Department with regard to defensible space measures and fire breaks which will be not to stop a fire but to slow it to be able to combat it.

Also a voluntary cleanup plan and Extell has been accepted into a State Voluntary Clean Up Plan which is to address historic mining activity and its left over waste.

The military recreational facility is going to be a cornerstone of the region and slated for nearly 400 hotel rooms, 60,000 square feet of conference space and associated with commercial with that and also has underground parking and six acres will be donated to the Air Force by Extell by the end of June.

Also for public ease the project has been broken into three volumes which the first volume is the master plan application amendment, second volume is a supplemental documentation to show the differences between the original application and the amendment. The third volume is the supplemental information from the original application to help with volume two. Also with these three volumes the issues that have been brought forth before will be able to be discussed with these three volumes and will be able to run through the historical clarity of the information that has previously been provided. The goal of Extell is to come back before the Wasatch County Council even at the end of July or early August for Master Plan approval.

Brook Hontz, member of the Extell project, indicated that there is one large site for cleanup, which is in the vicinity of where the Mayflower Mine was, which is where lumber and things such as that was put and then some small additional pockets and then the Star Mine with no tailings but where the mine dumped things.

DISCUSSION/CONSIDERATION REGARDING MOU ANNEXATION-HEBER CITY

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter is in respect to the Interlocal Agreement and MOU. Chair Greg McPhie indicated that anything that is the sewer farm, west and south is out. Doug Smith then went through a brief power point presentation and referred to some maps indicating certain properties. Doug also indicated that the interlocal agreement is much more detailed than the MOU plus Heber City is agreeable in adopting those ordinances and also agreeing to go to the Wasatch County Water Board but Heber City as I understand it are putting their own water board together. Doug also indicated that Heber City is saying in their MOU that they will honor the vested approvals and will not increase density. The Wasatch County Council's concern with the MOU is like what has been said is the time line. Also a concern is Heber City's land use ordinances being put in order.

Ron Crittenden, Heber City Councilman, addressed the Wasatch County Council and indicated that there is a committee rather than a board with regard to water but are requiring sixty percent up front on development whereas Wasatch County requires one hundred percent which committee will come to the DRC meeting and determine if there is enough of the proper kind of water that is being imposed on Heber City which includes any development that comes forward. Also the developer has to have evidence of the other forty percent of water where they are going to get it from.

Ron Crittenden also indicated that Heber City does have an annexation policy that goes all the way to the City of Francis. My feeling is that Heber City has not done enough. Also the matter is on our agenda for tomorrow night to repeal the vote that was taken.

Councilman Danny Goode indicated that the value of the MOU for Wasatch County is to help inform some of the city council members what they may not be aware of in annexing property of that type. The MOU is helping inform and also giving a little bit of backbone as to why holding off and why studying or why you are adopting some of these things into their annexation policy plan and why it is important now before the map is expanded.

Chair Greg McPhie indicated that the interlocal made sense on major points in the districts that the services that the districts has already got in place and those things are important. Also if a developer had the option and saves millions and millions of dollars as a developer to annex into Heber City because Wasatch County didn't have the same requirements and then the developer could put that in their pockets as lots were sold then obviously there is a reason why people want to annex and that is the developer and not the land owner. A question that needs to be answered is that once there is a vesting and have an entitlement to something in a piece of property and now the fact that is annexed into a city especially if it was forced into someone else's annexation are you going to lose that entitlement just because you were forced into the city. The answer to that question needs to be known. Scott Sweat, the Wasatch County Attorney, indicated that he will research that question and get back with the Wasatch County Council.

Pam Patrick, resident of Wasatch View Acres, addressed the Wasatch County Council and indicated that she talked with Mike Davis, the Wasatch County Manager, and last week and indicated to him that I am getting signatures from all of the residences who don't want to be annexed into Heber City.

Mike Davis, the Wasatch County Manager, indicated that his biggest concern is the access to the property because a lot of that annexed ground will be accessed through Wasatch County property.

Councilman Steve Farrell also indicated that the Affordable Housing needs to be discussed somewhere in this matter because this is a matter that a developer doesn't have to pay if the developer is in one jurisdiction versus another jurisdiction.

The record should reflect that Councilman Spencer Park left the Wasatch County Council after agenda No. 2 was discussed because different agendas were taken out of turn to accommodate certain individuals.

DISCUSSION/CONSIDERATION ON SCHOOL RESOURCE OFFICER AGREEMENT

Todd Bonner, the Wasatch County Sheriff, addressed the Wasatch County Council and indicated that the Wasatch County Council wanted to get to the bottom of everything and as a result of that

Paul Sweat, the Wasatch County School District Superintendent, is here to address you and answer questions that the Council might have.

Paul Sweat, Superintendent of the Wasatch County School District addressed the Wasatch County Council and indicated that there is a great amount of support in Wasatch County in protecting our children in the schools throughout Wasatch County. Also Wasatch County has already passed on hiring four more Resource Officers. Heber City didn't feel like they could commit to two additional Resource Officers and the plan that Heber City had was to cover that with rotating officers. With further discussion there seems to be support by Wasatch County to have two additional Resource Officers from Wasatch County. As result of this that would make it possible to have a Resource Officer in every school in the Wasatch County School District. Also by having a Resource Officer assigned to every school and not rotate the officers the school children will have a much closer rapport, and trust with the Resource Office instead of rotating the officers.

There was also a discussion about the hardening of the schools and if that is taking place. Superintendent Sweat indicated that is happening but at the end of five years things can change but for the foreseeable future from the Wasatch County School District School Board see this Resource Officer program as an indefinite thing and have no plans of discontinuing Resource Officers in the schools. Superintendent Sweat indicated that the Wasatch County School District is here to ask for that additional two officers and Heber City would still continue to participate with the Resource Officer at Rocky Mountain Middle School and would add a Resource Officer at the Wasatch High School. So Heber City would still participate with two full time Resource Officers and the other six Resource Officers would come from Wasatch County.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he feels okay from a financial standpoint that there is the mixed funding from the School District and Wasatch County because the agreements address that issue and it is a five year contract. The funding to come up with the financial backing for this will have to come through a tax increase but having an additional two more Resource Officers would add approximately another \$150,000 on top what was previously discussed. Mike Davis also indicated he thinks that there is a lot of public support for this.

Todd Bonner, the Wasatch County Sheriff, addressed the Wasatch County Council and indicated that the only issue at this point is finding enough money to purchase all of the equipment, the vehicles and finding enough officers to join with the Wasatch County Sheriff's Office and stay in Wasatch County.

Marilyn Crittenden, Wasatch County resident, addressed the Wasatch County Council and indicated that wouldn't that be a double taxation for Heber City paying for officers and then paying Wasatch County for officers. Also it needs to be very clear to the public who is paying for what. Chair Greg McPhie indicated that down the road the Resource Officers should be paid by Wasatch County and then the officers could be used year round for other duties because Sheriff Todd Bonner needs additional officers to serve Wasatch County in other aspects. Mike Davis, the

Wasatch County Manager, indicated that Heber City chose to have their individual police force, so for that service they have to pay with tax dollars to have that double protection. However you look at the matter it is not a level playing field.

Ron Crittenden, Heber City Councilman, addressed the Wasatch County Council and indicated that there are other municipalities that need to be brought into this matter. Also these matters need to be brought before the Heber City Council and not just the Heber City Police Chief.

Councilman Danny Goode indicated that he would like to look at Wasatch County taking over all eight Resource Officers for all of the schools so there is one type of level of service in one central location. Also we need to take over the eight Resource Officers.

Councilman Mark Nelson indicated that it just seems like Wasatch County is paying for something where that bucket of money ought to be coming from the Wasatch County School District or the citizens ought to recognize that funding is for the schools and not for the sheriff's department. Superintendent Sweat indicated that the Wasatch County School District has offered to pay for half of the vehicle and we have the matter all worked out which is part of the contract. Also would like to see if we could approve the six tonight and then go back and visit with the Heber City Police Chief because Heber City has been supportive and in the future to have the Resource Officers under one umbrella would be a real benefit.

Nick Lopez, Wasatch County resident, addressed the Wasatch County Council and indicated that maybe the six or eight new Resource Officers could be brought on at a higher pay grade so that the new officers would be willing to stay on for Wasatch County and not move somewhere else.

Councilman Mark Nelson asked Superintendent Sweat if the Wasatch School District Board has any new schools planned during the five year contract period. Superintendent Sweat indicated that no there would none completed in that five year period but obviously we are forced to move forward and continue to look for new school sites and plan for new schools but the process is long enough in itself from the time we identify a site, bond, construct all those things there would not be a new school or I wouldn't anticipate a new school being finished within five years.

Councilman Steve Farrell made a motion that we authorize Mike Davis, the Wasatch County Manager and Todd Bonner, the Wasatch County Sheriff to work on providing up to four additional School Resource Officers on their agreement with the Wasatch School District School Board. That we work with the Wasatch School District and ask them to work with us on the out-reach to explain how the need for this and how it is funded. 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.

DISCUSSION ON PLAT NOTES REGARDING FIRE FLOW AND FIRE PROTECTION MEASURES FOR THE GREENWOOD SUBDIVISION.

Councilman Spencer Park indicated that with regard to fire protection by the fire department the language that is being required to put on the plats is: Fire flow and fire protection measures for the construction of a home on these lots have complied with the requirements of the International Fire Code Section 507 and am concerned that this note is creating some undue liability for these future property owners. I also was informed that this was required to be put on by the fire department but they are not the fire code officials for home building so why were they even mentioned there.

Ernie Giles, Wasatch County Fire Chief, addressed the Wasatch County Council and indicated that our name needs to appear there by the resolution that the Wasatch County Council passed January 18, 2017 and March 15, 2017. As a result of that the Wasatch County Council put the Wasatch County Fire Department in charge of fire flow. A discussion took place concerning this matter. Also Chief Giles indicated that he doesn't speak for the Wasatch County Building Department and the building department doesn't sign a plat and that is the very problem that Chief Giles indicated that he has.

Councilman Steve Farrell indicated that it was his understanding that the Wasatch County Fire District had the responsibility to inspect the subdivision for fire flow and approve the subdivision.

Chair Greg McPhie indicated that there is going to be a recommendation from the Fire Advisory Committee. They are looking into this clarification so let's wait until the Fire Advisory Committee has a chance to look into this matter and then come to a Wasatch County Council work meeting and discuss what their proposal would be which work meeting would be the second week in June.

DISCUSSION AND POSSIBLE MOTION ON ORDINANCE 18-01. THE ORDINANCE AMENDS 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 are two items. One is 18-01 which amends the General Plan Chapter 4 that changes a boundary on 650 South and then the re-zone proposal. The matter was continued to today to take care of some issues. One is the Army Corp of Engineers to make a finding in writing if there is wetlands in that vicinity. As a result Wasatch County met with Mike Pectal from the Army Corp Office in Bountiful, Utah on site. Councilman Steve Farrell and Councilman Mike Petersen and myself met with him out on the site and walked the twenty acres. Mr. Pectal indicated that there is no wetlands here. Also e-mailed him yesterday and would try and get something to us in writing but as of now have received nothing in writing.

Doug Smith also indicated that there was a fiscal analysis asked at the Wasatch County Clerk's Office to be provided and a legal analysis from the Wasatch County Attorney's office. Doug indicated that he has the fiscal analysis and it says that the average home value is \$549,926.00 plus the \$459,000 average land value, lot value would produce \$8,091.00 in tax revenue for a primary residence and \$11,322 for a secondary residence and every unimproved lot would provide \$5,164 in property tax revenue.

Doug Smith indicated that the Wasatch County Attorney's analysis has been an ongoing process and now have the attorney's office recommendations which was part of Doug's power point presentation and was put in the Wasatch County Council's packets.

Doug then went through the possible findings if the property is proposed to stay in the Central Planning Area the General Plan states:

1. As a matter of public policy, the Central Planning Area is to be maintained in its historical land use pattern of open meadows, and river and small stream riparian habitat.
2. The use of this area for housing and other types of development is discouraged due to the physical constraints and the higher costs of providing governmental services.
3. The area's scenic value contributes significantly to the real value of all land within the Heber Valley area.
4. The preservation of open space in the Central Planning Area will also provide for a desired green belt separation between Heber City and Midway.
5. The development code should ensure that any development along SR 113 is set well back from the road and the rural character along this road is maintained.

Doug then went through the purpose section for the A-20 Zone.

1. Avoid excessive costs for public services in areas with high physical constraints.
2. Preserve the beauty of the entry corridors of Wasatch County.
3. Protect the underground water supply from pollution.
4. Maintain and open rural buffer between Heber and Midway City.
5. The parcel is bordered on the east by both the RA-5 zone and the Southern Planning Area.
6. A concern for approving the re-zone could be the expansion of the RA-5 Zoning throughout the south fields area.
7. The County Council, as the land use authority on zoning map amendments, has broad discretion on re-zone approvals or denials.
8. Any development of the property would require it to go through a small scale subdivision process.

Doug then went through what the General Plan states if the property is proposed to be moved into the Southern Planning Area.

1. The single greatest constraint to development in this area without a sewer collection system is the use of septic tank drain fields as a means of waste water disposal due to the high potential of contamination of the ground water aquifer.
2. Hansen Allen and Luce Inc., in their 1994 Hydro geologic Water Quality Study, Wasatch County, Utah, determined that a concentration of septic tank drain fields greater than one per five acres could result in volition of Heber Valley's underground water designation as pristine.
3. Physical constraints that may limit development in this planning area. ...A review of these identified constraints along with a detailed on-site analysis should be required before any development is approved within this planning area.
4. With the lack of a sewer collection system or the potential for a sewer collection system in the next 15 to 20 years, the disposal of residential waste water will be by the use of septic tank drain fields.
5. The Development code shall establish the minimum for size in this planning area as five acres.

Doug then went through what the purpose section for the A-20 Zone states.

1. Avoid excessive costs for public services in areas with high physical constraints.
2. Preserve the beauty of the entry corridors of Wasatch County.
3. Protect the underground water supply from pollution.
4. Maintain an open rural buffer between Heber and Midway City.
5. The parcel is bordered on the east by the RA-5 zone and both parcels are within the Southern Planning Area boundary.
6. A concern for approving the re-zone could be the expansion of the RA-5 zoning throughout the south fields area.
7. The County Council, as the land use authority on zoning map amendments, has broad discretion on re-zone approvals or denials.
8. Any development of the property would require it to go through a small scale subdivision process.

Public Comment:

Carl Sapp, concerned Wasatch County resident, addressed the Wasatch County Council and asked if the Army Corp Engineer took soil core samples or what did he do to determine no wetlands. Doug Smith indicated that he did dig into the soil but not very deep and indicated that there is no wet lands present. Also USGS soil surveys are very important because the mapping is done by them with regard to wetlands and would ask the Wasatch County Council to take that matter into consideration also.

Marilyn Crittenden, concerned Wasatch County resident, addressed the Wasatch County Council and asked if when you move from the South Planning area up into the Central Planning area does that remain RA-5? Chair Greg McPhie indicated no to that question. Also if it already had that designation that is correct but moves it out of the Southern Area. Doug Smith also indicated if moved the property owner still has got the rights of the RA-5 zone but just that piece only.

Dave Kennamer, concerned Wasatch County resident, addressed the Wasatch County Council and asked if the Wasatch County Council is satisfied with the legal issues being addressed fully? Chair Greg McPhie indicated that they have got the legal opinion from the Wasatch County Attorney's Office. Dave Kennamer further indicated that the Wasatch County Council is still at risk and would certainly ask for a second opinion before a lawsuit is filed.

Tracy Taylor, concerned Wasatch County resident, addressed the Wasatch County Council and indicated that in the Wasatch County's last motion it was said that you would get something in writing from the Army Corp of Engineers and Doug Smith has just said that as of today he has received nothing in writing from the Army Corp of Engineers. By getting something in writing only protects Wasatch County.

Kit Kosakowski, concerned Wasatch County resident, addressed the Wasatch County Council and asked what the Wasatch County Council did in regard to respond in writing to people who had put in comments and when I got a copy of the Wasatch County Attorney's response to that, that response was not totally correct because it does not just pertain to radioactive waste materials if that was present. Kit then presented the Wasatch County Council with a copy of the law pertaining to that question. Kit also indicated that after reading the law regarding this responding to comments in writing that the Wasatch County Council does have the duty to respond to public comments that are made in public hearings.

Ed Clyde, property owner in that vicinity, addressed the Wasatch County Council and indicated that he is a farmer and has farmed that ground and when you grow alfalfa the ground has to be dry and that is what I raise in that vicinity is alfalfa. There is no wet lands in that particular vicinity because I farm that and alfalfa grows well in that area. Ed also indicated that the north fields should be taken back by Wasatch County and make that a gated community so that the wetlands can be protected.

Councilman Steve Farrell indicated that he has given this a lot of thought over the last six months and the property in question does not have a characteristic that is found in the Central Planning Area and don't have the high water table as is evident in the Central Planning Area and there is development there like six homes within a half a mile which is on septic tanks and there is no need for an alternative system. There is an oiled road in front of it, in the North Fields there is a gravel road. Also I don't know why this was ever classified to be in the Central Planning Area when it was done fifteen years ago when the committee drew the line. If you look at the ground it doesn't meet the criteria so with that being said **Councilman Steve Farrell made a motion that we approve the language as outlined in 18-01 changing this parcel from the Central Planning Area to the Southern Planning Area. Councilman Kendall Crittenden seconded the motion** and again as just mentioned by Councilman Steve Farrell why that zig-zaggy line went through there and if you look at this piece it has got Central all around it and when this application came to us it was this Wasatch County Council that asked the Probst to make the request to change the boundary because as it was looked at the Council thought to make a more definitive a more defining line that makes more sense. As the Council look at the land to the south of 650 and the Council looked at the land to the north 650 made a definitive line rather than the zig-zaggy line that was there by the committee of the hundred and that is the reason I support the language and would second the motion.

Councilman Mark Nelson indicated that he agrees with Councilman Farrell that he doesn't understand why that ended up in that planning area any way but strongly oppose this because I don't know those reasons but this is a very dangerous setting precedent for us to go changing a boundary for what is essentially for one land owner.

The motion carries with the following vote noting that Councilman Mike Petersen was not available to vote this evening.

AYE; Kendall Crittenden

AYE: Spencer Park

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: Danny Goode

NAY: Mark Nelson

DISCUSSION/CONSIDERATION ON 3RD READING OF ORDINANCE 18-02 AMENDING TITLE 16 OF THE WASATCH COUNTY CODE TO ALLOW CARETAKER, ACCESSORY RESIDENTIAL UNITS AND GUEST ACCESSORY RESIDENTIAL DWELLING UNITS IN APPLICABLE ZONING DISTRICTS.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this is the third reading of this matter. Also Engineer Mike Johnston gave me a copy of some comments tonight which are good comments. As a result of these comments I would recommend that this ordinance going forward with some of these comments added. Under accessory residential units which are basically mother-in-law apartments that we add additional requirements from any HOA such as if they are adding onto a house to do an ARU that it would be substantially similar to the existing home and fit in with the neighborhood and this should be added.

Another thing was under caretaker accessory dwelling units. Under No. 4 it says the parcel must be a minimum of ten acres or in compliance with the underlining parcel and that should be an "and". The last thing on caretakers require utilities shall be connected through the same connections or hook-ups as the main dwelling unit no separate meters are allowed for utilities water, gas or power unless required by the utility provider so why not let them just be on a separate service which is logical. Mike Davis, the Wasatch County Manager, indicated that opens the door for rental units. Doug Smith indicated that we could say it is recommended and it is part of the Planning Commission's conditional use and this only relates to caretaker type. Doug said that he will incorporate these various changes.

Councilman Steve Farrell made a motion that we approve Ordinance No. 18-02 amending Title 16 of the Wasatch County Code to allow caretaker, accessory residential units and guest accessory residential dwelling units in applicable zoning districts as amended by Doug Smith, the Wasatch County Planner. 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: Steve Farrell

NAY: None.

DISCUSSION/CONSIDERATION OF ORDINANCE NO. 18-03-AMENDING THE WASATCH COUNTY CODE SECTION 16.21.27(B) REGARDING ROOF PITCHES FOR SINGLE FAMILY RESIDENCES FROM 2.5:12" TO 1.5:12" AND TO ALLOW FLAT ROOFS ON A LIMITED BASIS.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter is before the Wasatch County Council for the second reading and the whole reason behind this ordinance is Mountain Modern Architecture is so popular right now and Wasatch County has the pitched roof requirement which is not fitting for a lot of the latest architecture that people want to do. There are no changes made to this as you last saw it a month and a half ago. **Councilman Danny Goode made a motion to continue this to our June 6, 2018 meeting in conjunction with the Public Hearing Item No. 1 which was Discussion/Consideration of a possible ordinance regarding modular housing and will be on the 4:00 p.m. agenda. Councilman Mark Nelson 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: Steve Farrell

NAY: None.

MEGAN PROBST IS REQUESTING A REZONE OF 20/50 ACRES FROM A-20 AGRICULTURAL 20-ACRE LOTS TO RA-5 RESIDENTIAL AGRICULTURAL 5-ACRE LOTS. THE PARCEL, 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.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented a brief power point presentation. Doug indicated that the whole idea behind changing it from the Central Planning Area to the Southern Planning Area is that the Southern Planning Area has less constraints and allows for RA-5 zoning. There has to be a public hearing held and it must be shown that such an amendment is in the interest of the public and is consistent with goals and polices of the Wasatch County General Plan. Also if there is a re-zone approved tonight and it goes to RA-5 and there is a subdivision proposed down the road the Wasatch County Council would have to go through and identify any constraints, such as a soils report required, ground water and all those things. Doug also indicated that when this matter went to the Wasatch County Planning Commission it was heavily discussed and the recommendation was to go forward with the re-zone but the vote was split 4 to 2.

Councilman Danny Goode made a motion to deny the request for the re-zone by the applicant as presented. Councilman Mark Nelson seconded the motion.

Councilman Spencer Park indicated that he has had a hard time with this issue because not in favor for up zoning anything. Also I am not against making a defined line which I feel 650 is that is why I voted for that. So until I can see a good reason why this is in the best interests of the public I probably will vote for this motion and just wanted to explain my vote.

Chair Greg McPhie also indicated that there is only six Councilman present tonight and we are missing one Councilman Mike Petersen just wanted the public to be aware of that.

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

**NAY: Steve Farrell
NAY: Chair Greg McPhie
NAY: Kendall Crittenden**

The motion fails because of the tie vote.

Councilman Steve Farrell made a motion that we approve the re-zone and as Councilman Park indicated with the interests of public good and fairness and I think in the interest of public good and fairness would be fair to all of the property owners that has the same type of land and allowing people in the South Planning Area down south of Casper vile Road to have the same opportunity and they can divide their property in five acre lots and don't know why we would deny one person in that area the opportunity but allow others. Chair Greg McPhie indicated that the applicant is a willing seller just like everyone else that we have procured property from for the by-pass he is a willing seller but to ask for that as a condition of a land use to me is different than how we have treated everyone else. **Councilman Kendall Crittenden seconded the motion.**

Councilman Mark Nelson indicated there was a very good economic summit held here at Zermatt that included Wasatch County and Summit County and one of the key note speakers talked about in their opinion one of the priorities for Wasatch County is preserving critical open space and most of the citizens of Wasatch County feel that way so I will have to vote no.

**AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Chair Greg McPhie**

**NAY: Spencer Park
NAY: Danny Goode
NAY: Mark Nelson**

Motion fails because of another tie.

Councilman Spencer Park made a motion that we table this until the next meeting when we have a full quorum. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Greg McPhie

AYE: Kendall Crittenden

AYE: Spencer Park

AYE: Steve Farrell

NAY: Danny Goode

NAY: Mark Nelson

Riley Probst, one of the applicants, addressed the Wasatch County Council and indicated that I am only asking for three additional ERU's so just take that into consideration.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that we attended the State Road 248 Corridor Preservation meeting the other day and the agreement that was looked at which was passed in the year 2004 instead of mileage markers or streets they were referred to as station numbers and the only maps they found were these high altitude maps from way back when and identified the station number. There were four locations that were identified to be considered as a lighted intersection at some possible time in the future and some other minor intersections and working on figuring out the station numbers if there is any access problems, legal problems with those and some other things and then a map will be put together. The next meeting is scheduled for June 19, 2018 at 3:30 p.m. downstairs.

Councilman Kendall Crittenden indicated that one of the matters on the agenda for Heber City is Heber's PCMU designation and considering deleting that.

Councilman Kendall Crittenden indicated that with regard to the building that Heber City's Animal has use of, up to now Heber City has had free use of the property that the Animal's Control building is built on. Now the Airport/FAA has designated that they need to charge for the use of that property. So the question is, would that charge be part of the thirty percent of the total budget that Wasatch County pays for the use of the animal control building. The topic came up that Heber City wondered if Wasatch County would be interesting purchasing the current animal control building. The topic came up of how much was paid by Wasatch County on the building or whether Wasatch County paid just part of the thirty-three percent or whatever it was at that time. Mike Davis, the Wasatch County Manager, indicated that he is not sure of what took place with regard to that. Also Councilman Kendall Crittenden indicated that he will keep tabs of the matter and see where it goes.

Councilman Danny Goode indicated that the new library construction is moving forward.

Councilman Mark Nelson indicated that the Tourism/Economic Development Conference that was held was very valuable and turned out to be very informative. Also Councilman Nelson indicated that he was able to go through the new Rocky Mountain care facility which was very impressive which is now under construction and then went through the new hospital expansion which was really impressive also. Also there have been some real interesting things happening with the arts coalition and art center and possibly they could be put on a future agenda. Also talking with some folks from Midway City and the Veterans about the Memorial Hill and entrance proposal into the hill so will keep abreast of what is going on with regard to that.

Councilman Mark Nelson made a motion to leave our regular Wasatch County Council Agenda and go into the Special Service Districts. 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.**

(WHEREUPON, a brief break was taken by the Wasatch County Council Agenda to go into the Special Service Districts agendas.)

Board Member Steve Farrell made a motion to leave our Special Service Districts 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 Member Steve Farrell
AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Greg McPhie
AYE: Board Member Kendall Crittenden
AYE: Board Member Danny Goode**

NAY: None.

**PUBLIC HEARING
MAY 16, 2018**

**DISCUSSION/CONSIDERATION OF A POSSIBLE ORDINANCE REGARDING
MODULAR HOUSING**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter was before the Wasatch County Council a month or so ago and what was talked about was not only a code amendment for modular housing but a policy change. A policy was presented that basically said that anywhere in the county the building department does inspections for framing, for insulation, for electrical, mechanical, foundation. Then there is a modular house that is built wherever and typically don't comply with the Building Code that Robert McDonald, the Building Department Director uses. As a result of that the Wasatch County Building Department wants to inspect them on site.

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

Councilman Spencer Park made a motion that we pass this on as the first reading and move this to the June 6, 2018 meeting to have our second reading and discussion. 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.

**PUBLIC HEARING
MAY 10, 2018**

VR ACQUISITIONS, L.L.C., IS REQUESTING PRELIMINARY PLAT APPROVAL FOR VICTORY RANCH PLAT Y, WHICH IS LOCATED IN THE VICTORY RANCH SUBDIVISION. THE PROPOSED PLAT CONTAINS ONE BUILDING LOT ON A 4.143 ACRE PARCEL. THIS REQUEST WILL BE AN AMENDMENT TO THE PRELIMINARY PLAN FOR PHASES 1B, 1C, AND 1D THAT WAS APPROVED MAY 1, 2013. THE PROPOSED PHASE IS LOCATED AT APPROXIMATELY 7600 NORTH VICTORY CLUB DRIVE IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 6 EAST IN THE JB0Z JORDANELLE BASIN OVERLAY ZONE.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the project received master plan approval in the early 2000's. The original proposal showed 3 golf courses for the entire development. There were concerns over environmental issues associated with a golf course along the river. In June of 2005 the master plan was amended for Phase 1. In 2013 the master plan for phase 1b, 1c and 1d was amended along with the granting of preliminary approval. The 2013 amendment to the master plan and preliminary approval included several home sites in this area. As a result the Planning Staff has recommended that the applicant go back through for preliminary plat approval on this phase. Doug then went through a brief power point presentation. Doug also indicated that the Wasatch County Planning Commission had a unanimous vote for recommendation for approval.

Doug then went through the land use summary:

Acres	4.143 acres
Lots	1 lot
Sewer/Water	JSSD

Doug then went through the proposed findings:

1. Planning Staff feels that the lot layouts meet the requirements from Title 6.
2. The proposal should be feasible from a development standpoint at this approval.

Doug then went through the proposed conditions:

1. Setbacks are as follows:
 - a. Front 25 feet from the right-of-way.
 - b. Side 12 feet
 - c. Rear 30 feet
2. Approvals expire one year from date of approval if no final plat has been recorded.
3. Must provide a detailed geological and geotechnical report at final, including subsurface testing and investigations. This report should address the suitability of parcel for development. The County geological and geotechnical reviewer must approve before final approval.
4. Must note on plat the development on 25-29. 99% slopes requires a site specific geotechnical report. 30% slopes and greater are considered unbuildable and are shown on the plat.
5. Any unfinished improvements at time of plat recording must be bonded for in compliance with Wasatch County bonding guidelines as found in 16.27.21 of the land use code.
6. Must comply with DRC comments for recorder and planning.

Doug then went through the DRC Comments:

Recorder Peggy Sulser comments: Address, should the plat show how the owners are getting to the building pad areas.

GIS/Addressing Ivan Spencer comments: No addressing needed at this time. It will be easy to assign this parcel an address.

Planning/Trails Luke Robinson comments: Approved with the following conditions. Receive approval letter from Andy Dahmen previous to preliminary approval by PC. Comply with

conditions from letter. Full geotechnical and geological report previous to final approval. Comply with conditions recommended by staff in presentation to planning commissioners and county council.

Jeff Graham, representative for VRC Acquisitions, addressed the Wasatch County Council and indicated that he agrees with the findings and conditions.

Chair Greg McPhie then opened the matter up for public comment and there was none so the public comment portion was closed. Chair Greg McPhie then asked the VR Acquisitions representative that we are short one member of the Wasatch County Council and asked if he still wanted to go forward with the vote on this matter and Jeff Graham indicated that he was.

Councilman Danny Goode made a motion that we approve the VR Acquisitions for preliminary plat approval for Victory Ranch Plat Y as presented with all the findings and conditions as outlined and accept the staff report. 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: Steve Farrell

NAY: None.

MANAGER'S REPORT

FFA DONATION

Eric Patterson and Jake Harvath, representing the FFA Forestry Team, addressed the Wasatch County Council and indicated that the team took first place in the State of Utah which was the first time that a FFA Forestry Team from Wasatch County FFA Chapter took first place. This has allowed us to go back to the FFA Nationals in Indianapolis, Indiana in October. As a result of that we would like to ask for a donation of \$250.00 for the four participants or whatever the Wasatch County Council would be willing to donate for us to go back to Indiana. Eric also indicated that they participate in Wasatch CAPS. Councilman Mark Nelson indicated that Eric Patterson has worked for the Heber Valley Railroad and has been a valuable employee. Eric also is a very outstanding musical fiddler and will be entertaining at the National Convention as well.

Councilman Steve Farrell made a motion that we authorize \$250.00 per student out of the Wasatch County Discretionary fund, 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.

Councilman Danny Goode made a motion that we leave our regular Wasatch County Council Agenda and go into Closed Session to discuss pending litigation and personnel. 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: Steve Farrell**

NAY: None.

Councilman Steve Farrell made a motion to leave the Closed Session. 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: Steve Farrell**

NAY: None.

Councilman Danny Goode made a motion to adjourn. Councilman Mark Nelson 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: Steve Farrell

NAY: None.



Meeting adjourned at 9:45 p.m.


GREG MCPHIE/CHAIRMAN


BRENT TITCOMB/CLERK/AUDITOR