

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 21, 2019**

The Wasatch County Council met in regular session at 3:00 p.m. at the Wasatch County Administration Building, Heber city, Utah 84032 and the following business was transacted.

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

OTHERS PRESENT: On list attached to a supplemental file

PRAYER; Councilwoman Marilyn Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Mark Nelson and repeated by everyone.

Chair Danny Goode called the meeting to order at 3:00 p.m. and welcomed those present and called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATIVE ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there was any administrative issues for future agendas and there was none.

LEGISLATIVE ISSUES FOR FUTURE AGENDAS

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

PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there were any public comment or public issues for future agendas.

Michael Kosakowski, resident of the Jordanelle and soon resident of Mayflower addressed the Wasatch County Council and indicated that he had a petition that was presented on June 26, 2019 which asked the Wasatch County Council to look into the only trail that was taken away from us by a decision by the JSPA Planning Commission which decision is not final yet.

Chair Danny Goode then asked the Wasatch County Attorney to look into the matter and no answer has been received yet. Scott Sweat, the Wasatch County Attorney, indicated that the trail that was there was never intended to be the final trail and even though that trail will be moved there will be another trail established. Michael Kosakowski indicated that the trail is on open space which I am a part owner of. Doug Smith, the Wasatch County Planner, indicated that the old trail alignment was intended to have a trail and presently that is the trail that Mr. Kosakowski is using. There will be a second access road that will be built and the trail will be relocated and will be a ten foot asphalt trail that will go down below and tie back into Old Keetley. As a result there will be a better trail that is now present but right now there is not a trail there.

Michael Kosakowski also indicated that for that new trail to be built the trail will have to be built over federal wetlands which procedure will take some time. In the meantime the only trail that we have and only safe way of going north and south is through the Jordanelle Parkway which is now under construction with heavy equipment moving back and forth. Doug Smith indicated that he is not aware of any federal wetland delineation. Michael Kosakowski also indicated that if the matter can't be worked out with the JSPA Planning Commission tomorrow the matter will go through the appeal's process which is MIDA. Chair Danny Goode thanked Michael Kosakowski for bringing these matters forward. Regardless whether an agreement is reached that you like or a solution reached. We appreciate you coming and presenting those and speaking your mind to give us an opportunity to know about these issues and concerns.

Chair Danny Goode then closed the public comment and public issues for future meetings.

Chair Danny Goode then made a motion that we leave our regular Council Agenda and go into the Governing Board of the Wasatch County SSA 1. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Danny Goode
AYE: Kendall Crittenden
AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell
NAY: None.**

WASATCH COUNTY SSA 1

WARRANT LIST APPROVAL

Board Chair Steve Farrell indicated that the amount of the warrants \$5,812.43 and are broke down in various categories.

Board Chair Steve Farrell made a motion that the warrants be approved as presented in the amount of \$5,812.43. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Danny Goode
AYE: Board Member Kendall Crittenden
AYE: Board Member Marilyn Crittenden
AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Jeff Wade**

NAY: None.

Board Chair Steve Farrell made a motion that we go out of the Governing Board of Wasatch County SSA 1. Board Member Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Kendall Crittenden
AYE: Board Member Marilyn Crittenden
AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Jeff Wade
AYE: Board Member Danny Goode**

NAY: None.

REGULAR COUNCIL AGENDA

APPROVAL OF THE JULY 17, 2019 MINUTES

Councilman Kendall Crittenden made a motion to approve the minutes for July 17, 2019 as written.

Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Kendall Crittenden

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

ABSTAIN: Councilman Spencer Park (absent)

**DISCUSSION/APPROVAL OF RANDY KELLY AS
BOARD OF EQUALIZATION OFFICER**

Cal Griffiths, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that the preliminary tax notices have been sent out and with that the taxpayers of Wasatch County have an opportunity through due diligence to observe and look at those disclosure notices and if there are any concerns they have the right to appeal the valuation of their property whether it is a primary or a secondary. As a result there is a Board of Equalization that is held which is under the Wasatch County Council's direction. Cal Griffiths indicated that he will serve as the clerk, the assessor will be there, appraisers and the taxpayer that wants to appeal. There needs to be a hearing officer hired. Randy Kelly has served many years in Wasatch County as the hearing officer. These meetings are under your direction. Also all the decisions that are made in this Board of Equalization Hearing the Wasatch County Council will then have the opportunity to approve all the decisions that made. The hearing dates are set as September 12 and 13 and then again October 16, 17 and 18.

Councilman Steve Farrell indicated that after sitting on the Board of Equalization and the headaches that it brings I would make the motion that we approve Randy Kelly to be the hearing officer for the Wasatch County Council as the Board of Equalization for the 2018 tax year. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION ON INTERLOCAL AGREEMENT BETWEEN MAG, WASATCH COUNTY, MIDWAY CITY, HEBER CITY, AND PARK CITY FOR A TRANSIT DEMAND ANALYSIS STUDY FOR WASATCH COUNTY.

Councilman Kendall Crittenden indicated that this Interlocal Agreement has been done and Scott Sweat was asked if it looked like everything was covered in this Interlocal Agreement that needed to be. Scott Sweat, the Wasatch County Attorney, indicated that it looked fine to him. Councilman Kendall Crittenden indicated that Wasatch County put \$2,000.00 in for the study to be done. All the other entities have put money in to help pay for the study also. Celeste Johnson, the Mayor of Midway, indicated that she is okay with this study being done.

Councilman Kendall Crittenden made a motion that we pass the Interlocal Cooperation Agreement between Mountain Lands, Wasatch County, Midway, Heber and Park City for the Transit Demand Analysis study for Wasatch County and authorize Mike Davis, the Wasatch County Manager to sign this Interlocal agreement. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

PROPOSED AMENDMENT TO THE PLANNING COMMISSION BYLAWS RELATING TO PROCEDURAL ITEM PLANNING.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter has been worked on for the last several months. The purpose was to look at ways where the development review process could be cleaned up. By code the Wasatch

County Council has to ratify whatever the Wasatch County Planning Commission does with their bylaws. Also the text was cleaned up which eliminated the requirement for the Planning Commission to hold a meeting if a quorum wasn't present. Also the main intent of this code amendment is to identify the County's preference that an applicant work with the DRC to refine projects rather than burden the Wasatch County Planning Commission and the Wasatch County Council meetings with non-compliant applications. The Wasatch County Planning Commission passed this amendment to the bylaws and now is here for Wasatch County to approve the amendment.

Councilman Kendall Crittenden made a motion that we ratify the action by the Wasatch County Planning Commission on their proposed amendment to the Wasatch County Planning Commission bylaws related to procedural items as has been presented. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Marilyn Crittenden
AYE: Chair Danny Goode
AYE: Mark Nelson
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Jeff Wade
AYE: Mark Nelson**

NAY: None.

DISCUSSION/POSSIBLE APPROVAL FOR THE MEMORIAL HILL MOU

Corbin Gordon, attorney for Midway City, addressed the Wasatch County Council and indicated that we were instructed to sit down with Mike Davis, the Wasatch County Manager and Brandon Cluff, the Public Works Director and go over the plans from an engineering standpoint to make sure that those individuals were comfortable with those and that has been done. The only concern was the placement of the bathroom which would create a safety issue and the request was to move the bathroom to another area where it was closer to the parking lot. Also as the project moves forward when it comes to the bathroom placement the matter could be taken care of.

Steve Anderson, from the American Legion indicated that he was fine with what is taking place with the placement of the bathroom. Councilman Steve Farrell brought up having some night lighting. Celeste Johnson, Mayor of Midway, addressed the Wasatch County Council and indicated that because of the bathrooms in Midway being inappropriately used in the night time hours, Midway are locking the bathrooms at night and would recommend that policy be implemented for this bathroom. Mike Davis, the Wasatch County Manager, indicated that in a previous discussion it was discussed that Wasatch County would take the maintenance of snow plowing and parking if Midway City would take the maintenance of the restroom and Wasatch County is okay with that.

Corbin Gordon indicated that with some guidance from the parties he would prepare an MOU and then bring that back for Wasatch County's signature with regard to an adoption of a resolution and then the matter can be ratified at a subsequent meeting. Councilman Mark Nelson asked about the lighting of the parking lot and the bathroom. Wes Johnson, Midway City's Engineer, addressed the Wasatch County Council and indicated that on the present plans there is no power for lighting shown. There will be lighting from the street lights. Councilman Steve Farrell indicated that his recommendation would be to have Wasatch County's signature on this MOU or resolution and Wasatch County would take over the maintenance and snow plowing of the parking lot in lieu of the bathroom maintenance.

The surveyor found a discrepancy in the boundary line and the road was used as the boundary marker and there are other property on the other side of the road. Mr. Tom Whitaker was going to include that property in the dedication to take care of that discrepancy. Corbin Gordon indicated that Exhibit No. A will need to be corrected regarding this boundary discrepancy.

Corbin Gordon indicated that in summary it will be added in that Wasatch County will take over the snow plowing and maintenance of the parking lot and Exhibit A will be corrected. A signature line will be added for Wasatch County's signature and then in a couple of weeks we will return and have the Wasatch County Council approve the MOU and resolution. Also the bathroom will be handled as an as-built,

DISCUSSION/POSSIBLE APPROVAL SETTING A DATE FOR PUBLIC HEARING FOR FIRE IMPACT FEE.

Councilman Steve Farrell indicated that there needs to be an approval for the setting of a date for a public hearing for the new Fire Impact Fee. Scott Sweat, the Wasatch County Attorney addressed the Wasatch County Council and indicated that there needs to be a date set to hold the public hearing. Prior to that hearing there needs to be an ordinance but in this case there needs to be a resolution. The analysis done by Lewis Young and Robertson in several places where that analysis could be available to the public for fourteen days before the public hearing was to take place. We would then take public comment in that public hearing and then a time would be set where the Governing Board of the Fire District could work on the impact fee. At the present time there is still an impact fee through Wasatch County that covers these same things and as a result possibly that impact fee may be modified at the same time so double dipping is not taking place with regard to the impact fees.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a deficit of \$360,000.00 in the Public Safety Impact Fee which is not going to be completed. If that impact fee is done away with then in order to pay that the matter would then have to go to the taxpayers which is by statute. Councilman Spencer Park indicated that he would prefer to keep Wasatch County owning the fire district infrastructure that is throughout Wasatch County. That issue needs to be discussed before these public hearings be set. Fire Chief Ernie Giles indicated that from the fire district's point of view is that the district had a certain fee that was set

twelve years ago and the Wasatch County Sheriff had an amount which are supposed to be held separately so whatever fire generates fire spends. Whatever the Wasatch County Sheriff generates the Wasatch County Sheriff spends and the two impacts can be commingled. Councilman Steve Farrell indicated that a final MOU document hasn't been done yet. Also there needs to be a meeting held with Mike Davis, the Wasatch County Manager and Assistant Wasatch County Manager Dustin Grabaugh, Fire Chief Ernie Giles, EMS Director Clair Provost Councilman Spencer Park, myself, and Chair Danny Goode to work out some of these concerns and questions and get them all resolved before the matter goes much further. Also those concerns, questions and answers could then be brought before the whole Wasatch County Council in a work meeting for their consideration.

Fred Philpot, from Lewis Young and Robertson, addressed the Wasatch County Council and indicated that a public hearing could be held but not set the fee until all the questions are answered. All of the documentation and information that would inform that public hearing has to be available in advance to show what the proposed fees would look like.

Councilwoman Marilyn Crittenden indicated that she is concerned about this matter being pushed too quickly. This is a big decision which impacts Wasatch County greatly.

Councilman Spencer Park indicated that he has a concern with setting a date in that the public safety impact fee should not be done away with and incorporate all of these fees together instead of keeping it as one. There is still that deficit problem that needs to be worked out. Let's just wait and then decide how this fee should be collected in the future.

Councilwoman Marilyn Crittenden made a motion to set the public hearing for the fire impact fee for October 16, 2019. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Kendall Crittenden

AYE: Marilyn Crittenden

AYE: Steve Farrell

NAY: Jeff Wade

NAY: Mark Nelson

NAY: Spencer Park

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that Monday and Tuesday is the UAMPS conference which is the Heber Light and Power conference. There was one item of discussion that came up that should be considered and be aware of and work on the matter. The subject was the impact of drought and fire, where fires can be started with power lines going through extreme drought

conditions and as a result there could be no power for consumers for a long period of time. As a result power companies will get sued for large amounts of money. The issue was discussed that power companies are shutting the power off when there are extreme weather conditions such as wind, etc. which Wasatch County is in a high wind area and that would have an extreme inconvenience on power users if that was to occur. That is another reason that there needs to be a second source of power through the interconnect process. Also we need to work with EMS, hospital, health department if such an event were to occur in Wasatch County. Councilman Steve Farrell indicated that could be something that the Wasatch County Emergency Manager Jeremy Hales could be made aware of and possibly work out a plan if such an event occurred. Also a discussion was held with regard to Heber Light and Power investing in the nuclear power plant in Idaho.

Councilman Kendall Crittenden indicated that there is an event at the Wasatch High School being put on by the Wasatch County Mental Health talking about how parents can be involved in helping with teen suicide and issues related to that. Also there is a health preparedness fair which will be held September 30, 2019 and the Wasatch County Council will serve hot dogs, etc. to the public.

Chair Danny Goode indicated that the Wasatch County Council is always open to the public on questions on any matter that might arise. Pam Patrick, resident of Wasatch County, indicated that the Wasatch County Council has always been open and great with regard to hearing the public concerns.

Chair Danny Goode indicated that Congressman Curtis is coming to Wasatch County next Wednesday to meet with the Wasatch County Council from 1:30 p.m. to 3:30 p.m. and if there is any discussion regarding the Heber Valley Railroad that would be a great time to bring that to his attention. Councilman Mark Nelson indicated that possibly a train ride on the Heber Valley Railroad could be given to Congressman Curtis when he is here. The Wasatch County Council indicated that would be great to do that and then a conversation regarding items could be done while riding the Heber Valley Railroad Train.

MANAGER'S REPORT

MUNICIPAL VOTING PRESENTATION BY CAL GRIFFITHS THE CLERK/AUDITOR FOR WASATCH COUNTY.

Cal Griffiths, the Wasatch County Clerk/Auditor addressed the Wasatch County Council and indicated that the Wasatch County School Board just passed a resolution providing for a special bond election to be held on November 5, 2019 for the purpose of submitting to the qualified electors of the Wasatch County School District Utah the District a proposition regarding the issuance of not to exceed \$150 million dollar general obligation bond to finance all or a portion of the cost to acquire land and construct school facilities.

Cal also indicated that Wasatch County spent \$45,500.00 last year for the 2018 General Election

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Cal also indicated that Wasatch County spent \$45,500.00 last year for the 2018 General Election in November of 2018. There was a high turnout of voters and Cal then submitted a breakdown of what costs made up the \$45,500.00 cost to Wasatch County to hold that election. For the November 5, 2019 General Election the municipalities involved is the Wasatch County School District, Heber City, Midway City, and Charleston. Cal submitted a list of the number of voters, the cost to each municipality and the cost per voter and broke it down with regard to the cost for each municipality to hold this General Election which are approximately, School District: \$24,405, Heber City: \$10,133, Midway City: \$5,029 and Charleston: \$433.00, which is a total cost of \$40,000.00 to hold this election. That would equate to \$1.45 per ballot.

Cal indicated that the question that he has is trying to find out what Wasatch County would recommend to have the Wasatch County School District pay the entire cost of the election or Wasatch County chips in some money to make it \$1.00 per ballot. Councilman Steve Farrell indicated, **I don't know why we wouldn't have them pay the entire cost** in the way that Cal Griffiths has broken the expenses down of holding the election. The Wasatch County Council indicated that they were fine with the way that Cal has broken the costs down and would agree in having Cal Griffiths go forward with that.

WASATCH COUNTY FAIR TURN OUT

Mike Davis, the Wasatch County Manager, thanked everyone for the kindness shown for the passing of his mother. Also with regard to the Wasatch County Fair which was a great success, also the Junior Livestock Sale was great with the entities in Wasatch County stepping up to buy livestock at the sale, also the attendance for every event in the Wasatch County Fair was up.

ROCKY MOUNTAIN POWER REQUEST

Mike Davis, the Wasatch County Manager, indicated that he has received a request from Rocky Mountain Power for Wasatch County's permission to go on some of our property to do some survey work for a new power line. The Wasatch County Surveyor did some work to find out exactly where that ground was and essentially it was in the Soldier Summit area because Wasatch County owns a lot of parcels in that area. The request is just to do surveying so I didn't see any problem with that.

indicated that by keeping the tax rate where it is would generate somewhere in the range of \$900,000. Also the tax bill in a normal year of growth if the budget stays about the same and the tax rate will continually drop each year because of growth. Also it is just not new growth, it is growth of value because it is the value of Wasatch County that determines the tax rate so as property becomes worth more money that pushes the tax rate down. The idea is that we shouldn't get any more than what Wasatch County had last year plus new growth. Wasatch County gets new growth but Wasatch County doesn't get any more than what Wasatch County got last year. This is what truth and taxation requires. You pick the value and don't pick the tax rate. The hearing process probably should start in September.

MAP ON THE HEBER PARKWAY

Mike Davis, the Wasatch County Manager, indicated that this map shows what property Wasatch County and Heber City own along this original route. Mike Davis indicated that Wasatch County actually owns this piece of property. Wasatch County did a subdivision two years ago and part of the agreement was Wasatch County allowed the developer to reduce one of the lots down below the acreage and bought that corner piece but that is not showing up on the tax roll. It shows the parcel but doesn't identify it as Wasatch County as the owner and have asked the Wasatch County Recorder's Office to investigate why it is not showing up as Wasatch County's property. After that is resolved the map will be distributed to the Wasatch County Council.

WASATCH COUNTY EMPLOYEE FOUR DAY WORK WEEK SCHEDULE

Dustin Grabaugh, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that Councilman Spencer Park asked him to look into the Wasatch County employees working a four day work week with regard to certain departments. There are currently two Wasatch County Departments that are on that four day work week. The two departments are the Wasatch County Assessor and the Wasatch County Building Department that work four ten hour work days. Dustin then presented a power point presentation to the Wasatch County Council. Dustin also indicated that most of the smaller cities have issues with coverage in staying open during those off days.

The benefit of this type of scenario is considered a strong employee benefit. If employees are happy they will tend to stick around longer and so the benefit to Wasatch County would be to retain good employees rather than try and find new good ones. Another benefit employees tend to take less sick and vacation time under a compressed work week schedules because they can get things done on the weekend and won't have to take time off from work to do those things. Another advantage is the ability to expand business hours outside of the normal eight to five.

The main question what is the Wasatch County Council's preference for expanding business hours and is it beneficial to add business operations with the intent of covering any off days. Expanding business hours on some days and reducing them on others or somewhere in between. Would

Wasatch County be supportive of closing on Fridays or having reduced hours on Friday like open for a half day or just trying to maintain the five traditional work days?

Mike Davis, the Wasatch County Manager, indicated that every department is different so every department would have to be looked at individually. Also if Wasatch County did four tens then Wasatch County is open 7:00 a.m. to 6:00 p.m. Also if Wasatch County is working Monday through Friday with a modified schedule then hours can be taken off because Wasatch County offices are open for forty hours during the week.

Chair Danny Goode indicated that the managers need to do an analysis of each department and indicate what type of schedule would work best for work like quality and for the public and would be okay to doing something like this. Analyze the different options and then bring your recommendation back to the Wasatch County Council. Also be cautious about doing one thing for one department and not another unless there is a real solid issue for doing so.

Councilwoman Marilyn Crittenden indicated that it is a work load problem that is here and also trying to help the Wasatch County employees be happy. Hopefully those two issues can be worked out.

Councilman Spencer Park indicated that if a four ten day work week was done and then possibly alternate your management on Friday to have somebody in a particular department to answer any questions that may come up.

Dustin Grabaugh indicated that he will bring back some recommendations with regard to the pluses and minuses for the various departments for the Wasatch County Council to consider.

Councilman Steve Farrell made a motion that we leave our regular Wasatch County Council agenda and go into a Closed Session to discuss litigation and personnel. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Chair Danny Goode

AYE: Kendall Crittenden

NAY: None.

Councilman Kendall Crittenden made a motion to come out of our Closed Session and go back into the regular agenda items. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

- AYE: Chair Danny Goode**
- AYE: Councilwoman Marilyn Crittenden**
- AYE: Councilman Kendall Crittenden**
- AYE: Councilman Mark Nelson**
- AYE: Councilman Spencer Park**
- AYE: Councilman Jeff Wade**
- AYE: Councilman Steve Farrell**

NAY: None.

Chair Danny Goode indicated that the time is 6:04 p.m. and still in the Wasatch County Council Chambers in the Wasatch County Administration Building, 25 North Main, Heber City, Utah 84032 and we will now consider the two public hearings as scheduled for August 21, 2019 at 6:00 p.m.

**PUBLIC HEARING
AUGUST 21, 2019**

MARK GARZA AND TERRY DIEHL, REPRESENTATIVES FOR CARDINAL FUNDING L.L.C., IS REQUESTING PRELIMINARY PLAT AND SITE PLAN APPROVAL FOR WASATCH COMMONS, A RESIDENTIAL PROJECT EAST OF THE EXISTING WASATCH COMMONS APARTMENT COMPLEX CONSISTING OF 348 ERU'S/UNITS ON 114.46 ACRES LOCATED AT APPROXIMATELY 3600 NORTH HIGHWAY 40 IN SECTIONS 19 AND 20 OF TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE NORTH VILLAGE OVERLAY ZONE NV0Z.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and went through a power point presentation including a time line of what has taken place since the Wasatch County Planning Commission meeting and since the last time that the Wasatch County Council heard the matter. Also the applicant has not provided any necessary information for staff to respond to the changes they are seeking. At this time, staff is still waiting for information the applicant has promised to provide. However, the applicant has also now raised additional items about what was presented to the Council including attempts to add language to the development agreement about annexation with Heber City. With regard to the vesting issue the applicant met with the Wasatch County Attorney's Office and with a member of the Wasatch County Planning Staff and the vesting issue which was one of the items was worked through during that meeting but there was not a resolution on the set back issue. The applicant indicated that they would bring

some information regarding that matter but that information was never received.

Austin Corry then indicated that this request is for overall preliminary approval of Wasatch Commons, a proposed residential development on 114.46 acres located south of the UVU campus and east of the Wasatch Canal along Highway 40. The development proposes a mix of 62 attached town homes and 286 detached single family dwellings. The project originally received master plan approval for up to 393 units with conditions from the Wasatch County Council on April 4, 2007.

Austin Corry also indicated that many of the conditions of approval given at the master plan have been completed/resolved as part of this application. Austin also indicated that the Master Plan conditions that have not yet been determined are as follows:

1. The applicant must meet all the density requirements at preliminary to warrant the 4 ERU's per acre in the NG Zone. The preliminary plan must show the necessary detail in order to grade the proposal. At this time, we cannot commit to the density that they are proposing until further grading at preliminary.
2. Additional detail on all building renderings will need to be provided at preliminary to demonstrate compliance with the code.
3. Zoning map for lower portion of the property is not being approved but is intended to show the commitment by the developer for a mixed use center. (Future approval)
4. The approval of the lower portion of the property will have to create the village center and integrate the upper portion of the development with the lower portion. (Future approval)

Austin Corry then went through the project summary:

1. Applicant: Mark Garza
2. Hearing Date: 10 January 2019
3. Property Owner: Cardinal Funding L.L.C.
4. Related Applications: Master Plan Approval (2007)
5. Zone: NVOZ (NG and NE areas)
6. Existing Land Use: Vacant
7. Acreage: 114.46 (107.91 Developable)
8. Proposed Density: 348 Residential ERUs
9. Proposed Lots: 286 SF Detached, 62 Town Homes.

Austin Corry then went through the DRC comments:

Health Department, Tracy Richardson comments: JSSD sewer and water

Engineering, Ryan Taylor comments: Approved for preliminary per Andy's letter

Recorder, Peggy Sulser comments: Waiting for final paper copy. Will make comments at that time.

Fire, WCFD comments: Approval for phase one only. Prior to any construction on any further phases secondary access must be approved by Fire District. 2015 Fire Code

JSSD/Twin Creeks/North Village, Ron Phillips comments: Recommend approval with the following conditions:

Developer to resolve design issues identified in the Will Serve Letter and Development Agreement.

Developer to present 2 hard copies of detailed design drawings, a PDF of design drawings, and a

DWG file of the utility plat to the District for detailed design review.

The development must receive the District stamp of approval on the design drawings prior to beginning construction.

GIS/Addressing, Ivan Spencer comments: No addressing needs to be created at this time. Assigning road names before final will help the process run smoother. Work with me to get road names approved.

Housing Authority, Wasatch County Housing Authority, Jeff Bradshaw comments: We are currently working with Mr. Garza regarding affordable housing and we are close to having a satisfactory agreement with Wasatch Commons.

Assessor comments: All green belt rollbacks must be paid prior to plat recorded and begin of development. No private use structures to be built on common areas.

Austin Corry then went through Andy Dahmen's letter which is made a part of the record. Also a letter and agreement from the Wasatch County Affordable Housing which also is made a part of the record. Also two letters from IGES which is made a part of the record.

Austin Corry then went through the proposed findings:

1. The proposal is consistent with the approved master plan and therefore, is vested under the North Village Code in place at the time of Master Plan, allowing density bonus considerations.
2. The density being proposed is consistent with what was approved in the original master plan and with conditions can meet the guidelines for approval found in the NVOZ project manual.
3. The project requires a density bonus in order to achieve the proposed development. The County Council may approve or deny the density bonus as part of this preliminary approval based on commitments and demonstrations of the applicant to meet the density bonus criteria.
4. The application meets the minimum open space requirements, which, grants an automatic density bonus of 0.15 ERU/acre in the NG zone and 0.1 ERU/acre in the NE zone per Wasatch County Code 16.16.08(B)(2)(e).
5. The applicant has proposed landscaping the park strips, providing public trails, including and fully designing the Highway 40 green way and platting a mix of housing types and lot sizes to request the additional 0.434 ERU/per acre density needed in the NG for approval as shown.
6. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the intent of the density bonus and other aspects of the Wasatch County Code.
7. The Wasatch County Council will need to approve a plan for the applicant to meet the moderate income housing requirement in the County Code.
8. Preliminary approval does not grant a variance from County Code standards that have not been determined at the level of detail provided at preliminary.
9. The proposed development complies with the product types required by code and approved during the Master Plan approval.
10. With the Development Agreement as drafted the application can comply with the requirements to satisfy Code and memorialize obligations required for bonus density. Changes to the Development Agreement as drafted will require the project to return to the Wasatch County Council.

Austin Corry then went through the proposed conditions:

1. A development agreement will need to be signed noting the two minor collectors will be dedicated and maintained as County roads. All local roads will be dedicated to the County, but snow maintenance will be performed by the HOA and an escrow account established to fund repairs needed to the roads due to snow maintenance activities. The Development Agreement defines how these conditions are to be met.
2. Council will need to finalize a determination, including timing of fee-in-lieu payment and this is the affordable housing they know.
3. If the permanent secondary access as planned becomes infeasible or is not approved, the applicant will need to complete necessary approvals and construct improvements to College Way prior to the expiration date of the UVU agreement.
4. The existing temporary access will need to be removed or a bond posted for removal with a date certain.
5. Final phase two approvals will not be granted without final plans for a permanent second access meeting County standards.
6. Final approvals will not be given without complete landscape and amenity plans for the open space areas which demonstrate compliance with Master Plan and Code requirements. Information provided in these plans may result in a reduced density if the plans do not exceed code minimums as required by code or bonus density.
7. On lots where dwellings are required to have front facade treatments on the front and rear or side of the dwelling, there should be a plat note notifying property owners of the requirements. There should also be a note restricting fences to 36; on these dwellings in the location where they abut the active open space.
8. The final plat and development agreement shall include a note that four-sided architecture is required.
9. Applicant will need to obtain necessary approvals for the construction of trails along the canals and approval for easement encroachments prior to final approval.
10. The development agreement and a plat note should require each building permit to have the property staked by a professional land surveyor and a letter of acknowledgment from the surveyor that the foundations are located per the building permit's approved plan set.
11. Must comply with comments and conditions of approval from Andy Dahmen's letter.
12. Compliance with the IGES letter regarding the debris flow.
13. All town homes and/or lots less than 4,000 square feet or 50 feet in width require a rear alley and that is a North Village requirement. It is completed from a conceptual level but sometimes at final people start tweaking things and moving stuff around. That is a particular code requirement that we have seen issues with in other projects.
14. The applicant will need to obtain formal agreements for any grading, temporary fire turn-around, relocation of access easements. That is kind of a catch all phrase as to any time you are affecting somebody else's rights you have to give us the formal agreements for those at final.
15. All retaining walls shall be designed to comply with County Code. That is also completed from a conceptual plan.
16. Approved density numbers are conditional on an updated and detailed view shed analysis to be completed with the final plans that complies with Wasatch county code 16.27.22. Any conflicts may necessitate a reduction in density.
17. Project must meet the conditions of the Water Board and return for an updated action report

with the current density numbers and landscape quantities prior to final subdivision approval. Wanting acknowledgment from the Water Board that they are aware of it and are still complying.

18. Final landscape plans will need to meet code requirements, including cultivars required for street trees by land use category.

19. Density determination by the Council is the maximum permissible based on the commitments made at Master Plan and Preliminary Plan approvals. If final plans fail to adequately demonstrate continued compliance with anticipated commitments, density may be reduced or a revised preliminary will need to return to the Council for reconsideration.

20. At final, all trails will need to be fully designed to demonstrate compliance with trail slope standards.

21. Architectural plans submitted with the final application will need to include a full materials commitment meeting 16.16.11(D) and (E) to be included in the development agreement. That is in the development agreement now and we did get the applicant to finally make a commitment there and that is why we can justify part of that density bonus to you.

22. Applicant must obtain approval to amend the development agreement for the Wasatch Commons Apartments to permit the temporary detention basin to become permanent. If an amendment to the Wasatch Commons apartment's development agreement is approved by the County Council, the amended development agreement must outline the maintenance obligations required with a specific entity responsible for ensuring the maintenance. That presently is in draft form and probably just needs to be recorded on the Council's approval. The way that it is drafted in the development agreement is that we will allow it to change from a temporary to a permanent structure conditional on them improving the landscaping and the trail as has been shown.

23. The approval is not effective until the development agreement as drafted is recorded which is the condition that falls in line with the memo that the Council received from the Wasatch County Attorney's Office.

Robert McConnell, on behalf of the applicant, addressed the Wasatch County Council and indicated that he has made some revisions to the draft development agreement which are: Page 4, changed MBA to agreement; Page 5, corrected the name of the association; Page 6, just a procedural issue which for substantive issues lets follow the vested laws and for non-substantive issues let's just follow the process outlined in your development code. Now with regard to set backs and so forth some of those requirements are inconsistent and result in a contradiction when you try to apply them particularly to lots that have 50 foot frontages and then I presented the standards that ought to apply. The reason for that clarification is for a couple of different reasons which there are no minimum setback but just a maximum set back and the code is difficult to meet with those standards. The best way to fix this problem is to do an amendment to the code so the only way to deal with it is through the development agreement and in any event the Council does have the authority to clarify and interpret the County's code and so I am imposing this as an interpretation. In my view this is the easiest way to try and reach a resolution. Robert McConnell further stated that he added a provision that said in the event we are annexed into a jurisdiction and the property becomes part of that municipality then references to Wasatch County then become references to the applicable jurisdiction. Scott Sweat, the Wasatch County Attorney, indicated that his office has not had a chance to go through these changes and suggestions. Scott Sweat also indicated that before this agreement would be given to the Wasatch County Council it would be

finished and now there are more changes being requested. My office addressed those changes and then here comes some more changes to be addressed. There is an agreement that all of the parties agreed to and now if the Council approves the preliminary approval it is based on that development agreement and the one condition that we agreed upon is dead and the development agreement is the one to go forward with.

Terry Diehl, representative for Cardinal Funding L.L.C., addressed the Wasatch County Council and indicated that with regard to Condition No. 14 we already have a recorded document that we have the ability to extinguish the temporary easement and the ability to extinguish ourselves and provide another access. We have provided that document to the County and it is a recorded document and an agreement doesn't need to be asked for because it is a recorded document. Also if the Wasatch County Council wants to continue this for a couple of weeks while Robert McConnell and Scott Sweat work these things out because the Wasatch County Attorney's Office hasn't seen the proposed changes.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that we have to make sure that we are being consistent with all developments. So if they are looking for an approval tonight I hate to go against with what our counsel has said and that we stick with the agreement that we had when it was advertised. Also on September 4, 2019 meeting if you chose to continue the matter we could have it on the 3:00 p.m. agenda and all we will do then is discuss the development agreement.

Robert Johansen, interested party, addressed the Wasatch County Council and indicated that this is a time sensitive matter. The matter has three issues which are: clean up issues, the utility easement and side yard setbacks which we can agree with the Council on and so my proposal would be to amend it in the development agreement right now so that I can move forward with my project and get a date set with the Wasatch County Planning Commission for final approval and then be able to get my construction going with regard to the earth work construction and then put the asphalt in next spring so that I can start to sell lots.

Chair Danny Goode then opened the public hearing for public comment. There was none so the public comment period was closed.

Councilman Kendall Crittenden made a motion that we continue this agenda matter for discussion and potential action on the amendments and possible approval of the Development Agreement on September 4, 2019 on the 3:00 p.m. agenda. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

AYE: Kendall Crittenden

NAY: None.

**PUBLIC HEARING
AUGUST 21, 2019**

CONSIDERATION OF ORDINANCE 19-06, A CODE AMENDMENT TO WASATCH COUNTY CODE CHAPTERS 16.15, JORDANELLE BASIN OVERLAY ZONE JB0Z AND 16.22, NONCONFORMING USES AND STRUCTURES, REGARDING PERMITTED AND CONDITIONAL USES LISTED WITHIN EACH RESPECTIVE CHAPTER.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the Planning Staff has been reviewing the code for areas that are not functioning as intended or could produce poor results due to gaps in the wording or overly broad language. The proposed amendments would clarify what would be appropriate uses both in the Jordanelle Basin Overlay Zone JB0Z Code and for non-conforming lots of record throughout the County. The JB0Z to this point allowed conditional uses for all uses throughout the overlay zone. Conditional Uses are, by state code, uses that are allowed if they can be sufficiently mitigated.

Staff is also proposing to amend Section 16.22.09 nonconforming lots of record land use regulations. The proposed change would add a section that outlines what uses are appropriate for nonconforming lots of record. The Jordanelle Basin as a whole, and non-conforming lots of record generally, are not addressed in the adopted Wasatch County General Plan and so neither change would impact or go against the General Plan. The Jordanelle Basin does have a separately adopted land use plan and the proposed changes do not conflict with the provisions laid out in that plan.

Doug Smith went through the key issues to consider.

1. The proposal amends the purpose statement of the Jordanelle Basin Overlay Zone.
2. The proposal updates the uses allowed in the Jordanelle Basin Overlay Zone.
3. The proposal completely replaces the existing language in 16.15.03 regarding permitted and conditional uses and creates a use table for the entire overlay zone.
4. The proposal places limits on the allowable uses on non-conforming lots of record.

Doug Smith then indicated that the purpose and intent is that the Wasatch County Code 16.02.5 requires that amendments to Title 16 shall not be made except to promote more fully the objectives and purposes of the General Plan and this title. As stated, proposed amendments should be consistent with the purpose and objectives of the chapter or section being amended.

Doug Smith then went through the possible findings:

1. The proposed amendment is consistent with the General Plan and in the best interest of Wasatch County.

2. Amending the purpose statement of 16.15 is necessary to allow for the proposed changes in 16.15.03.
3. The proposed amendment would be consistent with the purpose and objectives outlined in Section 15.15.01 and 16.22.01.
4. Positive impacts of the proposed changes would be that they limit the amount of uses to those that are appropriate for the land use areas and status of the properties. In the case of the JB0Z it also creates an easy to understand framework for what uses are allowed in each density area of the zone.
5. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Chair Danny Goode then opened the public hearing for public comment. There was none so the public comment period was closed.

Councilman Steve Farrell made a motion that we approve Ordinance 19-06 a code amendment to Wasatch County Chapter 16.15, Jordanelle Basin Overlay Zone JBOZ, and 16.22, Nonconforming uses and structures, regarding permitted and conditional uses listed within each respective chapter with all the findings and conditions outlined by the Wasatch County Planning Commission. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

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

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

NAY: None.

Meeting adjourned at 8:00 p.m.



**DANNY GOODE
WASATCH COUNTY CHAIRMAN**



**CALVIN L. GRIFFITHS
CLERK / AUDITOR**