

**MINUTES OF THE  
WASATCH COUNTY COUNCIL  
SEPTEMBER 16, 2020**

The Wasatch County Council met electronically in a regular session at 3:00 p.m. and the following business was transacted.

**PRESENT:** Vice Chair Mark Nelson  
Kendall Crittenden  
Marilyn Crittenden  
Jeff Wade

**EXCUSED:** Councilman Steve Farrell  
Chair Danny Goode  
Councilman Spencer Park

**OTHERS PRESENT:** No one else present in the Council Chambers except Wendy McKnight from the Clerk's Office.  
Others present through Zoom were Mike Davis, County Manager  
Dustin Grabau, Assistant Wasatch County Manager  
Jon Woodard, Assistant Wasatch County Attorney  
Doug Smith, Wasatch County Planner,  
Austin Corry, Assistant Wasatch County Planner  
Randall Probst, Wasatch County Health Director.  
Rick Tatton, Court Reporter

**PRAYER:** Councilwoman Marilyn Crittenden

**PLEDGE OF ALLEGIANCE:** Led by Councilman Kendall Crittenden and repeated by everyone via Zoom.

**OPEN AND PUBLIC MEETING AFFIDAVIT**

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

### **LEGISLATIVE ISSUES FOR FUTURE MEETINGS**

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

### **ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS**

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

### **PUBLIC COMMENT**

Dustin Grabau indicated that there was no public comment that has come in.

### **APPROVAL OF THE SEPTEMBER 2, 2020 MINUTES**

**Councilman Kendall Crittenden made a motion to accept the minutes for September 2, 2020 as they are written. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**

**AYE: Marilyn Crittenden**

**AYE: Kendall Crittenden**

**AYE: Jeff Wade**

**NAY:**

### **APPROVAL OF THE SEPTEMBER 9, 2020 MINUTES**

Vice Chair Mark Nelson indicated that he was absent from that meeting so probably we should wait until next time to approve these minutes when other Council are present. We should note that there was a motion made by Councilman Kendall Crittenden and a second by Jeff Wade to approve the September 9, 2020 minutes.

## COUNCIL

### WASATCH COUNTY HEALTH DEPARTMENT UPDATE

Randall Probst, the Wasatch County Public Director addressed the Wasatch County Council and indicated that Wasatch County is staying pretty flat in the last few days. The State of Utah has seen a pretty significant increase. Also sometimes Wasatch County has been down to two cases a day on the seven day rolling average. We need to be down ten cases per hundred thousand people per day. Wasatch County needs to stay under 3.3 cases per day to meet that standard that the State of Utah is looking at. We need to stay below a one percent fatality or mortality number. The State of Utah has done very well with regard to that. Wasatch County is at 1.4 percent mortality. We have had seven deaths and six hundred and eighty cases. The State of Utah sets the criteria that needs to be accomplished so that we can move forward. One of the concerns in the State of Utah that we are seeing is the increase in numbers. The goal is to stay under the ten percent positivity rate as a measurement and we are up over eleven percent positivity. The rate is going up now because school is back in session as well as the colleges are opening back up.

Councilman Mark Nelson indicated that in looking at the graphs compared with out counties it looks like Wasatch County is doing fine and people look at that and they are wondering why we aren't moving forward more and spiking is not taking place. Why can't we move to the next step? Randall Probst indicated that Wasatch County's death rate is not as good as the state average. The State of Utah is below one percent and Wasatch County is above one percent of the death rate average. Wasatch County is doing a great job in not having to go to other mandates as others are doing. We just need to put those number in context as to what they actually mean.

We are still encouraging people to get tested which helps us know where it is and how we can track it a little bit and keep it contained. Just remember to wash your hands regularly, wear the mask, stay home if you are sick and practice proper distancing.

### **DISCUSSION AND POSSIBLE MOTION TO ALLOW A LATE REZONE APPLICATION FOR THE SLEEPING INDIAN RIDGES PROJECT.**

Jon Woodward, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that we need to go into a Closed Session regarding this matter for strategy session to add an amendment to a pending litigation.

**Councilman Kendall Crittenden made a motion to leave our regular session and go into Closed Session for the purpose of pending or possible litigation. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**  
**AYE: Marilyn Crittenden**  
**AYE; Jeff Wade**  
**AYE: Kendall Crittenden**

**NAY: None.**

**Councilman Kendall Crittenden made a motion to leave the Closed Session and go back into regular session. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**  
**AYE: Marilyn Crittenden**  
**AYE: Jeff Wade**  
**AYE: Kendall Crittenden**

**NAY: None.**

#### **REGULAR SESSION**

#### **DISCUSSION AND POSSIBLE MOTION TO ALLOW A LATE REZONE APPLICATION FOR THE SLEEPING INDIAN RIDGES PROJECT.**

Vice Chair Mark Nelson indicated that there are only four members of the Council present so it would have to take a majority vote for passage of an item. Also asked the applicant if they wanted to move forward or wait until more Council would be present. The matter could be moved to the October 7, 2020 Wasatch County Council meeting. The applicant indicated that they would like to wait until October 7, 2020 for the matter to be heard.

**Councilman Kendall Crittenden made a motion to continue the matter to October 7, 2020 which is our next Wasatch County Council regular agenda. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**  
**AYE: Marilyn Crittenden**  
**AYE: Jeff Wade**  
**AYE: Kendall Crittenden**

**NAY: None.**

**REQUEST BY NATE REEVE, REPRESENTATIVE FOR BENLOCH RANCH, FOR A MODIFICATION OF THE STREET CROSS SECTION TO ALLOW SIDEWALKS ON ONE SIDE OF THE STREET WHERE TITLE 14 REQUIRES SIDEWALKS ON BOTH SIDES.**

Vice Chair Mark Nelson asked the applicant if they would like to wait until October 7, 2020 for this matter to be heard because there are only four members of the Council present. For a matter to pass it would take a unanimous vote by all Council present. The applicant indicated that this is a simple matter and would like to move ahead with the matter.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this request is in Benloch Ranch. This was in front of the Wasatch County Planning Commission on the September 10, 2020 meeting for final phase 1 plat approval. Since the cross sections for roads include sidewalks and those cross sections and regulations are all part of Title 14 they are required to be modified by the Wasatch County Council and that is why this matter is in front of you today. Doug Smith also indicated that in the first condition it says that the County Council will have to approve the modification of the street cross section. Part of that recommendation was that if the sidewalks are approved to be on one side of the road it should be on the side of the higher density.

Doug Smith then presented a power point presentation showing what will be talked about with this request. Doug Smith indicated that there is a ten foot asphalt trail that will run the length of the entire project. There is a five foot wide sidewalk. There is a four foot sidewalk with a park strip on the one side. Part of the conditions are that these pass through trails be asphalted to connect them to the sidewalk. The applicant is proposing a four foot sidewalk, a five and a half foot park strip. The consulting engineer T-O Engineers to provide a letter on this because there needs to be a reason for a modification to the code. The consulting engineer wrote that he supports the moving of the sidewalk on one side of the standard major local cross section throughout phase 1A in an effort to reduce the land disturbance and size of the hillside cuts and fill slopes.

The request before the Wasatch County Council is to take one sidewalk away from the cross section and only do the sidewalk on one side. The Wasatch County Planning Commission did recommend approval.

Nate Reeve, the applicant, addressed the Wasatch County Council and indicated that our goal here, in addition to significantly helping the grading and significantly helping the impact to the residents as well as anybody driving by on SR 32 is to make a significant robust trail system within Benloch Ranch. We also concur with the Staff and Doug's recommendations to assure that those are in a great location and having them constructed properly to create a trail system. Also because of the grading in this project we are looking to have sidewalks on one side with a lot of connectivity so that residents and others from the community will be able to get off the roadways and enjoy the mass acreage of this development as it connects to other developments surrounding it. We also agree with T-O Engineering in eliminating the sidewalk on one side because of the significant amount of earth work and retaining walls. Also the trails are public trails and were not required by Wasatch County to construct a trail head but felt that it was important to provide parking at the trail head and we did construct that. Our goal is to construct the sidewalk on the side with the larger density.

**Councilman Kendall Crittenden made a motion that we approve the modification of the street cross section for Benloch Ranch to allow a sidewalk on one side of the street where Title 14 requires sidewalks on both sides. The purpose is to reduce the need for cuts and fills and preserve the view scape or whatever in this development along with the conditions from**

**the Planning Commission meeting. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Jeff Wade**

**NAY: None.**

## **COUNCIL/BOARD REPORTS**

Councilman Kendall Crittenden indicated that the Health Department, mental health in conjunction with the CCC, (Community Caring Coalition) group is hosting our annual dinner at the park event with various sponsors in the valley. The idea is to have a dinner with your family. The people who come will have a dinner and in the past that has been a Taco Salad. Also this year it is a drive thru type of event and that will be held next Monday from 5:30 p.m. to 7:00 p.m. The dinner this year will be a spaghetti dinner.

Vice Chair Mark Nelson indicated that the Chamber and the Tourism and Economic Development Board has been accepting applications and received several so far for the \$5,000 local promotion grant that was talked about in the past meeting. As a result would encourage businesses that qualify in Wasatch County to apply for that.

## **COUNTY MANAGER**

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that today the pricing call for the bond for the Open Space Bond and tomorrow the bond will be offered for sale. It looks like a very favorable outlook for the pricing for the bonds. Also on track for the lowest rate which will provide the lowest cost for the taxpayers. Wasatch County had very good ratings which was a Double AA rating which helped. It looks like everything is working out well.

Mike Davis also indicated that he has two matter for closed session, one is for property acquisition and another for potential litigation and will do them at the end of the regular agenda.

**Councilwoman Marilyn Crittenden made a motion to leave our regular session and go into Closed Session for property acquisition and potential litigation. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**  
**AYE: Marilyn Crittenden**  
**AYE: Kendall Crittenden**  
**AYE: Jeff Wade**

**NAY: None.**

**Councilman Kendall Crittenden made a motion to leave the Closed Session and suspend the Council meeting until 6:00 p.m. for the Public Hearings. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**  
**AYE: Kendall Crittenden**  
**AYE: Marilyn Crittenden**  
**AYE: Jeff Wade**

**NAY: None.**

The record should indicated that the time is 6:02 p.m. and the Wasatch County Council is again in session to have the public hearings that have been scheduled. Also we have six items on the public hearing agenda tonight and would open the public hearing portion of the Wasatch County Council agenda.



**PUBLIC HEARING  
SEPTEMBER 16, 2020**

**PUBLIC HEARING AND DISCUSSION/CONSIDERATION ON LAND EXCHANGE AGREEMENT BETWEEN WASATCH COUNTY AND HEBER LIGHT AND POWER AND EXCHANGING COWBOY VILLAGE PROPERTY AND HEBER LIGHT AND POWER PROPERTY BEHIND THE EVENT CENTER.**

Councilman Kendall Crittenden indicated that this matter pertains to a discussion that the Wasatch County Council and Heber Light and Power has had regarding the exchange of two pieces of property. Councilman Kendall Crittenden then gave a little back ground on what has taken place over the years. The time has now come as Wasatch County has developed and looked at future plans to develop a new Cowboy Village closer to the Event Center and facilities. Heber Light and Power has a use for the five acres that is the Cowboy Village Parcel. This effort now is to exchange those two pieces of property back to swap the Cowboy Village property to Heber Light and Power and then Wasatch County obtain the five acre piece behind the Event Center. In summary these two pieces of property would be swapped and there will be an exchange cost for the half acre that has been taken out on one parcel.

Councilman Kendall Crittenden opened the matter up for public comment.

Jason Norlen, the General Manager of Heber Light and Power, addressed the Wasatch County Council and thanked them for the work that has been put in on this. This has gone on for a very long time and had multiple county officials work on this as well as staff time and this is a positive thing for the community and just thank you for making this possible.

Councilman Kendall Crittenden then closed the public comment period.

**Councilman Kendall Crittenden then made a motion given our shorthanded situation tonight that we continue this consideration of this item to the October 7, 2020 Council meeting. Since we had the public hearing it would promoted up to the regular Council agenda. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**

**AYE: Kendall Crittenden**

**AYE; Jeff Wade**

**AYE: Marilyn Crittenden**

**NAY: None.**

**PUBLIC HEARING  
SEPTEMBER 16, 2020**

**PAUL BERG, REPRESENTING DAVID CUMMINGS, REQUESTS OVERALL PRELIMINARY SITE PLAN SUBDIVISION APPROVAL FOR COVE POINT RESORT, A PROPOSED 117.53 ACRE RECREATIONAL RESORT PARK CONSISTING OF 89 RV SITES, 20 SMALL RENTAL CABINS, 40 GLAMPING SITES, STORAGE UNITS, RESTAURANT, CONFERENCE CENTER, CLUBHOUSE WITH POOL, AND OTHER RECREATIONAL AMENITIES LOCATED AT APPROXIMATELY 7475 NORTH HIGHWAY 32 IN SECTIONS 3 AND 4 TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE COMMERCIAL RESORT AREA OF THE JORDANELLE BASIN OVERLAY ZONE JB0Z.**

Vice Chair Mark Nelson then asked the applicant's representative Paul Berg if since there is only four members of the Council present this evening if you would like to go forward with this matter or wait and have it continued to the October 7, 2020 meeting for a vote. We will go ahead and have the public hearing and then at the close you can make that decision of whether to proceed with a vote or wait until the October 7, 2020 meeting.

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the proposed project is south of the Jordanelle Reservoir and north of Highway 32. Resort parks are required to be developed and managed similar to a hotel with amenities and management requirements. The uses within the park cannot be separated from each other or the amenities. The code requires those to be owned and managed by a single company. There was a notice error that went out and it is correct through the staff report and basically the only discrepancy there is noticing language mentioned 89 RV pads and it is actually 85 RV pads. The total glamping units would be 40. Overall it amounts to 56.39 ERU's and is within the density allowances of the codes and the density allowances of the original master plan approval that you as a Council have seen. As each phase comes through the code ballistic ally has to work in the project. The affordable housing would be part of Phase 3. The code requires an intensive trail network for recreational purposes. There is a public trail that is required to meet connections from east to west and that is to be done from property line to property line right along the frontage of the UDOT right-of-way. Also showing a heavy berm of heavy landscaping along the corridor to meet visual screening.

The DRC has reviewed this as far as code compliance there is a hand full of conditions that are labeled there. Generally, the DRC is favorable for moving forward with an approval with the understanding that all the other information will come in at final to verify those last few items.

Austin Corry then went through the DRC comments:

HEALTH DEPARTMENT comments: Need to coordinate with the Health Department on RV

park regulations. Contact Chris Smoot at 435-657-3254.

JORDANELLE comments: Approval of this preliminary plat does not constitute approval of the presented offsite utility plan. JSSD will soon provide detailed review comments for the offsite utility plan to the developer. The developer is encouraged to respond to these comments and work to obtain JSSD's approval on the offsite utility plan before applying for any final plats. JSSD will not approve any final plats until an acceptable offsite utility plan is in place. Prior to development agreement, will serve letter, and final plat approval, the developer will need to identify sufficient water rights for the plat and complete water dedication requirements as per the JSSD water dedication policy.

PLANNING comments: Environmental Review has been attached.

ASSESSOR OFFICE comments: No private use structures on public use areas.

ENGINEERING comments: The drainage report is lacking much information that is required. A map showing the drainage basins needs to be provided with total areas shown for the defined drainage basins. Need to show calculations for precondition flows to support pond discharge into the existing drainage. Need to show sections through ponds that show existing ground elevations, bottom of pond, sumps, drain rock. There has to be some back-up to support the runoff coefficients provided.

SURVEYOR comments: This is labeled titled preliminary plat. I was told all submittals would be final plats. The submittal contains two different legal descriptions for the project. Please have the drawings show only one legal description.

WEED comments: You will need a weed plan and cash bond.

TRAIL PLANNER comments: The master plan calls for a recorded trail easement on the west and east property boundaries and public access to parking if adjacent connecting trails are built. The east easement can coincide with the 20 foot fire access. The proposed trail system should have an east to west connection make use of loops and take into account scenic overlooks and be compacted road base rather than gravel, if motorized use is planned a separate back country trail system should be included.

Alane Boyd, from Desert Rose Environmental, noted a few items from the environmental review that could be dealt with during the final approval and she is comfortable with a preliminary approval occurring with the understanding that final will verify a few last things.

Austin Corry indicated that the environmental consultant Alane Boyd has identified a few bits of information that she would like to see but Alane Boyd is comfortable in waiting for final to see her concerns.

Austin Corry indicated that the Planning Commission forwarded this to you with a unanimous recommendation for approval. They did make a modification to Findings No. 7 from what you see in the staff report. The right Findings No. 7 is that preliminary plans show 20 foot asphalt trails to the glamping units. A reduction could be made at final if approved by the Fire District and EMS. The other findings listed are correct and in line with what the Planning Commission recommended.

Austin Corry then indicated with regard to public comment, we did receive this e-mail and I believe

it was forwarded on to each of you which was an e-mail from Jamie MacKay and I will read that into the record at this time. Just to understand that this is part of the public comment period that will follow. Cove point will be a very visible development with large white RVs along SR-32. I feel this corridor should all have mandatory landscape plans to block out this transient use. We all know what RV parks can look like. The development should be pushed off SR-32 twenty more feet to allow for a large landscape buffer of space and native vegetation to block the development year round as it's located in what I would call a scenic corridor. We planted quite a few trees three years back and it is looking good and doing the job of blocking visual impacts screening our development from SR-32. Development 20 feet farther off the road creating a larger berm and landscape buffer. Needs a robust landscape plan on SR-32, also some berms/land forms much like I was required to do by my storage unit area. And limitations to short term use 30 days or less to any 60 day period.

Austin Corry indicated that the code does not allow long term use but depends on whether it is the glamping unit or the cabins or the RV's as to what that time line is. The glamping and small cabin sites are limited to two weeks like our camping ordinance but the RV's are allowed to be there for a period of four months that it is intended that they could stay basically for a season. That is what the Council adopted as the code.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that the Council adopted the code that this project went under this year in 2020 while the Benloch ranch project was vested under a different code. The outcome is pretty similar between the two codes that is why you are not seeing an exact match between the two. We will have to analyze this project in light of the new code because it is not the same thing.

Austin Corry also indicated that there is a fifty foot setback requirement from the highway which is based on the code. Jamie MacKay is requesting that it be even farther back than that.

Austin Corry then went through the proposed findings:

1. The density being proposed is consistent with what was approved in the original master plan and density determination.
2. The project includes a 5.14 AUE moderate income housing obligation. The applicant proposed to be met with the five on-site employee housing units.
3. The County Council will need to determine the acceptable method for meeting the affordable housing obligation.
4. Preliminary approval does not grant a variance from County Code standards that cannot be determined at the level of detail provided at Preliminary.
5. The proposed development complies with the product types required by code and approved during the Master Plan approval.
6. The Development Review Committee has reviewed the project and recommends approval.
7. Preliminary plans show 20 foot asphalt trails to the glamping units. A reduction could be made at final if approved by the Fire District and EMS.
8. A draft development agreement has been prepared and can be formalized to include the

preliminary approval documents.

9. The applicant proposes 6 phases to the development.

Austin Corry then went through the proposed conditions.

1. A development agreement will need to be finalized including the affordable housing commitment amenities, phasing employee housing restrictions, and other details of the approval prior to or as part of the final approval.
2. Completed access approval from UDOT shall be submitted with the final application.
3. All issues raised by the DRC, as noted in the DRC report dated August 20, 2020 shall be resolved to the satisfaction of the applicable review department prior to final approval.
4. Final site plan approval will need to include architectural details for all structures proposed on the site.
5. Construction of on-site affordable five housing units are required to be deed restricted and the code allows that twenty-five percent of the affordable housing can be satisfied through those units and the other seventy-five percent needs to be met another way such as fee-in-lieu.
6. The plat and development agreement will need to have details about the required deed restriction on the open space dedication. The required open space dedications will need to be made as part of the first plat.

#### Public Comment

Vice Chair Mark Nelson then opened the public hearing for public comment.

John Kenworthy, co-owner of the River's Edge Campground, addressed the Wasatch County Council and indicated that he would like to go on the record that we are really excited about this project and so support it. This type of project is exploding and the type of services that this type of project gives is exploding and there is a need for more of this type of projects. Also the trail system is important with regard to connectivity and if there are ways for that connectivity to be achieved that would be great. Also with regard to amenities comes parking problems and people will pay for parking.

Vice Chair Mark Nelson then closed the public comment period.

#### Applicant:

Paul Berg, from Berg Engineering, representing the applicant, addressed the Wasatch County Council and thanked the Council and Planning Staff for working with us over the past few months regarding the ordinance and also on the master plan approval. Once we get preliminary approval then we would apply for final approval. The planting of the berm and the trees not only meets the County code but it meets the intent of what we are trying to accomplish there. These projects bring in a large amount of visitors, high amount of transient rental tax, spend a lot of money in the County but yet they stay in a confined area most of the time. This is a good trend and excited to be a part of this project. I feel that we are presenting a good buffer zone from the highway and will



do a mix of different types of trees. We will look at more landscaping in front of the storage units that are just temporary storage for guests. We will also provide screening. Paul Berg indicated that with regard to the affordable housing obligation we will do the five units for twenty-five percent and then the balance of seventy-five percent will be done through fee-in-lieu. Paul Berg also indicated that he is okay with proceeding this evening with a vote taking place and not waiting for the full Council to be present.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that you could throw in the fee-in-lieu for seventy-five percent and then the five units for the other twenty-five percent with regard to meeting the affordable housing obligation which would make it much easier as we are going through the development agreement to be clear on how that obligation is going to be met.

**Councilman Kendall Crittenden made a motion that we give overall preliminary site-plan subdivision approval for the Cove Point Resort as it has been presented tonight with the conditions and findings of the Planning Commission also that the affordable housing condition the five units would meet twenty-five percent of their obligation being deed restricted units and then the other seventy-five percent of the obligation would be met by fee-in-lieu. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**

**AYE: Kendall Crittenden**

**AYE: Jeff Wade**

**AYE: Marilyn Crittenden**

**NAY: None.**

**Councilman Kendall Crittenden then indicated that in as much as the next four items all deal with code amendments in different sections of the code Title 16, Title 14, etc. I think that it is important for a better majority of the County Council be present to hear those presentations and so I would make a motion that we continue Items 3, 4, 5 to the October 7, 2020 meeting and put them back on the 6:00 p.m. public hearing agenda. Then have the first reading on Item No. 6 tonight given the time constraints for that Item. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson**

**AYE: Kendall Crittenden**

**AYE: Marilyn Crittenden**

**AYE: Jeff Wade**

**NAY: None.**

Vice Chairman Mark Nelson asked if there are any individuals that are listening who are part of these other public hearings that would be opposed for the Council doing as Councilman Kendall Crittenden indicated in his motion. Also there were no hands that were raised with regard to Items 3, 4 and 5 with regard to public comment.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that with regard to Public Hearing No. 6 snow plowing amendments which the Title 14 amendments and the Title 9 Amendments are not Title 16 matters so they require a first and second reading and there is a time constraints on this so we could hear this matter this evening and have the first reading and then have the second reading on October 7, 2020 which would meet the time constraints on this matter.

- ITEM 3      ORDINANCE 20-13, A PROPOSED CODE AMENDMENT TO SECTION 16.21.08 REGARDING DETACHED ACCESSORY STRUCTURES AND THEIR REGULATION. ALSO A CLARIFICATION FOR THE DEFINITION OF REAR YARD IN 16.04 IN RELATION TO DETACHED ACCESSORY STRUCTURES.**
- ITEM 4      ORDINANCE 20-17 A PROPOSED CODE AMENDMENT TO TITLE 4 AND TITLE 14 OF THE WASATCH COUNTY CODE. TITLE 4 WOULD BE AMENDED TO ADD A FEE FOR TITLE 14 EXCEPTION APPLICATIONS TITLE 14 WOULD BE AMENDED TO UPDATE ROAD STANDARDS, AND TO MORE CLEARLY DEFINE A PROCESS FOR GRANTING EXCEPTIONS TO THE ENGINEERING DEPARTMENT STANDARDS, AND RELATED ISSUES.**
- ITEM 5      ORDINANCE 20-18, A PROPOSED CODE AMENDMENT TO TITLE 2, TITLE 4 AND TITLE 14 OF THE WASATCH COUNTY CODE. TITLE 2 WOULD BE AMENDED TO PROVIDE FOR APPEALS TO THE BOARD OF ADJUSTMENT OF ENGINEERING DEPARTMENT APPLICATIONS AND ADMINISTRATIVE DECISIONS, AND RELATED ISSUES. TITLE 4 WOULD BE AMENDED A FEE FOR TITLE 14 APPEALS TO THE COUNTY MANAGER. TITLE 14 WOULD BE AMENDED TO GIVE THE COUNTY MORE OPTIONS TO ENFORCE VIOLATIONS OF THE ENGINEERING DEPARTMENT CODE PROVIDING FOR APPEALS OF ENFORCEMENT ACTIONS TO CLARIFY REQUIREMENTS FOR ENGINEERING DEPARTMENT APPLICATIONS, AND TO UPDATE EROSION AND STORM WATER CONTROL REQUIREMENTS, AND RELATED ISSUES.**

**PUBLIC HEARING  
SEPTEMBER 16, 2020**

**ITEM 6      A PROPOSED CODE AMENDMENT TO SECTION 9.02.03 OF THE  
WASATCH COUNTY CODE TO FURTHER DEFINE PUBLIC WORKS  
DUTIES TO PLOW PUBLIC ROADS AND ENTERING INTO  
AGREEMENTS FOR SNOW PLOWING.**

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and went through a power point presentation which gave some background on the issues that we are dealing with that led to this code amendment. There are quite a few changes to the ordinance since the version that was given to you in your packets. Jon Woodard then went through the code amendment that he prepared which code amendment document is made a part of the record.

Public Comment

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

Rick Johnson, from Brighton Estates, addressed the Wasatch County Council and indicated that Brighton Estates is a very unique property in Wasatch County. The plowing of that road is important especially for the full time residents that live up there. The changes that Jon Woodard has went through are pretty good and have a concern with and the new amendments have clarified a lot of the questions that I have. Rick indicated that the direction that you are headed is a very good direction. Also don't see any red flags in this document that would change what has happened in the past where we park up in Guardsman Pass. The plowing is so important up there especially with what Park City has done. It is very important that we control our access especially with the stance that Park City has taken in limiting our parking last year and took fifty percent of the parking below the gate by the hotel away us and limited that to twelve overnight spots with a seventy-two hour limit. If you go up there with a truck and trailer there is no place to park. As a result we have got to come up with better parking up there. Also coming from the Midway side it is more difficult because of some of the switchbacks but more so because of the snow and how it melts. The residents of Brighton Estates are not allow to go through that gate like the snowmobilers are. Also we do not have overnight parking and a solution need to be found on that side of the gate. We need to have a more permanent and safe different access to parking lots and the seasonal road up there. The road should remain seasonal. The lawsuit that is taking place in Brighton Estates does not reflect the majority of the Brighton Estates homeowners up there with that lawsuit. We don't support that lawsuit nor do we think that is justifiable in any way. Rick Johnson then thanked the staff and the Wasatch County Attorney's office for the hard work that they are doing on this and if Jon Woodard could send me a new version of the code amendment would be helpful. Rick Johnson also indicated that there is about thirty full time residents up there and is deceiving because that is not how many cabins. More realistically it is ten to fifteen cabins that are full time residents up there.



Vice Chair Mark Nelson then closed the public comment period.

**Councilman Kendall Crittenden indicated that since there is no more discussion I would make the motion that we set this hearing today as the first reading on this ordinance and that we set the second reading for October 7, 2020 which would be in the regular Council agenda because we have had the public hearing. Councilwoman Marilyn Crittenden made a second to the motion and the motion carries with the following vote:**

**AYE: Jeff Wade  
AYE: Vice Chair Mark Nelson  
AYE: Kendall Crittenden  
AYE: Marilyn Crittenden**

**NAY: None.**

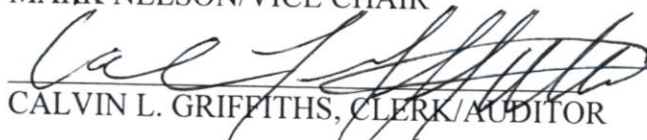
**Councilman Kendall Crittenden made a motion to adjourn. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:**

**AYE: Vice Chair Mark Nelson  
AYE: Jeff Wade  
AYE: Marilyn Crittenden  
AYE: Kendall Crittenden**

**NAY: None.**

Meeting adjourned at 8:00 p.m.

  
MARK NELSON/VICE CHAIR

  
CALVIN L. GRIFFITHS, CLERK/AUDITOR

