MINUTES OF THE

WASATCH COUNTY COUNCIL

OCTOBER 3, 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

Mark Nelson

Spencer Park

Mike Petersen

Steve Farrell

OTHERS PRESENT: On list attached to a supplemental file.

PRAYER: Chair Greg McPhie

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

Chair Greg McPhie called the meeting to order at 3:00 p.m. and indicated that there is a full

quorum present this afternoon. 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 then asked if there were any public issues for future meetings.

Pam Patrick, Wasatch County resident, addressed the Wasatch County Council and indicated

that people have been talking about is water and could we just have an update as to a

water report. Chair Greg McPhie indicated that the Central Utah Project people will

come and give a report on the water outlook which will be held in a couple of weeks.

ADMINISTRATIVE ITEMS FOR FUTURE AGENDAS

Chair Greg McPhie then asked if there were any Administrative Items for Future Agendas and

there was none.

LEGISLATIVE ITEMS FOR FUTURE AGENDAS

Chair Greg McPhie then asked if there were any Legislative Items for Future Agendas.

Councilman Mike Petersen indicated that he has an item that he would like to discuss at

a future meeting which has to do with the elections in making it non-partisan at some

point. Scott Sweat, the Wasatch County Attorney, indicated that there is only two

counties that are non-partisan and in a very short time those counties will have to go

partisan and the State of Utah is looking at pushing the other way but he indicated that

he will check further and then report back about it.

APPROVAL OF THE MINUTES FOR AUGUST 29, 2018 AND SEPTEMBER 5, 2018.

Councilman Kendall Crittenden indicated that he has a correction on the August 29, 2018

which is on page four in the first paragraph where it says that there is a twenty thousand dollar

per ERU for affordable housing and that should say twenty-eight thousand dollar per ERU.

Councilman Kendall Crittenden made a motion to adopt the minutes of August 29, 2018 with

that one amendment and correction and approve as amended and also accept the September 5, 2018 minutes as written. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

Councilman Mark Nelson indicated that on the minutes of August 29, 2018 on page 12

there is a recommendation that was made that we change the Wasatch County Code and

increase the TAB Board from five people to nine or ten. Chair Greg McPhie indicated that this

matter will be put as an agenda item on the next Wasatch County Council work meeting

which is October 10, 2018 and will be for discussion only. The Council asked Scott Sweat,

the Wasatch County Attorney to check on the number of people because that is set by statute.

Councilman Kendall Crittenden indicated that there was a discussion on the September 5, 2018

with regard to Channel 11 on the T.V. as being off . Mike Davis, the Wasatch County Manager

indicated that he didn’t check on that matter.

COUNCIL

DISCUSSION/CONSIDERATION ON PROPERTY TAX ADJUSTMENT FOR PRIOR YEAR, TOM BUCKLEY No. 00-0021-1998.

Councilman Steve Farrell indicated that Tom Buckley built a home in Wheeler Park and

and there was a mix up and thought that he was a primary resident but when he got his tax

notice this year he realized that he was not a primary resident and there was a correction

made for this year but can’t go back on the Year 2017 and are asking the Wasatch County

Council to go back on 2017 and authorize it. Also Wheeler Park is ninety-nine percent

primary homes and would recommend that this matter be approved and allow him to be

credited as a primary home for the Tax Year 2017. That would make a difference

right now his values was in 2017 they were $220,615 and that would make the value

of his home on a primary residence $121,357 or the difference in $27,049 in taxes and

fifteen twelve and the Tax No. is 00-0021-1998.

Councilman Spencer Park made a motion to accept Councilman Farrell’s recommendation.

Councilman Danny Goode seconded the motion and the motion carries with the following

vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Greg McPhie

NAY: None.

DISCUSSION/CONSIDERATION ON PROPERTY TAX ADJUSTMENT FOR PRIOR YEAR, TOM FOSTER No. 00-0020-5122.

Councilman Steve Farrell indicated that this is a tax issue up in Black Rock Village and one

of the town homes. When this came on the tax rolls in 2014 there was an error made in the

measurement of the unit and it was five hundred feet smaller then was recorded as. This would

make an adjustment of about twelve and a half percent in the value. The assessor’s office went

and re-measured it and have the correct measurements now. There are four units involved but

will be handled separately as they are appealed. They would like an adjustment from 2014, 2015,

2016 and 2017 and 2018 can do because it is in the current year. As a result this is a factual

error not a judgment error and my recommendation would be to go ahead and approve this.

For this year it is about $69,000.00 and the value would be somewhere around $750,000.00 for

that unit and would amount to twelve and a half percent a year and the Tax No. is 00-0020-5122.

Councilman Steve Farrell made a motion to recommend this adjustment. Councilman Kendall

Crittenden seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

MATTHEW IDEMA, REPRESENTATIVE FOR CLAYTON PROPERTIES GROUP II, L.L.C., IS REQUESTING A PLAT AMENDMENT TO JORDANELLE RIDGE PLAT A 4TH AMENDED. THE PROPOSAL IS TO REMOVE A PLAT NOTE FOR LOTS A-73 THROUGH A-83. THE CURRENT NOTE STATES THAT THEY ARE COTTAGE LOTS THAT ARE HOA MAINTAINED AND THAT NO FENCES ARE ALLOWED. THE APPLICANT IS REQUESTING THAT THE NOTE BE REMOVED SO THAT THE HOMES ARE MAINTAINED BY THE PROPERTY OWNER AND THAT FENCES CAN BE ALLOWED. THE PLAT AMENDMENT IS ALSO PROPOSED TO INCLUDE A REDUCTION OF A PUE BETWEEN LOTS 73 AND 74 FROM THE CURRENT PUE OF 20 FEET TO 15 FEET.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that you have had a public hearing on this matter previously. Also Mr. Idema is not present

here today. With this matter there were some drain issues discussed and they have now fixed.

that. There were also some issues with the HOA in maintenance of things and with the

development agreement the Wasatch County Council cannot approve a sign off or hand off to

the HOA but have to provide a written approval for that. And until those things are addressed

Wasatch County won’t sign off on it which indicates there is a means to satisfy that issue.

Doug then showed some pictures showing what has been done to correct the issues that

were raised. Doug Smith also indicated that he is ready to sign off on these issues.

Councilman Mike Petersen made a motion that since Doug Smith, the Wasatch County Planner

is good with it and is ready to sign off on this matter my recommendation would be that

we accept this and approve it and move forward. Councilman Mark Nelson seconded

the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

PRESENTATION BY DAX REID WITH DISCUSSION AND POSSIBLE MOTION REGARDING A $400,000 NRCS GRANT TO UPDATE THE TRI-VALLEY WATERSHED PLAN AND ENVIRONMENTAL ASSESSMENT DATED SEPTEMBER 1997.

Dax Reid, representing the Department of Agriculture and the Division of Water Quality, addressed the Wasatch County Council and presented a power point and some pictures indicating what this grant will be used for in the Lake Creek flow channel and improve the Tri-Valley Watershed Plan and environmental assessment dated September 1997. The money that is available is called PL-566 which is flood control money and will cover the total costs start to finish. Dax also indicated that Wasatch County needs to sponsor this project. Brunson Smart , with NRCS, and project manager and watershed operations manage program, addressed the Wasatch County Council and indicated that with regard to sponsoring this project, Wasatch County would need to be the financial holder to accept the funds and make payments and NRCS would reimburse back to Wasatch County after those payments are made. Also it will be outlined for Wasatch County on how much money each project gets and how that is distributed out. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that these types of projects are good for Wasatch County and Wasatch County could handle the financial issues as stated. Also this will be a quality project because of standards that have to be followed.

Dax Reid also indicated that paper work needs to be signed and would like to have that signed

before the end of this year so the project can move forward.

Councilman Mike Petersen made a motion to go ahead and approve this and be a sponsor and

authorize whatever signatures needs to be made. Councilman Steve Farrell seconded the

motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

SUMMIT ENGINEERING REPRESENTATIVE FOR THE LINDSEY HILL NORTH SUBDIVISION IS REQUESTING A WAIVER OF THE AFFORDABLE HOUSING REQUIREMENTS BASED ON A STUDY SUBMITTED AND ATTACHED TO PART OF THIS ITEM.

The record should reflect that Councilman Mike Petersen recused himself from hearing this

matter and as a result left the Wasatch County Council Chambers.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and

indicated that this matter is before the Wasatch County Council for a request for a waiver

on the affordable housing issue. Doug then went through a short power point presentation and

showed some pictures and then indicated that this project consists of six lots. Summit

Engineering also indicates that there is no affordable housing issue in this project. Summit

Engineering then submitted a one page study or letter specifying reasons why there should not be

affordable housing paid on this project and why the affordable housing fee be waived. The affordable housing amount would equate to six lots times a ten percent so the amount would be $16,800.00. Doug Smith also indicated that this isn’t a sufficient study that has been handed to you. Doug also indicated that any home that is built in Wasatch County is going to create a need for affordable housing whether that is additional teachers, fireman, police officers or people

that work in Walmart. Also this Affordable Housing issue is under the old code. Doug Smith

also indicated that the Wasatch County Council can either accept or reject the study.

Councilman Steve Farrell indicated that he can’t see how eighteen to twenty people can move into the area and not say that there is some effect on the affordable housing.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated

that if the Wasatch County Council doesn’t think this study is adequate then a second study

needs to be asked for or a third party study.

Chair Greg McPhie indicated that his impression is that this matter is up to the Wasatch

County Council’s discretion in what amount of the $16,800 can be assessed.

Councilman Danny Goode indicated that he feels that the Wasatch County Council should

ask for a third party study. Also there needs to be a recommendation out of the affordable

housing committee that has been formed as soon as possible.

Dallas Nicoll, representing the applicant, addressed the Wasatch County Council and indicated

that the origin of this report and study came from a Blake Allen study that was submitted many

years ago.

Councilman Mark Nelson made a motion to approve this request. Councilman Danny Goode

seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Chair Greg McPhie

NAY: Steve Farrell

The record should reflect that Councilman Mike Petersen joins the Wasatch County Council.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that a public lands meeting was held this morning.

And there is now a new Conservation Officer at Deer Creek as well as one at Jordanelle and

Lorie got promoted to regional director and so a replacement needs to be found for her position.

Also there is a new Conservation Officer with DWR out in Strawberry whose name

is McKay Brackley.

Councilman Kendall Crittenden indicated that he was notified from the Utah State Auditor’s

Office indicating that I was in arrears on my District Board Member Training and this training

needs to be done every four years. As a result of that Councilman Kendall Crittenden indicated

that he now is certified.

Councilman Kendall Crittenden indicated that under the Airport Advisory Board in Heber

City the offer was made to the Wasatch County Council to have a seat on that board. Also

due to scheduling conflicts with the representative appointed by Wasatch County Council to

take the seat on the Airport Advisory Board and a change was made on the board and

the seat held by the Wasatch County Council was crossed out. As a result the invitation to

serve on that Airport Advisory Board has been taken away.

Councilman Danny Goode indicated that the assessment lawsuits have been settled in all

respects in favor of the Wasatch County Fire District. As a result in the Jordanelle

Area all lawsuits have been found in favor of Wasatch County.

MANAGER’S REPORT

BONANZA FLAT ROADS

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated

that he has done some research regarding the right-of-ways for the roads up in the Guardsman

Pass, Empire Pass, Pine Canyon areas.

The Wasatch County Council felt like a Closed Session should be taken regarding this matter.

Councilman Kendall Crittenden made a motion to leave our regular session and go into

Closed Session to discuss potential litigation and personnel. Councilman Mike Petersen

seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

PUBLIC HEARING

OCTOBER 3, 2018

BERG ENGINEERING, REPRESENTATIVE FOR KAY PROBST TRUST, REQUESTS A PLAT AMENDMENT APPROVAL FOR THE KAY PROBST SUBDIVISION. THE PROPOSAL IS TO ADD APPROXIMATELY 3.49 ACRES, INCLUDING ONE NEW 1.26 ACRE LOT, TO THE EXISTING 0.54 ACRE, ONE-LOT SUBDIVISION, RESULTING IN A TWO-LOT SUBDIVISION ON 4.03 ACRES LOCATED AT 1325 STRING TOWN ROAD IN SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST IN THE RESIDENTIAL AGRICULTURE 1-ACRE RA-1 ZONE.

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and went through a short power point presentation. Then indicated that this plat amendment is to amend the existing Kay Probst Subdivision in order to enlarge the size of the existing lot 1 at 1335 South String Town Road and create a second lot that has an already existing home on it.

Doug then went through the Land Use Summary:

1. Lot 1 is currently 0.54 acres in size and will increase to 2.77 acres. Lot 2 will be added and will be 1.26 acres in size.

2. Both lots have existing homes on them.

3. The lots are on Midway Sanitation for sewer and so the minimum lot size would be 1 acre.

4. Additional right-of-way for String Town Road will be dedicated to the county as a part of this plat amendment.

5. An agricultural parcel will also be created with the remaining acreage that will not have a building right at this time.

Doug then went through the possible Findings:

1. No public or private roads are being vacated as part of this plat amendment.

2. This proposed revision conforms to the Wasatch County development standards.

3. Utah law allows the County to approve a plat amendment if the County finds that: (a) there is good cause for the vacation, alteration, or amendment, and (b) no public-street, right-of-way, or easement has been vacated or altered.

4. Staff believes that good cause exists for the plat amendment. The request complies with zoning and the County engineering department is in agreement. No public-street, right-of-way, or easement would be vacated or altered by the plat amendment. Therefore, Staff’s position is that Utah law allows this plat amendment.

Doug then went through the recommended Conditions:

1. Approval expires if plat is not recorded within one year from the date of final approval from Planning Commission, unless an extension one year maximum is granted by the Planning

Commission.

2. A separate deed for the agricultural parcel will need to be recorded concurrent with plat recording.

3. Compliance with any conditions outlined in the DRC report.

Doug then went through the DRC comments:

Health Department Tracy Richardson comments: Sewer and Water by Midway Sanitation and Water.

Fire WCFD comments: 2015 Fire Code. Access, hydrants and fire flow. Access appears to be limited for ag piece for future use.

GIS/Addressing Ivan Spencer comments: Use existing addresses, Lot 1, 1335 South String

Town Road, Lot 2: 1365 South String Town Road.

Manager Michael Davis comments; Is the frontage sufficient for the agricultural lot?

Applicant:

Randall Probst, the applicant, indicated that he has nothing further.

Public Comment:

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

public comment period was closed.

Motion:

Councilman Steve Farrell made a motion that we approve the plat amendment for the Kay

Probst Subdivision as has been presented with all the Conditions and Findings outlined

in the Planning Commission report and accept the staff report. Councilman Kendall Crittenden

seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE; Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Chair Greg McPhie

NAY: None

PUBLIC HEARING

OCTOBER 3, 2018

DAVID CUMMINGS REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR BERG RIDGE, A PROPOSED LARGE SCALE DEVELOPMENT CONSISTING OF 182 ERU’S ON 180.81 ACRES LOCATED EAST OF TUHAYE AND NORTH OF THE JORDANELLE RESERVOIR IN SECTION 26, TOWNSHIP 2 SOUTH, AND RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented

a short power point presentation and then indicated that this proposal is for preliminary approval of Berg Ridge. The proposal also includes two stub streets into Tuhaye which will be necessary for the development Also this project was previously approved in June of 2008 with largely the same proposal as is currently being considered.

Doug then went through the Land Use Summary:

1. 180.81 acres.

2. 182 ERU’s.

3. 32 detached PUD units.

4. 16 (8 total buildings in duplex configuration) attached condominiums.

5. 133 single family lots

6. 1 ERU for the Clubhouse

7. 74,13 forty-one percent acres of open space.

Doug then went through the possible Findings:

1. The preliminary plan is in compliance with the original master plan done by Entranco.

2. With the below listed conditions staff feels that the proposal meets the requirements of the code.

Doug then went through the recommended Conditions:

1. Final design of the road into the project must be done at final review for phase 1.

2. Prior to issuance of any building permits the road into the project from Highway 248 through the second access into Tuhaye and any emergency accesses must be constructed.

3. The gates into Tuhaye must be accessible for emergency access and gates must be able to be opened in case the other access is not passable.

4.. Future dwellings on lots that have the potential of breaking a primary ridge from any of the viewing platforms must have either height restrictions, a building envelope, or a combination of both so that the ridge line is not violated.

5. A letter must be obtained from the Housing Authority outlining the agreement for low income housing for the development before final approval is granted.

6. Ridge line analysis for some of the viewpoints will also need to be done at the individual phase final approvals.

7. Must comply with any requirements in the DRC report.

8. Due to the low amount of irrigation water approved for the project, the proposed plat should

be updated to reflect that outside of the approved landscape plan no other irrigation will be permitted.

9. There are condo units shown on slopes over permitted grade. This will need corrected before final.

10. Prior to final approval that the project be reviewed by the water board for consideration of additional irrigation in a specific amount over and above the two acres currently proposed and that specific landscape plans be provided for the single-family homes that meet the same requirements found in Section 16.15.24.

Doug then went through the DRC comments:

Recorder Peggy Sulser comments: Road names, addresses square footage. Other than that, too early in the game for my input.

Fire WCFD comments: 2015 Fire Code Requirements pertaining to access, fire flow, hydrant location etc. Any road with more than 30 units or in excess of 1300 feet, for single family dwellings. Multifamily and commercial as required by code/code official. 2015 IFC requirements.

Public Works Brandon Cluff comments: I am assuming this is a private development, street

lights and signs are not the county standard.

JSSD/Twin Creeks/North Village Ron Phillips comments: This development has proposed significant outdoor water use restrictions on its properties without which the development does not have sufficient water rights. These water use restrictions must be prominently shown on the final plats. Other conditions of approval are that the Developer to enter into a development agreement with District. And the Developer is to resolve any design issues identified in upcoming design review letters and in the Will Serve Letter is draft of which has already been released.

GIS/Addressing Ivan Spencer comments: No addressed needs right now but they will want to start figuring out road names before final.

Housing Authority Wasatch County Housing Authority comments: Affordable housing issues are being addressed by developer.

Assessor comments: Green Belt rollback will need to be paid prior to start of development.

Doug then went through the Engineering letter and indicated that the four items that are

listed there is 1. On preliminary plat sheet 1, lot 2 is a double fronted lot which is not allowed (16.27.17) 2. Need will serve letters for utility services (16.27.10) 3. Road profiles should include utility pipes. 4. Geotechnical review will be included at final which may include additional comments in our letter.

When this matter went to the Wasatch County Planning Commission there was only four

commissioners there and the vote was 3 to 1 against and so the motion failed. The dissenting

vote was because of the discussion that was on the water issue. Doug then read the motion

that was made at the Planning Commission meeting.

Council Comments:

Councilman Mike Petersen commented that probably outside water could be accomplished by using the culinary water. People probably should look to landscaping where water isn’t

necessary as much as what green grass needs. If the matter is approved tonight it would

have to be approved based on zero watering outside because Dave Cummings doesn’t

have the water for that. The note on the plat would have to say no watering whatsoever

outside except for the two acres which would give you the extra six months to get that

change application in.

Councilman Steve Farrell indicated that there needs to be water rights provided to meet the additional needs. Dave will also need to have a change application which takes up to another

six months. By doing this we are just setting a precedent for others because the water

needs to be taken care of before we are at this point. The applicant met the water board

requirements with no landscaping.

Chair Greg McPhie indicated that at master plan approval we always make sure that the water is all there which is typical and what is being said here is that the water is not here on this project.

That is my concern with the project. The water concern is always taken care of before we get

to this point and the water problem needs to be taken care of before the project is moved forward.

Councilman Spencer Park indicated that an engineer could go through the project and figure out

how much water would be needed because people will want to water flowers, grass and trees because that is the way it is.

Applicant:

Dave Cummings, the applicant, addressed the Wasatch County Council and indicated that

he would answer any questions that the Wasatch County Council has and the council

had none. Councilman Mike Petersen asked if the applicant has more water shares to allow

for more irrigation. Dave indicated that he does have the additional water shares that could

be transferred. Dave also indicated that he does have the ability to put in a secondary water

system.

Public Comment:

Chair Greg McPhie then opened the matter up for public comment and there was no public

comment so it was closed.

Motion:

Councilman Mike Petersen made a motion that we approve the preliminary subdivision

approval for Berg Ridge as proposed and has been discussed with all the conditions and

findings that are here and add a condition number eleven that you come back here if you

decide to water more than zero outside or anything over and above that two acres.

The motion dies for a lack of a second.

Councilman Spencer Park made a motion that we table this item until we get an updated

water board report with adequate water for minimal outside watering based on the

landscaping plan. Councilman Steve Farrell seconded the motion and the motion carries

with the following vote;

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: Mike Petersen

PUBLIC HEARING

OCTOBER 3, 2018

RICH WOLPER, REPRESENTATIVE FOR JOVID MARK RESIDENCES L.L.C./JOVID MARK L.L.C., REQUESTS A PLAT AMENDMENT TO AMEND PARCELS 2,3,4,5 AND 7 OF THE JOVID MARK SUBDIVISION PLAT. THE AMENDMENT IS TO RECORD THE CONDO AIR SPACE PLATS THAT CREATE THE INDIVIDUAL UNITS, COMMON AREAS AND AMENITIES FOR THE JOVID MARK HOTEL. THE PROPOSAL IS LOCATED AT 909 WEST PEACE TREE TRAIL AT THE NORTHEAST INTERSECTION OF BROWNS CANYON AND HIGHWAY 248 IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented

a short power point presentation and then indicated that this proposal is located at the north east intersection of Browns Canyon and Highway 248. This request is for an amendment to the plat to amend parcels 2,3,4,5 and 7 of the JOVID Mark subdivision plat. The plat that is being amended is the plat that created a footprint so foundations could be built within the recorded footprint area. And this proposal amends that plat so that the individual units can be created. With this proposal the Wasatch County Council

is only reviewing the plat amendment. At the Wasatch County Council meeting on the

rezone there was a lengthy discussion about the proposal and the quality of the hotel. The

following amenities are required in the development agreement, a restaurant, spa, pool, workout facility, reservation system, reservation desk, conference center with a minimum occupancy for 150 people and room service. Also the applicant was required to bond for the completion of the required amenities and the bond cannot be released until the required amenities are operational.

Also parking is a big concern if the parking calculations for a hotel are used there is one stall per unit. If calculations for long term condo apartments are used two stalls per unit are required and

parking essentially doubles.

Here are some key issues to consider. The Wasatch County Council required that the hotel be considered a full service hotel with certain amenities required to be in the development agreement. The intent of the amenities was to encourage a hotel and not a condo development and the required amenities are: 1, Game Room-3,131 sf. 2. Spa-2,393 sf, 3. Kitchen-2,911 sf. 4. Restaurant-2,480 sf. 5. Reception area-3,299 sf. 6. Market 444 sf. 7. Dining 2,464 sf.

Conference space 5, 068. Also the hotel is limited to a 55 foot maximum height from natural grade. Also fire access road and surface parking is required to be built with the first phase.

Doug then went through the potential Findings:

1. The density being proposed is consistent with what was approved in the original conditional use permit.

2. The proposal is consistent with the approved site plan.

3. The proposal is required to have specific amenities as per the development agreement. The amenities are shown on the plat and are bonded for to ensure completion.

4. The proposal is in compliance with the development agreement.

5. If the proposal is not used as a condo hotel parking numbers are not correct. Additional

parking will need to be provided to be able to build out the site.

Doug then went through the recommended Conditions:

1. Amenities as stated in the development agreement to be completed prior to any bond releases.

2. Note on the plat that the 55 foot height limit must be complied with. Cross sections shown in the plat should note the 55 foot height from the natural grade.

3. The building corners are required to be surveyed in and staked prior to any inspections and noted on the plat.

4. All phase 1 infrastructure as noted in Section 3.1 b.7 of the recorded development agreement.

5. The fire access road and surface parking is required to be built with the first phase.

6. All landscaping identified is required to be built with the first phases.

67. Applicant will have to pay the required affordable housing fee prior to recording any plats as provided in 3.1 b.5 of the development agreement.

8. A parking study is required before approval of any future plats. If units are used for long term rentals parking requirements will change.

9. DRC requirements must be complied with.

10. Any representations made by the developer must be in compliance with the development agreement. If there are conflicts the development agreement rules.

Doug then went through the DRC comments:

Recorder Peggy Sulser comments: I have been working with Paul Watson (Engineer).

JSSD/Twin Creeks/North Village Ron Phillips comments: No objection. This does not affect the water utility infrastructure.

GIS/Addressing Ivan Spencer comments: Use existing address, 909 West Peace Tree Trail Unit number.

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Housing Authority Wasatch County Housing Authority comments: Affordable housing is being addressed by this development and is working with Wasatch County for an affordable housing solution.

Assessor comments; Each privately numbered and owned unit, will have their own legal description and parcel number, and will be valued and taxed at market value with a share in the common area.

Council Comments:

Councilman Mike Petersen asked why would the applicant condo it if it is going to be a hotel then the parking will be doubled if it is a condo. Doug Smith indicated that the applicant has adequate parking for the condo.

Councilman Steve Farrell indicated that by going with the condo approach is one of the few

ways that you can finance a hotel now days. That is the easiest and most reasonable way

of doing it.

Applicant;

Justin Griffith, with Mark 25, addressed the Wasatch County Council and indicated that we are

investing a large amount of money to make sure that this is a successful hotel. Also the

amenities are being followed and worked out to make sure it is a hotel. Also close

to having the contract with the hotel management company that will run the front desk and

have the reservation system. Real close to have a contract for our restaurant that will be

in the hotel which is a big part of having a successful hotel. Also there has been plenty of

parking put in and if it did go to a condo there is plenty of parking for that. Also there

are twelve phases altogether and the first five phases are being done first all at once.

When the project is all built out there will be about 480 stalls and 200 stalls are just

underground parking.

Public Comment;

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

public comment period was closed.

Motion:

Councilman Steve Farrell made a motion that we approve the plat amendment for parcels

2,3,4,5 and 7 of the JOVID Mark Subdivision plat with all the conditions and findings

outlined in the Wasatch County Planning Commission report and accept the staff report.

Councilman Mike Petersen seconded the motion and the motion carries with the following

vote;

AYE: Kendall Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: Danny Goode

PUBLIC HEARING

OCTOBER 3, 2018

A PROPOSED ORDINANCE AMENDING 16.27.10 (C 1t) 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 AND PROJECTS WITH LARGER AMOUNTS OF DENSITY TO DO A PHASED PRELIMINARY APPROVAL.

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and

indicated that this proposal is for an amendment to the zoning ordinance language regarding

overall preliminary approvals. The code currently requires that a developer plan all the property under his/her control. A number of developers have approached the County with a concern for the requirement of overall preliminary for very large developments with hundreds of acres and

hundreds of units and a build out that could be decades away. The proposal, if approved in this manner, would allow developments that are 500 acres or over or 1,000 ERU’s or over to do what we are referring to as a phased preliminary approval. Some projects that are not required to do a master plan would be required to if they wanted to use the phased preliminary option. It is

hoped that this code amendment will allow more flexibility for the developers and less staff time reviewing amended applications. Staff believes that there is good cause to amend the code to allow a phased preliminary as long as there is protection for the County to ensure that development happens in an orderly manner. Also if passed this pertains to the whole

County, Title 16. .

Doug Smith then went through the recommended Findings:

1. Current county code requires a preliminary that covers the entire property.

2. Staff and appointed and elected bodies spend a large amount of time reviewing applications for amendments to previously approved subdivisions.

3. By allowing a phased preliminary option it is hoped that changes to very large developments will not be as regular.

4. Staff believes that there are safeguards to ensure the orderly development of larger pieces of property.

5. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Doug indicated that the Wasatch County Planning Commission voted unanimously to

recommend approval to the Wasatch County Council.

Council Comments:

Councilman Mike Petersen indicated that this is recommended for anything over 500

acres and is there a reason why this wouldn’t be done for any other project like a fifty

acre project on a different project. Doug Smith indicated that after discussions it was

felt like we needed to have a larger property that this only applied to and decided

to set the number at 500 acres.

Public Comment:

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

Robert McConnell, attorney for Extell, addressed the Wasatch County Council and

handed out to the Wasatch County Council a list of issues that we handed out to the

Planning Commission. (That list is made a part of the record in a supplemental file.) Robert then handed out two other documents to the Wasatch County Council that are also made a part of the record in a supplemental file. One document is Extell’s proposed language changes and the other

one is a markup of what Jon Woodard, the assistant Wasatch County Attorney, sent to me this

morning compared against the version I had sent to Wasatch County.

Robert also indicated that Wasatch County’s development agreements are approved on

an administrative level as opposed to the Wasatch County Council and would recommend

that the council consider and perhaps not in this ordinance but within the JSPA allowing

a sub latitude to modify some standards by development agreement approved by the Wasatch

County Council for adoption as an ordinance.

Robert then indicated to the Wasatch County Council what suggestions he would propose

to be added which are made in a document which are part of the Wasatch County record in a supplemental file. Robert also indicated that the version that Jon Woodard proposed this

morning is better in terms of consistency in terms from the originally proposed ordinance

and we appreciated that. Robert then thanked the Wasatch County Council for the privilege

to propose input and being able to comment on this tonight.

Commission Comments:

Councilman Steve Farrell asked Robert McConnell that on the first sheet that you handed out

of your concerns how many of these have been addressed in Jon Woodard’s new version?

Robert indicated that the majority of them have in fact been addressed in one form or another

and would say that they all have been addressed but not entirely to our satisfaction or

preference. Councilman Steve Farrell asked Robert McConnell the advantage of having

the development agreement to be handled legislatively instead of administratively because

the administrative is just making sure it meets the county code.

Robert McConnell indicated that is a three part process they approve the master plan, they

approve the constraints analysis type that showed the infrastructure plans that will be

required in order for it to work and then they do a development agreement that implemented

those specific standards. And those types of development agreements are ultimately adopted

by the legislative body because it essentially acted as the ordinance for that. The advantage

is that in the future if you need to modify it you can modify it by the development agreement

as opposed to going through an ordinance base approval process and that is the way I have

seen my proposal for the development agreement to be by the legislative body rather than

administratively.

Councilman Mike Petersen indicated that there is five items left that you have pointed out that

you would like to see a change? Councilman Mike Petersen indicated that there is probably

more time needed to digest these suggestions and possibly put it of to a date certain to

bring the matter back to the Wasatch County Council.

Chair Greg McPhie indicated that this is a total change not only to your development but every developer in Wasatch County. Also if the development agreement varies from the ordinance

then it needs to come before the Wasatch County Council.

Councilman Danny Goode indicated that the change asking for development agreements

to be approved legislatively and not administratively needs more thought on his part. The

council needs to look at this in a work meeting. Robert McConnell indicated that in order

for it to be enforceable if it varied from the Wasatch County ordinance the Wasatch County

Council would have to approve it and that is one of the requests that has been made.

Chair Greg McPhie then closed the public comment period.

Councilman Mark Nelson indicated that he feels like he would like more time to digest these

suggestions and possibly continue the matter to a date certain because there are two challenges

as you mentioned we need to look at what Extell has suggested but also consider how

that applies to the general developer.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council

and indicated that several weeks ago the Wasatch County Council asked the Wasatch

County Staff to devote their time solely to look at this ordinance which has been done.

The question that are we going to look at because it has been looked at significantly

by the staff but the Wasatch County Council has only seen it tonight.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council

and indicated that the changes that Mr. McConnell has presented were presented to our office

and we have looked at them very closely but they are not brand new suggestions.

Doug Smith, the Wasatch County Planner, indicated that some of these things can be

discussed more.

Robert McConnell indicated that I think that Mr. Sweat would agree that at least on the

one change with reference to the language that probably needs a change and there are just

a couple of final clarifications. Would it be helpful for the Wasatch County Council to pass it

tonight and that the answer to that is yes which I think is a step forward but could we wait

a week or two and refine it and have it be a better step the answer to that would be yes.

Motion:

Councilman Mark Nelson made a motion that we continue this and that it be discussed

at the Wasatch County Council work meeting next week and then it bring it back for a

possible vote on the Wasatch County Council meeting on October 17, 2018. Councilman

Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

PUBLIC HEARING

OCTOBER 3, 2018

DALLAS NICOLL, REPRESENTATIVE FOR MIKE WOLFGRAMM, REQUESTS A PLAT VACATION TO REMOVE LOT 8 FROM THE PARKER AGRICULTURAL SUBDIVISION SO THAT IT CAN BE DEVELOPED AS THE PROPOSED WOLFGRAMM SUBDIVISION LOCATED AT APPROXIMATELY 2500 EAST WILD MARE WAY IN SECTION 10, TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURE 1-ACRE RA-1 ZONE.

Staff:

Austin Curry, Assistant Wasatch County Planner, addressed the Wasatch County Council

and indicated that this proposal is to vacate Lot 8 out of the Parker Agricultural Exemption Subdivision so that the property can be further developed as the Wolfgramm Subdivision which is running concurrently with this request. If the Wasatch County Council, after due consideration, finds that the Wolfgramm Subdivision should not be approved, this request to vacate should also not be approved.

Austin Curry then went through the potential Findings:

1. No public or private roads are being vacated as part of this plat amendment.

2. This proposed revision conforms to the Wasatch County development standards.

3. The proposal is consistent with Utah Code 17-27a-609.

4. The Development Review Committee has reviewed the project and provided a favorable

recommendation.

Austin Curry then went through the recommended Conditions:

1. Approval is based upon inclusion of the property in the Wolfgramm Subdivison.

2. Approval expires if plat is not recorded within one year from the date of final approval from the Planning Commission, unless an extension is granted by the Planning commission.

Austin Curry then went through the DRC comments:

Fire WCFD comments: 2015 Fire Code Requirements.

Assessor comments: Green belt Rollback payment required prior to Plat Recording.

Austin Corry indicated that one of the key items especially for the Wasatch County Council at this time the proposed road cross section actually does not meet the Wasatch county Code and the Wasatch County Staff is working on a code for that and working on the swale standards that the swales are adequately maintained.

Applicant:

Dallas Nicoll, representative for the applicant addressed the Wasatch County Council and indicated that with regard to the affordable housing issue Mr. Wolfgramm believes that he falls under the same criteria as Councilman Mike Petersen’s development that was discussed earlier in the agenda.

Public Comment:

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

Adrian White, a Parker Ag Subdivision resident, addressed the Wasatch County Council and indicated that the residents are opposed to Item 5 and Item 6 and the reason being is when they bought their property as was mentioned previously they were assured that they would stay in a minimum of a five acre and ten acre lots. The concern is that removing and not keeping the Parker Ag intact is going to create a problem in keeping with that original purchase agreement that they had made in the 1990's. The other concern is preserving Open Space and the residents of the Parker Subdivision feels that Open Space is being affected through profit motives.

Chair Greg McPhie then closed the public comment period.

Motion:

Councilman Kendall Crittenden made a motion that we deny the plat vacation to remove Lot 8 from the Parker Agricultural Subdivision. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Danny Goode

AYE: Spencer Park

AYE: Steve Farrell

NAY: Chair Greg McPhie

NAY: Mark Nelson

ABSTAIN: Mike Petersen

PUBLIC HEARING

OCTOBER 3, 2018

DALLAS NICOLL, REPRESENTATIVE FOR MIKE WOLFGRAMM, REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR WOLFGRAMM SUBDIVISION, A PROPOSED NINE LOT SUBDIVISION CONSISTING OF 11.9 ACRES LOCATED AT APPROXIMATELY 2500 EAST WILD MARE WAY IN SECTION 1, TOWNSHIP 4 SOUTH, RANGE 5 EAST IN THE RESIDENTIAL AGRICULTURAL 1-ACRE RA-1 ZONE.

Staff;

Austin Corry, the Assistant Wasatch County Planner presented a short power point presentation and then addressed the Wasatch County Council and indicated that Mike Wolfgramm is seeking approval to subdivide the existing Lot 8 of the Parker Agricultural Subdivision to create a new nine-lot residential development on 11.9 acres. The proposal is in the Residential Agriculture 1-acre (RA-1) which permits one unit per 1.33acres as a base density. No bonus density is being requested with this proposal. Also if the Plat Vacate is not approved, this subdivision cannot be approved. As such if the Wasatch County Planning Commission recommends approval to the Wasatch County Council, approval of the Plat Vacate should be a condition.

Austin Corry then went through the proposed Findings:

1. With conditions and variances from the Wasatch county Council, the proposal can meet the intent of the Wasatch County Code Title 16.

2. The proposed subdivision is in the Residential/Agriculture 1-acre RA-1 Zone.

3. The proposed density does not exceed the base density of one unit per 1.3 developable acres.

4. The Moderate income Housing requirement of 10 percent would be 0.9 Affordable Unit Equivalents AUE.

Austin Corry then went through the recommended Conditions:

1. The applicant will need to provide a fencing plan consistent with Wasatch County Code 16.27.11 (G)(9) prior to final approval.

2. Applicant will need to commit to the affordable housing obligation in a development agreement.

3. Agreement must be obtained from the canal company authorizing the trail and associated easement prior to final approval.

4. Compliance with the letter from Andy Dahmen dated 21 August 2018, including that the County Council would need to approve a variance from the road standards found in Title 14 for this project to comply. Final plans will need to conform to the standard determined by the County Council.

5. Landscape, access, and maintenance responsibilities for the storm water facilities will need to be outlined in a development agreement prior to final approval.

6. Applicant must resolve/comply with comments noted by the DRC.

Austin Corry then went through the DRC comments:

Recorder Peggy Sulser comments: Need address from Ivan. Please make sure the owners dedication is signed by the correct entity.

Fire WCFD comments: 2015 Fire Code. Access into adjoining property to be utilized as secondary access for future use.

Public works Brandon Cluff comments; Where is the stub road going/just past the cul-de-sac road?

JSSD/Twin Creeks/North Village Ron Phillips comments: Developer to enter into a development agreement with the District. Developer to resolve any design issues identified in upcoming design review letters and in the Will Serve Letter a draft of which has already been released.

GIS/Addressing Ivan Spencer comments: I have attached a map showing what the street names should be 2580 East and 1750 South.

Assessor comments: Green belt Rollback payment required prior to Plat Recording.

The record should reflect that because Agenda Item 5 did not pass there was no need

to have a motion on Item 6.

PUBLIC HEARING

OCTOBER 3, 2018

JEFF BUTTERWORTH, REPRESENTATIVE FOR STORIED DEER VALLEY, L.L.C., REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR WHISPERING HAWK, A PROPOSED 32 LOT SUBDIVISION CONSISTING OF 15.81 ACRES LOCATED ON THE EAST SIDE OF TUHAYE ALONG TUHAYE HOLLOW ROAD IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Staff:

Austin Corry, the Assistant Wasatch County Planner when through a short power point presentation and then addressed the Wasatch County Council and indicated that at this time 349 lots have been platted. This neighborhood within the development received final approval in 2007 for 46 lots in a single phase. That approval expired when the subdivision hadn’t been recorded within one year of the approval. If approved, no remaining undeveloped land would exist inside of the originally proposed Whispering Hawk subdivision boundary. What the

applicant is requesting is to eliminate this excess roadway and by doing that this open space

would be absorbed into the lots. They are not asking for any additional lots but actually asking

for two less lots than what was originally approved in whole with Spring Hawk but

reducing their open space in favor of making larger lot sizes and allowing the lots to front

on Tuhaye Hollow Road so that the road can be removed off from the backside of those

lots.

Austin Corry then went through the proposed Findings:

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

2. This subdivision generally conforms to Title 16 of the Wasatch County Code.

3. The proposed subdivision is in the Residential Medium Density land use designation of the Jordanelle Basin Overlay Zone jb0z.

4. Preliminary approval does not grant a variance from County code standards that cannot be determined at the level of detail provided at Preliminary.

5. The applicant has sufficient Affordable Unit Equivalents AUE to contribute to the Moderate Income Housing requirement of 3.2 AUE’s.

Austin Corry then went through the proposed Conditions:

1. Must comply with comments and conditions of approval from Ryan Taylor’s letter dated 29 August 2018. Compliance with concerns may impact density of project.

2. Final documents must comply with conditions noted by Alane Boyd’s report dated 12 September 2018.

3. A detailed view shed analysis will need to be completed at the final subdivision applications.

4. Architectural detailing and reduced appearance of garage doors will need to be committed to through architectural details provided at final subdivision application.

5. Applicant must comply/resolve issues raised b the DRC

6. The required 3.2 AUE credit will be dedicated from the fee-in-lieu paid at Master Plan Approval resulting in 43.9 AUE credits remaining for the Tuhaye Development

Austin Corry then went through the DRC comments:

Recorder Peggy Sulser comments: Needs addresses. Phase 1 and 11 are named Tuhaye Whispering Hawk. Please change the name of the subdivision at the top of the plat and anywhere else on the plat that refers to the name as Whispering Hawk. If you don’t want to name it the same as Phase 1 and 11 you will need to change the name of the subdivision. Road names for Phase V.

Fire WCFD comments; Secondary access must be paved to county line and any gate must be SOS activated and key pad provided with fire district code. 2015 Fire code Requirements.

JSSD/Twin Creeks/North Village Ron Phillips comments: Recommend approval with the following conditions. Developer to enter into a development agreement with District. Developer to resolve any design issues identified in upcoming design review letters and in the Will Serve Letter a draft of which has already been released.

Housing Authority Wasatch County Housing Authority comments; Affordable housing issues have been resolved in regards to Storied Deer Valley Development.

Assessor comments: Once infrastructure is complete, new values will be applied.

Applicant:

Jeff Butterworth, the applicant, addressed the Wasatch County Council and indicated

that if the Wasatch County Council has any questions he would be glad to answer them.

Public Comment:

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

public comment period was closed.

Motion:

Councilman Mike Petersen made a motion that we grant preliminary approval for Whispering

Hawk as it has been presented or Soaring Eagle and will not change the name tonight along

with all the conditions and findings that has been discussed tonight and 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: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

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: Kendall Crittenden

AYE: Danny Goode

AYE: Mark Nelson

AYE: Spencer Park

AYE: Mike Petersen

AYE: Steve Farrell

AYE: Chair Greg McPhie

NAY: None.

Meeting adjourned at 9:00 p.m.

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GREG MCPHIE/CHAIRMAN BRENT TITCOMB/CLERK/AUDITOR