

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
FEBRUARY 19, 2020**

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 is any administrative issues for future agendas. Mike Davis, the Wasatch County Manager indicated that there needs to be consideration of the MIDA Agreement put on the agenda for March 4, 2020.

**LEGISLATIVE ISSUES FOR FUTURE AGENDAS**

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

**PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS**

Chair Danny Goode asked if there is any public comment or public issues for future agendas and there was none.

**APPROVAL OF THE MINUTES FOR FEBRUARY 5, 2020**

**Councilman Kendall Crittenden made a motion to approve the minutes for February 5, 2020 as written. 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: Chair Danny Goode**

**AYE: Kendall Crittenden**

**NAY: None.**

**ABSTAIN: Steve Farrell (Absent)**

**COUNCIL**

**DISCUSSION/APPROVAL REMAINING  
BOARD OF EQUALIZATION PRIMARY STATUS**

Cal Griffiths, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that he has four more items to bring to the attention of the Wasatch County Council Board of Equalization. There are two that were secondary and after working with the Assessor's Office felt that they should be granted primary status. There was another one which was some land that was subdivided and needed to be reapplied to Green Belt. After further discussion took place it was felt that this property should be put back on Green Belt.

The fourth one is a gentleman that is on secondary and wants primary and was changed in 2019 because he was doing nightly rentals and has been doing nightly rentals for several years in renting his place out two to three times a month and would like to explain why he would like to have primary status.

Jeremy Phelps, of 1067 Old Mill Drive, Heber City since 2012, addressed the Wasatch County Council and indicated that he lives in this residence the majority of the year. Also, if I occupy the home more than half the year the residence should be granted primary. Jeremy indicated that he needs something in writing stating that is changed from secondary to primary. Also talked with

Heber City about obtaining a business license for that purpose and Heber City doesn't issue one for that. Taxes are paid through the rental agency association Airbnb. Mike Davis, the Wasatch County Manager, indicated that the Airbnb association paid \$14,040.98 in transient taxes to Wasatch County. Councilman Steve Farrell indicated that what is happening is giving you a tax break as a primary resident and you are competing with people in business to rent properties like the Holiday Inn and some of the other motels. Jeremy indicated that he was told by the Tax Commission that if I lived there more than half the year then the residence should qualify for the primary residency exemption as long I don't own any other properties. Councilman Spencer Park indicated that the State Code indicates that it has to live in the residence for 183 consecutive days. Jeremy indicated that he hasn't lived in the residence for 183 consecutive days.

**Councilman Steve Farrell made a motion that we deny the request as a primary residence for this property in question. 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: Mark Nelson  
AYE: Spencer Park  
AYE: Jeff Wade  
AYE: Steve Farrell**

**NAY: None.**

Cal Griffiths then asked the Wasatch County Council Board of Equalization to grant the others three as secondary and Green Belt for 2019 as mentioned above.

**Councilman Steve Farrell made a motion to approve the two primary residential adjustments and the one Green Belt readjustment. Councilman Mark Nelson 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.**

**NATE REEVE, REPRESENTATIVE FOR MACKAY DEVELOPMENTS, IS REQUESTING A VACATE OF THE PLAT ENTITLED "TALISMAN MAJOR ROADWAYS" WHICH CONSISTS OF TALISMAN PARKWAY AND BEAR TRACK LOOP, BEAR TRACK HILL AND BEAR TRACK ROAD. THE ROADS PROPOSED TO BE VACATED ARE PLATTED BUT NOT FULLY CONSTRUCTED. THE PROPOSAL IS LOCATED ON HIGHWAY 32 IN SECTIONS 34, 35, 2, 3, 10 AND 11 OF TOWNSHIP 2 AND 3 SOUTH, RANGE 5 EAST IN THE JBOZ JORDANELLE BASIN OVERLAY ZONE.**

**NATE REEVE, REPRESENTATIVE FOR MACKAY DEVELOPMENTS, IS REQUESTING APPROVAL OF A NEW ROAD PLAT TO REPLACE THE TALISMAN MAJOR ROADWAYS PLAT. THE NEW ROAD PLAT WILL DEDICATE WHAT IS REFERRED TO AS BENLOCH RANCH ROAD AND RE-ALIGN A PORTION THAT CONNECTS TO HIGHWAY 32. THE PLAT DEDICATING THE ROAD IS LOCATED ON THE SOUTH SIDE OF HIGHWAY 32 IN SECTIONS 2, 3, AND 11 OF TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE JOB0Z JORDANELLE BASIN OVERLAY ZONE.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented a short power point and then indicated that there are two property owners which are Cummings and Clyde which are requesting access through the Benloch Ranch Development. Doug Smith also indicated that this request is to vacate the entire Talisman Major Roadways plat recorded in May 2007 and the plat contains two roads proposed to be vacated. Also Wasatch County has determined that, other than the Benloch Ranch Road, the roads within the Benloch Ranch Development will be private. Also the Benloch Ranch Road, formerly Talisman Parkway, will be platted as a public road. Doug Smith also indicated that in 2011 Wasatch County entered into a corridor management agreement with UDOT. This agreement limits the number of accesses and specifies where the accesses are located for private properties along Highway 32. Nate Reeves, representing the Ben Loch Development, indicated that Benloch has two accesses which one is a second access for David Cummings. Doug Smith indicated that the two private property owners has a concern about having access to their properties. From the last meeting they were to get with Mr. MacKay and work out this matter with regard to the accesses. After the discussion took place there was to be a \$75,000.00 lump sum payment for cost sharing of the access roads.

Nate Reeves, Benloch representative, addressed the Wasatch County Council and indicated that they were instructed to work with the adjacent property owners and Mr. Mackay does not want to close the access door for any adjacent property owners. Mr. Mackay also wants to, because of the extensive infrastructures that will take place, wants to create a cost sharing proportion to their developments. Also the \$75,000.00 is something that needs to be worked out because he doesn't quite understand what the \$75,000.00 is for. Nate Reeve further indicated that they are just trying to comply with what UDOT and Wasatch County Engineering is telling us on our UDOT access way. Also the Benlock Ranch project has three UDOT accesses which are trying to be spread out as much as possible from each other. Also once this project builds out this project will generate a large amount of traffic and as a result there cannot be a connection roadway coming right off from SR 32 which will cause a lot of traffic congestion. Also Benloch will work with Mr. Cummings



on an easement alignment. Also with regard to the Clyde property there has not been any plans brought forward but have presented a road access which we felt was the best location for it which also can be shifted but feel like that can be formalized and worked out. The bottom line is that Benloch is trying to work with the adjacent property owners. Also the reason for requesting the vacation of this piece of property and fixing the alignment which doesn't match what is dedicated. By doing that there will be a benefit to the adjacent property owners and Mr. Cummings because the road is getting closer to Mr. Cummings.

Doug Smith indicated that if the Wasatch County Council is willing to move forward with the approval of this Doug would recommend that you use the findings and conditions that were mentioned at the last meeting.

Chair Danny Goode then asked if there was anybody in the public that would like to make a comment regarding this matter.

Sheldon Kinsel, whose wife is one of the owners of the Clyde property, addressed the Wasatch County Council and indicated that it appears that based on the statute called Prescriptive Road Statute which is known as the road by use act and Utah Code Section 72-5-104 that traditional access from State Highway 32 to the Clyde property and across the Clyde property into the Sorensen property apparently connecting around to the gate that is closed at the Christensen property which blocks the Little Pole Canyon Road which is recognized and apparently maintained by Wasatch County. That the road looping around there has for decades been a public road by virtue of prescriptive road status which says essentially that a road across private land which has been used freely by the public with no effort by the landowner to restrict the use by blocking a gate, posting it or whatever for ten years, any ten year period, becomes automatically a public road. Sheldon also indicated that the Clyde's concern basically is if a plat that shows that road, which clearly the map shows that road, if that is a public road it cannot be closed by a private individual and the public cannot be denied access to that road and any of the land that road crosses. Sheldon indicated that this was just learned last night and we haven't had a chance to look into this in any detail. Sheldon also indicated that what is being asked by us is that no action be taken by the Wasatch County Council until this can be determined and no action specifically in vacating or accepting plats that show existing roads or public roads or vacated roads or whatever, that no action be taken until this can be thoroughly researched and resolved. The key issue to determine if this is in fact a public road and if so needs to be vacated in some legal way which would require a hearing.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that Mike Davis can look at the county road maps and history and then decide whether there is a public road there. Litigation concerning this type of issue can become very time consuming and would be very nervous in tying up from proceeding on a development to getting a legal answer to that question unless Wasatch County historically through the 'D' road maps was found that Wasatch County does have an interest in it.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Highway 32 didn't exist until approximately the late eighties so I am not sure what access off

Highway 32 would be guaranteed back to the Homestead Act.

Craig Clyde, owner of the 120 acre Clyde property adjacent to the Benloch property, addressed the Wasatch County Council and indicated that through his employment with the Division of Wildlife Resources, that road was used by the public a lot besides government trappers, state and federal agencies as well as the general public. Use doesn't need to be continuous but just regular uses from one hunt to the next. I just want to have the public road continue to my property so that I have continual use of that. Mike Davis asked what is the width of easement that you maintain that you own? Craig Clyde indicated just enough to take a vehicle through there and has never been a double lane only a single tract going in there. Those dirt roads were there and being used by the public. Then when Highway 32 was put in that just made easier access for everybody to come in from that direction and continued use on the same road. Also I really like open space so Craig indicated that he has no plans for developing the ground but in the future things have to change and grow.

Chair Danny Goode indicated that the Council might want to consider giving the Wasatch County Manager an opportunity to review whether the County believes that this is a road and then make a determination for one if we think it is a road and do we want to consider vacating the road or not. Mike Davis, the Wasatch County Manager, indicated that he is willing to look into the question is that a county or public road and what is the width of that road if it is in fact a road. Also will get the attorney's office, also the surveyor's office involved and see what public information is available as to a public road and also look at the code. Councilman Farrell indicated we also need to establish whether there is a prescriptive easement earned by the use on that property.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that would be fine to do that. Also if vacating the existing accesses that is contingent on dedicating another road that fulfills largely same purpose as what is already there would really affect at least one of the properties. That is really a reasonable request for us to take a look at that issue.

Councilman Mark Nelson indicated that there are a lot of questions here that need to be looked at.

Councilman Spencer Park indicated that the parties need to get together before the Council has another meeting regarding this. Jon Woodard, the Assistant Wasatch County Attorney, indicated that we possibly could make it that this matter comes back either when the property owners have come to an agreement or when the Council makes a determination so that it can be a hard process to figure out if the County has an interest in the road and things shouldn't be held up indefinitely if the property owners could come up with an agreement.

**Councilman Kendall Crittenden made a motion that we table Items two and three to be brought back when either the property owners and both sides get together and reach an agreement on getting everybody the access that they need or desire or that the County determines whether it is a County road and what that easement is and so forth. Councilman Steve Farrell seconded the motion.**

**Councilman Kendall Crittenden made a motion that we table Items two and three to be brought back when either the property owners and both sides get together and reach an agreement on getting everybody the access that they need or desire or that the County determines whether it is a County road and what that easement is and so forth. Councilman Steve Farrell seconded the motion.**

**AYE: Chair Danny Goode**

**AYE: Marilyn Crittenden**

**AYE: Kendall Crittenden**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**NAY: None.**

Councilman Mark Nelson indicated that he is not sure that it is in the best interests of the owners of the land to solve this as quickly as possible to keep moving forward. Also if this issue wasn't before us right now that we would perhaps be likely to approve this Item 2 and 3. Also can think of a motion that would put more pressure on the property owners to solve the problem. Also if I made a motion it would be to approve the request to vacate the plat and approval of the new plat based on a successful investigation by us to that is not a public road. Councilman Kendall Crittenden indicated that his motion stands and Councilman Steve Farrell indicated that his second still stands.

#### **DISCUSSION AND POTENTIAL ACTION ON A COUNTY EMPLOYER ASSISTED HOUSING PROGRAM.**

Dustin Grabau, the Assistant General Manager, addressed the Wasatch County Council and indicated that one major change was made to this shared appreciation mortgage program participation requirements and benefits. Dustin indicated that the original proposal was to open this program exclusively to Sheriff's office employees with an intent to rolling it out in the future on other entities. The County's committee's recommendation was to open it initially to all County wide entities which includes the county, Fire District, Parks and Recreation District, Jordanelle Special Service District, Wasatch County Solid Waste District, Wasatch County Library and Wasatch County Health Department. Also this assisted program would be a model for the other entities to follow or adopt this and they would accept the model and provide the funding associated with it. Possibly the number of people and number of dollars would be limited and dedicated. Also right now the program includes a 3.5% down payment on a home and encourage the individual to have some actual financial investment at the very beginning of the program. Also we removed the dollar amount limits so that this policy would be able to change as prices changed over time so that this program would now include between eighteen and five percent.

Councilman Mark Nelson indicated that this plan should be structured in a way that says in a certain year there are four deputy sheriff positions that need to be filled this year. Then next year it could be some other type of employees but just build it in a way that allows Wasatch County to be flexible.

Councilman Jeff Wade indicated that at certain times certain employees are given priority should not happen because during that time maybe some other necessary county employees are needed.

Councilman Spencer Park indicated that the fee-in-lieu should be modified and this will be a good program if there are a bunch of applicants. Also the committee needs to meet again so the matter should be tabled until the March 4, 2020 meeting.

Draper Carlile, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that he feels like this is a great idea. It is always a good idea to help those who can't afford their own housing and take a step to helping those. Draper Carlile had a concern with the down payment part of the plan.

Chair Danny Goode indicated that in Wasatch County there is a sense of family in this community that I have never experienced anywhere I have lived and have lived in four or five different places. Also by having all of your employees living in the County only fosters that sense of community. Anything that can be done to keep our employees in the County is good for the County and so I would be for opening it up for different employees in Wasatch County but would be good to have some sort of priority system in place.

Councilman Kendall Crittenden indicated that a good solid program plan should be sent to the Wasatch County Affordable Board.

Councilman Mark Nelson indicated that a certain date needs to be set and get something in place even if we have to go back and change it but let's get something approved so we can move forward as soon as we can.

**Councilman Spencer Park made a motion to table this matter to a date certain in the March 4, 2020 agenda. Councilman Jeff Wade seconded the motion.**

**Councilman Mark Nelson indicated that he would like to make an amendment to the motion that we table this matter to March 4, 2020 and then go meet between now and then and have a refreshed proposal that we can see.**

**Councilman Spencer Park indicated that he is still okay with his motion and Councilman Jeff Wade indicated that he is still okay with the second. The motion made by Councilman Spencer Park 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.**

**DISCUSSION AND POSSIBLE MOTION ON STITCHING MAYFLOWER MOUNTAIN FONDS, LANDSCOPE AND SKYRIDGE DEVELOPMENTS REQUEST FOR AN AMENDMENT TO THEIR AFFORDABLE HOUSING AGREEMENT TO ALLOW AN EXTENSION OF THE DEADLINES FOR THE DEVELOPMENT OF THE AFFORDABLE HOUSING ON THE MARINA AND SKYRIDGE PROPERTIES.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this is an extension to the Affordable Housing Agreement. Also we have listed for the Council's help findings for denial of the extension and findings for approval of the extension.

Doug Smith then went through the findings for denial of the extension:

1. That the Affordable Housing Agreement was signed in September 2018 by the developers including Stitching Mayflower and agreed to have preliminary site plan and plat approval submitted to the County the affordable piece by February 2, 2020.
2. The Affordable Housing Agreement was recorded against the properties. The Affordable Housing Agreement was referenced in the Development Agreement for Sky Ridge and Landscape.
3. The Master Plan for the Marina East and Marina West properties was approved with a maximum target density of 392 ERU's for both pieces with the understanding that the commercial ERU's would not be counted against the density.
4. The County has gone forth in good faith to grant final plat approvals to both Sky Ridge and Landscape with the understanding that the Affordable Housing piece would be developed as per the agreement.
5. Denial of the extension may not preclude Mayflower from moving forward with the proposed amendments but would limit their ability to change the affordable housing piece location and layout and other elements of the Master Plan.
6. The County required the affordable housing to be built on site in this project to provide for the needs for affordable housing that would arise as a result of the collective developments. Remember there are three projects that are putting their affordable housing on this site.
7. The County is concerned that in the past affordable housing has not been built as required in the initial approvals and situations where the County has allowed the construction to be delayed.
8. The intent of Mayflower to receive approval for the new Master Plan changes to the affordable housing parcel layout and location and additional density for the master plan and development on the tailings sites may have contributed to the default of the affordable housing agreement because

filing for preliminary on the affordable housing piece under the approved Master Plan approval is inconsistent with the filing for a new Master Plan application that includes a different layout of the affordable housing piece.

Doug Smith then went through the findings for approval of the extension.

1. The Mayflower Lakeside Project, Marina West and Sky Ridge developments are subject to a moderate income housing agreement.
2. Mayflower and Sky Ridge are in default in that deadlines for proponents have passed.
3. Landscape has also agreed to satisfy the AEU obligation according to the terms of the moderate income housing agreement for Marina East in its Development Agreement.
4. The intent of Mayflower to receive approval for a new Master Plan changes the affordable housing parcel layout and location.
5. Additional density for the Master Plan development on the tailings sites may have contributed to the default of the affordable housing agreement because filing for preliminary on the affordable housing piece under the approved Master Plan is inconsistent with the filing of the new Master Plan application.
6. Mayflower, Landscape and Sky Ridge have requested an extension to the deadlines in the moderate income housing agreement.
7. The County remains committed to having the moderate income housing built on the affordable housing piece before the Mayflower Lakeside, Marina West or Sky Ridge developments are completed.
8. The deadline to submit a preliminary application to the County for approval of the affordable housing piece was on February 2, 2020.
9. A preliminary application has not been filed.
10. Final plats have been recorded for Sky Ridge and the Marina East projects which figure deadlines to receive final plat approval for the building infrastructure and to build affordable housing units under the moderate income housing agreement.
12. Consideration of this affordable housing extension is not based on the fact that Mayflower has applied for a new Master Plan which includes part or all of the Marina West project area.
13. Granting this extension is not to help facilitate or encourage Mayflower's new Master Plan application or the associated code amendments under review.
14. The County encourages the developers to move forward with performing obligations under the moderate income housing agreement without delay without waiting for approval or denial of the Mayflower's new Master Plan and the associated amendment applications.

Doug Smith also indicated that these findings for both approval and denial of the extension are only suggestions and is up for the County Council to approve.

Doug Smith then indicated that if the extension is approved the following conditions would be recommended.

1. That all the property owners including the amended amendment agreement as drafted must sign the amendment to the moderate income housing agreement within four weeks of this approval.
2. The amendments to the moderate income housing agreement must be recorded within four weeks of this approval.



3. Granting this extension is based on findings that are independent from the new applications that have been submitted and shall not be considered as an encouragement or approval of those applications.

Chair Danny Goode then asked if the applicant would like to make a comment.

Craig Coburn, on behalf of Stitching Mayflower, addressed the Wasatch County Council and indicated that the Assistant Wasatch County Attorney Jon Woodard has suggested some clean ups on the amendment and have agreed to those. As a result everything is ready to go forward. Also feel that the timing more accurately reflects the way the affordable housing should proceed which is following the development and not getting out in front of the other developments. Also here to get an extension on the AHOP deadline and subsequent deadlines. Jon Woodard, the Assistant Wasatch County Attorney, indicated that there is currently a deadline in place for the preliminary but it moves it out. Craig Coburn indicated that the clock is running even with the extensions.

Doug Smith indicated that Sky Ridge was the first one to get a preliminary and final plat recorded so that started those time frames. Also the extensions would allow them all to proceed and continue to move forward.

Chair Danny Goode indicated that on page 3 under agreement under two it lists four years and then five years and on the next page at the top of page 4 it indicates that we are extending the following. Jon Woodard indicated that there was two years before but what now is five years used to be three years. Councilman Kendall Crittenden indicated where it says five/3 you didn't take the three out. Jon Woodard indicated that the three could be taken out because it is intended to be five and basically it is a two year extension on these deadlines. Also granting the extension helps the developers to build all at once and would help facilitate that. This extension helps Sky Ridge move forward on their project and help those record final plats.

**Councilman Steve Farrell made a motion that we go ahead and grant the agreement to extend the affordable housing agreement on the project and include all of the findings and conditions noted by the staff. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Kendall Crittenden**

**AYE: Mark Nelson**

**AYE: Spencer Park**

**AYE: Jeff Wade**

**AYE: Steve Farrell**

**NAY: Marilyn Crittenden**

**NAY: Chair Danny Goode**



**DISCUSSION AND POTENTIAL ACTION ON RESOLUTION ADOPTING FEDERAL CIVIL RIGHTS AND NON-DISCRIMINATION LAWS.**

Councilman Kendall Crittenden indicated that this matter concerns the CBDG Grant application that has made with the County sponsoring the application from the Senior Citizens for a meals-on-wheels truck. The scoring procedure that Mountain Land uses for our projects there are two items on there and this is under Item No. 17. If those things are in place the Senior Citizens would get one additional point for their scoring to qualify for the grant. Also the Wasatch County Policies and Procedures Handbook provided some templets that the County could adopt as a County saying that we support those four items that are listed there. Those four items were given to Mr. John Woodard, the Assistant Wasatch County Attorney, and Scott Sweat the Wasatch County Attorney and as a result of that a proposed templet was submitted for potential resolution saying that the County will follow those things. Jon Woodard presented this Resolution No. 20-01 for Wasatch County to pass. Councilman Kendall Crittenden indicated that if the Council passes this Resolution 20-01 I will submit the Resolution to Mountain Land for the CBDG Application and hopefully it will meet the criteria to get the one point added.

**Councilman Kendall Crittenden made a motion that we approve Resolution No. 20-01 a Resolution adopting Civil Rights Policies for the County of Wasatch. Councilwoman Marilyn Crittenden 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.**

**A REVIEW OF BUILDING INSPECTION FEE CHANGES ORDINANCE**

Dustin Grabau, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that we now have made the suggested code changes which are the building inspection fees. This would be a first reading of this ordinance with the intent that we would bring it back at a future meeting and actually adopt the changes in that future meeting.

**Councilwoman Marilyn Crittenden made a motion that we accept this as the first reading of Ordinance 20-04 and set the second reading for March 4, 2020. Councilman Spencer Park 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.**

### **COUNCIL/BOARD REPORTS**

Councilman Mark Nelson indicated that he is on a tax sale committee and there is a tax sale meeting and won't be able to attend that. Also the opening for the position for the Director of Tourism and Economic Development is open until this Friday and posted internally for Wasatch County employees. The opening for the position for the Jordanelle Special Service District Director which was advertised and open internally and that closed last Friday as well. Dave Rowley, the Wasatch County Personnel Director, will send a memo to all of the Council with reference to that which will be handled on the March JSSD meeting. Also attended the Midway City Council meeting and there was two long discussion items on their agenda and was pertaining to their open lands bonds and the specifics of going through that bonding process and getting their hands on the money by June 15, 2020. Also reviewed applicants who had applied for that and there was a long discussion about the Albert Kohler Farm and a presentation by Wendy Fisher of Utah Open Lands. Also Midway has gotten the okay for a federal grant that was for 2.75 million dollars.

Councilwoman Marilyn Crittenden indicated that with regard to getting bonds for the Urban Open Lands Board. Councilman Steve Farrell indicated that he wants to ask David Robinson to come to the next Council meeting and outline the steps that needs to be taken for getting bonds.

Councilman Kendall Crittenden indicated that there is a joint meeting with Summit and Wasatch County and there was a question whether that was advertised properly or not. After looking that matter up it was posted and advertised appropriately. Also Natalie Foster, the County Manager's secretary, about if the Council is a member of the Utah Water User's Association. Mike Davis, the Wasatch County Manager, indicated that there are two ways. One is that the entity can be a member which qualifies the individuals. Councilman Steve Farrell indicated that we are a member of that Association. The Council discussed who was going to attend that meeting and if there would be enough members of the Council present to hold a meeting on Wednesday March 18, 2020 and if so the meeting could be set at 5:00 p.m. instead of 3:00 p.m. so the Council Members could be present. After a discussion the meeting was changed from 3:00 p.m. to 5:00 p.m. on March 18, 2020 of the Wasatch County Council.

Chair Danny Goode indicated that he received a call from Sally Tober, from the Peace House and would like to offer a tour of the Peace House which is located in Park City to show the services

that is provided there. Also is there a person appointed on the Wasatch County Council to represent Wasatch County in the Peace House. The Council indicated that Councilman Kendall Crittenden be the Council's representative with regard to the Peace House. Councilman Kendall Crittenden will plan a tour of the Peace House for the Council that would like to attend.

Chair Danny Goode indicated that we need to have a coordinator or manager or superintendent of the MIDA area so we can have kind of a one place to go to get all the information that Wasatch County needs and that needs to be taken care right away.

## **MANAGER'S REPORT**

### **FEDERAL LOBBYIST MR. BOB WEILER**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that a memo was sent out to the Council about a bill that needs to be paid regarding the federal lobbyist for Wasatch County a Mr. Weiler. He works on Secure Rural School Funding and PILT which the Federal Government pays an amount to us in lieu of the taxes that would have been assessed on Federal Lands in Wasatch County. The Secure Rural Schools is a program that was put into place back when the logging was changed and restricted that the Federal Government then took an approach saying that since that money is lost to the schools and then paying the county and the school district a fund which has to be funded every year in Congress. The Council indicated that is a good cause and the bill should be paid which is budgeted for.

### **MIDA'S REQUEST FOR A TAX INCREMENT EXTENSION**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that tax increment extension has been requested by MIDA from twenty-five years and add an additional fifteen years on so it would be a total of forty years. In the MIDA act they don't really need our permission to do this but MIDA has reached out to Wasatch County and asked the County to support that. That discussion needs to take place and will be put on the March 4, 2020 agenda for that purpose so that an ordinance can be put in place for an extension regarding this contract. Mike Davis also indicated that he feels good about supporting such an extension taking place. Chair Danny Goode indicated that MIDA does want Wasatch County's support in this request.

**Councilman Kendall Crittenden made a motion to go into Closed Session to discuss property acquisition and personnel. Councilman Mark Nelson 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.**

**Councilman Spencer Park made a motion to leave the Closed Session and go into the public hearings. Councilman Jeff Wade 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.**

**PUBLIC HEARING  
FEBRUARY 19, 2020**

**MIKE JOHNSTON, ON BEHALF OF TREVOR MILTON, REQUESTS A PLAT VACATE FOR LOTS 45 AND 47-49 OF DIAMOND BAR X RANCH SUBDIVISION NO. 6, THIRD AMENDED, AND LOT 46 FROM DIAMOND BAR X RANCH SUBDIVISION 6 AMENDED AND EXTENDED LOT 46 AMENDED WITH THE INTENT TO CREATE A NEW SMALL SCALE SUBDIVISION KNOWN AS MILTON DIAMOND BAR X RANCH TOTALING 48.57 ACRES LOCATED AT 7577-7599 EAST DEER KNOLL DRIVE IN SECTIONS 15-16, 20-22, TOWNSHIP 3 SOUTH, RANGE 7 EASE IN THE PRESERVATION P-160 ZONE.**

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this is a request to vacate lots 45-49 of the Diamond Bar X Ranch Subdivision with the intent to combine Lots 45 and 46 into one lot, and re-plat the combined lot with Lots 47, 48 and 49 in a new plat known as Milton Diamond Bar X Ranch. Under Utah Code Section 17-27a-609(1) the County may approve the vacation of a plat by signing an amended plat showing the vacation. 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 amended. Also Wasatch County Code 16.04.01 has defined Good Cause as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.

Staff has reviewed the plat vacate and finds the proposal complies with Section 17-27a-609. It is not anticipated that the proposed action would affect the neighboring landowners negatively. The plat vacate and subsequent combination of Lots 4 and 46 assures less density, more open space, and fewer septic drain fields. This plat vacate will also allow for the platting of a 4-lot, small scale subdivision that will bring the lots closer to conformity to the existing P-160 zone by decreasing density and increasing acreages per lot and furthering the health, safety, and welfare of county residents.

Austin Corry indicated that notice has been sent to all property owners within the plat as well as property owners within 500 feet of the requested plat amendment. Also the applicant is required to go through a public hearing process.

Austin Corry then went through key issues to consider.

1. Lot 45 is 9.74 acres, Lot 46 is 8.44 acres, Lot 47 is 10.45 acres, Lot 48 is 9.62 acres and Lot 49 is 10.02 acres.
2. This plat vacate will allow for the platting of a 4-lot small scale subdivision where existing lots 45 and 46 are combined into one lot. Lot 1 18.18 acres in size.

3. Lots 47, 48 and 49 will remain unchanged other than being renamed to Lots 4, 3 and 2 respectively.
4. Lot 46 contains an existing home, Lots 45, 47, 47, 48 and 45 do not have structures on them.
5. The proposal results in a density decrease of 1 lot.
6. The lots are legally non-conforming because they are in a P-160 zone. As such, the vacate would be subject to recording of the new small-scale subdivision, replacing the original non-conforming subdivision with one that is less non-conforming.

Austin Corry then went through the DRC comments:

Planning comments: Plat will need to be updated as the SW corner of the building envelope contains 30 percent slopes according to the provided slope analysis. This will be added as a condition of approval.

Austin Corry then went through the proposed findings:

1. The proposed revision conforms to the Wasatch County development standards.
2. The proposal is consistent with Utah Code Section 17-27a-609 and Wasatch County Code Section 16.04.02.
3. Good cause exists because the plat amendment will reduce density, increase open space, reduce the number of septic drain fields, ring the affected lots into greater or equal conformity with the Wasatch County Code, and will further the health, safety, and welfare of county residents.
4. No public or private roads are being vacated as part of this plat vacate.
5. The Development Review Committee has reviewed the project and provided a favorable recommendation.
6. The Development Review Committee has concurrently reviewed and approve the proposed small scale subdivision, Milton Diamond Bar X Ranch.
7. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.

Austin Corry then went through the proposed conditions:

1. A signature block may need to be added to the plat for the County Chair on behalf of the legislative body approving the vacate. The vacate can be recorded as an ordinance or through signature on the plat. The applicant will need to work with staff to finalize the necessary documents for Council signature.
2. The plat vacate must be recorded concurrently if by ordinance with a plat for the proposed Milton Diamond Bar X Ranch small scale subdivision.
3. Applicant will work with staff to ensure the other signature blocks on the plat conform to all requirements of Wasatch County Code Section 16.27.12.
4. The plat must be recorded within one year of approval.
5. 10 foot PUEs must be shown around all property lines on all properties on the plat.
6. Fire flow and fire protection measures for construction of any home on the proposed lots shall comply with the requirements of the International Fire Code Section 507 as amended by the State of Utah and approved by the Wasatch County Fire District and the Building Department.
7. A plat note shall be added stating that no further subdivision is permitted.
8. Applicant will work with the staff to ensure existing open space covenants are protected and

that the county's interest and protections provided by the CC&Rs are preserved.

Councilman Steve Farrell asked if there is any way to accomplish this without vacating the plat and wouldn't that help preserve some of the actions that have been taken earlier. Austin Corry indicated that you could just go through a plat amendment request and that could have been done with the Planning Commission and that request was made known to them but they still want to go through the vacation. Councilman Steve Farrell indicated that can't this be solved with a plat amendment and this possibly could set a precedent. Austin Corry indicated that a boundary line wouldn't necessarily work because they couldn't adjust the building envelope to do that but they could through a plat amendment.

Mike Johnston, Summit Engineering Group, addressed the Wasatch County Council and indicated that the only reason that the applicant is doing this so that he can get a building permit for a solar array in the position that they want it which is not within the one acre building pad of his house. Also he has to stay within a building envelope to do a structure. The solar array would be within the two acre pad. And it also gives him some place to put some out buildings, barn, and garage not so close to his house and he is willing to give up one lot and that is why the applicant is here asking for this. The problem is that they are within different plats. Mike Johnston also indicated that he has no problem with condition number eight.

Chair Danny Goode then opened the matter up for public comment and there was none so the public comment period was closed.

**Councilman Spencer Park made a motion that we go ahead and approve this plat vacate for Lots 45, 47-49 of the Diamond Bar X Ranch No. 6 third amended, and lot 46 from the Diamond Bar X Ranch subdivision 6 as amended and extended Lot 46 amended with all conditions and findings as presented and like to add to the findings that we are vacating this plat because of the reduction in density and would like to add condition number eight as Austin Corry presented. Councilman Jeff Wade 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.**



**PUBLIC HEARING  
FEBRUARY 19, 2020**

**CONSIDERATION AND POSSIBLE RECOMMENDATION OF PROPOSED AMENDMENTS TO TITLE 16 TO MAKE VARIOUS MINOR CORRECTIONS TO WASATCH COUNTY CODE IN ORDER TO REDUCE INCONSISTENCIES CORRECT CONFLICTING PROVISIONS, AND TO INCREASE CLARITY.**

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that as the Wasatch County staff reviews development proposals, it is not uncommon to find inconsistencies within the code. Also when considering whether a code text amendment should be approved or denied, the language contained in the General Plan should be analyzed to ensure consistency. The General Plan provides the guidance that is made more specific as part of the zoning ordinance or zoning map. This proposed amendment is intended to clear up minor inconsistencies and provide clarification in other areas where precedent has already been set by the County, therefore there is less to analyze than would be considered during other proposed amendments.

Austin Corry then went through some findings for approval.

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan.
2. The proposed amendment is consistent with the purpose and objectives outlined in the respective sections.
3. Positive impact of the proposed changes would be to reduce inconsistencies and conflicts within the code to provide a clearer regulatory mechanism for the county, citizens and developers.
4. Negative impacts of the proposed changes are not foreseen at this time.
5. The Wasatch County Council as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Austin Corry then indicated that you are approving the second Ordinance 20-02.

Chair Danny Goode then asked if there was any public comment regarding this matter and there was none so the public comment period was closed.

**Councilman Mark Nelson made a motion that we approve Ordinance 20-02 an ordinance amending Title 16 to the Wasatch County Code to amend the number of sections in the Land Use Code regarding all of the things listed there. 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.**

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

**AYE: Kendall Crittenden**

**AYE: Spencer Park**

**AYE: Marilyn Crittenden**

**AYE: Jeff Wade**

**AYE; Mark Nelson**

**AYE: Steve Farrell**

**AYE: Chair Danny Goode**

**NAY: None.**

Meeting adjourned at 7:00 p.m.

  
\_\_\_\_\_  
DANNY GOODE / CHAIRMAN

  
\_\_\_\_\_  
CALVIN L GRIFFITHS  
CLERK / AUDITORS

