

**MINUTES OF THE
WASATCH COUNTY COUNCIL
OCTOBER 17, 2018**

The Wasatch County Council met in regular session at 3:00 p.m. at the Wasatch County Administration building, Heber City, Utah and the following business was transacted.

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

EXCUSED: Councilman Mark Nelson
Councilman Mike Petersen

OTHERS PRESENT: On list attached to a supplemental file.

PRAYER: Chair Greg McPhie

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

Chair Greg McPhie called the meeting to order at 3:00 p.m. and excused Councilman Mike Petersen and Councilman Mark Nelson 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 were any public issues for future meetings and there was none.

ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS

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

LEGISLATIVE ITEMS FOR FUTURE AGENDAS

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

Councilman Kendall Crittenden made a motion to leave our regular Wasatch County Council and go into the Wasatch County Council acting as the Governing Board of the Parks and Recreation Special Service District. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

MINUTES OF THE WASATCH COUNTY COUNCIL ACTING AS THE GOVERNING BOARD OF THE PARKS AND RECREATION SPECIAL SERVICE DISTRICT

DISCUSSION/CONSIDERATION PARKS AND RECREATION SPECIAL SERVICE DISTRICT MILL LEVY 2018 BUDGET, 2019 WASATCH COUNTY PARKS AND RECREATION SPECIAL SERVICE DISTRICT #21 TAX RATE ADJUSTMENT (1) INTENT TO INCREASE PROPERTY TAXES, (2) DOLLAR AMOUNT OF INCREASE, (3) PURPOSE OF INCREASE AND (4) APPROXIMATE PERCENTAGE OF INCREASE.

Tom Bonner, the Parks and Recreation Director, addressed the Governing Board and indicated that currently the tax rate right now is .000241 and that amount costs the average home of \$413,000.00 being taxed at fifty-five percent \$54.74 a year to maintain the district and that brings in \$1,353,773.00 based on this year's value. Tom Bonner also indicated that with regard to the district fees, rentals, etc., that generates another \$1.8 million. Tom also indicated that with a mill levy of .0003 would generate \$3,679,244. There are expenditures of \$3,501,733. Also to maintain the level of service for this department it would take an increase of \$418,000.00. In order for this to happen the mill levy would need to be moved to .00033 which would cost the residents \$68.14 with a difference of \$13.40 a year and with .00031 a difference of \$15.68, .00032 a difference of \$17.95, .00033 a difference of \$20.22 a year. Then a discussion took

place amount the board members with regard to these figures and the important thing was to keep the budget balanced. **Board Member Greg McPhie made a motion that we go to the .00031 which is not the lowest but not what Tom Bonner is asking for and with the intent that the growth gets us the rest of the way and keep it in the \$15fifteen dollars so again the motion is to go with .00031 for the budget for 2019. Board Member Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Board Chair Danny Goode
AYE: Board Member Spencer Park
AYE: Board Member Greg McPhie
AYE: Board Member Kendall Crittenden**

NAY: Board Member Steve Farrell

DISCUSSION/CONSIDERATION OF PARKS AND RECREATION FEE INCREASE

Tom Bonner, the Parks and Recreation Director, addressed the Governing Board of the Parks and Recreation Special Service District and indicated that with regard to the different programs that are offered for individuals and need to be careful not to price people out of these programs. Tom indicated that two things are being proposed (1) one for programs and (2) and one for events like the demolition derby take from \$21 in the grand-stand and \$16 in the bleachers to \$25 and \$20 which would generate around \$46,000. Mountain Valley Stampede, etc. right now for rodeos it is \$15 in the grand-stand and \$12 in the bleachers and would like to bump those tickets to \$20 in the grand-stand and \$15 in the bleachers which would create \$32,000 on the rodeos. Tom indicated that on the programs there would be a two dollar increase which would generate \$12,000-15,000. Board Member Steve Farrell indicated that this item probably the advisory board should look into and make a recommendation on. Board Member Greg McPhie also indicated that the prices shouldn't be such that it would keep families from going to such events. Tracy Taylor, local resident, indicated that the posting should be made clear and the deadlines for the applications for the advisory board to make more people aware of such boards.

Board Member Steve Farrell made a motion that we go ahead with the proposed increases with the understanding that the advisory board review it in the future. Board Member Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

DISCUSSION/CONSIDERATION OF PARKS AND RECREATION ADVISORY BOARD

Board Chair Danny Goode indicated that the Parks and Recreation need an Advisory Board that is made up of the Chair, Vice Chair, County Manager, and Parks and Recreation Manager plus three at large members and their goal is to help define the scope of the master plan and strategic plan that will be put out for bid and then get the results of that to help enact how the master plan and strategic plan is implemented.

Tom Bonner, the Parks and Recreation Director, addressed the Governing Board of the Parks and Recreation Special Service District and indicated an advisory board is needed to also to look at all the activities and events that take place in Wasatch County to make sure that the wants and needs are being covered of the community which includes events that take place here, Board Chair Danny Goode indicated that he would like that in place by January 1, 2019. Board Member Spencer Park indicated that the board should be well rounded with variety and not just everybody with the same interests. Board Member Steve Farrell also the advisory board should look into the feasibility for an administrative control board.

Board Member Greg McPhie made a motion that we ask or authorize the District Manager, the Board Chair and the County Manager to start working on coming with that group for the advisory board and how to move forward. Board Chair Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Danny Goode
AYE: Board Member Greg McPhie
AYE: Board Member Kendall Crittenden
AYE: Board Member Spencer Park
AYE: Board Member Steve Farrell**

NAY: None.

APPROVAL OF BOARD OF EQUALIZATION CHANGES PARKS AND RECREATION VIDEO MOU PROGRESS

Tom Bonner, the Parks and Recreation Director, addressed the governing Board of the Parks and Recreation Special Service District and indicated that documents have been signed and right now just waiting for Don Wood, the Wasatch County IT Director when to train our people on the running of the video.

Board Member Greg McPhie made a motion to come out of the Governing Board of the Parks and Recreation Special Service District and go back into the regular Wasatch County Council Agenda. Board Member Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Danny Goode
AYE: Board Member Greg McPhie
AYE: Board Member Kendall Crittenden
AYE: Board Member Spencer Park
AYE: Board Member Steve Farrell**

NAY: None.

COUNCIL

APPROVAL OF BOARD OF EQUALIZATION CHANGES

Brent Titcomb, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that it is the decision of the Wasatch County Council to approve the changes that have been made. The market value change is \$6,521,575.00 and the taxable change is \$22,860,508.00 and a lot of that is in house changes and due to primary and secondary issues and of course some is value changes being dropped or adjusted but all taken care of in the tax rate system and there is a five year average so it just equals out. **Councilman Spencer Park made a motion to approve the changes as presented the minus of \$22,860, 508. Councilman Steve Farrell seconded the motion and the motion carries with the following vote.**

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

NAY: None.

**DISCUSSION/CONSIDERATION OF RESOLUTION NO. 18-13 REGARDING A
RESOLUTION OF APPOINTMENT OF A WASATCH COUNTY REPRESENTATIVE
AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES
INDEMNITY POOL ANNUAL MEMBERSHIP MEETING.**

Councilman Steve Farrell indicated that Jim Kaiserman in the past has been our representative. **Councilman Spencer Park made a motion to recommend Jim Kaiserman as our Wasatch County representative and appoint JoEll Rowley as the alternative representative. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

NAY: None.

**DISCUSSION/CONSIDERATION RESOLUTION NO. 18-14 AUTHORIZING
SUBSTITUTING JUDGES FOR WASATCH COUNTY COURTS**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that on occasion there is a need for a substitute judge in Wasatch County when the regular judge goes on vacation or is sick or some other reason that makes it impossible to be in court. Also the various judges substitute for each other. **Councilman Kendall Crittenden made a motion that we pass Resolution 18-14 appointing temporary Justice Court Judges for the Wasatch County Justice Court as specified in the Resolution. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

NAY: None.

**DISCUSSION/CONSIDERATION RESOLUTION NO. 18-15 REQUESTING
RECERTIFICATION OF THE WASATCH COUNTY JUSTICE COURT**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this is something that is required to be done each year. **Councilman Steve Farrell made a motion that we approve Resolution No. 18-15 Decertification of the Wasatch County Justice Court. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

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

NAY: None.

**DISCUSSION/CONSIDERATION AMOUNT AND PURPOSE OF TAX INCREASE,
THE COUNCIL INTENDS TO INCREASE PROPERTY TAXES, THE DOLLAR
AMOUNT OF INCREASE \$826,000.00 PURPOSE FOR THE INCREASE SHERIFF
RESOURCE OFFICER, JAIL AND COUNTY MANAGER. THE APPROXIMATE
PERCENTAGE IS AN INCREASE OF 9.0 PERCENT.**

Councilman Danny Goode indicated that he would like to have a closed session on personnel before we discuss this particular matter. The Wasatch County Council indicated that they would finish the calendar and then go into closed session later and then come back to this item for consideration.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the current tax rate is 0.0001445 and the proposed tax rate is 0.0001592191 which would change the current tax which is \$349.69 and the proposed would be \$385.31 on a \$440,000.00 home which would be a 9.07 percent increase which would be a \$35.61 increase on taxes which would amount to \$826,000.00 dollars projected. Councilman Danny Goode indicated that there needs to be a consistent valuation used.

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

Marilyn Crittenden, future Wasatch County Council Woman, addressed the Wasatch County Council and asked what amounts are needed for each one of these. Mike Davis, the Wasatch County Manager, indicated that for the School Resource Officers the School District is paying \$350,000 to this as well and the total amount for the School Resource Officers is \$700,000.00 dollars. Marilyn Crittenden indicated that she has a real problem with this amount lumped into

a Wasatch County tax rate because doing that hides it from the public in the public being able to see exactly what the school tax is and hides how the schools are handling the money which is a big concern. Councilman Steve Farrell indicated that Wasatch County is getting the benefit of those six officers during the summer time when there are lots of events and people in Wasatch County to help with law enforcement during those busy times. The money also covers equipment expenses and not just salaries. Mike Davis also indicated that with the jail with increases of \$117,000.00 and the manager included an assistant manager, secretary and an increase in salary of the Wasatch County Manager and all them together amounted to \$206,000.00 dollars.

Councilman Danny Goode made a motion that we take the manager's recommendation for a tax rate increase of not to exceed 0.0001592191. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION ON PROPOSED ORDINANCE NO. 18-09 AMENDING 16.27.10(C1t) REGARDING THE REQUIREMENT FOR OVERALL PRELIMINARY APPROVALS FOR SUBDIVISIONS. THE CODE CURRENTLY REQUIRES THAT APPLICANTS PREPARE AN OVERALL PRELIMINARY APPLICATION THAT COVERS THE ENTIRE PROPERTY OWNED BY THE APPLICANT. THIS PROPOSAL WOULD ALLOW LARGER ACRE PROJECTS WITH LARGER AMOUNTS OF DENSITY TO DO A PHASED PRELIMINARY APPROVAL.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that after a discussion with Extell's counsel I believe we are in agreement on this matter. This ordinance is to allow a phased preliminary instead of what our current code requires which is to do an overall preliminary of the entire acreage. The language to be added would be completed prior to or as defined in Item 2E. Doug Smith also indicated that he can't see a problem for Wasatch County if this language was added.

Bob Theobald, with Mayflower, addressed the Wasatch County Council and indicated that he has a concern with the logic jumping five units or ERU's defined as a large scale development up to one thousand ERU's that would receive this treatment or five hundred acres. Also Bob agreed with what is trying to be accomplished with this ordinance but that is too many units such as a thousand and would suggest that it be two hundred or one hundred or some figure like that.

Bob also indicated that he would like to see this number be dropped down to a couple of hundred and take in some other considerations and have some flexibility for the planning department to call out and make a recommendation of what that number is for a large scale project. There are some smaller projects that deserve a phased preliminary plan. Councilman Steve Farrell indicated that where do you draw the line.

Councilman Danny Goode indicated that this ordinance is an opportunity for Wasatch County to see where the matter is going because Wasatch County hasn't seen a development like Extell before. Doug Smith indicated that there are so many people flipping projects in Wasatch County that Wasatch County wanted to have assurance with an overall preliminary with roads that tied in, with sewer and water and road and road grade intersections that all worked as Wasatch County were going down and solidifying those vested rights which is the intent of what is being proposed. **Councilman Danny Goode made a motion that we approve Ordinance 18-09 as presented with the only change to Item 2E that these words be added (prior to or as defined). Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

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

NAY: None.

**DISCUSSION/CONSIDERATION ORDINANCE NO. 18-10 AN ORDINANCE
AMENDING WASATCH COUNTY CODE SECTION 4.09.02 TO UPDATE AND
AMEND CERTAIN FEES ASSESSED IN WASATCH COUNTY.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the change is with regard to some added fees for the Wasatch County Building Department. The changes would be adding items 4, 5, 6 and 7. **Councilman Danny Goode made a motion that we approve Ordinance No. 18-10 as has been presented. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

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

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that the bond was closed with regard to Timber Lakes and there was a savings of \$644,000.00 dollars.

Councilman Kendall Crittenden indicated that at the Dinner in the Park that the Community Coalition does each year there were 540 meals served, 160 take home meals and at the end whatever was left over and that was donated to the three food banks the Christian Center, Community Action Food Bank and the Food Bank at the high school.

Councilman Kendall Crittenden indicated that Monday in the Wasatch County Affordable Housing Board Meeting there was an audit done and it was a clean audit. And next month the auditor who did the audit will come to the board and discuss the audit.

Councilman Kendall Crittenden indicated that from Don Wood, the Wasatch County IT Director put in place a system to take care of the reserving of rooms in the County Building and that can be done via e-mail and through the calendar. Individuals or groups can reserve those rooms. Don Wood is doing trainings concerning that new system. The Wasatch County Council indicated that it would be a good idea to have Don Wood come to the Council meeting and give training on that new system. Councilman Steve Farrell indicated that a list should be prepared indicating what type of meetings and what the County buildings can be used for. Councilman Kendall Crittenden also indicated that Don Wood last Friday removed two of the wireless networks and has put two new networks in.

MANAGER'S REPORT

DISCUSSION AND POSSIBLE APPROVAL OF EXPENDITURES FOR COMPLETION OF SHERIFF OFFICE ADDITION.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a need to bid out furniture and furnishings to finish off the Sheriff's Office in the amount of \$100,000 and the money will come from impact fees. **Councilman Steve Farrell made a motion that we approve the expenditures for the completion of the Sheriff's office addition. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

NAY: None.

POSSIBLE CONSENT FOR APPOINTMENT TO PLANNING COMMISSION

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he would recommend the name of Bruce Zollinger to serve in the associate position on the Wasatch County Planning Commission. Chair Greg McPhie asked if there was any reason to go into a closed session to discuss the recommendation and there was no need. **Councilman Kendall Crittenden made a motion that we accept the recommendation by the Wasatch County Manager Mike Davis for Bruce Zollinger as an associate member on the Wasatch County Planning Commission. Councilman Danny Goode seconded the motion and the motion carries with the following vote:**

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

NAY: None.

RESENTATION AND POSSIBLE ACTION OF PROPERTY TAX ADJUSTMENT FOR AFFECTED PROPERTIES IN THE DOLLAR RIDGE FIRE.

Maureen (Buff) Griffith, the Wasatch County Assessor, addressed the Wasatch County Council and indicated Duchesne County has given a twenty-five percent prorated tax reduction for structures affected by the Dollar Ridge Fire and Wasatch County wanted to follow what Duchesne County did so a twenty-five percent tax reduction prorated was given for structures affected in Wasatch County by the Dollar Ridge Fire. This twenty-five percent was prorated for floods and access. For foliage a thirty-seven percent reduction prorated to the fire and the flood and structural loss in value according to the Natural Disaster Code 59(2)-1004.5 for those affected in Wasatch County was given. **Councilman Kendall Crittenden made the motion that we do a property tax adjustment for the affected properties in the Dollar Ridge area based on the percentages that was given. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

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

NAY: None.

Buff Griffiths also indicated that she is dealing with a tax matter involving LeRoy Sweat which is having an effect on closing out the tax roll for the treasurer which deals with two properties that there is a discrepancy on. And this is being taken care of internally in the Assessor's Office and the discrepancy was never appealed. Also if it turns out that there needs to be a tax adjustment this matter will come back before the Wasatch County Council for a decision.

**PRESENTATION OF NAMES FOR CHARLESTON WATER CONSERVANCY
DISTRICT BOARD MEMBERS FOR APPROVAL.**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he received the recommendation from Charleston for the names of Wade Webster and Jeremy Taylor to be appointed to the Charleston Water Conservancy District Board and would recommend those names to be approved by the Wasatch County Council. Chair Greg McPhie asked if there is any need to have a closed session regarding these names and there was none.

Councilman Steve Farrell made a motion to approve the recommendation for Wade Webster and Jeremy Taylor to the Charleston Water Conservancy District Board.

Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

**DECLARATION OF ROAD RIGHT-OF-WAY FOR FORMER STATE HIGHWAYS
TRANSFERRED TO WASATCH COUNTY**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that further research work was done with UDOT and investigation into the matter of road right-of-ways up in the Bonanza Flat area. The two roads that are in question are the Guardsman Pass Road Highway 190 and Highway 224 Pine Canyon Road and both of those roads were State Highways. In the year 1990 both of those roads were transferred to Wasatch County by the Transportation Commission with all rights and capacities as the roads existed under State Statute. The State of Utah qualified those roads as minor collector roads. The roads have never been vacated and by State Statute roads created by the State of Utah exist in perpetuity unless vacated and right-of-ways on county roads are shared by the State of Utah. As a result those right-of-ways exist on those two roads and have existed since the year 1990 to Wasatch County as well as to the State of Utah.

As a result of that to clean this matter up and hopefully move this along which is my intent to take that out of the Development Agreement so it is not part of the dispute any longer I would make the following declaration from Wasatch County as given to me as the County Manager and the Executive of Wasatch County by State Statute. Mike Davis then read the Declaration into the Record which document is made a part of the record. Mike Davis also indicated that this Declaration was done for clarification purposes and no motion is required but was done just for information purposes. Also the right-of-ways will not be affected by the Conservation Easement.

Mike Davis also indicated that he is now ready to issue the plow permits and the parking permits and to restrict the plowing to the asphalt area and not go down into the shoulders of the asphalt road because it is not good for the plows and roads.

TIMPANOGOS STORAGE MATTER

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there has been some storage facilities built back behind the public works facility and the Wasatch County Attorney offices. The owners have approached the County in putting a sign up on County property to help people find their storage business. In talking with the attorney's office they felt that was not a good idea because it opens Wasatch County up to a lot of issues. The owner has contacted me and has asked to present this matter before the Wasatch County Council to get approval. As a result of that request the Wasatch County Council indicated to Mike Davis to schedule him as an agenda matter and the Council will hear the matter with regard to putting a sign up but the recommendation would be not to allow that.

TOOELE COUNTY MATTER

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he was approached by Tooele County because there is a move to change their form of government and wanted to interview me and ask questions about how our form of government is working. As a result of that we had a meeting down stairs in the conference room and a video was made. Somebody had complained about that meeting taking place down stairs and the State Auditor's office contacted Tooele about the interview that I was using a public facility to facilitate an election issue. Mike Davis also indicated to Tooele if there is any more communication with me that it will be done at my house and not on County time and would be more than happen to talk to me. Mike Davis just wanted the Wasatch County Council to know what has taken place.

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

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

NAY: None.

Councilman Spencer Park made a motion to leave our Closed Session and go back into regular session. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

**PUBLIC HEARING
OCTOBER 17, 2018**

PAUL BERG, REPRESENTATIVE FOR WAYNE CARLSON, IS REQUESTING A PLAT AMENDMENT TO CHERI LANE FARM PRESERVATION SUBDIVISION 5 LOTS TO RECONFIGURE LOT LAYOUTS AND ALLOW FOR THE INCLUSION OF A CARETAKER DWELLING ON LOT 1 IN THE FUTURE. THE SUBDIVISION IS LOCATED AT APPROXIMATELY 1420 WEST MAIN CANYON ROAD IN SECTIONS 1 AND 12., TOWNSHIP 5 SOUTH, RANGE 4 EAST IN THE RESIDENTIAL AGRICULTURAL 5-ACRE, RA-5 ZONE.

Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the applicant is seeking to amend the Cheri Lane Farm Subdivision Plat for the purpose of reconfiguring lots into three approximately one-acre lots, one 5.23 lot, and a resulting 20.50 acre farm preservation lot. The exterior subdivision boundary is also being realigned to accommodate space for two adjacent small scale subdivisions totaling three five acre lots. The overall density would not change.

Austin Corry then went through the project summary:

1. Existing zone: Residential Agriculture 5-acre RA-5.
2. Existing land use: Farm Preservation.
3. Existing lots: 5 lots on 28.6 acres.
4. Proposed amendment: 5 lots on 28.96 acres lot sizes and configurations change.

Austin Corry then went through the proposed findings:

1. No public or private roads are being vacated as part of this plat amendment.
2. With conditions, this proposed revision conforms to the Wasatch County development standards.
3. The proposal is consistent with Utah Code Section 17-27a-609.
4. The Development Review Committee has reviewed the project for compliance for a farm preservation subdivision.
5. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.
6. No objections have been received as of the writing of this report.

Austin Corry then went through the proposed conditions:

1. The plat amendment approval shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.
2. The 20 plus acre farm preservation piece must remain agricultural and is required to be deed restricted to prevent subdivision for a period of ten years. Any further subdivision would also require a zone change and connections to a public sewer system.
3. Approval for this plat amendment should not be construed to be in any way an approval for the farm caretaker dwelling.
4. Applicant must amend the irrigation allowance note on the plat per the proposed acreages.
5. Any road improvements must be built or bonded previous to plat approval. Additional information as noted in Andy Dahman's review letter will be needed to obtain the grading permit to do this work.
6. Applicant must comply with comments and conditions noted in Andy Dahman's review letter dated October 1, 2018. Since some items may require additional easements to be added to the plat, compliance must be determined by the County prior to plat recording.
7. No building permits will be approved until the road providing access into the subdivision is built per County standards.
8. Public utility easement notes from the original Cheri Lane subdivision will need to remain on the amended plat.
9. Adjacent Carlson and Carlson Farms subdivisions must be approved and recorded concurrently. If any of the three plats are not approved and ready for recording, none of the plats should be recorded.
10. Applicant must resolve any comments or conditions noted in the DRC report.

Austin Corry then went through the DRC comments:

Recorder Peggy Sulser comments: Too confusing. I will wait for final paper copy to check over. Checked over Carlson Subdivision, confused on that one too. Waiting until paper copy disregard comments on Carlson Subdivision.

Fire WCFD comments: No fire flow in area of subdivision. Please specify how fire flow will be achieved. Options: 1. Bring fire flow from nearest culinary source. 2. Provide fire flow with tanks/pumps as approved. 3. Installation of fire sprinklers as per NFPA 13D. Selected option must be stamped on plat prior to signing.

GIS/Addressing Ivan Spencer comments: Addresses have been assigned. Street name changed to 1400 West. Cheri Lane is not an approved name because it is too close to Cherry Lane and this street does not need a name. The grid coordinate is preferred for 911.

Assessor comments: Land receiving green belt exemption will have to still abide by the requirements, but will need to re-sign back up for the exemption due to acreage changes, and verify that it still qualifies as green belt status.

Health Department Tracy Richardson comments: The following wording needs to be the Farm Preservation plat. The existing home and the proposed caretaker ADU on lot 1 will be required to install alternative septic systems that will reduce nitrogen by at least 50 percent. The alternative septic system design and approval by the Wasatch county Health Department will be required before a building permit will be issued.

Engineering Ryan Taylor for Andy comments: Per Andy's letter.

Paul Berg, representative for Wayne Carlson, addressed the Wasatch County Planning Commission and indicated that he has nothing further but will answer questions if there are any. Chair Greg McPhie indicated to Paul Berg that there is only five members here tonight on the Wasatch County Council and one will be abstaining and if you would like to wait for the matter to be voted on until a full Council is present please indicate. Paul Berg indicated that he is all right in moving forward with the four present.

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

The record should reflect that Councilman Spencer Park indicated that he will abstain from voting on this matter because this is a long, long time family friend.

Councilman Steve Farrell made a motion that we approve the Wayne Carlson Cheri Lane Farm Preservation Subdivision as has been outlined with all the conditions and findings of the Wasatch County Planning Condition and accept the staff report. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

**NAY: None.
ABSTAIN: Spencer Park**

**PUBLIC HEARING
OCTOBER 17, 2018**

JEFF BUTTERWORTH, REPRESENTATIVE FOR STORIED DEER VALLEY, L.L.C., REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR MORNINGSTAR SUBDIVISION, A PROPOSED 5 LOT SUBDIVISION CONSISTING OF 5.29 ACRES LOCATED ON THE EAST SIDE OF TUHAYE ALONG TUHAYE HOLLOW ROAD IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that at this time, 349 lots have been platted. This does not include areas currently in the review process that have not received final approval. This neighborhood was added to the development as part of the amended master plan completed in early 2018 as a six lot subdivision. At this time, the applicant is requesting only five lots on the same 5.29 acres.

Austin Corry then went through the project summary:

1. Existing zone: JBOZ.
2. Proposed zone: JBOZ.
3. Related applications: master plan approval 2007 amended 2018.
4. Existing land use: vacant.
5. Acreage: 5.29.
6. Proposed density: 0.95 units/acre.
7. Proposed lots: 5 SF detached.

Austin Corry then went through the proposed findings:

1. The density being proposed is consistent with what was approved in the amended master plan approvals.

2. This subdivision generally conforms to Title 16 of the Wasatch County Code.
3. Preliminary approval does not grant a variance from County code standards that cannot be determined at the level of detail provided at preliminary.
4. The applicant has sufficient Affordable Unit Equivalents AUE's to contribute to the Moderate Income Housing Requirement of 0.5 AUE's.

Austin Corry then went through the proposed conditions:

1. Final documents must comply with comments and conditions noted by Andy Dahman's report dated October 2, 2018. Compliance may impact density of the project.
2. Final documents must comply with conditions noted by Alane Boyd's report dated October 2, 2018.
3. A detailed view shed and slope analysis will need to be completed at the final subdivision application. Results of the studies may result in a reduction in density.
4. Applicant must resolve any comments or conditions noted in the DRC report.
5. The required 0.5 AUE credit will be deducted from the fee-in-lieu paid at Master Plan Approval, resulting in 43.4 AUE credits remaining for the Tuhaye Development.

Austin Corry then went through the DRC comments:

Engineering Ryan Taylor comments: I have no objection to granting preliminary approval. Details for the utility installation will have to be included in the final plan set.

Recorder Peggy Sulser comments: This is a preliminary plat, waiting for final paper copy will make comment at that time.

JSSD/Twin Creeks/North Village Ron Phillips comments: Developer must resolve any design issues identified in upcoming design review letters and in the Will Serve Letter, and adhere to the Development Agreement. Developer to present 2 hard copies of detailed design drawings, a PDF of design drawings, and a DWG file of the utility plan to the District for detailed design review. The development must receive the District stamp of approval on the design drawings prior to beginning construction.

GIS/Addressing Ivan Spencer comments: No addressing needed at this time. Addresses can be assigned during final approval.

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

Councilman Spencer Park indicated that this is the only subdivision I can remember since I have been on the Wasatch County Council that the developer has brought in more acreage and not asking for more ERU's and with that comment I would like to make a motion that we approve the Morningstar Subdivision a proposed 5 lot subdivision with the findings and conditions as presented by the Wasatch County Planning Commission and

accept the staff report. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

**PUBLIC HEARING
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A PROPOSED UPDATE TO CHAPTER 5 OF THE GENERAL PLAN WHICH IS THE PUBLIC LANDS ELEMENT OF THE GENERAL PLAN. THE PROPOSAL MORE SPECIFICALLY UPDATES PAGES 308-310 THE LIVESTOCK GRAZING AND FORAGE ALLOCATION PORTION OF THE GENERAL PLAN. THE INTENT OF THE UPDATE IS TO ALLOW LOT TARGETED GRAZING AS AN OPTION TO LANDOWNERS FOR WEED CONTROL.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this proposal is to add the following language to Chapter 5 pages 308-310 of the General Plan under Livestock Grazing/Forage Allocations as the second paragraph which is Livestock management as a tool for weed control.

Quintin Lewis, from the Weed Control Board, addressed the Wasatch County Council and indicated that in the past mechanical, chemical, bio controls, etc., were used to combat noxious weeds. This is just another way to put grazing in as a tool to combat noxious weeds.

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

Councilman Danny Goode made a motion that was pass Ordinance No. 18-12 as presented. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Danny Goode made a motion to go into Closed Session for legal. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Spencer Park made a motion to come out of Closed Session and go back into our regular County Council agenda. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Kendall Crittenden made a motion to adjourn. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 8:30 p.m.



GREG MCPHIE/CHAIRMAN



BRENT TIPCOMB/CLERK/AUDITOR

