

MINUTES OF THE  
WASATCH COUNTY COUNCIL  
SEPTEMBER 25, 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: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Chair Danny Goode

Chair Danny Goode called the meeting to order at 3:00 p.m. and welcomed those present and indicated that Councilman Jeff Wade will be a few minutes late and then 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. Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Wasatch County Library issues for the meeting in October.

**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 and there was none.

**APPROVAL OF THE SEPTEMBER 4, 2019 MINUTES**

Chair Steve Farrell indicated that he has a couple of corrections on the September 4, 2019 minutes which were on page 4 where the word should read Leray MaCallister Fund and the time of that meeting at the senior citizens was 7:30 p.m. Councilman Steve Farrell then made a motion to accept the September 4, 2019 minutes with those noted corrections. 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.**

**APPROVAL OF AMENDED MINUTES FOR AUGUST 21, 2019**

Councilman Steve Farrell made a motion we approve the amended minutes for August 21, 2019. Councilwoman Marilyn Crittenden 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

### PRESENTATION ON CENSUS PARTNERSHIP PROGRAM

Meredith Red, Partnership Specialist with Dalles Regional Census Center, addressed the Wasatch County Council and indicated that the census provides vital information for you and your community and here is why it is important to be a 2020 Census Partner.

1. It determines how many representatives each state gets in Congress and is used to redraw district boundaries. Redistricting counts are sent to the states by March 31, 2021.
2. Communities rely on census statistics to plan for a variety of resident needs including new roads, schools, and emergency services.
3. Businesses use census data to determine where to open places to shop.
4. Each year, the federal government distributes more than \$675 billion to states and communities based on Census Bureau data.

In summary, the goal of the Census Bureau's partnership program is to combine the strengths of local governments, community based organizations, faith-based organizations, schools, media, businesses and others to ensure a complete and accurate 2010 census. Also through this partnership we can ensure the 2020 census message is delivered to every corner of the nation. When you get your census questionnaire please fill it in accurately and return it. If you don't complete the census questionnaire and send it in you will receive another one. So please get your census questionnaire filled out and returned so that accurate information can be obtained. If the questionnaire is not filled out and returned by April that is when an individual will be sent out to collect the information.

Councilman Kendall Crittenden indicated that the census count is a very important item so we need to get on board and complete the necessary questionnaires.

### DISCUSSION /POSSIBLE APPROVAL BETWEEN MIDWAY CITY AND WASATCH COUNTY ON THE MEMORIAL HILL PROJECT.

Councilman Steve Farrell indicated that this is the MOU dealing with Wasatch County and Midway City regarding Memorial Hill. Corbin Gordon the attorney for Midway City indicated that they have the final version ready to go. Scott Sweat, the Wasatch County Attorney, indicated that he has had a chance to go over the document. Corbin Gordon, the Midway City Attorney, addressed the Wasatch County Council and indicated that he didn't put Wasatch County as a named party in the first paragraph and also added a signature block at the end so those things have been corrected. There will be two exhibits attached as part of Exhibit A which is a clearer demarcation of better boundary lines and which was asked for by the Wasatch County surveyor.

Councilman Steve Farrell indicated that the primary entrance to the Memorial Hill will be just north of the existing entrance. Corbin Gordon indicated that is correct and will leave the existing monument there and grass will be planted there. Brandon Cluff, the Wasatch County Public Works

Director, addressed the Wasatch County Council and indicated that River Road is Midways road and the Memorial Hill road is Wasatch County's. Councilman Steve Farrell indicated that the bathroom is going to be the responsibility of Midway City and the parking lot will be the responsibility of Wasatch County. Corbin Gordon indicated that with regard to the time line for the completion of this project there is a bond that is in place that can be called if the project is not done in the appropriate time as outlined. Every indication right now is that this project will be done in eighteen months. The contractor will work with keeping the access to Memorial Hill open and not blocked and available to traffic while this project is being done.

The record should indicate that Councilman Jeff Wade just joined the Wasatch County Council and the time is 3:15 p.m.

**Councilman Steve Farrell made a motion that we go ahead and approve the Memorandum of Understanding between Midway City and Wasatch County on the Memorial Hill Project and the other parties included in the Memorandum of Understanding. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:**

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

**NAY: Councilman Kendall Crittenden.**

Councilman Crittenden indicated that the reason he voted NAY was that he is not opposed per se to the round-a-bout but that we are allowing a development to put two additional round-a-bouts to what has been a major transportation corridor to the community.

#### **DISCUSSION/RATIFICATION TIMBER LAKES BOARD**

Councilman Steve Farrell indicated that last week there was an appointment made to the Timber Lakes Water Board who was Frances Hulme and what is needed this afternoon is just a ratification of the action taken last week to appoint Frances Hulme as a member of the Timber Lakes Water Board as a full time resident.

**Councilman Steve Farrell made a motion to ratify the action taken by the Wasatch County Council to appoint Frances Hulme as a member of the Timber Lakes Water Board. Councilman Jeff Wade 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  
AYE: Jeff Wade**

**NAY: None.**

**A REPRESENTATIVE FROM LARSON AND COMPANY CPA FIRM  
WILL PRESENT THE RESULTS OF THE 2018 FINANCIAL AUDIT.**

John Haderlie from Larson and Company, addressed the Wasatch County Council and indicated that our responsibility is to express an opinion on the financial statements. Wasatch County was delayed in submitting to the State Auditor until August and the reason was that there was a couple of component units and the information wasn't received by us until after the second week of July. This matter is being taken care of for next year so that the financial statements can be received by June 30<sup>th</sup>. The two component units were the Mineral Lease and SSA No. 1. The findings of the Audit were that the Mental Health and the Correctional Facilities funds in the General Fund were over budget. Also there were a deficit fund balance in the Wasatch County Solid Waste which were all of their fund balances or retainer tied up in equipment. The other one is Parks and Rec, which had a property tax journal entry that was made in the year 2017 that didn't get reversed on the Wasatch County Records which was not totally the fault of Wasatch County. That problem will be taken care of this year. Also John Haderlie indicated that Wasatch County has a great financial staff and appreciate working with them.

**DISCUSSION AND CONSIDERATION OF WHETHER STICHTING MAYFLOWER MOUNTAIN FONDS' REQUEST FOR A REVISED MASTER PLAN FROM THE MAYFLOWER MARINA WEST MASTER PLAN APPROVED ON JANUARY 18, 2017 IS A SUBSTANTIAL CHANGE, AND AS A RESULT, IF THEY WOULD BE REQUIRED TO APPLY FOR A NEW MASTER PLAN INSTEAD OF A REVISED MASTER PLAN, AND THEREFORE MUST PROCEED UNDER THE CURRENT CODE SCHEME INSTEAD OF UNDER THE CODE IN PLACE WHEN THE ORIGINAL MASTER PLAN APPLICATION WAS RECEIVED IN 2015. THE APPROVED MASTER PLAN IS ON 73,995 ACRES AND IS LOCATED ON THE EAST SIDE OF HIGHWAY 40 ON THE SOUTH SIDE OF STATE ROUTE 319 IN SECTIONS 25 AND 30 TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA. THE PROPOSED REVISION REQUEST INCLUDES ADDING THE RECLAIMED TAILINGS PROPERTY TO THE MASTER PLAN ALONG WITH ADDITIONAL RESIDENTIAL DENSITY AND AN ADDITIONAL 90,000 SQUARE FEET OF COMMERCIAL SPACE.**

**ALSO, DISCUSSION AND CONSIDERATION OF STICHTING MAYFLOWER MOUNTAIN FONDS' REQUESTED EXTENSION ON THE JANUARY 26, 2017**

**MODERATE INCOME HOUSING AGREEMENT, CORRECTED JANUARY 30, 2018, WHICH SAYS, "DEVELOPER MAY APPROACH THE WASATCH COUNTY COUNCIL FOR EXTENSIONS OF THESE DEADLINES, WHICH THE WASATCH COUNTY COUNCIL MAY ACCEPT OR DENY IN ITS SOLE AND ABSOLUTE DISCRETION."**

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and went through a time line of the affordable housing agreement. Jon also indicated that the developer may approach the Wasatch County Council for extensions of the deadlines for moderate affordable housing which the Wasatch County Council may accept so it is at the sole and absolute discretion of the Wasatch County Council. There are three parties to the affordable housing agreement which are JLI who is Lakeside North and Mayflower who at the time this was executed was the owner of both the Marina projects. Now there are three developers involved, JLI, Lee Burbidge Group Landscape and Mayflower. These obligations would be tied to whoever owns the property. Councilman Steve Farrell indicated that responses by the two other parties need to be obtained indicating that is what the agreement is because if they are held up Wasatch County could be liable. Also the first developer to start should make the request for an extension of the affordable housing matter.

Doug Smith, the Wasatch County Planner addressed the Wasatch County Council and indicated that an application by Mayflower to amend their Master Plan and do some other things. Also a deadline for the affordable housing extension as Jon Woodard just mentioned. There has been various meetings with members of the staff and members of the Wasatch County Council meeting with the applicant.

There is now an application for an amended Master Plan as well as several applications to amend the code. The question then becomes is that amended Master Plan a substantial change from the original code. If the Master Plan is substantially changed then they would not be vested under the old code and the old code allowed for free commercial ERU's but now the ERU's would be under the new code which requires the commercial ERU to count.

Doug Smith then presented a power point presentation. Doug then indicated that this matter will concern Marina West which include the tailing piles. What is requested is 47 residential ERU's and total Master Plan is 392 ERU's and most of that went to the other site, Mr. Burbidge's site. There are 137 affordable housing units on the site which will be for all three developments. When Master Plan was approved we excluded these tailing piles intentionally because we didn't know if State approval could be obtained or ever would be acceptable to be built on and at the present time we still don't know if they are acceptable to be built on.

There was 44,000 square feet of commercial with the original Master Plan. The proposal is to move development onto these tailing piles and amend the neighborhood plan and allow a new designation from the JSPA Code for a mixed use commercial which would come from a code amendment. That would add an additional 90,000 square feet of mixed use commercial over and above the 46,000 square feet of approved commercial. An additional 53 ERU's to be absorbed into

the residential portion of the property in addition of 43 affordable housing units for a total of 180 affordable units. Then designate the south portion of the tailings for approximately one thousand public parking spaces.

Doug Smith then indicated that the decisions that need to be made are: (1) is the Master Plan substantially similar and (2) Can there be an extension to the deadline for the affordable housing agreement.

Councilman Steve Farrell indicated that the commercial has increased by 90,000 plus 46,000 and the ERU's by 53 to be absorbed into the residential portion and another 40 ERU's of affordable housing and a thousand parking stalls and 10 more ERU's that came off Lee Burbidge's piece which is included in the 53 ERU's. Doug Smith indicated that is right.

Craig Coburn, representative for Mayflower, addressed the Wasatch County Council and indicated that the affordable housing agreement applies to all three developments. Skyridge formerly Lakeside North has an obligation to build its affordable housing on the affordable housing parcel. Mayflower had an obligation to provide the affordable housing for the Landscape Development. At the end the affordable housing falls to Mayflower and Skyridge which are approved for 137 AUE's. There are some corrections to what Doug Smith has said. The Marina West of the Marina Master Plan approval was for 50,000 square feet of commercial and not forty-four. There is forty four shown in the main segment of commercial but there was also a convenience store at the north end of Marina West. The overall Marina Master Plan was for 392 ERU's excluding the tailings. Marina East used 335 of those leaving 57 not 47 so that under the approved Master Plan we agree with that. There was 90,000 square feet of commercial on the tailings. On the tailings there has been imposed an Environmental Covenant that says that any development that occurs on the tailings has to be done with State approval and if the State doesn't approve it the development doesn't happen. Also Wasatch County has to give their approval. If both entities don't sign off on the tailings development there doesn't happen.

With regard to density, we are just asking to bring that number back subject to all the approvals. Density may need to be transferred from the Marina property. Wasatch County passed an ordinance in anticipation of the RSPA was passed freezing that density and explicitly stating that he shall not be reduced but simply be converted to RSPA density. A consultant stripped vested density off from the tailings which was a total of 218 ERU's. Further stripped density away from Marina but converting the density from pre-RSPA to RSPA density the consultant used a wrong factor in multi-family housing given the unit sizes and should have used .75 but used .5 resulting in a shortfall of 53 ERU's and those are the ERU's that Mayflower is requesting back not 218 but 53. All that is being done in this revised Master Plan is asking for that 90,000 square feet of commercial back on the tailings subject to the approvals that was mentioned. Also not asking Wasatch County to add 53 ERU's but to reinstate them because they should have never been taken in the first place. Also asking for 43 affordable AUE's because there is room for them. Craig Coburn also indicated that is what are revised Master Plan is and strongly disagree with the notion that it is a new Master Plan application. Just asking for Wasatch County to reinstate that commercial on the tailings because it was taken off at Wasatch County's request which was the

right thing to do until those tailings were reclaimed but that has been done. Now that needs to be given back subject to getting State and County approval under the State Environmental Requirements and Wasatch County Code requirements.

Craig Coburn also indicated that original Master Plan Application had seven acres of parking ground set aside which is roughly 500 parking spaces and now have set aside close to fifteen acres which is one thousand parking spaces because Wasatch County wants parking and the ground is there. MIDA certainly wants that parking space which probably will qualify for the tax increment. The bottom line is that decisions need to be made by this Wasatch County Council because this has been kicked down the road for about the past six months. We need a deadline for the affordable housing while these issues are being worked on in correcting the application.

Councilwoman Marilyn Crittenden indicated that this area has had a lot of change. Why other than the benefit that you will receive as a developer how does this benefit the area? Craig Coburn indicated that there will be commercial as Wasatch County wants. Also Wasatch County need affordable housing which this provides. Commercial will serve in a community sense as opposed to a resort sense and people will be able to do their shopping. It provides a win/win for everyone.

Chair Danny Goode indicated that Wasatch County is not counting commercial ERU's against the ERU cap.

Councilman Steve Farrell asked if Wasatch County was to come to a decision on this not being a substantial change and let you go ahead would you still need an extension on the affordable housing. Craig Coburn indicated that they would and the reason for that is a code change has been asked for on phasing because of that preliminary engineering will need to be done not all on Marina West which will be necessary for us starting on the affordable housing plat which will be the first parcel that will be platted so that extension will be needed.

Councilman Steve Farrell indicated that Mayflower doesn't intend to develop any of this they want to get the entitlements and sell it off to individuals. Craig Coburn indicated that the only exception to that, that Mayflower has told me is the 57 ERU's of residential. Also that 90,000 square feet of commercial may never happen if there is no market demand. Craig Coburn indicated that is correct.

Mike Kosakowski, resident of Jordanelle, addressed the Wasatch County Council and asked if the thousand parking lots or spaces are needed or not and his understanding was not at this time. LeeRoy Farrell, representative from Extell indicated that he refused to answer that question. Chair Danny Goode indicated that he attended a meeting concerning regional planning and one of the subjects that was discussed park and ride so additional parking is always better than not enough parking.

Mike Kosakowski also indicated that over the last two weeks there have been two public hearings on the Lee Burbidge property and Lee Burbidge indicated that he was paying a fee-in-lieu and that



wasn't mentioned here tonight. Craig Coburn indicated that the affordable housing arrangement with Landscape is that in the numbers in the deal that was struck with Mayflower is they would pay the \$28,000.00 for one AUE to us and we assumed the obligation to make sure they got their thirty-three point five AUE's. That is how it worked because they didn't pay Wasatch County a fee-in-lieu they essentially paid us a fee-in-lieu. Craig Coburn indicated that there have been conversations with both Lee Burbidge and with Sky Ridge indicated that they would have no objection to the affordable housing arrangement.

Mike Kosakowski indicated that the Federal Landfill that is located there and what are the standards that the state imposed landfill from the waste tailing piles is that built to the same standards or that just a cover? Craig Coburn indicated that the state is enforcing federal requirements there and across on the mountain side. Mike Kosakowski indicated that in his employment he headed the branch that wrote these regulations. What is being done here is called brown fields. A plan needs to be in place regarding how building anything can take place on essentially a government program and I don't see how anything can be built on this particular area without affecting the integrity of the cap. I think that the Wasatch County Council needs more expertise knowledge in advising you as to what decisions will be made regarding these tailing piles.

Councilman Steve Farrell asked Mike Kosakowski if these tailings can safely be built on if that is done right based on your experience? Mike Kosakowski indicated that his experience is that you have to protect the integrity of the cap, which is a clay liner on the top, in whatever is eventually built there. Also that would have to be referred to the State of Utah which is their responsibility but the EPA has stepped in.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that he has heard Councilman Steve Farrell ask a question twice and don't think that question has been answered clearly. The question is that in granting an extension would that affect other developers and the answer to that is yes it could especially where the last final plat won't be recorded until the full affordable housing obligation is met. That is a long ways out but yes it could be affected.

Councilman Steve Farrell indicated that the land area in the tailings was included in the original Master Plan approval. Craig Coburn indicated that the tailings were excluded specifically expressly. They were in the application and Wasatch County insisted that the tailings come out of the Master Plan until that remediation occurred and that has taken place and we are trying to put that back in. The tailings were excluded from the approved Master Plan.

Jon Woodard indicated that he agreed with what has been said and just want to make it clear that when it was approved that area was specifically excluded the tailings. Councilman Steve Farrell also indicated that as he remembered the matter the developer had asked that the tailings be excluded because to get the remediation done would take some time but the developer wanted to move ahead and have that area excluded. Craig Coburn indicated that he doesn't remember it that

way but don't remember it differently either. Craig Coburn also indicated that the way he understood it that Wasatch County didn't want anything built there until assurances were made that something could be safely built there. Councilman Steve Farrell asked if there is any record of whether a public hearing was held regarding the tailings when this matter first came up. Doug Smith, the Wasatch County Planner, indicated that there were several public hearings held on the Master Plan but had no discussion of it outside of the Master Plan approval. Also Wasatch County told the developer that you have got to take those off because vested rights will not be given to build on tailing piles unless we know that it can be done safely which is the State of Utah approval to deal with that.

Councilman Kendall Crittenden indicated that he feels that what has been presented today is a substantial change to the master plan but still having a hard time deciding whether that is the case or not and whether it is similar enough to go ahead with the matter. Also with regard to the extension of the Affordable Housing deadline, I feel that an extension cannot be given with regard to the Affordable Housing matter. Craig Coburn indicated that if letters were received from Sky Ridge and Landscape indicating that they would support the extension would that take care of your concerns? Chair Danny Goode indicated it would for him.

Mike Davis, the Wasatch County Manager, indicated that his concern is if for any reason the State doesn't approve the development any of that commercial on the tailings then all of the commercial is gone. Craig Coburn indicated that the environmental covenants say that you cannot develop on the tailings at all if it compromises a remedy work plan period. That covenant work plan runs with the land. If the state doesn't buy into the remedy work plan then the development doesn't occur.

Councilman Steve Farrell indicated that what is happening here is 50,000 square feet of commercial space which was approved in the original Master Plan. Bob Theobald, representative for Mayflower, indicated that what is here is that there is 50,000 square feet of commercial space in a hole that can't be seen or sold. The commercial is approved but not required to be built. The commercial works much better up on tailings three.

Councilwoman Marilyn Crittenden asked what value does this bring and wish there were more Jordanelle people here to be able to hear what they feel about it will affect their living area. There is quite a bit of density being added here by what is happening here and how does that benefit the area. Craig Coburn indicated that the protocol that is in place that nothing will happen here unless it is properly engineered and built and also includes ongoing monitoring which is part of the work plan the reclamation or remedy to ensure that nothing is happening up there if things are built that compromises the remedy. A legal obligation that is posed on the ground.

Bob Theobald indicated that with the submitting of this application there has been provided to the staff a book containing information with regard to construction and environmental consequences with building on the tailings.

Councilman Steve Farrell indicated that one of his big concerns is that a planning process was gone through and held public hearings. The approval of up to 50,000 square feet of commercial

was given and the ERU's that went with the parcel. Now that is being changed and adding a considerable amount of potential commercial space that never went through the public process and never went through a public hearing or through the Planning Commission to gain any input on how the adjacent property owners feel about this proposal. Right now Wasatch County is taking it out of the public process and having it made as a legislative decision by seven people to give you an expanded Master Plan. Right now there is a problem with the code.

Chair Danny Goode indicated that there needs to be a way that both of us can work together to solve this problem and come up with a phased plan which removes everything from the tailings right now which would alleviate a lot of the issues that are present. The decision on the tailings could be made at a later time once the various approvals are obtained. There needs to be a way that this can be re-figured and still have commercial that is not on the tailings. Is there a possibility that the Planning Staff and developers come up with a plan that would work for both sides to have commercial that is not on the tailings. The tailings then could be part of a later phase once the concerns with the tailings have been taken care of with regard to the safety guidelines.

Craig Coburn indicated that the problem with that is you sacrifice the residential, the affordable housing. Bill Coleman, representative for Mayflower, addressed the Wasatch County Council and indicated that the plan is to have this become an accepted application which gives us the opportunity to give the public the information that is needed. Also from a market point of view, Wasatch County wants to see the commercial get built and there needs to be enough residential to make commercial be successful and to do that clustering density is being put there. Also if there is a problem piece of ground that generally becomes commercial.

Councilman Steve Farrell wanted to know how does Wasatch County go through the planning process and have public involvement on a code that doesn't exist any longer and a Planning Commission that never has worked with the code.

Jon Woodard, Assistant Wasatch County Attorney, indicated that it is a real challenge especially that there would be some code amendments that would be necessary even now to have this proposed Master Plan be approved. Now what is being asked is to have us go back and revisit the approval that was given again under the old rules that were in place but needing additional new rules that were in place to make this work which makes it very complicated.

Chair Danny Goode again indicated that he likes the idea of getting the letters from the other developers regarding the affordable housing extension.

Councilman Steve Farrell again indicated that the public needs to be made aware through a public hearing and ask if they want to see that much commercial and traffic be added in that area.

Mike Davis, the Wasatch County Manager, indicated that what is being asked for in this amended application is density that is not in the code so the code would have to be amended to allow that.

Craig Coburn indicated that if we were to stay under the old code commercial counts, uses up

ERU's for commercial instead of the approved residential. Also we probably would be back in front of the Wasatch County Council for a density determination on the tailings because that 392 didn't encompass the tailings. We think that we are entitled to 218 ERU's and we don't want 218 ERU's we want 53 just a simple math error corrected. We are just trying to find some middle ground that works for Wasatch County and works for Mayflower.

Doug Smith, the Wasatch County Planner, indicated that he wants Wasatch County to understand everything and then make an informed decision. From what I can see the Wasatch County Council is struggling with this which tells me what you are thinking regarding this. I think that with the help of some of the Council Members and planning staff members and developers to figure out how what is being asked for could be done and try to accomplish what the Wasatch County Council is trying to do here. Also one of the code amendments would be for a phase preliminary instead of an overall preliminary and none of the planning staff is supportive of that. Another code amendment would be the mixed commercial and a new category would have to be added in the JSPA for mixed commercial.

Craig Coburn indicated that he doesn't agree with what Doug Smith has just said.

Councilman Mark Nelson indicated that the Wasatch County Council has sounded very sympathetic in trying to figure out a way to work this out. Right now this matter is an unworkable situation as it is today and unless a way is figured out to work this matter out in this particular situation this request would need a new Master Plan.

Craig Coburn indicated that to characterize what is being asked for as a new application when it was in there until that very last step when the Master Plan was approved. This is not a new application but simply trying to get back what we showed and have Wasatch County approval of what was shown from the very first up until the very end of the Master Plan.

Councilman Mark Nelson indicated that he doesn't think this is a density question. The problem is that the tailings and the commercial issues raise the risk level to an acceptable level. Councilman Steve Farrell indicated that he would like to see this matter move forward and if the people involved could sit down together and try and work out their differences and not end up with an uncertainty of what is to be done with the tailings. What will happen is the residential will be sold off and will never see any commercial.

Craig Coburn indicated that the best change that Mayflower has and Wasatch County has for that commercial is to get that up on tailings three and if commercial goes further down the hole and move it onto the residential that is just being moved further down the slope and out of the public view and less traffic. The bottom line is that nobody will put commercial down in that hole. Councilman Mark Nelson indicated that the tailings problem needs to be solved.

Craig Coburn indicated to work with staff for two weeks and then come back to the Wasatch County Council for a work session. Also a possible thing to consider would be to isolate the western tailings one and two from three because the commercial will never be built where it is

being proposed but just look pretty on paper.

**Councilman Kendall Crittenden made a motion that we table this item to October 9, 2019 to give the applicant time to work with staff with a possible solution on what they are proposing or requesting. Also to give them, time to get some documentation from the other two parties on the affordable housing extension. So there will be a work meeting on October 9, 2019 to talk about this and depending on those discussions we can then move forward with a possible consideration on the regular Wasatch County Meeting on October 16, 2019. Councilman Jeff Wade 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**

**AYE: Jeff Wade**

**NAY: None.**

### **COUNCIL/BOARD REPORTS**

Chair Danny Goode indicated that there needs to be representatives to UDOT for the EIS consultant choice. The Wasatch County Council appointed Dustin Grabaugh, the Assistant Wasatch County Manager, to be the representative from Wasatch County for the choosing of a consultant.

Chair Danny Goode indicated that on September 18, 2019 a letter was received from the Park City Council that they are considering an annexation of the Bonanza Flats property. Then on September 18, 2019 we received a letter from the Heber City Corporation that they are considering the annexation of the North Village properties which is one hundred and eighteen acres.

Councilman Kendall Crittenden indicated that there was an incident with one of Wasatch County's garbage truck. Discussion with the driver took place and tried to talk numerous times with the person that made the complaint. There has been no further response received from the complainant.

Councilman Kendall Crittenden indicated that with regard to the MIDA zip code change the people in that area need to be contacted regarding this proposal. In looking into the matter further the post office would be the entity to contact the local people concerning this proposal. The Wasatch County Council felt okay with getting the process started and then let the post office determine what further needs to take place.

Councilman Kendall Crittenden indicated that with regard to the discussion regarding the census

the Wasatch County Council needs to put together a complete count committee. Councilman Kendall Crittenden indicated that he will continue to work on the matter and try and get that committee in place. Also this is an important issue which will affect things down the road.

Councilman Kendall Crittenden indicated that the Wasatch County Council directed me with regard to the open space agreement with Red Ledges to get with Doug Smith and meet with Todd Cates and the first date to hold such a meeting was yesterday. The meeting did take place with various individuals. In that meeting Todd Cates referred to a conservation easement dated 2015. As of now Red Ledges has deeded this 417 acres to the Red Ledges HOA. As a result do we want to use Utah Open Lands to hold the easement? There needs to be an update of who maintains the trails. Also Scott Sweat, the Wasatch County Attorney, has made some corrections and would want to see if that has been put into the 2015 conservation easement. Councilman Steve Farrell indicated that it would be in the best interests of Wasatch County to let the homeowners own it and Utah Open Lands manage the conservation easement so the homeowners could manage it. It is so restrictive that the conservation easement would not be beneficial for Wasatch County to have. Doug Smith, the Wasatch County Planner, indicated that all that was needed from the Wasatch County Council was a decision on whether Utah Open Lands was okay and if the HOA was owning fee title to the property and work out any things that Wasatch County wants to have in the easement before it comes back to the Wasatch County Council for approval.

Pam Patrick, local resident, addressed the Wasatch County Council and indicated that Wasatch View Acres would not become an island. Councilman Kendall Crittenden indicated that if Heber City annexes all the Sorensen property that makes Wasatch View Acres and those three other pieces of property an island.

## **MANAGER'S REPORT**

### **WASATCH COUNTY MINE ROAD PROBLEM**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he only has one issue to bring up concerning the Wasatch County Mine Road in Mayflower. The attorney's office has received a reply and unfortunately it is not accurate. Also the Wasatch County Public Works Department has never been contacted and it takes a hearing to temporarily close a Wasatch County Road because of the access to things. Further up there is construction and road closed ahead signs. The reply has been that the people putting the signs up aren't going to cooperate with Wasatch County. Currently the people are in violation both the Wasatch County Code and the State Code as well. The State Code requires hearings on public road closures. The Wasatch County Council indicated that they will look into the matter at their next meeting because of the time constraints on the public hearings taking place this evening.

Chair Danny Goode indicated that the Wasatch County Council will take a recess for ten minutes before the public hearings start.

**Councilman Kendall Crittenden made a motion to go into recess for ten minutes. Councilman Jeff Wade seconded the motion and the motion carries with the following vote;**

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

**NAY: None.**

The record should show that the Wasatch County Council is back in session to consider the two Public Hearings this evening. The record should further indicate that all the Wasatch County Council are present.

**PUBLIC HEARING  
SEPTEMBER 25, 2019**

**CONSIDERATION OF ORDINANCE 19-07 AMENDING SECTION 16.27 DEVELOPMENT STANDARDS REGARDING THE DEVELOPMENT REVIEW PROCESS AS IT RELATES TO LAND USE HEARINGS, ADVERTISING, STAFF REPORTS, AND INCLUDING ANCILLARY CLEANUP ITEMS IN OTHER SECTIONS OF TITLE 16 AS A RESULT OF THE CHANGES TO 16.27.**

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that at this time, we request that the item be continued to the October 16, 2019 Wasatch Council Meeting in order to maintain the State noticing requirements and give the Attorney's Office additional time for a final review. The staff report is attached so that the Wasatch County Council can give any feedback necessary during this final drafting stage prior to the October 16, 2019 Wasatch County Council hearing. This feedback can be given during the meeting, or can be sent via email to the Wasatch county Planning Department. Although it is not anticipated the review will result in any substantial change, any change determined to be substantial will be returned to the Wasatch County Planning Commission prior to the Wasatch County Council action.

**Councilman Kendall Crittenden made a motion to continue this public hearing regarding the consideration of Ordinance 19-07 to the October 16, 2019 meeting on the 6:00 p.m. agenda on that date. Councilman Steve Farrell 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**  
**AYE: Jeff Wade**

**NAY: None.**

The record should indicated that regarding the next public hearing there will be a verbatim transcript prepared on this matter and will be presented at a later time.

The meeting adjourned at 10:00 p.m.

  
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DANNY GOODE / CHAIRMAN

  
\_\_\_\_\_  
CALVIN L. GRIFFITHS  
CLERK / AUDITOR

