

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
MAY 15, 2019**

The Wasatch County Council met in regular session at 3:00 p.m. at the Wasatch Administration Building, Heber City, Utah 84302 and the following business was transacted.

PRESENT: Chair Danny Goode  
Kendall Crittenden  
Marilyn Crittenden  
Mark Nelson  
Spencer Park  
Steve Farrell

EXCUSED: Councilman Jeff Wade

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilman Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Steve Farrell and repeated by everyone.

Chair Danny Goode called the meeting to order at 3:00 p.m. and indicated that Councilman Jeff Wade is excused. Chair Danny Goode 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 Danny Goode asked if there was any public issues that needed to be brought up at a future meeting and there was not.

## **ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS**

Chair Danny Goode asked if there was any administrative issues for future meetings. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and introduced the new Assistant Wasatch County Manager whose name is Dustin Grabau. Dustin Grabau then gave a brief history of his education and work background and indicated that he is happy to be here in Wasatch County and looks forward serving the needs of Wasatch County.

## **LEGISLATIVE ISSUES FOR FUTURE MEETINGS**

Chair Danny Goode asked if there was any legislative issues for future meetings and there was none.

## **APPROVAL OF THE MINUTES OF MAY 1, 2019**

**Councilman Kendall Crittenden made a motion to approve the minutes for May 1, 2019 as written. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE: Chair Danny Goode**

**AYE: Steve Farrell**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE; Mark Nelson**

**AYE: Spencer Park**

**NAY: None.**

## **COUNCIL**

### **DISCUSSION AND POTENTIAL ACTION FOR COMMITTEE FOR LONG TERM EVENT PLANNING, TOURISM DOLLAR MULTIPLIER EXAMPLE AND COUNTY WIDE BRANDING EXAMINATION.**

Chair Danny Goode indicated that he put this matter on the agenda to try and be specific but want this to be a more general conversation. Also there are a lot of events that happen in the community and it seems like we are taxing our taxpayers appropriately for the day to day life that everybody is living. For events that happen in our County that maybe the taxpayers are subsidizing some of these events that are coming to Wasatch County. There needs to be an examination done to see if the correct fees are being charged across the board to make sure that there is enough payment for the EMS personnel, fire personnel, sheriff's office and also how all those events impact the public

the correct fees are being charged across the board to make sure that there is enough payment for the EMS personnel, fire personnel, sheriff's office and also how all those events impact the public works, solid waste, parks and rec and all of these other things. The dollar multiplier needs to be examined more fully. Also to appoint a committee to look at those dollar amounts and then also coming up with one central planning area. Another point is figuring out how our employees can afford to live here. Possibly Mike Davis, the Wasatch County Manager; the Assistant Wasatch County Manager, Dustin Grabau; Tom Bonner, the Wasatch County Parks and Rec Director; Fire Chief Ernie Giles; Clair Provost, EMS Director; Jared Rigby, the Wasatch County Sheriff, two members of the Wasatch County Council who presently serve on the economic development; Brandon Cluff Director of Public Works; Kelly Christensen, Solid Waste Director; Ryan Starks from the Economic Development aspect to serve on such a committee to examine this issue. Mike Davis, the Wasatch County Manager, indicated that it is not only the cost but the resources and personnel and wearing out the various Wasatch County employees plus being a regional problem also being involved with these events in Wasatch County. Councilwoman Marilyn Crittenden indicated that possibly have these various events pay for these resources and employees who help put on these events. Councilman Mark Nelson indicated that there are others things that needs to be look at such as events and stuff that is here year round such as impacts concerning camping, boating etc. Councilman Spencer Park indicated that the most important to be on that committee is somebody that has the ability to quantify the costs of the various activities. Chair Danny Goode indicated that Mark Nelson, the Wasatch County Council Vice Chair and Councilwoman Marilyn Crittenden to chair such a committee and put together that committee to study those issues that have been mentioned.

#### **DISCUSSION/POSSIBLE APPROVAL FORMAL REQUEST ROCKY MOUNTAIN CARE CENTER TAX EXEMPT ON 2017-2018.**

Councilman Steve Farrell indicated that there has been a request from the Rocky Mountain Care Center for a tax exemption for a parcel of ground that they purchased in 2017 and would like the tax exemption for 2017 and 2018. This parcel of ground was purchased to replace the facility on Fifth North approximately is the location of the old facility. Now for 2019 the new care center is tax exempt and the old facility will be on the tax roll because there is no longer any use there. Also this exemption is made up of two parts (1) the ownership and (2) use.

Nate Runyan, attorney for the Rocky Mountain Care Center, addressed the Wasatch County Council and indicated that there are two issues here, one is personal property and real property. The real property was not exempt from the old Rocky Mountain Care Center and so only the personal property from the old facility was exempt. Nate Runyan also indicated that the appropriate documents were submitted to Wasatch County and the question is whether 2017 and 2018 exemptions can be granted. Nate Runyan then indicated that his request would be that exemption be granted and the calculation can be done when the construction begins or when the building issue permit is issued. Also the property was acquired in February of 2017 and the exemption application was filed March 1, 2017 and that was for the personal property only. Also the real question is

whether the property qualified for the exemption and the equitable issue should we look at and give an exemption if the property is exempt and the Wasatch County Council has the discretion and the authority to grant that and to waive the application and allow a late application.

Councilman Steve Farrell also indicated that the question is on the exemption of the land for 2017 and the question is was it vacant land before you had the intent. The building permit was issued on May 15, 2017 and that is important because that would clearly show your intent. The question is would we want to exempt the entire parcel for 2017. Also there is a question with regard to the old facility.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that in 2017 there was an initial application that was filed for the old property and then there was amended application that was filed for both properties. The date of that second one was in October or November. In this case we do have the building permit and pretty sure that wouldn't have been honored until the building permit was done. Also it might be considered equitable to have 2017 remain taxed and 2018 start it fresh and grant an exemption for that because an application was filed to continue the exemption in 2018 clearly for the new property. That might be a fair way of maybe working out some of the ambiguities that exist here.

**Councilman Steve Farrell made a motion that we go ahead and allow the exemption for 2018 and if we are only talking \$23,000.00 a year taxes that the 2017 stay on the tax roll. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Steve Farrell  
AYE: Chair Danny Goode  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden  
AYE: Mark Nelson  
AYE: Spencer Park**

**NAY: None.**

Nate Runyan also asked if the Wasatch County Council could prepare a written basis for the denial for 2017 just in case the taxpayer decides to appeal that to the State Tax Commission.

Jon Woodard, assistant Wasatch County Attorney, indicated that the minutes will be sufficient instead of a written document.

**DISCUSSION/CONSIDERATION ABATING PARCEL 00-0021-0797 BALANCE, SO THE PARCEL CAN BE CHANGED TO EXEMPT STATUS, AS IT IS OWNED BY HEBER CITY.**

Buff Griffiths, the Wasatch County Assessor, addressed the Wasatch County Council and indicated that Parcel 00-0021-797 is a matter from the Wasatch County Recorder's Office on a plat. It was not recognized that on the plat this piece of property is dedicated to Heber City and it was being taxed when it really should have been exempt. This was for the years 2018 and 2017. The total due now is \$80.63 and it is .56 of an acre and is located in the Cottages at Valley Station. The request is to have the taxes abated so that the change can be made to exempt.

**Councilman Kendall Crittenden made a motion that we change to an exempt status Parcel No. 00-0021-0797 and change that to exempt as it is owned by Heber City for the years 2017 and 2018 and abate all taxes owed against it. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:**

**AYE: Steve Farrell  
AYE: Chair Danny Goode  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden  
AYE: Mark Nelson  
AYE: Spencer Park**

**NAY: None.**

**PARCEL 00-0015-6682 A LATE STATE APPEAL THAT THE ASSESSOR'S OFFICE RECOMMENDS CHANGING THE SECONDARY STATUS TO PRIMARY 2018. DUE TO EXTENUATING CIRCUMSTANCES WITH A DEATH IN THE FAMILY, WHICH WE HAVE NOT RECEIVED A COPY OF THE DEATH CERTIFICATE AS OF YET 05/03/19.**

**PARCEL 00-0016-7507 A LATE STATE APPEAL THAT THE ASSESSOR'S OFFICE RECOMMENDS CHANGING THE SECONDARY STATUS TO PRIMARY 2018. DUE TO EXTENUATING CIRCUMSTANCES WITH A DEATH IN THE FAMILY, WHICH WE HAVE NOT RECEIVED A COPY OF THE DEATH CERTIFICATE AS OF YET 05/03/19**

Buff Griffiths, the Wasatch County Assessor, addressed the Wasatch County Council and indicated that for the year 2018 there was two state appeals for two individuals. One is Gregory Lupus and he is requesting that we grant him primary for the 2018. These two people were two new move-ins in 2018 and both of them were dealing with a family illness and eventually death.

The death certificate was received for Nichol Jane Nicholson Parcel No. 00-0015-6682. She was asking care of her son-in-law and grandchild while he was going through this illness and eventually passed away. His death certificate was received.

Then on Parcel No. 00-0016-7507, Mr. Gregory Lupus also filed to the State Tax Commission in time for the March 31 deadline but they were both too late for the September 17 deadline to appeal to Wasatch County. Also we have received now the obituary for his son. The Wasatch County Assessor's recommendation under these extenuating unfortunate circumstances the recommendation is that we grant both of these taxpayers primary for 2018.

Councilman Kendall Crittenden indicated that it needs to reflect that in the minutes that on the agenda the second one is listed with an incorrect number because the same number was repeated from the first one. It needs to be reflected that it is wrong in the agenda. The number is 00-0016-7507 but it is listed as the same as the first one so that should be corrected in the minutes that it was wrong on the agenda.

**Councilman Steve Farrell made the motion that we follow the Wasatch County Assessor's recommendation and grant primary exemption to these parcels for the year 2018 for Parcel No. 00-0015-6682 and Parcel No. 00-0016-7507 to allow them to be treated as primary residential for the Year 2018 and abate the over payment of taxes back to the individuals. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Steve Farrell  
AYE: Chair Danny Goode  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden  
AYE: Mark Nelson  
AYE: Spencer Park**

**NAY: None.**

### **COUNCIL/BOARD REPORTS**

Councilman Spencer Park indicated that he received a draft on the Water Shed Study Plan and should be on the agenda in the next month or two and the study is coming along fine. The committee will look at the study before it is put on the agenda.

Councilman Steve Farrell indicated that in public lands there is still some problems with the parking out in Strawberry. So a working group needs to be put together to include Dave Hales, DNR, property owners, Strawberry Lakeview and Wasatch County and see what can be worked out. Also the Forest Service needs to be included in this group.

Councilman Steve Farrell also indicated that the Senior Citizens would like to purchase a vehicle.

Councilman Steve Farrell indicated that the Bonanza Flat issue in closed session so that we can be prepared without meeting on Friday.

Councilman Steve Farrell indicated that Ron Phillips, the General Manager of the Jordanelle Special Service District asked about placing some no parking signs along part of the old Highway 40 road where the new Jordanelle Special Service District administration building is being built along the east side of the old Highway 40. The line of site to enter into the new Administration Building is being interfered with. Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County

Council and indicated that Wasatch County does have an ordinance regarding no parking issues but a resolution needs to be drafted that would go under the present ordinance stating where these no parking signs would be placed. Also this request has a large amount of merit to that being done.

Chair Danny Goode indicated that there is going to be a fiesta celebration, celebrating 30 years of service in Utah and Wasatch Counties which is a senior companion recognition luncheon. It is Tuesday May 21, 2019.

Chair Danny Goode also indicated that he received a letter from the National Association of Counties regarding an election for their leadership and a packet was sent out with regard to voting. If any member of the Wasatch County Council would like to be a part of that voting for Wasatch County just let him know. Mike Davis, the Wasatch County Manager, indicated that Wasatch County doesn't have much association with that organization.

Councilman Kendall Crittenden indicated that there will be a safe kids fair next Tuesday from 5:00 p.m. to 7:00 p.m. at the park.

Councilman Kendall Crittenden indicated there is an open house for this Envision 2050 Heber tonight at 6:00 p.m. to 8:00 p.m. If some of the Council could attend that discussion tonight would be great. Mike Davis, the Wasatch County Manager, indicated that there is a little bit of frustration on Wasatch County's side on these types of planning issues by Heber City which currently are outside of Heber's incorporated boundaries. I have been told by some staff but not all staff that we will not listen to Wasatch County's concerns and that is concerning property in Wasatch County and outside of Heber's boundaries. Also in the MOU when Wasatch County is doing some planning in our boundaries we are to tell Heber City but the reverse for Heber City to tell Wasatch County about their planning was not put in the MOU. As a result of this, these things are totally misrepresented.

Ron Crittenden, Heber City Councilman addressed the Wasatch County Council and indicated that with regard to annexation Wasatch County is always notified so that Wasatch County can protest any particular annexation. The issues are done in a very open process that has to take place. Also there is a real general statement which is Wasatch County has a manager and Heber City has a

manager and there are many things which they need to discuss but when it concerns Wasatch County's manager and he feels that it should be brought to the level of the Wasatch County Council meeting that is where it should be brought. If the Wasatch County Council has any concerns with what the Heber City Council is doing please bring it to the Heber City Council's attention by one of your Wasatch County Council liaisons to the Heber City Council would be much appreciated. Also if it is a Wasatch County Council concern and a Heber City Council concern it should be brought to both councils to discuss. If there is a concern with the Heber City Manager and the Wasatch County Manager then the two managers ought to discuss the matter.

Chair Danny Goode indicated that he feels that there is a lack of communication that happens sometimes. Councilman Mark Nelson indicated that he agrees that it is a lack of communication that needs to be resolved. Chair Danny Goode indicated that a lot of these concerns can be addressed by the subcommittee.

Councilman Mark Nelson indicated that with regard to the Memorial Hill development which some time ago had been presented to the Wasatch County Council with regard to the placement of the road. Midway City wanted to bring back some road plan for the round-a-bout in the Memorial Hill area to Wasatch County this evening but there was a time issue and that matter will be put on a future agenda. Councilman Steve Farrell indicated that they need to contact Brandon Cluff, the Wasatch County Public Works Director, and Mike Davis, the Wasatch County Manager about the matter and also there is a letter from the Veterans voicing their concerns.

## **MANAGER'S REPORT**

### **SENIOR CITIZEN'S VEHICLE**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that with regard to the purchase of a vehicle for the Senior Citizens, there was a grant that was available through the Mental Health Program to facilitate seniors. This grant if used to purchase a vehicle would be used for transporting seniors for incidental things. The grant was for \$10,000.00 and receiving the grant money was successful. Also the Senior Citizens Corporate Board would donate \$2500.00 to go along with the \$10,000.00 for the purchase of a vehicle. The big issue and concern is that no plan has been presented for use. Also there is a liability issue and what the vehicle is going to be used for and things like that. There needs to be a plan brought forward answering those types of questions. Another concern is that Wasatch County has no money budgeted to pay for insurance, drivers, maintenance on the vehicle and so forth. A process needs to take place where this issue is discussed and come up with a plan for the use, such as what the seniors need. Mike Davis indicated that the way it stands right now he is not okay with what is being proposed.

Councilman Steve Farrell indicated that tomorrow this subject will be brought up in the Senior Advisory Board meeting.



## **MEMORIAL HILL MATTER**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Brandon Cluff, Public Works Director and myself met with Wes Johnson, the Midway City's engineer from Horrock's Engineering, regarding the new plan that the Veterans have okayed. Mike Davis indicated that the road has been moved which doesn't affect the Wasatch County's property but does change the entrance to Memorial Hill a little bit. Midway City has refused to do a restroom.

## **PAYMENT OF THE MOUNTAIN LAND INVOICE**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and asked does the Wasatch County Council want me to pay that invoice including the extra \$20,000.00? Councilman Kendall Crittenden indicated that mountain land Association of Government has done some research regarding the bill and feels like that stuff has been done which makes the extra \$20,000.00 to be paid. Mike Davis indicated that the normal dues to mountain land are \$5,000.00. Councilman Steve Farrell indicated that probably Wasatch County should just pay the invoice. Chair Danny Goode indicated that Wasatch County has good faith with mountain land because they do a lot for Wasatch County which means a lot.

## **UPDATE ON MIDA**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Extell submitted for some footings and foundation drawings over two weeks ago and MIDA has done nothing with that matter yet. Mike Davis indicated that he was called because an MOU is trying to be put together because there is no agreement with Wasatch County to process these types of reviews. There is no problem in doing the reviews of footings and foundation drawings but Wasatch County needs to be reimbursed and paid. There is a meeting to be held next Monday. The MIDA staff has been real good to work with. Another issue that Mike Davis indicated is that he had received a call from Zions Public Finance saying that Zions had been hired by the Town of Hideout to process the MIDA tax reimbursement. There was a little piece of ground that was in the Town of Hideout that went into MIDA. The Wasatch County Council indicated to Mike Davis to just wait MIDA out and see what they do. Mike Davis indicated that he probably will receive the direction Monday. Councilman Steve Farrell indicated that Wasatch County is getting a long ways away from the purpose of what MIDA was supposed to do in Wasatch County. MIDA was for a military installation the hotel now there is a village and thousands and thousands of acres, single family housing units.

## **HEBER LIGHT AND POWER MEETING**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the Heber Light and Power meeting for a conditional use will be June 4, 2019 at 6:00 p.m. Then on June 13, 2019 there will be the Wallsburg matter on the agenda and they both will be held in this building because of the new facilities.

**Councilman Steve Farrell made a motion to leave our regular agenda and go into Closed Session for potential litigation and property acquisition. Councilman Spencer Park seconded the motion and the motion carries with the following vote;**

**AYE: Steve Farrell  
AYE: Chair Danny Goode  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden  
AYE: Mark Nelson  
AYE: Spencer Park**

**NAY: None.**

**PUBLIC HEARING  
MAY 15, 2019**

**PAUL BERG, REPRESENTATIVE FOR SJL CANYON MEADOWS L.L.C., AND RESERVE PROPERTIES L.L.C., IS REQUESTING AMENDED PLAT APPROVAL FOR CANYON MEADOWS A AND B AND THE GLADES AND THE JUNIPERS AT CANYON MEADOWS. THE PROPOSAL IS TO ADD ADDITIONAL ACREAGE TO THE DEVELOPMENT BUT MAINTAIN THE EXISTING NUMBER OF UNITS. IF APPROVED THE PROPOSAL WOULD UPGRADE ROADS TO CURRENT COUNTY AND FIRE ACCESS STANDARDS, INSTALL A SEWER AND WASTEWATER TREATMENT SYSTEM AND UPGRADE THE WATER SYSTEM. THE PROPOSAL IS LOCATED AT MEADOW DRIVE AND HIGHWAY 189 IN THE PROVO CANYON WEST OF THE DAM IN SECTION 7, TOWNSHIP 5 SOUTH, RANGE 4 EAST AND SECTION 12, TOWNSHIP 5 SOUTH, RANGE 3 EAST. THE PROPERTY IS IN THE P-160 PRESERVATION 160-ACRE ZONING DISTRICT.**

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that this proposal is located west of the Deer Creek Dam on the north side of Highway 189 and has access directly off Highway 189. Also this is an old subdivision that started recording plats in 1981. The subdivision is considered legally non-conforming meaning it was approved as a legal subdivision, but due to a change in zoning since approval it is allowed to continue with a grand fathered status. Since the approval in 1981 a number of code requirements and zoning map changes have changed as well like access and other health, safety, welfare items. The subdivision is platted on what is arguably an active landslide. There have been law suits in the past against the County regarding the subdivision and issuing permits in the subdivision. After a settlement, permits have been issued with requirements. This item has been to the Development Review Committee (DRC) a number of times. It was explained to the DRC that the subdivision is non-conforming, however, the DRC felt that the improvements to the health, safety, welfare items were appropriate and that the proposal should move forward as long as there is a guarantee that the improvements will be done. The Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. The HOA is in favor of the proposed amendments and has provided a letter dated March 1, 2019 stating so. Also there are several residents that have stated that they are not in favor of the proposal. Also the applicant is proposing to do a number of upgrades to the development which are considered health, safety and welfare items that are now lacking. The Planning Staff feels that the proposal, although the same density, provides a large number of safety improvements and therefore should be allowed to be expanded.

Doug Smith then went through the project summary:

1. Applicant: SJL Canyon Meadows L.L.C. and Reserve Properties L.L.C.
2. Related Applications: Recorded plats.
3. Existing Zone: P-160.
4. Proposed Zone: P-160.
5. Open Space: 50 percent.
6. Existing Land Use: Mixture of single family and attached.
7. Existing Lots: 62 lots, 22 condominiums for 84 total units. There are 28 units out of the 84 built.
8. Acreage: Current 123, proposed 212 the proposal maintains the same number of lots.
9. Utilities: Water system maintained by the HOA. Sewer managed by the Owl's Nest Special Service District.

Doug Smith went through some items that have taken place since the matter went before the Wasatch County Planning Commission.

1. The geologic review engineer for the County has provided an updated letter on the proposed new lots stability as well as the land drain system.
2. The land drain system is proposed to be deeper so that it de-waters the site to at least a 10 foot depth.
3. The farthest northeast lot that had ridge line issues as well as steep slopes, soils issues and driveway access issues has been moved to the west side of the development.
4. The design for the driveway for the downhill lot on the northeast cul-de-sac has been submitted and reviewed. This is still a marginal lot that will require a costly driveway and driveway slopes at or around 15 percent. At this point the review engineer and geologist feel it is a viable lot.
5. A letter has been provided recommending approval by Alane Boyd regarding erosion control and water quality.
6. An e-mail by the Army Corp of Engineers and they had a concern with what de-watering the site would do to the wetlands.

Doug Smith indicated that this is our engineering reviewer's letter and it states in the letter that it is our professional opinion that the stability of the ground for buildings located on the Hoover Slide will not meet current engineering standards considering the proposed development. This includes newly platted lots located on the Hoover Slide. He also stated that it is our professional opinion that lowering the ground water to a level of at least 10 feet below the existing ground surface will increase the stability of the slope by approximately 5 percent. This improvement does not bring the stability up to acceptable current standards from a geotechnical standpoint (this results in a stability factor of safety approximately 10 percent below current standards). With this condition, the decision makers and potential buyers should determine if the benefits of the development modifications are significant enough to accept the risk of potential slope movement.

Doug Smith also indicated that if there are portions of the building envelope over 25% slope there must be an additional site specific soils report provided at the time of the building permit. This must be noted on the plat. New lots should meet safety standards from a slope stability standpoint.

The geotechnical report recommends, that it will be important to have a geotechnical engineer evaluate the final selected grading for the lots and be involved during construction.

Doug Smith also indicated that with regard to the Development Agreement that prior to recording the amended plat a Development Agreement will be required to formalize all the proposed safety improvements. Timing for the installation of the improvements will need to be in the Development Agreement.

Doug Smith then went through the DRC comments:

Health Department Tracy Richardson comments: Need Wastewater approval and that has been approved through the State and County.

Engineering Ryan Taylor comments: Geotechnical concerns will need to be addressed.

Recorder Peggy Sulser comments: Comments to extensive. Please see me in person thanks. That has been taken care by the applicant.

Fire WCFD comments: 2015 or current fire code requirements.

Water Resources Steve Farrell comments: No additional water requirements.

JSSD/Twin Creeks/North Village Ron Phillips comments: 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: Addresses will need to be addressed and new road names will need to be added.

Chair Danny Goode indicated that he needs to be excused from the meeting for another appointment and so the record should reflect that Chair Danny Goode left the meeting. Chair Danny Goode indicated before he left he indicated that there are two letters that need to be entered into the record. Attorney Beck's office has sent a letter and then an e-mail from Christian Calacker. Also any vote of the Wasatch County Council that is taken tonight will be binding even though there is only four members that are now present. Vice Chair Mark Nelson will now take charge of the meeting from now to finish. Councilman Steve Farrell also indicated that any vote would have to be all four in favor or against.

Doug Smith then went through the proposed findings:

1. Canyon Meadows A was recorded in 1981. Canyon Meadows B was recorded in 1983, the Glades at Canyon Meadows was recorded in 1983, and the Junipers at Canyon Meadows Condominiums was recorded in 1984. Collectively and individually, these will be referred to as the Canyon Meadows Subdivision in these findings and conditions.

2. The subdivision is a non-conforming subdivision now zoned P-160, which may be developed subject to current health, safety and welfare items. Wasatch Code 16.22.10 which states, "Lots in a non-conforming subdivision may be developed, subject to current building, fire, health and safety laws."
3. Non-conforming uses should typically not be expanded or have intensity increased, however, a non-conforming use may be released by an equally restrictive or more restrictive use subject to the approval of the planning staff. Wasatch Code 16.22.05.
4. The planning staff finds that the proposed amendments to the Canyon Meadows Subdivision are equally or more restrictive because certain roads will meet more restrictive standards, certain, fire infrastructure will need more restrictive standards, with the sub drain system being required as a condition of approval, the safety factor will hopefully increase, and with any additional requirements of the geologic hazard report, the probability of a geological failure in the Canyon Meadows Subdivision may be lower.
5. The proposal is to enhance the safety of the subdivision by updating and adding a number of health, safety, welfare items but keeping the number of units the same and increasing overall acreage.
6. The subdivision is on a documented landslide.
7. 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, Utah code Section 17-27a-609.
8. Staff believes that good cause exists for the plat amendment only if all the proposed health, safety and welfare items are installed as proposed.
9. The HOA has provided a letter supporting the proposal.
10. The water district has provided a letter supporting the proposal.
11. Currently there are 28 built units out of the 84 possible lots/units.
12. The Canyon Meadows Subdivision falls within the Wasatch County Geologic Hazard Overlay Zone.
13. The Canyon Meadows Subdivision was platted prior to the effective date of Wasatch County Code Chapter 16.17: Geologic Hazards Overlay Zone.
14. Development in the Canyon Meadows Subdivision has been the subject of litigation in the Fourth Judicial District Court, Utah County, and State of Utah #990401676. In that case, the Court found, among other things, that "the undisputed evidence is that there has been a legitimate concern over the geology of the development area for a substantial period of time" Memorandum Decision, June 21, 2001, Case #990401676, Judge James R. Taylor.
15. Around the time of this litigation, the Wasatch County Council approved Resolution 98-22 to allow for a building permit to be issued in the Canyon Meadows Subdivision.
16. The developer, through Gordon Geotechnical, has submitted a stamped Geologic Hazard Report which shows that the Canyon Meadows Subdivision, with mitigation, will result in a higher safety factor than the present subdivision, however, it still does not meet current standards. The decision makers will need to determine if the added safety enhancements warrant moving forward with the minimal improvements to the slope stability of the site.
17. The County contract geologist has reviewed the Gordon Geotechnical report and has provided comment.
18. Based upon information received from experts, and as authorized under Wasatch Code

16.17.09, additional requirements necessary to overcome geological hazards and help mitigate risk to human life and damage to property are conditions of approval.

Doug Smith then went through the proposed conditions:

1. Developer has provided a Geologic Hazard Report modeled after the requirements in Wasatch County Code 16.17.08, which has been reviewed for compliance by Wasatch County planning staff and the County engineering coordinator or his designee. The Hazard Report shall be an attachment to the development agreement and recorded. All the soils reports stated in Section 8 below shall also be recorded with the development agreement.
2. All lots with areas over 30% slope should have that identified on the plat as non-buildable. Lots with slopes between 25-30 % slopes should have an envelope identified. If homes are built in areas between 25-30 % slope a site specific report is required at time of building permit as recommended by the review engineer.
3. Developer shall agree to any mitigation the Geologic Hazard Report recommends to bring the project area within current standards of construction or as close as possible to current standards of construction, and shall bond for mitigation infrastructure before recording a plat. This shall include a sub drain system designed to control the water table to a minimum depth of 10 feet, and possibly deeper.
4. A Development Agreement shall be recorded with the amended plat outlining the necessary improvements and timing of their installation.
5. The proposed sub drain system and any other mitigation infrastructure recommended by the Geologic Hazard Report shall be maintained by the HOA in accordance with best practices, and recommendations of the Geologic Hazard Report. This will be outlined in the Development Agreement.
6. A letter from the Army Corps of Engineers regarding the land drain system stating that it can be built without additional approvals from the Corps. If at any time the land drain system is in violation of regulations by the Army Corps and the land drain system is not allowed the proposal would be in violation of the conditions of approval and would have to be stopped.
7. Compliance with the DRC report and requirements from Alane Boyd.
8. Building permits shall only be issued if the owner of the property provides a notarized letter to the County Building Department substantially in the following form and this is referred to as a note on the plat. "This subdivision falls within the Wasatch County Geologic Hazard Overlay Zone, and development in this subdivision is subject to the Wasatch County Geologic Hazards Overlay Zone Ordinance. (1) The property owner of Wasatch County Parcel # \_\_\_\_\_ hereby acknowledges in writing that he or she has been provided a summary of all geotechnical studies prepared by AGECE, AGRA, Gordon Geotechnical, Parsons Brinkerhoff, Terracon, Landslide Technologies and others will respect to slope stability and landslide hazards within the Canyon Meadows Subdivision. (2) The Property Owner covenants and agrees to provide the summary and the Geologic Hazard Report accepted by Wasatch County in 2019, as amended, (which shall be kept on file with the County Planning Department or the County Engineer,) to their professional engineer, and direct said engineer to prepare building plans consistent with the findings, conclusions, and recommendations of the geotechnical studies and the Geological Hazard Report. (3) It is recommended that the property owner obtain their own current Geologic Hazards Report, and

follow the recommendations made in the report. \_\_\_\_\_

#### Property Owner

9. That the obligation for the need to potentially modify the land drain.

10. That a notice be filed and recorded on each lot that has not yet been developed or had a building permit issued that will allow any interested party to understand the geologic risks associated with the lot.

11. County legal advisors review adding, if appropriate language to condition #8 that contemplates a release of liability to the county.

Doug Smith indicated that the Wasatch County Planning Commission voted 5 for an approval recommendation to the Wasatch County Council and one against.

Councilman Steve Farrell asked where the land drain is going to surface. Doug Smith indicated that the land drain will surface along the highway to the south of the site. Councilman Steve Farrell asked if Alane Boyd's approval take that into consideration and if not that would be a big concern. Doug Smith indicated that her approval may not have taken that into consideration.

Paul Berg, from Berg Engineering representing the applicant, addressed the Wasatch County Council and asked Doug Smith if he feels like condition No. 6 and condition No.7 have been met and that you have received a response considering those. Doug Smith indicated that he believes that they have been met but there are still conditions that need to be addressed.

Paul Berg indicated that Doug Smith has given a good representation of what is taking place with this proposal and also with regard to the technical information. There are just a few items that I need to point out. (1) There are already 84 lots on this site that are already approved, already platted that could file for building permits any time. (2) In our proposal in making the site bigger and with all of the improvements that Doug Smith has suggested makes this better and complies better with your current County codes and to make a betterment to this development with the various changes. Councilman Steve Farrell asked Paul Berg about making the development bigger what you mean. In this area are you adding to it by taking up what was common area or open space originally? Paul Berg indicated that area has been added to it and larger in terms of area but not in terms of units and there will be some change with regard to common area or open space. 10.27 acres that is now existing common area will be put into lots but the new common area is 26.9 acres so that is increasing. About .63 acres of property that is in lots that will also become common area. That will be about a sixteen acre increase in common area. Paul Berg then indicated that after the public comment period has been closed he would like a little bit of time to respond to some of the concerns raised in the public comment period.

Vice Chair Mark Nelson then opened the matter up for public comment.

Tony Spackman, HOA President, addressed the Wasatch County Council and indicated that the project has been going on for over a year. HOA has negotiated some great benefits for the Home



Owner's Association with Cascade Development. These benefits will prove to be a great value to everyone in the subdivision along with great amenities that will be added. HOA feels that this project will benefit everyone in the subdivision and are in favor of such an approval. There are 84 lots in the Homeowner's Association and the developer controls 54 lots and we are the majority vote in the Homeowner's Association.

Julio Rodriguez, at the present time doesn't live in Canyon Meadows but live in the old Hoover property and have been there for almost 40 years. Julio indicated that Paul Berg has been present examining the culvert system, etc., that needs to be taken care of, which is my only concern.

John Morris, attorney for the Homeowner's Association, addressed the Wasatch County Council and indicated that the Homeowner's Association has been in a lengthy discussion over a Developer Agreement related to many of the various points that have come out as part of the development. This Developer Agreement is between the developer and the HOA. Some issues that are covered in the Developer Agreement are: All infrastructure and construction is built according to code, allows the association to engage an engineer to oversee the project and all of the construction, allows that engineer's right to stop work if things aren't being done properly, requires the developer to turn over all contracts, data information, plans, drawings, everything to the association's engineer, outlines very specifically with regard to the developer to install sewer lines, new water lines, roads, all to the requirements of Wasatch County, insistence that the HOA remain neutral or remain outside of developer's influence during the construction period and also for the period of the warranty afterwards, the warranty will be for a period of two years for all the work that is done, also the developer will relinquish his vote for board members except for certain conditions, so that the developer can't take over the HOA with that vote, there will be a group of independent people that would control whether the project is done properly or not done properly. John Morris also indicated that a recent tally was taken of the independent owners consisting of thirty lots and seventeen was in favor of the development, three abstained, seven voted no, and three were undecided votes. Also a lot of these things that I just mentioned will be embodied in the declaration. Also the Homeowner's Association has to sign because of the common area that is being adjusted.

Rick Kartchner, President of the Canyon Meadows Mutual Water Association, addressed the Wasatch County Council and indicated that this is a great plan that is taking place. The Division of Drinking Water has offered a \$1.9 million loan at one percent. Also because we have a master plan the Division has given us a \$385,000 principal forgiveness. Also the members of the board with one exception are in favor of this plan.

Karthik Madesan, attorney for those opposed to the plat amendment, addressed the Wasatch County Council and indicated that he submitted a letter. The homeowners that are concerned with this project is that people are being attracted to build homes on a landslide. It is a non-conforming use. Building has been slow because the area is on a landslide. Wasatch County shouldn't allow such a plat amendment to take place in order to attract people to build in this area. Also an expansion of the development because the area of the development increases and this is not a less restricted use. Also the Planning Staff has not expressed this concern in their report. Also the

common area is now being changed as part of this re-platting. Another concern is of geological safety. Also a concern about the drainage system that is being proposed, whether it will be successful or not. The Homeowners were not given a final presentation until last week about what this development was. A lot of these improvements could have been done by the Homeowners without the re-platting taking place because the developer has not allowed the Homeowners to do that.

Rebecca Lundwall, homeowner in Canyon Meadows, addressed the Wasatch County Council and indicated that she is for this development plan. This plan is for the overall betterment of the whole neighborhood and this plan is the best for all of my neighbors.

Jordan Culp, the developer's geotechnical consultant, addressed the Wasatch County Council and indicated that he has read all of the geological reports for this area and the reports indicated that this area is not located in the ancient Hoover Slide area. Also the slip surface is 200 feet or deeper which includes much more area than just Canyon Meadows. Also there have been evidence of some slippage taking place like the old Highway 189 area. We also have come up with the land drain design to improve the overall stability of the slide mass which shows that this development can be done right and raise the level of safety overall to a higher level than the current conditions. The drain system is supposed to intercept lateral moving water throughout the whole area and de-water it. This drain system reduces the weight very significantly and is a five percent increase in the levels of safety. Also because of the size of the mass that will take a lot to cause that mass to move again. The pipe diameter of the pipe in the drain varies from six inches in the higher portions down to about twelve inches in the lower portions to accommodate more water.

Andreas Steinmann, resident of Canyon Meadows for fifteen years, addressed the Wasatch County Council and indicated that he is one of the people that oppose this plat amendment and owns the Perez home. Andreas indicated that in his house he has had major movement and then went through the major movements that took place with his home. Andreas also indicated that the entire area is moving. Andreas indicated that one geologic report was left out and that was Landscape Technologies. There was a report done by UDOT that gave this area a negative report about this development. Also there has been a slide in our neighborhood recently and if you drive on the highway there is water bubbling out of the new Highway 189, also cracks in the highway and this is right by the Canyon Meadows Subdivision. Andreas indicated that there is a liability issue with more homes being put in the subdivision that Wasatch County will be responsible for. Also concerned about the common area and open space being used up. Also he indicated that his leech field of his septic system goes under common area and now they want to develop the property where his leech field runs. Also this developer has been able to pick the board members for the last twelve years of who the developer wants in there to make his decisions of what he wants to be done. Also the developer sits on both boards that Canyon Meadows has and steers the entire board for what he wants to be done. Andreas then indicated some of the things that have taken place that in his opinion is not right with regard to these boards and the developer sitting on the boards. Finally, Andreas indicated that when he bought his home he did not know that he was buying in a slide area.

Helen Hall, Canyon Meadow resident, addressed the Wasatch County Council and indicated that there are two properties that are mostly common areas. Also her father was the original developer and our family owns several lots and the way the plat amendment is a lot of the views from the lots that our family have will be gone.

Tracy Hall, husband of Helen Hall, addressed the Wasatch County Council and indicated that he has presented a letter that should be on the record stating the concerns that I have. If this plat amendment is granted the added homes will add approximately one hundred and fifty percent to the existing snow and rain fall through the irrigation of the lawns and septic systems and so forth. Tracy was concerned about his views that will be taken away if this is allowed to go forward. Tracy has a concern if the developer will fulfill this developer agreement. Tracy indicated that the developer has brought in some unwanted fill material which is a concern and have asked that fill material be removed. Tracy indicated that the developer does not obey the codes that govern the safety of the Canyon Meadows Subdivision. Tracy then indicated that he hereby charges the Developer Scott Lybbert with a Class C Misdemeanor under Wasatch County Code. Finally, Tracy indicated that he would respectfully request that the Wasatch County Council deny his application for the plat amendment until he has cleared himself of this misdemeanor charge.

Steve Lundwall, husband of Rebecca Lundwall that spoke previously, addressed the Wasatch County Council and indicated that the roads are in bad shape. Steve also indicated that when he bought his property that he was not told about any landslide issues. Steve also sits on the Homeowner's Board and he has not been influenced by the developer. Steve also indicated that he is excited that these improvements that will provide more safety to our neighborhood. Also the developer is paying almost one hundred percent of the costs for most of all of these improvements. Finally, Steve indicated that he is for this plat amendment because it will make this subdivision a much better subdivision and would hope that the Wasatch County Council will approve this plat amendment.

Greg Higginson, serves on the Water Board of Canyon Meadows, and indicated that nobody has twisted his arm to vote one way or the other. Also from the Water Board standpoint what is going to be given to us by the developer is clearly a giant step forward by replacing various infrastructures. Also right now there is an agreement in place with regard to the water improvements that will take place. Greg indicated that all the work he has done on the Water Board has been to look out for the welfare of the citizens of this subdivision. As a result Greg indicated that he is in full support of this plat amendment taking place.

Vice Chair Mark Nelson indicated that before we close the public comment period Paul Berg, who represents the applicant, wanted to have just a few minutes to respond to the issues that have been made.

Paul Berg, Berg Engineering representing the applicant, addressed the Wasatch County Council and indicated that he wanted to address four technical issues and then like to give the applicant and the HOA's attorney just an opportunity to address a couple of things. (1) The land drain is probably not economically feasible in the terms of the return that is received from it. (2) we were

aware of the open space agreement which required fifty percent and even with the expansion of this project there will still be fifty percent of open space and common area (3) on the smaller lots they all will be irrigated and on the larger lots to the west it is not anticipated that all of that will be irrigated and defensible space will be needed around each lot (4) Paul then referred to some maps and included where the common area and open space will be.

John Morris, attorney for the Homeowner's Association, addressed the Wasatch County Council and indicated that with regard to these board members being influenced or controlled and that has not been my experience in these negotiations. Also the lawsuits that have been mentioned has no current application to this plat amendment and those issues have all been resolved and over with. Also the HOA is sensitive to the issue of over-watering with irrigation practices and there will be architectural guidelines that will be adopted that will be fully negotiated that can address some of those concerns such as limiting the irrigation and the types of irrigation. With regard to the view and lighting concerns and that will be taken care of and addressed in the architectural guidelines to minimize the views and lighting concerns. Also John indicated that he has not seen any engineering study or documentation establishing that any home in that project has moved as a result of land movement versus just poor construction or poor compaction or whatever causes basements to settle otherwise and not aware of any studies or reports that have indicated that. Also no water line to my understanding has been cracked or broken as a result of land movement that anybody is aware of and no documentation suggesting that homes have been moving in that area.

Scott Lybbert, the developer of the Cascade Development Company, addressed the Wasatch County Council and indicated that he is solely responsible for whatever occurs in this subdivision even with a housing name or otherwise. Also the assertions and things that have been made I chose not to address those and let them stand in the tone that they were offered. Scott also indicated that he has continued to pay those fees and assessments that were placed on us in the subdivision. Also Scott indicated that he has never used his vote on any board to control the outcome or up the full control on issues concerning the subdivision. Scott indicated that he has submitted two e-mails to Doug Smith, the Wasatch County Planner, who is available for the public record and serves as a rebuttal. Scott feels about the misunderstanding about the fill material that was placed in the wrong area and will see that fill material is removed. Scott also indicated that they are sensitive to the light issues, over watering, and large yards and in fully supportive of keeping the grass at a minimal, keep the lighting down because Scott indicated that he wanted this to be a wonderful place. Scott indicated that he is convinced of the HOA's request are appropriate and I have agreed to them. Scott indicated that his door has been opened and the phone available to the HOA members and for the most part they have not talked to me directly. Scott indicated that it is time that this subdivision moves forward. Also have no animosity to those people who are not supporting this plat amendment. Scott then indicated that he would ask for the favorable vote from the Wasatch County Council because it is time to put this history behind us.

Paul Berg, from Berg Engineering representing the applicant, addressed the Wasatch County Council and indicated that at this point if you have any questions we will respond and also would ask because the Wasatch County Council doesn't have a full quorum tonight if the vote could be delayed until the next meeting.

Vice Chair Mark Nelson then closed the public comment period.

Councilman Steve Farrell said that right now we show a common area of 61.87 acres in the County records in the name of Canyon Meadows Property Owners. The Reserve Property is that Mr. Blake Roney. Paul Berg indicated yes. Councilman Steve Farrell asked if that 61.87 acres is that going to stay 61 acres or more. Paul Berg indicated that 50 acres right now is common area but that will remain common area. Then another 26.9 acres into common area which will put you over the 61 acres. Paul Berg then indicated that an area that is existing common area now will be put into private lots. Councilman Steve Farrell asked if the water company has the water rights to expand your irrigation on these bigger lots. Rick Kartchner, from the Canyon Meadows Water Board, indicated that there is enough water and the source of our water is from Little Deer Creek. Scott Lybbert indicated that it has been determined by our engineering company, who works with the State of Utah, has indicated that Canyon Meadows has adequate water rights for this number of lots. Also it is not anticipated if the larger lots will be irrigated in a major way and the larger lots will have less irrigation on them then the present 28 homes in Canyon Meadows. It is also anticipated that natural vegetation will be over these larger lots. None of the common area will be irrigated.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that he did not get a copy of the Developer Agreement between the HOA and the Developer. Scott Lybbert indicated that he wants to make sure that the agreement that I execute with the HOA matches the expectation of Wasatch County particularly as it relates to this land drain piece that has been introduced. So Scott indicated that it feels that this particular agreement be supplied to Wasatch County and to make sure that both parties have got the language addressed properly and more than happy to supply that.

Councilman Steve Farrell indicated that this is quite a complex issue. And after what Wasatch County went through twenty years ago we should be very careful and take it slowly.

**Councilman Steve Farrell indicated that he would like to make the motion that we table this until we get more Council Members here and would like to see if Alane Boyd needs to update her report based on the new information. I think it would be important that the three other Council Members at least and hopefully they will review this meeting so I would make that motion that we table this item and don't know if we would be ready by the next meeting or not. Also make the motion that we table this matter until June 5, 2019 for a decision. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Steve Farrell  
AYE: Marilyn Crittenden  
AYE: Vice Chair Mark Nelson  
AYE: Spencer Park**

**NAY: None.**

Paul Berg, from Berg Engineering, asked if they could be told if on June 5, 2019 that all the Wasatch County Council would be present or if some members will be excused. That would be helpful for us to know that. If all the Wasatch County Council members won't be present on that date then possibly the Planning Staff and our applicant could discuss moving the matter to another date.

**Council Steve Farrell made a motion to adjourn. Councilman Spencer Park seconded the motion and the motion carries with the following vote:**

**AYE: Steve Farrell**

**AYE: Marilyn Crittenden**

**AYE: Vice Chair Mark Nelson**

**AYE: Spencer Park**

**NAY: None.**

Meeting adjourned at 9:30 p.m.

  
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DANNY GOODE/CHAIRMAN

  
\_\_\_\_\_  
CALGRIFFITHS, CLERK/AUDITOR

  
\_\_\_\_\_  
MARK NELSON/VICE CHAIR

