

PUBLIC NOTICE is hereby given that the County Council of Wasatch County will hold a **REGULAR** session in the Council Chambers in the County Administration Building, 25 North Main Street, Heber City, Utah, commencing at 3:00 P.M., Wednesday, September 19th, 2012.

WASATCH COUNTY COUNCIL
****AMENDED** DATE: September 19th, 2012**
Order of Agenda Items Subject to Change without Notice

Prayer/Remarks – Councilman Steve Farrell
Pledge of Allegiance – Councilman Kendall Crittenden

Approval of August 15th, August 22nd, 2012 Minutes

Public Issues for Future Meetings

Wasatch County Special Service Area #1

1. Warrant Approval

Council

1. Discussion/Consideration Wasatch County FFA.
2. Discussion /Consideration FFA Judging Team Presentation.
3. Discussion/Consideration Red Ledges Open Space Agreement.
4. Discussion/Consideration County Affordable Housing Ordinance.
5. Discussion/Consideration for an Interlocal Agreement Between Wasatch County and MIDA to Provide Services for the Jordanelle Project Area. (Res 2012-08)
6. Discussion/ Consideration for an Interlocal Agreement Between Wasatch County Solid Waste and MIDA for the Jordanelle Project Area.
7. Council Committee / Board Reports

Manager's Report

Allocation of Secure Rural Schools Title 1, Title 2, and Title 3 Monies.

Executive Session

1. Purchase, Exchange or Lease of Property.
2. Pending of Reasonably Imminent Litigation.
3. The Character, Professional Competence, or Physical or Mental Health of an Individual.

PUBLIC HEARING 6:00

1. Paul Watson, agent for Mark 25 LLC is requesting a plat amendment for Iroquois Phase 3 Amended. The request is to change Buildings 26-36 (containing 51 units) from a condo to a townhouse. The proposal is located on the northwest corner of Browns Canyon and Highway 248 in Sections 1 and 6, Township 2 South, Range 5 East in the JBOZ (Jordanelle Basin Overlay Zone).
2. Strawberry Highlands LLC is requesting a rezone of approximately 400 acres from a P-160 (Preservation 160-acre lots) zone to the SRZ (Strawberry Recreation Zone) which would allow for a planned development. The property is located in Sections 17 & 19 and 20 of Township 4 South, Range 10 west in the Strawberry Planning Area on the east side of the Strawberry Reservoir in the Soldier Creek area.

3. Kim Nielson is requesting a plat amendment to Plat 19 of the Timber Lakes subdivision. The proposal is to combine lots 1922, 1923 & 1924 into one lot. The request is located at 1922, 1923 and 1924 Elk Drive in Section 24, Township 4 South, Range 6 East in the M (Mountain) Zone.
4. Johnson Van Slooten is requesting an amendment to 16.04.02(4) of the Wasatch County code regarding the definition of "Accessory Residential Unit". The applicant would like the regulations to allow for detached guest and caretaker dwellings on the same lot as a main residence in the A-20 (20-acre lot minimum), RA-5 (5 acre lot minimum) and Ra-1 (1-acre lot minimum zones).
5. An ordinance amendment proposed by the Wasatch County Planning Department to amend 16.02.05 (B) (3) regarding the time frame between Planning Commission recommendations and review by the County Council for rezones, code amendments and General Plan amendments.

September 18th, 2012



Brent R. Titcomb
Brent Titcomb
Clerk/ Auditor

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COUNTY COUNCIL MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify Michelle Crook 435-657-3190 at least one day prior to the meeting.

This agenda is also available on the County Internet Website at www.co.wasatch.ut.us and on Utah State's Website at www.utah.gov

**MINUTES OF THE
WASATCH COUNTY COUNCIL
SEPTEMBER 19, 2012**

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

- PRESENT:** Steve Capson
Kendall Crittenden
Steve Farrell
Mike Kohler
Greg McPhie
Kipp Bangerter
Jay Price
- OTHERS PRESENT:** On list attached to a supplemental file.
- PRAYER:** Councilman Steve Farrell
- PLEDGE OF ALLEGIANCE:** Led by Councilman Kendall Crittenden and repeated by everyone.

Chairman Mike Kohler called the meeting to order at 3:00 p.m. and welcomed those present and called the first agenda item.

MINUTES

APPROVAL OF AUGUST 15, 2012 AND AUGUST 22, 2012 MINUTES.

Councilman McPhie made a motion to approve the August 15, 2012 minutes as amended. Councilman Farrell seconded the motion and the motion carries with the following vote:

- AYE: Steve Capson**
- AYE: Kendall Crittenden**
- AYE: Steve Farrell**
- AYE: Mike Kohler**
- AYE: Kipp Bangerter**
- AYE: Jay Price**
- AYE: Greg McPhie**

NAY: None.

Councilman Farrell made a motion to approve the minutes for August 22, 2012 as presented. Councilman Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

PUBLIC ISSUES FOR FUTURE MEETINGS

Chair Kohler asked if there were any public issues that need to be discussed at a future meeting.

Bruce Haywood, Heber City resident, addressed the Wasatch County Council and indicated that he is here to discuss Agenda 21. Bruce then gave a little bit of background regarding Agenda 21. Bruce indicated that sustainable development is the priority of Agenda 21. Bruce indicated that there is no law in the United States at this time that requires Wasatch County to adopt Agenda 21. Bruce indicated to the Wasatch County Council to take time in a work meeting and spend fifteen or twenty minutes in just learning about what the background of what Agenda 21 is and how come we have the term sustainable development, how it is being implemented today here in the United States. The United States is supporting Agenda 21 through money such as grants and sometimes when grants are received they are not what people might think they are.

Alisa Ellis, Heber City resident, addressed the Wasatch County Council and indicated that Agenda 21 is not a myth but really exists. Alisa indicated that she is here to mention Communities that Care and to encourage Wasatch County to be cautious when taking grant money because grant money is not free money because grant money equates to obligations. Councilman Crittenden indicated that such a presentation was made in Interlocal because the Wasatch County Council is trying to decide whether Wasatch County wants to participate in the Communities that Care.

Don Christensen, from Soldier Summit, addressed the Wasatch County Council and indicated that he and his wife own the convenience store. Don indicated that he is here today to see what Wasatch County could do to help us with garbage pickup, road maintenance, clean up, and possibly help in buying a snowplow because most of the landowner's in Soldier Summit don't care about anything but paying taxes. The people there are trashing the place and would like some help from Wasatch County. Don indicated that there are alley ways in Soldier Summit which he would like to combine and make two and a half acre boundary around it. Chair Kohler indicated to Don to contact Doug Smith, the Wasatch County Planner, and he will show you the steps to go through to combine the lots. Councilman Bangerter indicated that he will check into the garbage situation and also the snow-plow.

Councilman Bangerter made a motion to leave our regular session and go into the Wasatch County Special Service Area #1. Councilman Farrell seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Greg McPhie
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

WASATCH COUNTY SPECIAL SERVICE AREA # 1

WARRANT APPROVAL

Del Barney, from the Wasatch County Special Service Area #1, addressed the Wasatch County Special Service Area # 1 Governing Board and indicated that the warrants are in the amount of \$2,905.62. Councilman Farrell made a motion to approve the warrants in the amount of \$2,905.62. Councilman Capson seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

Councilman McPhie made a motion to leave the Wasatch County special Service Area #1 and go back into the regular session. Councilman Bangerter seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Greg McPhie
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

COUNCIL

DISCUSSION/CONSIDERATION WASATCH COUNTY FFA

The Wasatch County FFA Poultry Judging Team won first place in the State of Utah which makes it possible for them to go to the Nationals in Indiana and was wondering if the Wasatch County Council could sponsor us with some money to help with our trip back to the Nationals which the cost is seven hundred and fifty dollars and would like Wasatch County to donate two hundred and fifty dollars per person for a thousand dollars in total. **Councilman McPhie made a motion that we grant the request for the Wasatch FFA Chapter in the amount of two hundred and fifty dollars or a thousand dollars in total. Councilman Farrell seconded that motion and the motion carries with the following vote:**

AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson

NAY: None.

DISCUSSION/CONSIDERATION RED LEDGES OPEN SPACE AGREEMENT.

Councilman Farrell indicated that the agreement has been worked on for some time. Councilman Farrell indicated that the question now is , is it in the best interests of Wasatch County to be involved and hold this conservation easement or would it be better to have someone hold the conservation easement or the ownership. Councilman Farrell indicated that Todd Cates , from Red Ledges, has done a good job in trying to work this conservation easement out with Wasatch County and the bottom line is that we either accept the conservation easement as proposed or Wasatch County has someone else hold the conservation easement. Councilman Price proposed that Wasatch County would own the property and give the easement to the Utah Open Lands and preserve the ground like was intended. Todd Cates indicated that Red Ledges is open to that suggestion. Chair Kohler indicated that a meeting needs to be scheduled with the Wasatch County Council and the Utah Open Lands and have a discussion to see if everything is agreeable with the the Utah Open Lands. Doug Smith, the Wasatch County Planner, indicated that the trails agreement with Red Ledges needs to be signed and possibly that can be put on the agenda also so that agreement can be taken care of.

DISCUSSION/CONSIDERATION COUNTY AFFORDABLE HOUSING ORDINANCE.

Chair Farrell indicated that he asked to have this matter put on the agenda because a question came up with regard to how we handled the rental units under the affordable housing and wasn't aware that the Wasatch County Affordable Housing Board was already working on a proposal. With Heber City pulling out and some of the concerns that came up that Scott Sweat, the Wasatch County Attorney, needs to check into our Wasatch County Affordable Housing Ordinance and Plan to see if Wasatch County is in compliance and what recommendations if any, could be made to improve it. Scott Sweat indicated that Doug Smith and he could look at the ordinance and review that and then come back with a recommendation.

Connie Tatton, Mayor of Midway City, addressed the Wasatch County Council and indicated that Midway's Affordable Housing Plan is very similar with the one that Wasatch County Council has. What Midway does will depend on what Wasatch County decides to do. Connie Tatton also indicated that it would be better for Midway to be in with a Wasatch County group because developments will be coming up in the future that Midway could contribute to the affordable housing program.

DISCUSSION/CONSIDERATION FOR AN INTERLOCAL AGREEMENT BETWEEN WASATCH COUNTY AND MIDA TO PROVIDE SERVICES FOR THE JORDANELLE PROJECT AREA (Res 2012-08)

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that about a week and a half ago some members of the Wasatch County Council met in Kaysville with the MIDA group to discuss some of the issues that have been brought up as a concern in the contract and as a result came to a consensus on the concerns in the contract and reached an agreement. **Councilman Price made a motion that we approve Resolution No. 2012-08. Councilman Bangerter seconded the motion and the motion carries with the following vote:**

- AYE: Steve Capson**
- AYE: Kendall Crittenden**
- AYE: Steve Farrell**
- AYE: Mike Kohler**
- AYE: Greg McPhie**
- AYE: Kipp Bangerter**
- AYE: Jay Price**

NAY: None.

Councilman Farrell made a motion to go into the Wasatch County Solid Waste Special Service District. Councilman McPhie seconded the motion and the motion carries with the following vote:

AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson

NAY: Non

DISCUSSION/CONSIDERATION FOR AN INTERLOCAL AGREEMENT BETWEEN WASATCH COUNTY SOLID WASTE AND MIDA FOR THE JORDANELLE PROJECT AREA.

Councilman Farrell made a motion that we approve the interlocal property agreement between MIDA and the Wasatch County Solid Waste District and we don't need a resolution number on that and approve that as has been presented. Councilman Capson seconded the motion and the motion carries with the following vote:

AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Greg McPhie
AYE: Kipp Bangerter
AYE: Jay Price

NAY: None.

JSSD GOVERNING BOARD TO RATIFY AN AGREEMENT WITH MIDA.

Councilman Price made a motion to ratify the agreement with the JSSD which has already been passed by the JSSD Board. Councilman Capson seconded the motion and the motion carries with the following vote:

AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson

NAY: None.

Councilman Farrell made a motion to leave the Wasatch County Solid Waste Special Service District and the JSSD Special Service District. Councilman McPhie seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Greg McPhie
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

The record should reflect that Chair Kohler left for another appointment and Councilman Price took over as he is the vice chair.

COUNCIL COMMITTEE/BOARD REPORTS

Councilman Crittenden passed out the annual report from the Wasatch County Health Department and the Director of the Wasatch County Health Department needs to be scheduled and come to one of our meetings and discuss the annual report with the Wasatch County Council.

Councilman McPhie indicated that he was at the State Fair last Thursday and Friday and Wasatch County was very well represented in the agricultural part of the State Fair.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that with regard to the Children's Justice Center advisory board meeting the accreditation was discussed that is presently being worked on. There are some things that need to be continued so that the accreditation can be kept in full force and affect. Scott also indicated that a fund raiser was held by the Park City Board of Realtors and the money raised half will go to Wasatch County Children's Justice Center and the other half to the Summit County Children's Justice Center. The money will be used for training at all levels both in law enforcement, some of the Children's Justice Center people, DCFS and some of the prosecutors.

Scott also indicated that the Wasatch County Children's Justice Center is looking at upgrading the recording equipment.

MANAGER'S REPORT

ALLOCATION OF SECURE RURAL SCHOOLS TITLE 1, TITLE 2, AND TITLE 3 MONIES

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he will have some extra money left over from the building of the Timber Lakes Fire Station and would like to expand the Wallsburg Fire Station.

Mike Davis also indicated that he would recommend the method for the allocation of the Secure Rural Schools Title 1, Title 2 and Title 3 monies is that eighty-five percent on Title 1, eight percent on Title 2 and seven percent on Title 3 and that information needs to be given to the Governor of the State of Utah before the end of September.

Councilman Farrell made a motion that we go ahead and go with Wasatch County Manager's recommendation and divide the money on Title 1, Title 2 and Title 3. Further that the Title 3 money will be used for Search and Rescue. Councilman Capson seconded that motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Greg McPhie
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

Councilman McPhie made a motion that we leave our regular session and go into Executive Session. Councilman Capson seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

Councilman McPhie made a motion to leave our Executive Session and go back into regular session. Councilman Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Greg McPhie
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

Councilman Crittenden made a motion to be in recess until 5:45 p.m. Councilman Capson seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Greg McPhie
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

The record should reflect that Chair Mike Kohler returned to the Wasatch County Council Meeting. The record should also reflect that Councilman Greg McPhie left for another meeting.

Councilman Capson made a motion to go back into our regular session. Councilman Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

Councilman Crittenden made a motion to leave our regular session and go into the Wasatch County Fire Special Service District. Councilman Capson seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

Councilman Price made a motion to leave our regular Wasatch County Fire Special Service District and go into Executive Session. Councilman Bangerter seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

Councilman Farrell made a motion to leave the Wasatch County Fire Special Service District Executive Session and go back into the regular Jordanelle Fire Special Service District. Councilman Price seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

Councilman Farrell made a motion to leave the Wasatch County Fire Special Service District and go back into the regular Wasatch County Council Meeting with regard to the public hearings. Councilman Crittenden seconded the motion and the motion carries with the following vote:

AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Kipp Bangerter
AYE: Jay Price
NAY: None.

**PUBLIC HEARING
SEPTEMBER 19, 2012**

PAUL WATSON, AGENT FOR MARK 25 L.L.C. IS REQUESTING A PLAT AMENDMENT FOR IROQUOIS PHASE 3 AMENDED. THE REQUEST IS TO CHANGE BUILDINGS 26-36 CONTAINING 51 UNITS FROM A CONDO TO A TOWNHOUSE. THE PROPOSAL IS LOCATED ON THE NORTHWEST CORNER OF BROWNS CANYON AND HIGHWAY 248 IN SECTIONS 1 AND 6, TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JB0Z JORDANELLE BASIN OVERLAY ZONE.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this proposal is located in what is referred to as Iroquois Phase 3 also known as Black Rock Ridge phase 3. The proposal is located on the west side of Browns Canyon and north of Highway 248. Doug indicated that the findings are:

1. According to the applicant lending institutions will not finance condominiums.
2. There are minor changes to the previous approvals as far as density, architecture, landscaping, etc.
3. Utah law allows Wasatch County to approve a plat amendment if the County finds that (a) there is good cause for the vacation, alteration, or amendment; and (b) no public-street, right-of-way, or easement has been vacated or altered.
4. Staff believes that good cause exists for the plat amendment. The request complies with zoning. No public-street, right-of-way, or easement would be vacated or altered by the plat amendment. Therefore, Staff's position is that Utah law allows this plat amendment.

Doug also indicated that the recommended conditions of approval are:

1. Existing property owners must be in agreement with the proposed amendment prior to the plat recording.
2. As built public trail easements should be recorded on the plat.
3. Notes regarding completion and re-alignment of trails should be included on the plat.
4. The landscape plan approved for the original Black Rock Ridge phase 3 must be complied with.
5. An agreement for timing of the installation of the landscaping/trails needs to be recorded as an addendum to the development agreement.

Chair Kohler asked if there was any public comment regarding the matter and there was none.

Councilman Price made a motion to accept the Wasatch County Planning Commission's recommendation on Item No. 1 and accept the staff report and the findings and the conditions: Councilman Farrell seconded the motion and the motion carries with the following vote:

**AYE: Jay Price
AYE: Kipp Bangerter
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson**

NAY: None.

**PUBLIC HEARING
SEPTEMBER 19, 2012**

STRAWBERRY HIGHLANDS L.L.C. IS REQUESTING A RE-ZONE OF APPROXIMATELY 400 ACRES FROM P-160 PRESERVATION 160-ACRE LOTS ZONE TO THE SRZ STRAWBERRY RECREATION ZONE WHICH WOULD ALLOW FOR A PLANNED DEVELOPMENT. THE PROPERTY IS LOCATED IN SECTION 17 AND 119 AND 20 OF TOWNSHIP 4 SOUTH RANGE 10 WEST IN THE STRAWBERRY PLANNING AREA ON THE EAST SIDE OF THE STRAWBERRY RESERVOIR IN THE SOLDIER CREEK AREA:

The record should reflect that Chair Mike Kohler recused himself on hearing this matter and left the bench and went out into the hall. As a result Vice Chair Jay Price took over the meeting.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this is for a re-zone of 400 acres located in the Strawberry area south and east of the Soldier Creek Dam. Doug indicated that the Wasatch County Council approved a new zone in February referred to as the SRZ Strawberry Recreation Zone and this 400 acres if rezoned, would become part of the Strawberry Highlands development for a total acreage of 7, 000 acres.

Doug indicated that some possible findings are:

1. The proposal to re-zone the property from the existing P-160 to the proposed SRZ is not a departure from the General Plan since the changes to the General Plan were approved last February.
2. Unless the Planning Commission and County Council makes a finding that the developer has clearly shown that the proposed project has considered all physical constraints and the

development will be compatible with the natural environment in regards to its use, location, design, access, construction, maintenance and management, the request to change the General Plan and zoning ordinance should not be approved.

3. The Planning Commission and County Council finds that any feasibility issues can be addressed and finalized with further approvals.

4. The Planning Commission and County Council have broad discretion on either approval or denial of General Plan amendments and rezones. If the re-zone and General Plan are amended the County has less discretion as approvals advance.

5. The economic development section of the General plan states The County's second priority behind creating high paying jobs within the County should be the development of destination recreation activities that result in the lengthening of a stay for visitors being increased from a few hours on a weekend to 2 to 3 days.

Doug Smith also indicated that appropriate access for this development shall include the following.

1. Be constructed to County standards.

2. Two access points are required. Two access roads which connect to a County road which has been historically maintained year-round will meet the requirements for this section, or

3. Alternative approved transportation plan.

Doug also indicated that the Wasatch County Planning Commission and the Wasatch County Council will need to determine if the proposal complies with the intent of the ordinance listed above from a feasibility standpoint. FS 90 is a dead end road during the winter and during the summer is a rough 14 mile 4-wheel drive road out to Renegade Marina. Unless/until the upper phases are built there will be no access out to Highway 6.

Paul Berg, representing the applicant, addressed the Wasatch County Council and indicated that this proposal meets many of the goals and objections that are outlined in the General Plan. Paul indicated that one of the purposes of this re-zone is it provides a connection for the sixty-six hundred acres all the way down to the Forest Service property next to the lake and allows the development to control the property essentially on both sides of the Wasatch County road that lead to the property. The integrity of the development will be kept nice. Paul also indicated that the open space will be increased by a percentage or two. Paul indicated that the access concerns will be worked on and will be taken care of.

Vice Chair Price then opened the meeting up for public comment.

Mike Wheeland, Executive Director of the Mitigation Commission, addressed the Wasatch County Council, and indicated as a Federal Agency they will be submitting our comments through the process of both the Bureau of Reclamation and the Forest Service.

Jim Carter, representing Forty-Dam Acres, addressed the Wasatch County Council and indicated that he has some questions. Jim indicated that he has a concern about the thirty percent grade. Doug Smith, the Wasatch County Planner, indicated that he does not have a concern about the

thirty percent slope. Jim then indicated that he has a concern about the access with regard to the roads that have been mentioned and especially with regard to year round use. Jim indicated that his big concern is that the critical issues have not been dealt with regarding this proposal before the Wasatch County Council can make a decision such as water, access, electricity, water quality, water pollution.

Councilman Farrell indicated all of these issues that you have just mentioned has to be solved before Wasatch County will approve anything. Councilman Farrell also indicated that the way he understands the issue is that when the 400 acres goes into this Strawberry Recreation Zone the applicant has to improve the entire project which would be the seven thousand some odd acres and then the applicant can do the project in phases and all of these issues that you have mentioned have to be met before the project goes forward.

David Hales, representing the Strawberry Lakeview Homeowner's Association and the Strawberry Cover, addressed the Wasatch County Council and indicated that the concern that these respective parties have is the cost to maintain the special service district that is going to be asked to be formed will not be spread across all the people in the Strawberry area when those people don't receive the benefits from roads, etc., that the Strawberry Highlands will benefit from. David Hales also indicated that these entities that he represents tonight do not want to be included in the special service district if the things included in the special service district does not benefit these entities but such things as public service, police, fire things such as that David indicated that these entities probably would have to be included in those.

Vice Chair Price then closed the public comment period.

Vice Chair Price reminded everyone that one member has recused himself, Councilman Kohler, and one member that is not present, Councilman Greg McPhie, so it would take four council members to make this decision and are you willing to go forward. Greg McPhie hasn't been here to hear the discussion will be able to read the transcript and would be able to ask questions of the Wasatch County Council and ask questions to you Paul Berg, Doug Smith or the staff. Are you okay with that Paul?

Paul Berg, representing the applicant, indicated that he is all right with that.

Councilman Farrell made the motion that we table the re-zone or the Strawberry Highlands request for the re-zone of the 400 acres until the November meeting and the public comment has been taken. The decision will just be delayed. Councilman Capson seconded he motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.
PUBLIC HEARING
SEPTEMBER 19, 2012

KIM NIELSON IS REQUESTING A PLAT AMENDMENT TO PLAT 19 OF THE TIMBER LAKES SUBDIVISION. THE PROPOSAL IS TO COMBINE LOTS 1922, 1923 AND 1924 INTO ONE LOT. THE REQUEST IS LOCATED AT 1922, 1923, 1924 ELK DRIVE IN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 6 EAST IN THE MOUNTAIN ZONE.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that Kim Nelson is requesting a plat amendment to combine Timber Lakes lots 1922, 1923, and 1924 into one lot.

Doug indicated that the findings are:

1. Lot combination assures less density, more open space, and fewer septic drain fields.
2. The Wasatch County Planning Department has received no written objections to the lots being combined.
3. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right for further subdivision of their property.
4. There are no public roads being vacated or amended as part of this plat amendment.
5. Utah law allows the County to approve a plat amendment if the County finds that (a) there is good cause for the vacation, alteration, or amendment; and (b) no public-street, right-of-way or easement has been vacated or altered.
6. Staff believes that good cause exists for the plat amendment. The request complies with zoning. No public-street, right-of-way or easement would be vacated or altered by the plat amendment. Therefore, Staff's position is that Utah law allows this plat amendment.

Doug indicated that the condition is:

1. Combined lots will have water bond payments based on three lots.

Chair Kohler asked if there was any public comment regarding the matter and there was none.

Councilman Farrell made a motion to approve the lot combination of Lot 1922, 1923 and 1924 in Plat 19 of Timber Lakes subdivision with the conditions and findings of the Wasatch County Planning Commission as noted as well as to accept the staff's report. Councilman Crittenden seconded the motion and the motion carries with the following vote:

AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Mike Kohler
AYE: Kipp Bangerter
AYE: Jay Price

NAY: None.
PUBLIC HEARING
SEPTEMBER 19, 2012

JOHNSTON VAN SLOOTEN IS REQUESTING AN AMENDMENT TO 16.04.02(4) OF THE WASATCH COUNTY CODE REGARDING THE DEFINITION OF ACCESSORY RESIDENTIAL UNIT. THE APPLICANT WOULD LIKE THE REGULATIONS TO ALLOW FOR DETACHED GUEST AND CARETAKER DWELLINGS ON THE SAME LOT AS A MAIN RESIDENCE IN THE RA-20, 20-ACRE LOT MINIMUM, RA-5, 5 ACRE LOT MINIMUM AND RA-1, 1-ACRE LOT MINIMUM ZONES.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this matter is concerning accessory dwelling units or ADU which is separate residential living quarters located on the same lot or parcel as the main residential dwelling in the Ra-1, RA-5 or A-20 zones and is incidental and accessory to the main residential dwelling. Doug also indicated that an accessory dwelling unit may be either attached to or detached from the main residential dwelling. Also an accessory dwelling unit is for the housing of guests of the property owner, or an employee or caretaker directly connected to the property, and may not be rented. Doug also indicated that Wasatch County recognizes two types of accessory dwelling units, a guest ADU and a caretaker ADU and all accessory dwelling units shall be approved by the Wasatch County Planning Department as a conditional use.

Doug also indicated that Guest Accessory Dwelling Unit guest ADU is living space that is either attached to or detached from the main residence, and is intended only for housing temporary guests of the primary occupant of the main residence. Doug also indicated that a guest ADU may not be a rental unit.

In this matter the conditions that are required are:

1. The maximum number of bedrooms is limited to two.
2. Maximum size of a detached Guest ADU shall be limited to 1000 square feet of living space as measured from exterior wall to exterior wall.
3. A detached Guest ADU may be placed within a larger accessory structure such as a garage, barn, or arena but the living space of the Guest ADU shall be limited to 1000 square feet in size.
4. A Guest ADU shall not be rented.
5. No more than one Guest ADU may be permitted on a single lot or parcel.
6. The minimum lot size for a detached Guest ADU is one acre. There is not a minimum lot size for Guest ADU directly attached to a common wall of the main residential unit.
7. Height of structure, size of structure, setbacks and location on property shall conform to all applicable county zoning codes.
8. Guest ADU must be connected to a public sewer system or an on-site septic system. If connected to an on-site septic system, special conditions may be imposed by the Wasatch County health Department to protect surface and ground water quality from increased degradation above that of a single residence on the property. This may include the use of an alternative on-site system for nitrogen reduction, compliance with R317-4-4.2 Method 1 for determining lot size, or other

property specific requirements.

9. Required utilities water, sewer, power, shall be connected through the same connections and hookups as the main residence.

10. The Guest ADU may not be sold or separated from the entire property unless the property is legally subdivided with official approval of the County. A Deed Restriction shall be filed by the County that prohibits the rental, sale, condominiumization, subdivision, or separation of the Guest ADU as a separate parcel of property an illegal subdivision of property.

11. All parking shall be provided on the property and not on the public road.

12. Applicants requesting a Detached Guest ADU will need to submit approval from the State Engineer for a private well or Public Water Provider for public system for additional water requirements. There are no additional water requirements for a Guest ADU directly attached common wall to the main residence.

13. A building permit issued by Wasatch County is required for any Guest ADU.

14. Applications for a detached Guest ADU on a lot within a subdivision regulated by a Home Owner's or Property owner's Association shall submit official written notice from said POA or HOA stating that the proposed Guest ADU is allowed by subdivision regulations, and also approval from the HOA Architectural Committee if required.

Doug indicated that a caretaker Accessory Dwelling Unit is living space that is either attached to or detached from the main residence, and is intended for housing of a caretaker plus immediate family or an employee of the property owner plus immediate family who is caretaking, managing, or working on the subject property. Employment on the property shall be for use that is legally recognized and approved by county zoning ordinance or official county approval i.e. farming or ranching operations, property maintenance, employee for a permitted on-site business. A Caretaker ADU is only permitted on a parcel of land at least four acres in size. A Caretaker ADU may not be a rental unit.

Doug then indicated that these are the conditions that are required.

1. The maximum number of bedrooms is limited to four.
2. The maximum size of a Caretaker ADU is limited to 3000 square feet of interior living space including basements, unless a special exception is granted by the Planning Commission for a justifiable cause. An existing home on the subject property that is at least ten years old and requested to be converted into a caretaker ADU to serve a new and larger primary residence is one justifiable cause for an exception to the size limit. The caretaker accessory dwelling unit must be clearly incidental to the main residence.
3. A Caretaker ADU may be placed within a larger detached accessory structure such as a garage, barn, arena, etc.
4. The caretaker ADU shall not be rented.
5. No more than one Caretaker ADU may be permitted on a single lot or parcel.
6. The minimum parcel size for a Caretaker ADU is four acres.
7. Height of structure, size of structure, setbacks, and location on property shall conform to all applicable county zoning codes.
8. A Caretaker ADU must be connected to a public sewer system or an on-site septic system. If connected to an on-site septic system, special conditions ay be imposed by the Wasatch County

Health Department to protect the surface water and ground water quality from increased degradation above that of a single residence on the property. This may include the use of an alternative on-site system for nitrogen reduction, compliance with R317-4-4.2 Method 1 for determining lot size, or other property specific requirements.

9. Required utilities water, sewer, power may be connected through the same connections and hookups as the main residence, or may be independent from the main residence on separate hookups. Typically, separate impact fees and utility service fees will apply for a detached caretaker dwelling.

10. The Caretaker ADU may not be sold or separated from the entire property unless the property is legally subdivided with official approval of the county. A deed restriction shall be filed by the county that prohibits the rental, sale, condominiumization, subdivision, or separation of the Caretaker ADU as a separate parcel of property an illegal subdivision of property.

11. All parking shall be provided on the property, and not on the public road.

12. A Caretaker ADU will need to submit approval from the State Engineer or County Water Board for additional water requirements to supply water to the dwelling.

13. A building permit issued by Wasatch County is required for any Caretaker ADU.

14. Applications for a detached Caretaker ADU on a lot within a subdivision regulated by a Home Owner's or Property Owner's Association shall submit official written notice from said POA or HOA stating that the proposed Caretaker ADU is permitted by subdivision regulations, and also approval from the HOA Architectural Committee if required.

15. The Planning Commission must make a determination that the property proposed to have a caretaker ADU has a justifiable cause for the caretaker dwelling i.e. maintenance or management of the property, employee housing, care giver for health or disability reasons, etc.

Doug then indicated that here are some new definitions to be added.

(105) Guest accessory dwelling unit - a guest accessory dwelling unit is living space that is either attached to or detached from the main residence, subordinate in size and use and is intended only for housing temporary guests of the primary occupant of the main residence. A guest ADU may not be a rental unit. A guest ADU is only permitted on a parcel of land at least one acre in size.

(31) Caretaker accessory dwelling unit - a living space that is either attached to or detached from the main residence, and is intended for housing of a caretaker plus immediate family or an employee of the property owner plus immediate family who is caretaking, managing, or working on the subject property. Employment on the property shall be for a use that is legally recognized and approved by county zoning ordinance or official county approval i.e. farming or ranching operations, property maintenance, employee for a permitted on-site business. A caretaker ADU is only permitted on a parcel of land at least four acres in size.

Doug also indicated that the following sections of the code will also need to be changed.

16.06.03 conditional uses in the A-20 zone add uses 1903 and 1905.

16.07.03 conditional uses in the RA-5 zone add uses 1903 and 1905

16.08.03 conditional uses in the RA-1 zone add use 1910.

16.36 Appendix 1 Wasatch County Land Use Classifications create a new use 1903 Guest

Accessory Dwelling Unit.

Delete the definition for accessory residential unit definition (4)

Change land use 1903 to Guest Accessory Dwelling Unit.

Doug Smith also indicated that these ordinances will be very difficult to enforce and Mike Davis, the Wasatch County Manager, also indicated that enforcement will be the big problem.

Mike Johnston, representing the applicant, addressed the Wasatch County Council and indicated that all the people that he is representing in this matter do not want to have a rental unit and possibly just not allow rentals. Mike indicated that sewage disposal is a big problem for the health department in this matter.

Mike Kohler then opened the matter for public comment.

Harold Wilson, Wasatch County resident, addressed the Wasatch County Council and indicated that would something like this create affordable housing in Wasatch County. Harold indicated that he needs a caretaker to live on his property and hope the matter will pass.

Rhett Roberts, Wasatch County Resident, addressed the Wasatch County Council and indicated that he would speak for this change because there is a real need in Wasatch County. Rhett indicated that he needs a caretaker to live on his property as well.

Ellen Nevela, Wasatch County resident, addressed the Wasatch County Council and indicated that she is for this change.

Pam Patrick, Wasatch County resident, addressed the Wasatch County Council and indicated that people out there are doing what they are not supposed to do and breaking the law and this applicant and other people out there are trying to do it legally.

Burke Roney, Wasatch County resident, addressed the Wasatch County Council and indicated that he is in favor of this matter because it would cut down on the abuse that is currently taking place in Wasatch County for those who are currently not in compliance. Burke also indicated that there is also a safety issue because the structures will be inspected to meet certain safety standards.

Nancy Van Slooten, wife of the petitioner, addressed the Wasatch County Council and indicated they plan to build a new home on the property and there is already an existing home on the property and would like to be able to use the smaller home that is already there for living quarters for a caretaker of our property.

Chair Kohler then closed the public hearing.

Councilman Crittenden made a motion to put this matter on for second reading at our next meeting with the new language. Councilman Capson seconded the motion and the motion carries with the following vote:

AYE: Jay Price
AYE: Kipp Bangerter
AYE: Mike Kohler
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson

NAY: None.

PUBLIC HEARING
SEPTEMBER 19, 2012

AN ORDINANCE AMENDMENT PROPOSED BY THE WASATCH COUNTY PLANNING DEPARTMENT TO AMEND 16.02.05(b)(3) REGARDING THE TIME FRAME BETWEEN PLANNING COMMISSION RECOMMENDATIONS AND REVIEW BY THE COUNTY COUNCIL FOR RE ZONES, CODE AMENDMENTS AND GENERAL PLAN AMENDMENTS.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the attached ordinance amends the code that currently requires all rezones, code text amendments and General Plan amendments to be approved in November. This code created a timing problem with the Wasatch County Council meetings since a proposal has to be approved by the Wasatch County Council in November but can be entertained by the Wasatch County Planning Commission any time between August and October. By adding the language that they are approved by November it alleviates the timing problem.

Chair Mike Kohler asked if there is any public comment regarding the matter.

Councilman Crittenden made a motion that we pass the ordinance amendment proposed by the Wasatch County Planning to amend 16.02.05(B)(3) regarding the time frame between the Wasatch County Planning Commission's recommendations and review by the Wasatch County Council for rezones, code amendments and General Plan amendments as modified. Councilman Capson seconded the motion and the motion carries with the following vote:

AYE: Jay Price
AYE: Kipp Bangerter
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Steve Capson

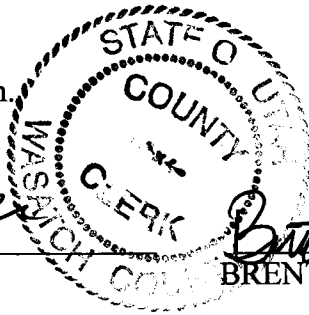
NAY: Mike Kohler

Councilman Crittenden made a motion to adjourn. Councilman Capson seconded the motion and the motion carries with the following vote:

**AYE: Steve Capson
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Kipp Bangerter
AYE: Jay Price**

NAY: None.

Meeting adjourned at 10:00 p.m.



Mike Kohler
MIKE KOHLER/CHAIRMAN

Brent Thcomb
BRENT THCOMB/CLERK/AUDITOR

Jay Price
JAY PRICE/VICE CHAIR