

**MINUTES OF THE
WASATCH COUNTY COUNCIL
APRIL 10, 2019**

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: Vice Chair Mark Nelson
Marilyn Crittenden
Kendall Crittenden
Steve Farrell
Jeff Wade
Spencer Park

EXCUSED: Chair Danny Goode

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilman Steve Farrell

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

Vice Chair Mark Nelson called the meeting to order at 3:00 p.m. and indicated that Chair Danny Goode is excused. Then welcomes those present and then called the first agenda item. Vice Chair Mark Nelson also indicated that this is normally a work meeting but was made a regular meeting.

OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made a part of the record.

PUBLIC ISSUES FOR FUTURE MEETINGS

Vice Chair Mark Nelson asked if there was any public issues for future meetings.

Wendy Casey, resident of Wasatch County, addressed the Wasatch County Council and indicated that she would like to bring to the attention of the Wasatch County Council the statement issued by the Heber Valley Special Service District Administration Control Board on March 28. In that statement the Heber Valley Special Service District would work with Wasatch County and UDOT and at this particular point do not have a preferred route for the bypass road. Wendy also indicated that she would hope that a route would be chosen with the least amount of residential impact by

using the existing Highway 189 and current location of the southern end of South Field Road where it exists now. Also Wendy indicated that she would like to see a process whereby questions may be asked by the Wasatch County Council and the public and answered by UDOT and other decision makers in this bypass project. Then after that investigation then a vote or a resolution made by the Wasatch County Council on a preferred route of the bypass road.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Vice Chair Mark Nelson asked if there is any legislative issues for future meetings and there was none.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Vice Chair Mark Nelson asked if there is any administrative issues for future meetings and there was none.

APPROVAL OF THE FEBRUARY 6, 2019 MINUTES

Councilman Kendall Crittenden made a motion that we approve the February 6, 2019 Wasatch County Council minutes as printed. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Chair Mark Nelson**

NAY: None.

COUNCIL

PRESENTATION BY THE WASATCH COMMUNITY SERVICE ALLIANCE, THE MATH BEHIND THE WASATCH BACK, WHY ARE FAMILIES STRUGGLING TO LIVE HERE.

Ranae Brookley, from the Wasatch Community Service Alliance, addressed the Wasatch County Council and presented a power point presentation and then indicated that one out of five children in Utah go hungry every day. Ranae went through a very comprehensive report on what is taking place in Wasatch County with regard to wages, housing, transportation and how expensive it is to

live in Wasatch County. Ranae then mentioned what a big help the food bank program is in helping with poor income people. There has been a high school food pantry, middle school food deposits, weekend and nutrition packs created and developing programs to provide food during school breaks. Ranae indicated that in Wasatch County we have the capacity to fix problems that do exist here with low income families so my challenge here this afternoon is to fix that and to keep moving forward.

DISCUSSION MOUNTAIN 20 ZONING-COUNCILMAN SPENCER PARK

Councilman Spencer Park indicated that we should start looking forward in the future of looking into some incentives for some clustering for the Mountain 20 Zoning, Conservation Easement options just some things that can be done even if we keep the same density in there to promote or requires clustering and that type of stuff. Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that Wasatch County used to have an option to do a planned development. Councilman Spencer Park indicated that a lot of the density bonuses were done away with and not encouraging bringing them back but maybe consider clustering and may require conservation easements and remaining open space and just would like the Council to think about that. Doug Smith indicated that the planned performance came out of the mountain and any of the density bonus options came out of the mountain and now it is just 20 acre zoning and no option for clustering and that suggestion is not a bad idea maybe the Wasatch County Council could adjust that with no bonuses. Councilman Steve Farrell indicated that suggestion might have some merits to it.

COUNCIL DISCUSSION REGARDING THE RA-1 AND RA-5 ZONES INCLUDING CONSIDERATION OF POTENTIAL AMENDMENTS TO THE GENERAL PLAN AND APPROPRIATE ZONING FOR THE PROPERTIES CURRENTLY ZONED RA-1-COUNCILMAN STEVE FARRELL AND COUNCILWOMAN MARILYN CRITTENDEN.

Councilman Steve Farrell indicated that what is being talked about is making the underlying zone in Wasatch County RA-5 and then those areas that meets the criteria would go to RA-1. Austin Corry, Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that if the Wasatch County Council was to move forward with this that from the Wasatch County Planning Department standpoint we think that if the Council was to move forward with a re-zone of this kind of magnitude it should be accompanied as well with a General Plan amendment that would clarify some of the intent language that is currently in your policies. Some suggested language was sent out to the Council about that which would really force the intent of what the RA-1 really would do and how you would achieve the entitlements under the RA-1. Councilman Jeff Wade indicated that his concern is if that is done you push them to annex into the city then we know the density is going drastically up and the other concern is if you push the lot sizes up you also push the price range up affecting the housing costs in Wasatch County. Also would love to

see just five acres left in Wasatch County but struggle to see if that is helping anything right now.

Tracy Taylor, Wasatch County resident, addressed the Wasatch County Council and indicated that on the last discussion that was held regarding this matter I brought up the fact that I really think that there is two separate concerns with this RA-1 and RA-5 zone which is the existing subdivisions which have already been platted so subdivisions need to be clarified and protect that zoning that it currently is.

Councilman Steve Farrell then indicated that give this suggestion some thought and we will talk about it at our next work meeting until we get a consensus in which direction to go.

CONSIDERATION AND POSSIBLE APPROVAL OF A TEMPORARY ORDINANCE 19-04 FOR REGULATIONS REGARDING THE 5G NETWORK. CELL SITING FOR THAT NETWORK, MICRO WIRELESS FACILITIES, AND SMALL WIRELESS FACILITIES DOUG SMITH AND JON WOODARD.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this is in connection with the SCC ruling on small cellular wireless networks and 5G network and the importance of having an ordinance in place regarding such things so that when something like this comes up Wasatch County is prepared to proceed on such items. The ruling also said that by the middle of this month there needs to be an ordinance in place regarding this matter. Doug Smith also indicated that the ruling said that for 5G networks they can locate in a public right-of-way. As a result of this a model ordinance was found and changed anything in that model ordinance that referred to cities or counties and put in Wasatch County and changed anything else that was felt as being incorrect. The model ordinance is now ready for the Wasatch County Council to look at and adopt indicating that would be a temporary ordinance. Regarding the ruling some other states have filed lawsuits regarding that ruling and are just waiting for the outcome of those lawsuits.

Doug Smith then indicated that what is being asked for today from the Wasatch Council is that the Council adopt the Ordinance No. 19-04. Then Doug Smith presented a power point presentation on the ordinance. The ordinance has a table contents which has the background and purpose, the general standards and then it has the three sections on attachments to utility poles, to street lights and new mono-poles and the same thing is reiterated in each one of those three sections. The ordinance also has all the details that is necessary to address this issue if it comes up in Wasatch County. It also has engineering regarding any increased load. And the applicant will have to demonstrate that the pole has the ability to handle that wind load or whatever is added to the pole. Doug Smith then indicated that we have a six month deadline for Wasatch County to get an ordinance in place or a permanent ordinance in place and then we are adopting the pending ordinance resolution is the next agenda item. Also there will need to be a notice for a public hearing for public comment on this ordinance also. The Wasatch County Council can pass a temporary ordinance tonight but the pending notice will go through the regular process.

Councilman Kendall Crittenden then thanked Doug Smith and his staff for the quick work in preparing this ordinance and also the Wasatch County Attorney's Office too.

Councilman Kendall Crittenden made a motion that we adopt Ordinance No. 19-04 a temporary ordinance outlining regulations and standards regarding the 5G network cell siting for the Network, Micro Wireless Facilities, and/Small Wireless Facilities for Wasatch County, Utah, which includes 16.12-35 in the Wasatch County Code. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

- AYE: Spencer Park**
- AYE: Jeff Wade**
- AYE: Steve Farrell**
- AYE: Kendall Crittenden**
- AYE: Marilyn Crittenden**
- AYE: Vice Chair Mark Nelson**

NAY: None.

NOTICE OF INTENTION TO ADOPT A PERMANENT ORDINANCE FOR CELL SITING OF THE 5G NETWORK, MICROS WIRELESS FACILITIES, AND/OR SMALL WIRELESS FACILITIES-DOUGH SMITH AND JON WOODARD.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this pertains to Resolution 19-05 which is essentially adopting the pending ordinance to put people on notice that Wasatch County is intending on adopting a permanent ordinance within six months.

Councilman Kendall Crittenden made a motion that we adopt Resolution No. 19-05 which is a written notice of intention to adopt a permanent ordinance for cell siting of the 5G Network, Micro Wireless Facilities, and Small Wireless Facilities. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

- AYE: Spencer Park**
- AYE: Jeff Wade**
- AYE: Steve Farrell**
- AYE: Kendall Crittenden**
- AYE: Marilyn Crittenden**
- AYE: Vice Chair Mark Nelson**

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that the Wasatch Open Lands Board met Monday night and drafted some bylaws and that can be put on the Wasatch County Council's agenda next meeting just for discussion because the Wasatch County has not had a chance to review the bylaws and then the next council meeting will adopt the bylaws.

Councilman Kendall Crittenden then handed out a brochure from the Wasatch County Health Department showing what issues are being worked on and what new issues that have been implemented in the Wasatch County Health Department. Tracy Taylor, Wasatch County resident, asked about the air quality committee. Councilman Kendall Crittenden indicated that is being worked on and an advisory committee is being formed for that very purpose. Also there was a drive through clinic that was very successful with regard to immunization shots. Also the Health Department is on the radio twice a month making it possible for citizens to get up to date on current issues that are being taken care of. Also the Wasatch County Health Department is doing a great job in managing our health issues in Wasatch County.

Councilman Kendall Crittenden indicated that on the UDOT meeting that was held. MAG brought up information with regard to the regional transportation plan. Also indicated that regional transportation plan is being updated. Talked about some of the federal funding that can be obtained for different projects through the State of Utah. Talked about the joint highway committee. Also an inspection plan was presented on the various bridges in Wasatch County. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that one of the projects is that there will be rumble stripes added to the highway up by the community college because there has been some serious accidents in that area relating to individual deaths. Also the Provo Canyon road project from where it ended up to the Charleston turn off which is Highway 113 is to take place in 2022. The portals up in the Mayflower will be built in 2020 which are the north portal and the south portal depending on the financing that is available. Also 1200 South in Heber City which there will be improvements made and also a trail will be put in. Councilman Kendall Crittenden also indicated that in 2019 that will be done this summer is a left turn pocket will be installed as you cross the Provo River Bridge and turn to go into Michie Lane to Midway which will be a great improvement. Also Highway 113 coming from Charleston from the railroad tracks north where the road is so narrow will be widened depending on the federal funds that are available. Darrell Pashard, Wasatch County resident, addressed the Wasatch County Council and asked if there was any discussion in that transportation meeting with regard to the re-route of the highway. Councilman Kendall Crittenden that discussion isn't dealt with in the UDOT transportation meeting that was held.

Councilman Kendall Crittenden indicated that on the work meeting on May 10, 2019 the Wasatch County Planning Department is going to give us a reminder and update the new Wasatch County Council members some training on the JSPA/RSPA developments that have been approved in that area and some of the plans, proposals and history of JSPA/RSPA. That can be called on our work

meeting the JSPA/RSPA update.

MANAGER'S REPORT

CLARIFICATION OF COUNTY MANAGER DECLARATION OF COUNTY ROAD ON GUARDSMAN PASS ROAD, PINE CANYON ROAD, AND EMPIRE PASS ROAD.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there has been some issues on a particular right-of-way that has been discussed previously and did a declaration a few months ago. Mike Davis has talked with the Wasatch County Attorney's Office and they felt that an amendment to that declaration should be made for some clarification. Mike Davis then did a short power point presentation showing some documents. Mike Davis also indicated that the State of Utah has title to all right-of-ways for all state highways that the State of Utah owns which is under state code. Also in 1990 the State of Utah transferred to Wasatch County portions of a state road and with that they transferred the right-of-way which exists. Also widths or rights-of-way for public highway will be set as the highway authorities of the state, counties or municipalities may determine for the highways under their respected jurisdiction. Also when the state has a right-of-way it is designated and it has a width that exists and should not be argued with.

Mike Davis then indicated that up on the Guardsman Pass Road the Pine Canyon Road which was designated 224 and the Guardsman Pass Road which was designated as 190 at the time. The code is very clear and very specific as to the existence of the right-of-way under state control and the ability to transfer those rights. The State and County have joint undivided interest in to the title of all rights-of-ways for all County roads. Even if the state hadn't owned the road previously all designated roads of the County which are Class B Roads have joint ownership. Even though there was a transfer that took place on that, the State of Utah still has joint undivided interest in that right-of-way which still exists. Also the road is a State Park access road both from Salt Lake County and Summit County to the State Park. Also the County has jurisdiction and responsibility for roads within the County's boundary that lead to a State Park. Mike Davis also indicated that a survey has been done with regard to the Pine Canyon Road and the Guardsman Pass Road which shows a minimum sixty six foot right-of-way and a wider right-of-way where existing cuts and fill are necessary. Also a copy of that survey is part of the amended Declaration which will be made a part of the record.

Mike Davis then indicated that the County executive shall determine all County roads existing in the County and prepare and keep current plats and specific descriptions of County roads. Every year a map has been prepared and that has been done in the last couple of years and that map is signed and presented to the State of Utah and it declares all Class B and Class D Roads within Wasatch County and the Class D Roads are the improved dirt roads. A section of Highway 224 was transferred jurisdictionally to Wasatch County. With that transfer of jurisdiction, the Transportation Commission designated that road as a minor collector road. Now Wasatch County's

designation of minor collector is sixty-six feet and has been for many years. Now with that clarification Mike Davis then read the amended Declaration which will be made a part of the record and on file in the Office of the Wasatch County Recorder which is with regard to portions of Pine Canyon Road and Guardsman Pass Road. Mike Davis then indicated that is my intent to take this amended declaration along with the survey that was completed at the end of last year and record it with the Wasatch County Recorder's Office. Mike Davis also indicated that Wasatch County has the option in an annexation to petition to keep the road as a County road and right now don't know the exact process for that to take place but it can be done.

The record should reflect that Chair Danny Goode just joined the Wasatch County Council and Councilman Mark Nelson left for another appointment.

Councilman Spencer Park made a motion to leave our regular session and go into Closed Session to discuss potential litigation. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Kendall Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

Councilman Kendall Crittenden made a motion to come out of closed session and go back into regular session. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Danny Goode
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Marilyn Crittenden**

NAY: None.

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

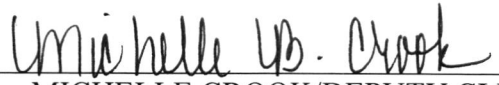
**AYE: Chair Danny Goode
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Marilyn Crittenden**

NAY: None.

Meeting adjourned at 6:30 p.m.



MARK NELSON/VICE CHAIR



MICHELLE CROOK/DEPUTY CLERK



DANNY GOODE/CHAIR