

**MINUTES OF THE
WASATCH COUNTY COUNCIL
NOVEMBER 6, 2024**

The Wasatch County Council met in regular session live and by Zoom at 4:00 p.m. and the following business was transacted.

PRESENT: Chair Spencer Park
Erik Rowland
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan
Mark Nelson

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Tiarra Cooper, from the Wasatch County Manager's Office
Wendy McKnight, from the Clerk's Office
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner
Rick Tatton, Court Reporter via Zoom
Richard Breitenbecker, from the Wasatch County Manager's Office
Jon Woodard, the Assistant Wasatch County Attorney

PRAYER: Chair Spencer Park

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

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday November 6, 2024 and indicated that all the Wasatch County Council Members are present. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ITEMS

Chair Spencer Park then asked if there were any Legislative Items for future meetings.

Councilman Luke Searle indicated that he would like to put on a future agenda maybe in two weeks before December an item of basically formalizing our review process of our County Manager and maybe have it applied to all of the directors that we have with the SSD Boards. I will work with our HR Director David Rowley and any member of the Council that wants to do that over the next couple of weeks or can send a draft version and we don't have to adopt it the first consideration but just would like to look at and adopt a process that we can get feedback and be productive. Possibly that could be done in the last meeting in November. Jon Woodard, the Assistant Wasatch County Attorney, asked if that is going to be a formal policy could we have it come through the attorney's office also for us to take a look at it.

ADMINISTRATIVE ITEMS

Chair Spencer Park then asked if there were any Administrative Items for future meetings.

Dustin Grabau, the Wasatch County Manager, indicated that we have had some recent discussions with Heber City on some open space issues to the Jordanelle Ridge project and wondered if you wanted a future item regarding that. We did have a subcommittee dealing with this and it was Councilman Kendall Crittenden, Councilman Steve Farrell and past Council Member Marilyn Crittenden. This is the Sorensen annexation and there was an open space dedication under the County prior to it moving into Heber City and we've been working on some of the details on that. It is easier to coordinate with a subcommittee where we are kind of float ideas and generally supportive of this concept or things like that, if you are okay with proceeding that way. Which three of you want to be on that subcommittee. It was decided that Councilman Erik Rowland, Councilman Kendall Crittenden and Councilman Steve Farrell to be on that subcommittee.

Dustin Grabau indicated that we are working with the solid waste district and the attorney's office on a potential property transaction for the Diamond K piece of ground and the County purchased it about three years ago with the intent of eventually transferring it to solid waste and we are now finalizing that agreement and what it looks like. It is to the point where it will end up on your agenda next week at the Solid Waste SSD meeting and then the County will have one on the following Wasatch County Council meeting as well so we can look at it.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park then asked if there were any public comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR OCTOBER 16, 2024

Councilman Steve Farrell made a motion to approve the minutes for October 16, 2024 as they are written. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

AYE: Mark Nelson

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL

PRESENTATION FROM UTAH'S MOUNTED THUNDER

Rick Johnson, President of the Utah's Mounted Thunder, indicated we had our event here in Wasatch County which was extremely successful. As a result we bring a lot of money into the County regarding this event. There were sixteen states that were represented and four people from Canada. The money that we left in the community was \$173, 394.00. The shoot has become one of the destination shoots across the country. We would love Wasatch County Council to look in the future of getting a covered second arena and we have one more year of what the Wasatch County Council has approved. What I am asking is that you extend that three more years where we can keep building and building on this. This is a year-round event and we travel from all over the country. This is a low maintenance product.

Dustin Grabau, the Wasatch County Manager, indicated that the money has been coming out of the Council's discretionary fund. We could look into using the TRT money next year. We also can look at some options for how it could be funded. Possibly the potential of managing this through the Heber Valley Tourism Economic Development grant process. Rick Johnson indicated that we put our own money into this to try to keep the costs down and are giving back to the community also there are more ways to increase the revenue back to Wasatch County. Dustin Grabau indicated that lets take this next year to really decide how we want to manage all of these things and then go from there. Councilman Erik Rowland indicated that going through the Tourism Economic Development Grant Process is a good mechanism to look into for funding of events like this. Dustin Grabau indicated that this is just for presentation and there is no problem with continuing the funding through next year and we should maybe revisit it. Just coordinate through me.

DISCUSSION AND CONSIDERATION OF SUPPORTING TRAIL MAINTENANCE THROUGH WASATCH BACK TRAILS FOUNDATION.

Mia Yue, the Executive Director of the Wasatch Trails Foundation, presented a power point presentation and addressed the Wasatch County Council and indicated that she has Scott House here with her who is a member of their Board as well as Don Taylor. Mia Yue indicated that we wanted to talk about funding for back country trail maintenance. Wasatch County has roughly 175 miles of back country trails of different types. Maintenance of a trail can cost anywhere from one to five thousand dollars. Having trails and access to trails are increasing our home values. Also increases spending money at our businesses. Also the Recreation TAP tax we helped pass. Trail Maintenance consists of various types of things to keep the trails in good shape. Maintenance also helps with safety concerns on the trails as well as erosion control. We have a lot of support from the Mountain Trails Foundation to fund a trail crew for the Wasatch Back and surrounding areas for this summer only. Our recommendation is for \$45,570.00 for two years as a pilot program working with the County and also Heber City and Midway City to bring back this trail crew so they are able to continue maintaining our trails and keeping them safe and accessible. That money would be for one year. Our goal is to bring back our trail crew which would make it possible to leverage grant funding into bigger projects, serious maintenance issues that arise or anything else that County Council or Heber City or Midway City Councils would deem necessary. This helps us to have a safe trail for people to use.

Councilman Erik Rowland indicated that with all of the growth we have realized within that last decade we are creating a massive debt of trail service that is going to need to be addressed. We have built the trails but never talk about maintaining the trails. Possibly there could something in the agreements that we create with developers to have some kind of maintenance program considered as part of their development plan would that be valuable.

Scout House, from the Trails Foundation, replied that is a great idea and in the Sorenson Development something like that is being done. Mia Yue indicated that we do work with Blue Sage Ranch and also work with Red Ledges just for their public trails and don't do any maintenance on private trails. We primarily focus on back country trails, single track soft surface trails.

Councilman Mark Nelson indicated that as the Council considers what Don Taylor does and those that are going to maintain paved trails we need to look at this as one of the components of our overall trail plan. Councilman Steve Farrell indicated that this is a good program but over the last twenty years we required hundreds of miles of trail be put in for each development and what they put in they were to maintain it and that hasn't been done. We need to find a mechanism to take care of that. Trails on the valley floor need attention and how do we move forward with that. That was the reason for that TAP Tax was to come up with a trails maintenance management plan.

Doug Smith indicated that what you are proposing I think is maintenance of back country trails for

public trails in private property is that correct. Mia Yue replied that is yes and yes. We do oversee the trails in the State Park also. Dustin Grabau replied that it is much easier for us to fit considerations like this or other in through our TAP Tax Funding we don't have those specifically allocated for any projects and assuming that you are supportive of that, I think it would be helpful for you to provide feedback either now or in some other mechanism to the TAP Board on how you would prefer them to rank these types of projects and your support for multi-year asks. The idea is that you get some level of consistency and providing that direction to the TAP Board and my understanding when we originally launched the tax was to support trail maintenance costs. Some of that was for seen needs for County owned trails but much of the messaging that was put out by the County by Heber City did align with some of these priorities as well. I think that discussing with the TAP Board how would you encourage them to adjust any criteria in evaluating those grants and that seems like the easiest and best mechanism for evaluating this especially given your prioritization of these types of projects.

Councilman Erik Rowland replied that would be my recommendation to see if this can qualify and explore as the funding mechanism and also prioritize it so this doesn't become an ongoing recurring debt that just grows and ensures that it is a top priority item as part of the TAP Tax budgeting process.

Dustin Grabau replied that now is the time to encourage the TAP Board to more heavily consider these types of projects. Councilman Luke Searle replied that this particular type of project is really important. The use of those funds are really up to you as the Council. Dustin Grabau replied that what we ended up in doing in the interlocal agreement is requiring an annual meeting of the three entities to coordinate on joint projects. Thus far we did that through an interlocal meeting but could have a more dedicated meeting involving all of the committee which is kind of what we talked about with the Heber City and Midway City post committee and coordinating with the councils on something like this a joint project among other potential projects.

Councilman Karl McMillan replied that now that we can't force a developer to bond for their landscaping which included the trails what is our mechanism to complete those trails if the developer defaults. Jon Woodard, the Assistant Wasatch County Attorney, indicated that they cut out our ability to require bonding for most landscaping but there is actually a carve out for trails so we can require landscaping both for the trails and around the trails under the current code.

Councilman Steve Farrell indicated that this a good subject to meet with the interlocal agencies to start this and see if we can get the committee for the TAP Tax and to fund them. Dustin Grabau replied that we have an interlocal meeting in January and have a discussion and let the TAP Tax Board know we are interested and have this discussion and just keep going with it.

BOARD OF ADJUSTMENT CONSIDERATION OF A COUNTY RESIDENT REQUESTING CLASSIFICATION CHANGE FOR RECENTLY PURCHASED HOME FROM A SECONDARY TO A PRIMARY RESIDENCE.

Councilman Erik Rowland indicated that this neighbor of mine that approached me about a situation that they are in with their home. The home in question was moved in 2007 and between 2007 and 2018 was classified as a primary residence. In 2018 it was then reclassified as a secondary home. The existing homeowner at the time and there was an attempt to try and contact them. The home in question was purchased by an individual Dick Rhienholt and he gifted the home to his daughter, and she is the one that has been residing in it the whole time. It has always been occupied by a single tenant this whole time. In 2018 it was reclassified and has been sold in 2024. Paul Ritchie is the new owner. When he received the tax notice that it was classified as a second property and then started the process to find out what needed to be done to reclassify it as a primary. There are some dates and windows missed and was told that his option now is to petition Council.

Paul Ritchie, the owner, indicated that the assessor's office just assumed that because it was in Dick's name they did their own research and said that Dick has a couple of homes and this change was made. They have been over assessed for the last six years and paying the double tax ever since. It always should have been primary and always was primary so when the County's office just made the change and we just assumed that the County was right and it wasn't. Councilman Steve Farrell asked is that home in the primary residence area. Paul replied that it is and it is in my name but it is in an LLC.

Councilman Steve Farrell made a motion that we go ahead and allow this to be changed to a primary residence for the tax year 2024 based on the classification that it was in the past that the owners didn't realize they qualified and had not taken the efforts to clarify it was a primary home and has been used as such for a number of years. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

DISCUSSION AND CONSIDERATION OF ORDINANCE 24-14 AMENDING WASATCH COUNTY CODE 2.01.05 TO REMOVE THE MIDA LIAISON DEPARTMENT.

Richard Breitenbeker, from the Wasatch County Manager's Office, indicated that Ordinance 21-05 established both the MIDA Liaison Department and the MIDA Coordinator position. Both the

department and position acted under the direct supervision of the Wasatch County Council. The need for negotiation and design level choices concerning the project area that were present in 2021 have given way to more administrative and coordinating duties at present. This ordinance removes the language from code such that the County Council can maintain the role but delegate it to within the responsibilities of the County Manager's Office. The MIDA Department operating fund is unaffected and will be maintained to continue providing Council a high level of transparency and fiscal control in this area.

Dustin Grabau indicated that what this code does it created the MIDA Liaison Department as an independent department not under the County Manager's purview. When Mike Davis took the role, this code made it so that he reported directly to you as the Council outside of my role. What the proposal is, is to remove that language and kind of acknowledge that Richard Breitenbeker fulfills these duties but that there is no independent MIDA Department. We still will have the ability to do all of the tracking, perform all of the duties but we just won't have this kind of one of a unique department.

Richard Breitenbeker replied that this gets rid of the position so that I can continue to fulfill that role without there being a conflict in code. The conflict of code is either that I am overstepping the bounds of a position that is vacant or that we get rid of the position and then I can occupy that role without any conflict. Dustin Grabau replied that this is a procedural step. Richard Breitenbeker replied that he is bringing this item because I need to square myself. Dustin Grabau indicated that this item is before you for a first reading just because of it being a little procedural. I think we wanted to get your feedback on are you comfortable with this change. Richard Breitenbeker replied that we are not intending for any of the functionality of the change. We are just getting rid of the MIDA Department portions of code so that there is no potential conflict. As we are looking at it the County Departments that are currently listed there, there is a section in code and this is just a question of the degree that Council wants to specify what departments or whether you would rather just not say those in code and leave it up the executive body whatever your preference is.

Jon Woodard, the Assistant County Attorney, just got this matter today and his recommendation is to leave the list, either this list or a list in code. The list should be updated to what it currently is or make it simpler or something along those lines. That would be to take out the subsection A and B from 2.01.05 but maybe adjusting this differently than it is proposed. The attorney's office preference is to maintain this section of code but maybe amending this section of the language. Councilman Kendall Crittenden indicated that he likes that approach. Councilman Luke Searle is fine with moving forward. Dustin Grabau replied do you want us to add in the departments that are not in this list but are departments? Councilman Luke Searle replied yes.

Councilman Kendall Crittenden made a motion that we have this as the first reading of this updating of Ordinance 24-14 amending Wasatch County Code 2.01-05 as the first reading today and we set the second reading for November 20, 2024 to update this code with the existing departments and clean it up the way it needs to be. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE; Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

INTRODUCTION AND INITIAL OVERVIEW OF THE 2025 TENTATIVE BUDGET DOCUMENT IN PREPARATION FOR NOVEMBER 13, 2024 WORK SESSION MEETING AND THE DECEMBER 4, 2024 PUBLIC HEARING MEETING.

Heber Lefgren, the Assistant Wasatch County Manager, presented a power point presentation and addressed the Wasatch County Council and then indicated that the purpose of this item is to have an introduction and initial overview of the 2025 tentative budget. The purpose of this meeting today is just to be able to provide you with the document and walk through the structure of the document and then for you to basically take this home with you so that you can look at it. If you have questions, you can feel free to call me at any point of time but we are planning to be able to have a follow-up next week during the work session meeting where we can go into greater detail about the substance. The purpose of today's meeting is basically to provide it for you to accept and then in addition to accepting the document by vote for you to be able to confirm that the public hearing date remains unchanged as indicated in the budget calendar which would be December 4, 2024. The current plan is December 4, 2024 Council meeting we would hold a public hearing, the formal public hearing for the adoption of the budget. At which point you can either chose to adopt it or you can chose to move it for another date following changes or additional conversation. Heber Lefgren then went through the budget document which is similar to the previous years.

Councilman Erik Rowland made a motion that we accept the 2025 tentative budget document and set a public hearing for December 4, 2024 to review the budget. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden then handed out a brochure showing what MAG has done this past year and kind of like the one we get from the Health Department, so you have that.

Councilman Kendall Crittenden indicated that we had the RPO meeting Monday and it was the joint RPO between Wasatch County and Summit County and it was held over at the library. UDOT did a quick update of the projects that will be going on in Wasatch County this next year. Also, would send the Council a power point showing more detail of what will take place if you are interested.

Councilman Kendall Crittenden indicated that the Council received an invite today from Jon from Hideout for a Ross Creek introduction and what not on November 13, 2024. I indicated to Jon that the Council has got a meeting on November 13, 2024 and probably none of us will be able to be present.

Councilman Erik Rowland asked if there has been a date set for that corridor on Highway 40. We talked about maybe redefining its use, the access for it. Dustin Grabau replied that we have not received anything. Let's not let this matter slip through the cracks. That would be a great discussion as part of next week's update from UDOT because Heber City will be there as well. Councilman Kendall Crittenden indicated that corridor access would have to be approved whatever change is made by all three entities and next week would be a good time to bring that up when all the entities will be present.

Councilman Mark Nelson indicated that a meeting was held of the Memorial Hill Committee and talked about both the process for and the physical monuments to add more names to the Memorial Hill and there will be a follow-up before the end of the year to progress that, but we made some progress.

Councilman Mark Nelson indicated that last week the Fisher Ranch Water Treatment Project was complete. They had an open house and it is an amazing facility. It has a four million gallon a day capacity. That is up and working now.

Councilman Luke Searle indicated that we are in preparation for the Community Thanksgiving Dinner that Wasatch Community Foundation puts on. Heber Valley Rotary is having a coat drive so we will take all of your coats that you would like to donate. There are boxes in a lot of locations throughout Wasatch County and that will be ending next Friday. If you see any of those boxes please throw winter clothing in them.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING A MEMBER TO THE TRAILS, ARTS, AND PARKS BOARD.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the board was new as of 2023 and the membership terms of the initial board were staggered as we move toward full 4-year terms. As a result the County Manager's Office received one application for this seat and recommends Nancy O'Toole be reappointed as a member of the TAP Board.

Councilman Steve Farrell made a motion that we go ahead and go with the Manager's recommendation in reappointing Nancy O'Toole to the TAP Board. Councilman Eric Rowland seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

CLOSED SESSION

The Wasatch County Council indicated that there is no need for a closed session to be held this evening.

WHERE UPON, a brief break was taken before the Wasatch County Council went into the public hearings that were scheduled this evening.

Chair Spencer Park then indicated that the time is 6:00 p.m. and the public hearings will now commence. The record should show that all the Wasatch County Council are present. The Planning Department indicated that Item No. 4 will be heard first.

**PUBLIC HEARING
NOVEMBER 6, 2024**

ITEM 4

ALLISON AAFEDT, REPRESENTING SKYRIDGE DEVELOPMENT L.L.C., REQUESTS A CODE TEXT AMENDMENT TO WASATCH COUNTY CODE 16.41.06 AND TO THE JRA DESIGN HANDBOOK SECTION 3.15, GARAGE ENTRANCES AND DOORS, TO PERMIT THE USE OF DOUBLE BAY GARAGE DOORS UNDER CERTAIN CIRCUMSTANCES.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and then indicated that Item 4 on the agenda is a proposed code text amendment and the applicant is SkyRidge Development but the amendment would be to Chapter 16.41 of the Wasatch County Code which is the JSPA Overlay Zone and some amendments to the JRA Design Handbook which is a supplementary document that is adopted by reference. In that ordinance it also talked about the need to create a design handbook that ultimately would house all of these kinds of standards. If there is a conflict between the two of these then the stuff that is in the code is going to rule and going to prevail if there is a conflict. At the end of last year the JRA Handbook was amended and as part of those amendments it made a small tweak to that and it now says if there is conflicting provisions between the two the more restrictive in either one will prevail. The JRA Handbook talked about the ability of allowing two-bay garage doors to face the street but it limited it only to attached housing product types where the overlay zone had this allowance that would be for any type of housing. As a result there is housing that has been built before that change at the end of last year and there are projects that are in the queue now that don't comply that adjustment in the design handbook made it the two-bay doors just outright aren't allowed for detached single family residential. That is why the change right now is coming up.

Austin Corry then indicated that the purpose and intent of the Wasatch County Code 16.02.05 requires that amendments to Title 16 shall not be made except to promote more fully the objectives and purposes of the general plan and this title.

Austin Corry then went through the key issues to consider.

1. Is the existing code regulation sufficient to achieve the purpose of the JSPA overlay zone?
2. Would the new proposed language improve the aesthetic standard for the JSPA overlay Zone?
3. Is the impact of garage doors on the street facade mitigated through the proposed language?

Austin Corry also indicated that the garage facade can become a dominant feature of housing and traditional housing has done a poor job at reducing the impact of the garage on the public experience.

Austin Corry indicated that the changes are and you will see a lot of red stricken text and this is Chapter 16-41 so the JSPA Overlay Zone. That is removing any of the statements about the garage door standards and simply writing in a line that says go look at the design handbook so we don't

have standards written in the two places. That is the first two pages of this four-page ordinance. The last two pages of the ordinance are the design handbook itself. While it still looks like there is a lot red and will summarize it this way. Everything that you see on the left is primarily making some grammatical changes to regulations that already exist with one exception and that is that there is a restriction on the width of the curb cuts past twelve feet and the applicant is asking to pump that up to twenty feet.

The staff is supportive of that change because the twelve feet didn't comply with fire code standards. The fire code was overruling anyway and they were happy to make the driveways wider than what the twelve feet was. On the right-hand side is really where the two-bay garage door discussion comes in. In essence what this does it takes the standards that are the mitigating standards that are already written in there says that if you want to do a two-bay door instead of two single bay doors facing the street we want you to do these certain types of treatment to the door and in essence taking those and also making that allowable for detached single family residential. That is a fairly good overview of what it does. Certainly there is other little things and things in there and I am happy to answer any questions.

Councilman Steve Farrell indicated that it is basically just housekeeping. Austin Corry replied that it is a little bit of housekeeping and from a policy decision standpoint the question would be are you okay with letting detached single family residential have the same two door option that attached residential does. That technically is a policy change but it certainly is more minor. Councilman Steve Farrell asked what is the down side to that. Austin Corry replied the reasoning in limiting garage doors and the architectural aesthetic is more the street facade and pedestrian experience and things like that. When you do two bay doors you have a higher likelihood of the garage feeling more prominent on the home so you certainly want to mitigate that. Most of these mitigating factors that are here and number one is you have to set that garage door back an additional four feet from the front eaves whereas if it was two single bays that could be further out so you are getting a deeper set back and also restricting it to the size of the home. If the home is built narrower than forty feet and I would say thirty-six feet if the home is built narrower than thirty-six feet then you couldn't actually use the full eighteen feet. You would have to make it narrower and the whole intent is just to make sure that garage door is not the prominent feature of the home and aesthetics and experience of the area. It also give them more flexibility.

Austin Corry then went through the proposed findings:

1. The proposed amendment strikes all garage door regulations from Chapter 16.41 of the Wasatch County Code and instead references the JRA Design Handbook to reduce conflicting provisions.
2. The proposed amendment maintains the current mitigating factors for when a two-bay garage door faces the street such as limits to the height and width of the doors, inclusion of a minimum four-foot eave, and further restrictions on the width of the door for narrow units.
3. The proposed amendment precludes multi-family and commercial uses from having any garage doors facing the street.
4. The proposed amendment increases the regulation on curb cuts from twelve feet to twenty feet

to align with fire code and allow better vehicular maneuverability into the private garages.

5. The proposed amendment modifies the material options available for garage doors.

6. The proposed amendment is consistent with the purpose and objectives outlined in Section 16.41 and the JRA Design Handbook.

7. Positive impacts of the proposed changes are accommodating larger vehicles and recreational equipment and a wider variety of material uses.

8. Negative impacts of the proposed changes are potential decreases to the pedestrian and public experience.

9. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Austin Corry then went through the proposed conditions.

1. Staff recommends that the Planning Commission and JSPA Planning Committee consider the language and make a recommendation to the Council. If modifications to the language are necessary for the Commission or Committee to feel comfortable with the proposal, the respective body should include the specific modified language in their recommendation.

Applicant:

Allison Aafedt, Project Manager with SkyRidge, and presented a couple of pictures showing these garage doors that are currently being used in our area. Allison showed materials that are being used and other changes that were made.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment and there was none so the public comment period was closed.

Motion:

Councilman Erik Rowland made a motion that we approve the code text amendment to Wasatch County Code 16-41-06 into the JRA Design Handbook Section 3.15 pertaining to garage entrances and doors which will permit the use of the double bay garage doors under certain circumstances as outlined in the proposed changes. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE; Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE; Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

ITEM 1

Allison Aafedt, representing Jordanelle Golf Lodge, LLC, requests consideration by the County Legislative Body for approval of Ordinance 24-11 enacting approving, adopting or authorizing the execution of a legislative development agreement in order to address aspects of the Skyridge Lodge project.

ITEM 2

Allison Aafedt, representing Jordanelle Golf Lodge, LLC, requests final site plan approval for SkyRidge Golf Lodge, a proposed condo-hotel including 65 units, 35 ERUs, reception area, fitness center, and other amenity spaces located at 1393 West Skyridge Drive in the Jordanelle Specially Planned Area JSPA zone.

ITEM 3

Allison Aafedt, representing Jordanelle Golf Lodge, LLC, requests Final Subdivision and Site Plan approval for the Jordanelle Golf Lodge Overflow Parking, a proposed subdivision and site plan to construct an off-site parking lot located off the Jordanelle Parkway on parcel 21-2807 in the Jordanelle Specially Planned Area JSPA Zone.

Staff:

Doug Smith, the Wasatch County Planner, addressed the JSPA Planning Committee and indicated that the determination is whether or not the County Council after receiving recommendations from the Planning Commission and the JSPA Planning Committee should approve the Legislative Development Agreement (LDA), the off-site parking plan, the small-scale subdivision and the lodge site plan. Also, that there are three applications that are part of this proposal. Staff will address all three items separately divided by section although all three application items are interrelated and have overlap.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented a power point presentation and then indicated that this request is for approval of the SkyRidge Golf Lodge, site plan, associated Legislative Development Agreement (LDA), an offsite parking lot and an associated small-scale subdivision for the off-site parking. The golf lodge contains 64 individually owned condominium units that will be in a short-term rental pool and managed as a hotel. Within the 64 units there are a total of 67 keys meaning that there are units that include lock-offs. In theory there could be 67 units rented at any given time of the hotel was at 100 percent occupancy and all the lock-offs were utilized. The hotel also includes 3 units with 3 keys that will be owned by MIDA Military Installation Development Authority for a total of 70 units. Staff is not sure the details of how the MIDA units will be managed. Within the lodge is a spa, restaurant,

bar, dining room, conference room, roof bar terrace and a grab and go restaurant. The footprint of the lodge is 2,760 square feet and overall square footage is 60,630 square feet. The lodge is situated on a 5.37 acre parcel that is already platted and is adjacent to the SkyRidge clubhouse currently under construction. On March 3, 2021, the SkyRidge Master Plan and Preliminary Plan were amended by the Wasatch County Council, with changes which included allowing the Golf Academy Lodging facility as a permitted use, and such amendments were required to be memorialized in a Third Amendment to the DA. The master plan amendments granted on March 3, 2021 also approved certain amenities including parking on the off-site parking parcel. The parties entered in the third Amendment to the Lakeside North Master Plan Development Agreement on August 12, 2021, also approved certain amenities including parking on the off-site parking parcel. The parties entered in the Third Amendment to the Lakeside North Master Plan Development Agreement on August 12, 2021, which is recorded as Entry #505907 in the recorder's office of Wasatch County. The lodge proposed in this area is a unique situation not covered by existing County codes. Due to the unique situation and limited circumstances of the proposal the applicant proposed that a Legislative Development Agreement would be used, as allowed by Utah State Section 17-27a-528(2)(a)(iii) for this use, which would not otherwise be allowed under existing applicable land use regulations. The staff and the applicant determined that the LDA would be preferable to amending the code which would allow a countywide change. The uses the LDA could allow were presented to the County Council in a public meeting, and they appeared to be comfortable with the application proceeding through the required process. Due to the interrelated nature of the aforementioned items, they will be covered in this one staff report but will need to be reviewed concurrently with individual motions. If the ordinance approving the Legislative Development Agreement is not approved or not approved as written, a different approval process may be needed or the application may be denied. Many of the issues will be discussed under the portion of the staff report entitled Site Plan. This section will address issues like lighting, setbacks, building height, parking, landscaping, trails, etc.

Doug indicated that the staff report covers three separate interrelated application items in the following order.

1. Ordinance 24-11 approving the Legislative Development Agreement.
2. Offsite parking lot and parking plan with small scale subdivision creating two parcels with the offsite parking parcel being 3.39 acres and site plan approval for the off-site parking.
3. Site plan approval for the 60,630 square foot lodge on 5.37 acres.

The following is a summary of the changes that have been made to the project being proposed compared to what was proposed in the September 17, meeting.

1. Reduced room count from 84 hotel rooms to 70 hotel rooms this total includes the 3 MIDA rooms.
2. ERU reduction from 35 to 34.
3. Elimination of the top floor on the southeast corner closest to the existing homes.
4. Room balconies on the southeast corner adjacent to the existing homes have been adjusted from

east facing to now facing south.

5. Multiple roof changes throughout the building.
6. Lightened overall stone and wood siding exterior materials.
7. Building massing throughout and stone columns have been broken up.
8. Additional window openings on the stone columns.
9. Added horizontal reveals to the building.

Doug Smith indicated that the Vision and Purpose of the JSPA as stated in 16.41.01 is to:

1. Create a globally recognized year-round resort.
2. To provide amenities supporting year-round activities.
3. The quality standards of 4 and 5 star hotels.
4. Encourage golf.
5. Fitness and wellness centers.
6. Retail dining and entertainment.
7. Adequate and accessible parking.
8. A wide range of well segmented real estate products.

Doug Smith then indicated that the major items addressed in the LDA include the following:

1. The height of the building is allowed to be a maximum of 75 feet as shown in the exhibit in the Development Agreement. The single-family portions of the JSPA code allows for a maximum height of 35 feet or two and one-half stories, whichever is greater.
2. County code 16.33.07 and 15.41.5.8 requires all the parking to be on-site or within 200 feet of the use. The project includes onsite parking and offsite parking. The offsite parking is approximately 1 mile from the site. The offsite parking will only be valet parking or employee parking and is intended only for overflow to employees and special events.
3. Parking stalls proposed are 9 feet by 18 feet and 9 feet by 20 feet as required by WCC.
4. The proposed off-site parking site includes three driveways, exceeding the two driveways per lot allowed by WCC.
5. The code does not allow double-stacked parking which is the case with the stalls on the lodge site. Stalls on the lodge site will be valet only, as is not unusual for a four or five star hotel.
6. The proposal also uses shared parking with the clubhouse to accomplish the parking numbers for the proposal which is intended in the JSPA code but is ratified in the LDA.
7. The code requires parking to be at the rear or sides of the use. The proposal has parking in front of the lodge but due to the change in grade on the site, it will not be visible from the street. Part of the concern in the code for the location of parking lots is that parking should not dominate the street scape. Buildings especially in a village would front the street not parking lots.
8. The original approved master plan showed 20 ERU's on the lodge site, 10 buildings, 20 town homes which was then changed in addendum 3 to a lodge with 27 ERUs. Addendum 4 states that there are 34 ERU's for the lodge plus 3 MIDA units with 3 keys. The SkyRidge development is limited to 503 ERUs. The 3 MIDA units are not counted in the ERUs, as is clarified in the LDA.
9. The hotel use and parking do not comply with the permitted uses for the residential land use

category of the JSPA code. This has been addressed in the amended master plan and development agreement and will be further approved through the LDA.

10. Removal of the requirements for the welcome center and the amenities stipulated in addendum 3.

Doug Smith indicated that if Ordinance 24-11 and the development agreement are not approved by the Legislative Body a different approval process may be required i.e., a code amendment to allow the proposal or the project may be denied. If approved as proposed, the ordinance and the development agreement would need to be acted on concurrently with the other items.

The determination issue is whether or not the County Council after receiving recommendations from the Planning Commission and the JSPA Planning Committee, should approve the Legislative Development Agreement LDA, the off-site parking plan, the small scale subdivision and the lodge site plan. In September 17, 2024 the JSPA Planning Committee met and continued the item for further review with some guidance from the Planning Committee. I want to point out at this meeting there was a lot of discussion from the public and a lot of concerned citizens about the height, parking, setbacks, intrusion on their residential homes. There was a lot of discussion from the JSPA Planning Committee and comments and guidance to the applicant on things that they felt should be changed and all three of those items were continued. The public hearing portion was closed.

Doug Smith indicated that the proposed applications were reviewed by the Planning Commission on September 12, and recommended to be forwarded to the Council with a unanimous vote. The JSPA Planning Committee, in a public hearing held on 17 September 2024 reviewed the proposal in this meeting, the JSPA Planning Committee continued all three items related to this report and requested some modifications to the applicant's proposal.

The following is a summary of the changes that have been made to the project being proposed compared to what was proposed on the 17 September meeting.

1. Reduced room count from 84 hotel rooms to 70 hotel rooms this total includes the 3 MIDA rooms.
2. ERU Reduction from 35 to 34.
3. Elimination of the top floor on the southeast corner closest to the existing homes.
4. Room balconies on the southeast corner adjacent to the existing homes have been adjusted from east facing to now facing south.
5. Multiple roof changes throughout the building.
6. Lightened overall stone and wood siding exterior materials
7. Building massing throughout and stone columns have been broken up.
8. Additional window openings on the stone columns.
9. Added horizontal reveals to the building.

Doug Smith indicated that due to the uniqueness of the proposal and the intent to further the goals of the JSPA, the County Legislative Body has been asked to enter into a Legislative Development

Agreement as allowed by Utah Code 17-27a-528(2)(a)(iii). The state code allowing legislative development agreements provides some flexibility for projects that are unique and where it is impractical to address all regulations found in a land use code. Staff has recommended that a Legislative Development Agreement is the preferred way to address the unique issues associated with this proposal which otherwise would have required a code amendment, or denial of the project. Rather than do a code amendment to allow this which would be County wide the Council felt like this was something that needed to be done on more of a specific basis. Doug Smith then indicated as was stated before in this presentation was listed the major items addressed in the LDA which Doug Smith went through.

Anders Bake, assistant planner, presented a power point presentation and then addressed the Wasatch County Council and discussed using the property for parking and it doesn't comply with the residential designation for that property but the Legislative Development Agreement would allow that as a permitted use on the property. The current Development Agreement requires that the applicant provide some amenities like a welcome center on the area that is being proposed as part of this north parcel and currently are proposing that requirement be removed. They are no longer required to join anything on the north parcel but would still have that option which would come with a later site plan application. Currently they are just proposing a site plan application for the south parcel. Another exception that was mentioned before in the Legislative Development Agreement is that the parking is about a mile away from the lodge site and its purpose is to provide off-site parking for that lodge property. It is being proposed because of the unique nature of the parking lot and won't be a parking that is meant for customers of a neighboring property that would be expected to walk from the parking to the property it is serving. This is only for valet purposes and cars will only be parked by the employees of the lodge. The LDA is requesting exceptions to elements of the parking lot the stalls from 18 feet in length to twenty feet and then allowing three driveways on the property which helps the drop off or facilitate the drop off needs of the lodge.

Anders Bake indicated that regarding landscaping. The offsite parking lot is required to comply with the landscaping requirements of the code including the buffer requirements adjacent to residential uses. There is a heavily landscaped buffer along the parkway with a minimum depth of approximately 10 feet and the average dept is closer to 15 feet. In short the staff is recommending approval of the offsite parking proposal with the following conditions.

1. The Council approve the shared parking proposal which allows for a discount of 82 summer stalls and 56 winter stalls from the generally applicable code requirements.
2. The site plan for the offsite parking lot is in compliance with the code except for the requirement to be within 200 feet of the lodge and the stall sizes of 9 feet by 18 feet. These issues are addressed in the LDA.
3. The off-site parking lot is not open to the public but will be used for overflow valet only and employee parking which the lodge will be required to provide a shuttle service for all times that the lodge is open.

Anders Bake indicated that lighting outside of required lighting by the IBC and recommended lighting by the IES for parking lots is limited to 25,000 lumens per improved acre. The site lighting for the off side parking lot is at a total of 21,243 lumens per improved acre. Also a 10 foot utility easement is required around the periphery of the parcels which needs to be added to the plat.

Anders Bake indicated that the staff is recommending approval of the offsite parking proposal with the following conditions:

1. The Council approve the shared parking proposal which allows for a discount of 82 summer stalls and 56 winter stalls from the generally applicable code requirements.
2. the site plan for the offsite parking lot is in compliance with the code except for the requirement to be within 200 feet of the lodge and the stall sized of 9 feet by 18 feet. These issues are addressed in the LDA.
3. The off-site parking lot is not open to the public but will be used for overflow valet only and employee parking which the lodge will be required to provide a shuttle service for all times that the lodge is open.

Anders Bake then indicated that he will go over the parking code required of the lodge. The parking requirements are partly based on the number of units, hotel units and then also the expected employees which is based on the number of rooms that is being provided originally they are proposing 65 units in the hotel and 88 room keys. The difference there is because some of the rooms allow multiple keys where you can split up a portion of the unit to create two units out of one and would be two separate keys for that unit. Reduced the amount of lock off units by quite a bit than what they are requesting right now. They dropped the units by one from 65 to 64 and the amount of room keys dropped from 80 to 67.

Anders indicated that some of the stipulations for villages include:

1. Significant retail, dining and entertainment facilities.
2. A minimum of six hundred fifty units not ERU's in the Resort Village Zone.
3. Must be designed to accommodate the 2,400 foot rule, refer to section.
4. A pedestrian walk experience which links resort features and other elements in the Resort Village together and serves as a focal point for visitor foot traffic.
5. Community space requirements each Resort Village shall have a minimum of one acre community space/plaza with ½ acre minimum in a consolidated area.
6. Add other resort components.
7. Buildings that build to street facing property lines. Alternatives shall be reviewed by the JSPA PC.

The application proposes to increase the density for this parcel for the Lodge, but the ERUs will come from other parcels in the project that have not been platted yet. This is memorialized and agreed to in the LDA.

Anders Bake indicated that the lodge is in a residential area approved for single family homes. The only designation in the JSPA that would have allowed for the lodge is a resort village which would have required additional stipulations that would have been impossible to meet in this area.

Some stipulations for villages include.

1. Significant retail, dining and entertainment facilities.
2. A minimum of six hundred fifty units in the Resort Village Zone.
3. Must be designed to accommodate the 2400 foot rule.
4. A pedestrian walk experience which links resort features as defined in Section 2.1.2.23 and other elements in the Resort Village together and serves as a focal point for visitor foot traffic.
5. Community space requirements. Each Resort Village shall have a minimum of one acre community space/plaza with ½ acre minimum in a consolidated area.
6. And other resort components.
7. Building shall build to street facing property lines. Alternatives shall be reviewed by the JSPA PC.

Anders Bake indicated that access to the lodge is off of SkyRidge drive which has two access points onto the Jordanelle Parkway. Hales Engineering felt that the lodge would not have a significant impact on the road network..

Anders Bake indicated that the setback off Skyridge Drive is approximately 141 feet. The setback to the north single family lot line at the closest point is approximately 210 feet. The set back to the south is approximately 14 feet, the setback to the east property line is 53 feet. All setbacks are greater than the setbacks for the JSPA zone which are front is a minimum of 20 feet from the right-of-way side setbacks are a minimum of 10 feet and the rear setback requirement is 20 feet. These additional setbacks help mitigate the size of the lodge.

Anders Bake indicated that the site plan states that the lodge site has 47.9 percent open space which will be dedicated to landscaping. The only statement I can find in the JSPA code is that there must be appropriate landscaping.

Anders Bake indicated that with regard to building height the County agrees that a departure from the more typical height requirement in the Overlay Zone is appropriate for a number of reasons. The lodge property is in the Residential Single Family portion of the JSPA zone, which allows for heights of up to 35 feet or two-and one half stories from natural grade, whichever is greater. It is also partially in the open space portion of the JSPA Zone. The lodge as viewed from the street, and from the elevation of the street will be approximately 34 feet above the grade on the Skyridge Drive which is an appropriate scale for a residential area and will fit in with the surrounding uses and residential and clubhouse structures. The parties agree that the lodge furthers the intent of the JSPA for a year round resort and is consistent with the JSPA principals in the JSPA code. The parties agree, that because the topography quickly drops from the road, and that the bottom floor of the lodge is below the road which provides frontage for the lodge, the impact of the height of

the lodge is significantly lower. As a result the height of the lodge appears typical for a single family residence in the area from the vantage point of the road. The County Council unanimously approved the amended master plan that included the SkyRidge Golf Lodge on March 3, 2021. All these reasons together cause the County to approve the lodge height as permitted.

Anders Bake indicated that with regard to lighting the lodge has a total of 24,716 lumens per improved acre.

Anders Bake indicated with signage the site plan will be required to get a separate permit and is not approved at this time.

Anders Bake indicated with regard to architecture. The applicant has committed to comply with the JSPA code and design handbook for materials, material percentages and colors. The JSPA Planning Committee has reviewed the architecture in previous meetings and made comments. Representations for the applicant made in public meetings responding to the JSPA PC comments will be required to be complied with unless minor and inconsequential changes are proposed as determined by the planning directors. Percentages and materials are required to be submitted with the building permit and verified.

Anders Bake indicated that following the JSPA Planning Committee meeting held on September 17, 2024, the applicant has made revisions to the architecture plan of the Stelle Lodge per the request of the JSPA Planning Committee members. These revisions include the removal of balconies located on the northeast facing side of the building in an effort to reduce the visual impact of the lodge on the properties located to the northeast of the building. The building architecture has also been altered to include a downward sloping roof at the northeast corner of the building instead of an upward sloping roof.

Anders Bake as mentioned before this was originally approved as a twenty-unit, twin home development and then an amendment to the Master Plan allowed for a lodge on the property and then the lodge that was proposed last month has been slightly reduced from 35 ERU's to 34 ERU's. The overall ERU allotment for the SkyRidge development is still limited to the 503. The site plan is the same that was presented in last month's meeting showing setbacks and a distance of 145 feet from the SkyRidge and then about 210.5 feet from the nearest residential properties. We received a new rendering from the applicant that shows potential future development in the area. In going over the ERU allotment for the SkyRidge development that has changed slightly from 35 proposed ERU's now to 34 and have showed how with the currently approved development, future potential development and the lodge they would still be able to get under that 503 Allotment.

As the application has been approved that they have some information on and anticipate a traffic impact. The applicant did a traffic study and then was further reviewed by Hales Engineering that the County hired to review that traffic study and provide us with some anticipated traffic impacts for the property. The conclusion of that study was that it changed from the town homes to the proposed hotel would add about thirty-one peak hour trips to the neighborhood and concluded

from that would not have a significant impact on the road network.

The setbacks far exceed the required setbacks for a residential property in the residential zone that it is in. They have provided additional setbacks as a way to mitigate the height impact on the property or neighboring properties.

The building height required for a single family zone is thirty five feet or two and a half stories. They are proposing to have that height be up to 75 feet. The height of the building will appear to be about 34 feet or similar to what you find with a residential building from the perspective of the road being at the road.

The applicant has provided a landscaping plan and demonstrated that they will be able to meet all landscaping requirements for the site with the number of trees and shrubs and providing adequate between parking and the street between the residential properties. The code requires 10 feet of landscaping between this property and neighboring residential properties and they are proposing to have the existing gamble oak on the northeast portion of the property remain but is bordering the nearby residential properties which would provide much more trees closer together than what the code would require. The applicant also presented grading plans and this cut and fill plan that was something that was mentioned last meeting was to have more detail on the grading plan.

The lighting has also been reviewed and the County staff has concluded that the lighting plan complies with County code requirements. There was a lot of comments with regard to the architecture of the building and the architecture does comply with the JSPA Code requirements, there have been several changes made to the architecture.

Anders Bake indicated that the comments made by the committee members which this is just a summary. A comment was made by Pete Meuzelaar as the buildings being top heavy and was not sure that had been addressed and was concerned about the reverse roof sheds at the north side of the building. Committee Member Craig Hahn brought up that more discussion would be needed about the building massing and had concerns with the size of the building and the decks that were overlooking the neighboring residential properties to the northeast and asked that the height in that area be reduced and was concerned about noise about the roof top deck and would like more information on the site plan and a view study showing how the neighboring homes are affected and would like that height of the building to be looked into.

Anders Bake then went over what was originally proposed in and what we have now. This is a perspective from the southwest and this is the opposite perspective looking at where you would be from the road looking down to the front of the building. This was in the original submittal showing the entrance to the building. Also the materials have changed to have a lighter rock color and then some of the bigger changes are on this northeast portion of the building so looking at this area and comparing the two the roof pitch has changed and then also one of the units was dropped so now that section is lower by one story in that area. Then the decks if you look at the east elevation there were three decks here and another four here that were all facing east, facing those residential

properties now those have all been removed facing that east area and then you can see from the south that they have all been moved over to the south side of the building. So where there wasn't any decks facing south before now there is three decks facing south. You can see where the decks were before and have been removed and a story has been removed and then the pitch of the roof has changed. These renderings also show the differences between in that area of the building and then the overall color change. There is some windows added in this area and then there is a materials plan showing the different colors for the materials. There was a comparison of the roof plan. This is just a report showing the different Development Review Committee members, the different staff departments, that reviewed and determined that this application was ready for review by the JSPA Planning Committee and the County Council.

Anders Bake then went through the proposed findings and indicated that these findings go for all the different sections of the report.

1. On February 15, 2017, the County Council approved the master plan for Skyridge formerly Mayflower Lakeside North with a total density of 503 ERUs.
2. On February 25, 2021, the JSPA Planning Committee recommended approval of the amended preliminary and master plan that included the lodge and offsite parking parcel.
3. On March 3, 2021, the SkyRidge Master Plan and Preliminary Plan were amended by the Wasatch County Council. The amendments included the lodge and offsite parking parcel.
4. The master plan changes are included allowing a Golf Academy Lodging Facility as a permitted use, and such amendments were required to be memorialized in a Third Amendment to LDA.
5. The master plan amendments granted on March 3, 2021, also approved certain amenities including parking on the off-site Parking Parcel.
6. The Parties entered in the Third Amendment to the Lakeside North Master Plan Development Agreement the (3) amended DA on August 12, 2021, which is recorded as Entry #505907 in the recorder's office of Wasatch County.
7. The approval of an amended master plan and overall preliminary that included the off-site parking and the lodge still required a number of approvals including site plan, plat and LDA.
8. The proposal is for approval of a Legislative Development Agreement, a small-scale subdivided plat approval and site plan approvals for the lodge and parking lot, including the parking plan.
9. Due to the uniqueness of the proposal among other reasons stated in the development agreement, the County Legislative Body has decided to enter into a legislative development agreement as allowed by Utah State code 17-27a 528 (3)(2)(a)(iii).
10. The vision and purpose of the JSPA as stated in 16.41.01 is to create a globally recognized year round resort to provide amenities supporting year-round activities, the quality standards of a 4 and 5 star hotel, encourage golf, fitness and wellness centers, retail dining and entertainment, adequate and accessible parking and a wide range of well segmented real estate products.
11. The legislative development agreement process was discussed with the Council on May 1, 2024, in a public meeting and no reason for not following this process was given by the Council.
12. The proposal is located in the JSPA Jordanelle Specially Planned Area overlay zone.
13. The original master plan for the project showed single family residential uses in a townhouse configuration that included 20 units.

14. Utah Code states that a land use authority shall approve a conditional use if reasonable conditions are proposed to mitigate anticipated detrimental effects. See Utah Code 17-27a 506(2)(a)(iii). The applicant has proposed a legislative development agreement through which the application can be approved outside of the conditional use process.

15. For reasons explained in the development agreement and this staff report, the legislative development agreement makes both the lodge and its height a permitted use, whereas without the development agreement, the lodge and the height would have to be approved through a different process.

16. Normally under Utah Code, if an application meets the requirements of the code, the land use authority must approve the application. Due to the legislative development agreement, which allows a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, the Council has greater discretion than would normally be allowed.

17. Single family homes in this area of the JSPA are allowed to have a maximum height of 35 feet from natural grade.

18. The Lodge is proposed to be 75 feet tall at its highest point.

19. The setbacks for the Lodge are significantly greater than setbacks required by code.

20. The legislative development agreement gives the county legislative body the discretion to allow or require the height they believe is a benefit to the health, safety, and welfare of the community.

21. The Development Review Committee has reviewed the project and forwarded the item for Planning Commission and JSPA Planning Committee consideration and Council decision.

22. The development agreement explains the rationale for many of the matters addressed therein. The Council hereby adopts the recitals of the development agreement and the body of the development agreement its findings for those matters addressed therein.

23. Ordinance 24-11 authorizes the adoption of the development agreement. The Council adopts Ordinance 24-11.

24. This staff report and the presentations made by staff during the public meetings are hereby incorporated into these findings.

25. The Council finds that based on the findings, the Lodge as proposed, the small-scale subdivision, the site plans, and the parking plans, advance the general welfare of Wasatch County.

Anders Bake then went through the proposed conditions.

1. The off-site parking parcel as per code, must have a 10 foot PUE around the periphery of both parcels.

2. The existing oak brush between the lodge and the residential lots must be maintained as an alternative to buffer noted in the code.

Anders Bake then went through the DRC Report.

JORDANELLE comments:

Continue plan review with District engineer and JSSD staff.

ENGINEERING comments:

- Rock retaining walls higher than 4 feet will have to be stamped by a professional geotechnical engineer.
- On Sheet IR 200, it appears the water for irrigation will be tapped into the main line in Skyridge Drive. Not going to allow that.
- As a condition of approval, fall protection must meet IBC.
- Handrails will be required on all retaining walls if required.

Anders Blake, the Assistant Wasatch County Planner, indicated that based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws subject to the conditions found in the report as well as stipulations outlined in the LDA. Therefore it is recommended that the Wasatch County Planning Commission and JSPA Planning Committee forward a positive recommendation of the proposal to the Wasatch County Council based on the findings and subject to the conditions included in the staff report and Legislative Development Agreement LDA. Anders Bake indicated that these are the changes that have been made since the last meeting.

1. Reduced room count from 84 Hotel Rooms to 70 Hotel Rooms this total includes the 3 MIDA rooms.
2. ERU Reduction from 35 to 34.
3. Elimination of the top floor on the southeast corner closest to the existing homes.
4. Room balconies on the southeast corner adjacent to the existing homes have been adjusted from east facing to now facing south.
5. Multiple roof changes throughout the building.
6. Lightened overall stone and wood siding exterior materials.
7. Building massing throughout and stone columns have been broken up.
8. Additional window openings on the stone columns.
9. Added horizontal reveals to the building.

Applicant:

Allison Aafedt, project manager with SkyRidge Development, went through an extensive power point presentation to the JSPA Planning Committee and then went through the changes that have been made to the project that the planning staff has indicated in the staff report. Allison indicated that in the last meeting a little more detail was requested on the off-site parking operation and the off-site parking will be valet only. If there is an event and additional over flow will be needed we will have extra parking down at the equestrian center and will not be parking cars on SkyRidge Drive. We have removed the top level units and also adjusted the roof and turned all balconies from east facing to south facing. Some of the roofs have been pulled back and adjusted. On the southeast corner the top floor is eliminated and the reverse shed roof is removed. And did a little over a fifteen-foot reduction from these changes. Updated the slope of the roof and the updated balconies. We are keeping track of our exterior materials to abide by the JSPA code and have

slightly adjusted just a little from removing that top level unit because they were primarily wood and glass siding but everything stayed pretty close to each other. We are still at thirty-eight percent stone, twenty percent siding and four and a half percent metal and almost thirty percent glazing. In conclusion, the fourth amendment to the development agreement is an appropriate and County process for the lodge due to the unique situation as not being covered by the existing County codes and limited circumstances. Our previous approvals which we have gone through, the traffic study, the parking study and updated architecture and design. Andy Wosnowski and Kevin Morely, architects, did the design. Both of them indicated that they have a good product here and thanked different people in helping with the design of this project and the comments that were made. We did our best to give this project a quality of architecture that is fitting of this community but also to attempt to try and achieve a scale of the building that would be representative of what you would hope to have in your community. We feel like we are presenting to this community a building that will achieve all those elements that are described in the JSPA. With regard to our partnership with MIDA. In July of 2021 MIDA created a public infrastructure district as a subsidiary of MIDA in which SkyRidge deeded about fifty acres to the PID with equestrian ability, the golf, the clubhouses and the Lodge and these amenities will be open to the public and provide meaningful military discounts and programming which includes MIDA Housing as well as Wasatch County Public amenities. The MIDA housing units will be property owned by MIDA in the MRS Project Area. This has been negotiated by MIDA. Allison Aafedt indicated that the offsite parking was included in the parking study. Dustin Grabau replied that it is worth noting too that the traffic to the parking for employees is more efficient then if they were all driving individually for the Lodge in fact they would be grouped in the shuttle system.

Council Comments:

Councilman Kendall Crittenden asked how notice of this project was given to the public. Allison Aafedt indicated that the real estate team did disclose this and then we have had some public open houses where the developer has spoke about their ideas for the SkyRidge community and were held on our property at our sales office location.

Councilman Luke Searle had a question about the north parcel what you plan on doing there with regard to the parking. Allison Aafedt indicated that we do not have a set plan yet and may be used for future welcome center or something similar. Councilman Luke Searle replied that residents in this neighborhood were informed that they may be would have a lodge but I think they were assuming that they were going to have a welcome center.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that the third amended development agreement and actually the prior iterations and I can't remember how they addressed this but the third amended had required amenities and permitted amenities and the required ones the County required people could count on that being there. The permitted ones were optional on the part of the developer. The welcome center was permitted and not required.

Councilman Luke Searle replied that he doesn't know if the community itself was in line with

some of these developments. Councilman Luke Searle has some concerns about the trail connectivity between the rest of the development and the project itself if a pedestrian wanted to walk to this development. Allison Aadeft indicated that we have lots of trails in our community and trails have in our first development project in the community and had trails before any houses have been built.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment and the comment should be limited to three minutes. Jon Woodard indicated that public comment can be taken with regard to the three items together.

Jonathan Gunn, resident of Hideout and also on its town council, indicated that he has been approached recently from a lot of Hideout residents about this project the seventy-five foot height of the project, the traffic, the lights and other impacts that are there. I have reached out several times to Allison Aafedt more than once trying to arrange a public informational meeting for the folks in Hideout. I have never got one of their e-mails so far as I can recall. I couldn't get Ms. Aafedt to respond. I did get a call from their project attorney and had a conversation. I am seeking that there were a number of Hideout residents who feel like they didn't understand what was going on and had questions and some had real objections particularly with respect to the height. It will be Hideout that will be looking at this 75 foot height and it is those residents that have raised lots of concerns. They intended to raise these concerns with the JSPA Planning Commission that on their most recent meeting on October 17, they didn't open it up for public comment and people in Hideout feel like they can't be heard. I am here tonight on behalf of the Hideout residents and asking you to delay your vote on this project until such time as the developers will do an interactive presentation that will give the Hideout residents some information and the opportunity to ask questions and get their concerns addressed.

Councilman Steve Farrell asked what is the closest Hideout residents to this facility, one mile, five miles etc. Jonathan indicated that it will be Hideout that is going to be looking at the seventy-five foot height of this building and would say the distance is about a half a mile and don't honestly know. Councilman Kendall Crittenden indicated that from the Parkway looking up that valley it is hard to tell where the Lodge is going to be. I have read all the comments and the vast majority of them are form letters.

Jay Keese, Hideout resident, thanked the Council and we have met with Councilman Karl McMillan and you all since in the day since the September meeting of the JSPA. You have done a good job at a high level explaining this larger view of what the total development is going to look like. Residents were concerned and think that the mile and a half estimate is about right and I know I can look across it from my property. Also that Wasatch County already has an awful lot of really good golf courses and a lot of the residents really understood a lot of stuff concerning the golf course. I am appreciative of what is here and what the use of this land for a small three hole golf course and concerned about the water usage and other things. I appreciate there will not be

any lighting in the evening which is a very important consideration again to preserve the night view and the dark skies. An important point and is it written in the LDA that was previously voted on about the golf academy and the range or is that just something we have taken the developers word on. We should put the decision on this off until all of the residents around the community have had a chance to look at it and make some comments. We just really haven't had the time to make the comments.

Bob Nadelberg, Hideout resident and on the Hideout City Council as well, just wanted to reiterate and back up everything that has been said because I have the same concerns personally. Would ask you to delay your vote note until we can have an informational meeting. This is the first time I am hearing about this. Concerned with the light pollution and just the aesthetic of the natural terrain being ruined. Concerned about the view corridor being damaged and the developer could do something to make those people whole because I think they would really be upset with their view being damaged.

Bill Coleman, owner of two of the lots in SkyRidge, indicated and thanked the County for all the work that they have done on this thing including the JSPA and point to one fact because I am terribly in favor of this. We have a public facility that benefits with its amenities and that there is a gathering place, a hotel site as opposed to just individual homes with no place really to gather other than a few clubhouses to have a hotel facility. This has been very public through its whole process. This has become one big amenity for the west side which will lower traffic impact and can ride a bike from Hideout if you need to. I appreciate the diligence that the County Council, Planning Commission, Doug Smith and everybody has had in this process and look forward to you guys moving forward with it and ha we can all enjoy it.

Anne Gruber, resident of Hideout, and in favor of development around the Jordanelle and appreciate all the hard work that the Wasatch County Council has spent on this project. I am not opposed or in favor of the project. I feel that we are really uninformed and Jonathan Dunn made a good point that residents of Hideout are really closely attached to this project because we are in such close proximity and we don't have a lot of information and not had any public comment or input. Concerned about the height, maybe some of the lighting and the water usage and questioning why a three hole golf course would be significant at all. Having commercial development is important. Like to better understand the height of the project and make sure it is in keeping with the environment around it. Also do have some environmental concerns and not sure that I fully understand. I would feel better understanding perhaps some of the environmental impacts that possibly have been assessed and not shared with our small community which we are greatly impacted by because of our proximity to the project. I would hope that maybe you would consider tabling the final decision so we can have further information given to some of the owners in my community because we feel that we have not been a part of this process.

Matt Hutchinson, attorney for SkyRidge and Jordanelle Golf Lodge and wanted to respond to the Hideout residents requesting you delay deciding this application today. The developer is not in favor of doing that. The developer has been through a long public process all with noticed hearings

to also clear a hurdle of having another public hearing in a different jurisdiction more than a mile away. The developer is not going to stipulate to that. Chair Spencer Park then closed the public hearing on this matter.

Council Comments:

Chair Spencer Park indicated that this public hearing will be the third public hearing that we have had on this project. The one public hearing was closed and when it was heard again they chose not to reopen the public comment that was in the second JSPA meeting that was held. They chose not to reopen it during that time.

Councilman Steve Farrell asked on October 17th when we had the public hearing in the JSPA Committee hearing how many comments were made? Doug Smith indicated that there was quite a few and it is in your packet and there was probably fifteen/twenty different comments. Councilman Steve Farrell replied that there was ample time to comment on it. Also how many at the County Planning Commission? Doug Smith indicated that there were quite a few comments made and also comments made at the JSPA Planning Committee hearing.

Councilman Luke Searle asked about the three units that MIDA has and how it worked if a military family were to come in and those three units were taken what would happen or if there were six units that were dedicated to MIDA and there weren't those families there could those be potentially used for the Lodge? How did we get to that three number? Erick Hunden, with MIDA, just here in support of the SkyRidge Development and what it means to MIDA to support our military recreation welfare and don't know that I have the exact specifics on where that number came from. Probably a balance between providing the military and their families longer term or program or whether it is the golf and the golf program or the equestrian therapy. Dustin Grabau replied that it was part of the discussion of the creation of the PID and the role that MIDA played in that Public Infrastructure District and this is part of the concessions that MIDA was able to get out of the benefit to both the development community and the commercial development which is one of the purposes of MIDA as well as the military benefits that they provide in conjunction with this venue. Councilman Luke Searle replied that he feels that the number is low. Dustin Grabau replied that it is worth mentioning that this is only the second Legislative Development Agreement at least in recent history that the Council has considered. That is due to the unique nature of the project and a unique tool that warrants the use of the LDA in this type of case and also a potential solution.

Doug Smith indicated that when we were approached by SkyRidge with this idea my first thought was how do we permit this and what does that look like. We talked about a rezone to a village and that didn't really fit what they were trying to do here and would have been more intense than what we could have ever wanted there in a residential area. The only option that we had was this LDA. Dustin Grabau replied that this would be an accurate characterization to say that a rezone may be more typical but would have resulted in a higher intensity use here and the LDA actually results in fewer concessions or fewer changes from what was originally conceived. Doug Smith indicated that if we had gone to a rezone then we would have had to had the master plan amended

significantly to allow for the retail and the mixture of residential uses as well. Dustin Grabau also indicated that just to confirm there is no golf facilities associated with this approval.

Councilman Erik Rowland indicated that two concerns were expressed tonight. One was looking at a fair distance to another development and be involved in the decisions that are being made. Is that something that we want to establish as any kind of precedence? Do we want to start such a large bubble of comments when you are dealing with people who are just literally just looking at it from a distance. That is hard for me to see that point of view. The one individual that commented actually lived in the development and he was in favor of this development. One concern that I have is when people are being shuttled back and forth and in my experience that does impact that local traffic pattern and can become a nuisance particularly when there is a lot of need to go back and forth. It was a problem in areas that I have seen because it wasn't thought out thoroughly.

Councilman Kendall Crittenden indicated that the residents of SkyRidge have the same perspective looking across the valley to Hideout and would Hideout be expected to honor their request and say that those condos affect my ability to indicate the same concerns that the people in Hideout have and we don't want to set that as a precedent.

Councilman Luke Searle indicated that they are all Wasatch County residents and taxpayers and so that is why they have a chance to come and have public comment. I do feel that water was addressed and golf lighting and netting was addressed. Maybe there is a way that we can work as a County to be able to express the entirety of this project. We can put out some more information as people move here to explain what this development is. Also over the last year the County has really taken a concerted effort to try and be more proactive in our public communications I think the intent is to continue improving that as we go forward to have more opportunities for public outreach and make sure that the public is informed. We will be starting a newsletter the first of the year. There is a lack of parking for the twenty-nine stalls from the summer based on what we require.

Doug Smith indicated that before in some scenarios we have had what we call shadow parking where you might have a landscaped area that we have shown on the site plan that can fit twenty more stalls and if that is ever needed where we get complaints that people are parking on the public street or blocking driveways or whatever that is a possibility of going in and tearing up landscape and put more parking in. In this scenario you do have another parcel if that was every a huge problem then that would be feasibly be some of the extra parking.

Councilman Steve Farrell asked could we enact that as far as the LDA agreement if at any point it becomes a complaint and we could request them to find additional parking. Doug Smith indicated that you could approve that. Jon Woodard replied that it could be a problem for the developer if we said this ever happens because fifty years from now where everything has been working great and there is a parking problem and I worry that encumbers that parcel a lot to keep them from potentially putting a welcome center or something like that and might be good for the time frame

on that and also it may be good to make sure that we then ask them to exceed what our code would require without going down and let's say up to what our code would require and try and make sure we are not being overly onerous. Councilman Steve Farrell replied that we didn't do anything unless it proved to be a real problem and then go back through the LDA and work with the developer to find additional parking. Jon Woodard replied that we could try to do that but the approval is what it is tonight. I just want to make sure that we aren't ruining their property rights more than we need to. Dustin Grabau replied that we want to be careful about what matrix is necessary that would trigger something along that line. Councilman Kendall Crittenden indicated that he is not in favor of putting this requirement on. If this parking becomes an issue that the developer doesn't need to be constrained in the LDA because the developer will be willing to go out and do it on their own. Allison Aafedt indicated that the parking parcel is designed to handle our special event parking and overflow parking for the lodge so we have extra parking there. We also have ample parking down at the equestrian center that we could use the same shuttle service if needed for some rare occasions.

Motion:

Councilman Steve Farrell with regard to Item No. 1 I would make a motion that we approve Ordinance 24-11 enacting, approving and adopting or authorizing the execution of the Legislative Development Agreement in order to address aspects of the Sky Ridge Lodge project with findings and conditions. Councilman Kendall Crittenden seconded that motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

Motion:

Councilman Karl McMillan with regard to Item No. 2 made a motion that we accept Item 2 for the Jordanelle Golf Lodge and final site plan for the 65 units, 34 ERU's in light of the findings and subject to the conditions of the Planning Commission. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Erik Rowland

**AYE: Mark Nelson
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan**

NAY: None.

Motion:

Councilman Kendall Crittenden with regard to Item No. 3 made a motion that we approve the request for final subdivision and site plan approval for the Jordanelle Golf Lodge overflow parking, a proposed subdivision and site plan to construct an off-site parking lot located off the Jordanelle Parkway on Parcel 21-2807 in the Jordanelle Specially Planned Area with all the findings and conditions of the planning commission. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Erik Rowland
AYE: Mark Nelson
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan**

NAY: None.

**PUBLIC HEARING
NOVEMBER 6, 2024**

ITEM 5

DOUGLAS OGILVY, REPRESENTING DURATECH JORDANELLE LLC REQUESTS MASTER PLAN PHYSICAL CONSTRAINTS, AND DENSITY DETERMINATION FOR JORDANELLE VIEW, A PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 72 ERUS 49 SINGLE FAMILY LOTS AND 23 TOWN HOME SITES ON 68 ACRES ON PARCEL NUMBERS 17-1212, 07-1238 AND 12-1108 IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA. DEV-8796.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that the Jordanelle View is part of the Jordanelle Specially Planned Area JSPA. The property was intended for residential development with the original RSPA Resort Specially Planned Area in 2002. Both the RSPA and JSPA plan books allowed up to 72 ERU's on the property as long as the property could comply with a more detailed constraints analysis being requested at this time. The Plan Book on Page B-11 shows the target density of up to 72 ERU's on 64 acres. This density is a maximum and can only be achieved if the property can comply with all codes including slopes, ridge lines, wetlands etc. the property is in neighborhood A and has the land use designation of residential single family with a maximum density of 6 dwelling units per acre. The property is bordered by SkyRidge on the east and by SkyRidge and East Park on the south. This creates unique access issues for the project. The project is required to have a minimum of two accesses. Skyridge was required to provide two accesses that are part of their master plan and preliminary approvals. East Park shows another access. None of these accesses have been built and there is no time frame for the construction of these roads than will provide access.

Jordanelle View is part of the Jordanelle Specially Planned Area JSPA. The property was intended for residential development with the original RSPA Resort Specially Planned Area in 2002. Both the RSPA and JSPA Plan Books allowed up to 72 ERU's on the property as long as the property could comply with a more detailed constraints analysis being requested at this time. The Plan Book on Page on B-11 shows the target density of up to 72 ERU's on 64 acres. This density is a maximum and can only be achieved if the property can comply with all codes including slopes, ridge lines, wetlands, etc. The property is in neighborhood A and has the land use designation of residential single family with a maximum density of 6 dwelling units per acre.

The property is bordered by SkyRidge on the east and by SkyRidge and East Park on the south. This creates unique access issues for the project. The project is required to have a minimum of two accesses. SkyRidge was required to provide two accesses that are part of their master plan and preliminary approvals. East Park shows another access. None of these accesses have been built and there is no time frame for the construction of these roads that will provide access. There will be a modification of the street cross section requirements through the engineering department. As far as land use and density the JSPA states that this area is a single family residential zone and that allows up to six units per acre. With regard as environmental constraints there are a few things to discuss and requested to have more detail at the preliminary as a condition. We have a section of our code that is called slope irregularity and what that says is that within a building envelope you have got to have everything under 30 percent slope to be considered buildable, however, there can be areas that are anomalies in there that are not more than 500 square feet and surrounding on all sides by slopes less than 30 percent. That is one of the things that we will want more detail on as we get into preliminary. There is also a wetland area that was identified by their consultants .65 acres and not sure if that has been delineated and if it is jurisdictional or not that will need to be further review for a preliminary. There is a ridge line analysis that was done. When they ran that analysis that the heights of the structures was set at thirty-five feet. If you do the two and a half stories that could be higher than that and just to make sure that a worse case scenario is used when

we do those ridge line analysis and also there will need to be notes on the plat and potentially envelopes that say that here is your envelope if you build in this the highest can't be higher than twenty-two feet or thirty-five feet whatever that ends up being. There are also some rock fall issues on the building and that has been addressed through building some type of berming in there.

Doug Smith then proposed the key issues to consider.

1. The density proposed is in compliance with the target density in the JSPA Plan Book.
2. Future applications will need to provide details on JSPA compliance with aspects like architecture and common elements.
3. Is the proposal in compliance with the intent of the JSPA code?
4. The proposal has no constructed access at this time and will be constrained by the timing for the construction of those accesses.

Doug Smith indicated that your determination issue to decide tonight is whether or not the proposal master plan, constraints analysis and density determination meet the applicable laws governing the use and development of land in Wasatch County, including restrictions on physically constrained lands, for a proposed residential development in the JSPA and to determine if the allowable density for the property is in compliance with the target density established in the JSPA plan book. This determination is a legislative decision to be made by the Wasatch County Council after receiving a recommendation from the JSPA Planning Committee.

Doug Smith then went through the staff analysis regarding land use and density, setbacks and moderate income housing and the environmental constraints analysis.. The environmental constraints analysis is:

1. The project will not consist of any building envelopes on natural or manmade slopes over thirty percent grade. Natural slopes over twenty-five percent shall include special studies which verify stability, each lot shall have a contiguous, generally rectangular building area that is a minimum of five thousand square feet at less than thirty percent slope.
2. The project will not consist of any structures within fifty feet of any fault line, greater setback is required if identified in a slope stability study.
3. The project will not consist of activities on or disturbance of any wetland areas scrub-shrub and emergent, except as approved by the Army Corps of Engineers.
4. The project will not contain any platted lot within any landslide hazard areas, and no structures will be permitted in landslide areas unless approved by the land use authority.
5. The project will not consist of any habitable structure within any 100-year flood hazard area, alluvial fan flood debris flow area, or collapsible soil hazard area, except as provided in section 16.28.08 of this title.
6. The project will not consist of any habitable structure within any shallow groundwater hazard areas.
7. The project will not consist of any development within any areas that are recommended locations for detention basins or established road and utility corridors.
8. The project will avoid any structures that will protrude above any ridge lines, except as provided

in section 16. 27.22 of this chapter.

9. The project will comply with the environmental regulations outlined in section 16.28.

10. The project will preserve major natural site features and existing vegetation.

11. Full geotechnical evaluation of the site and any other necessary studies have been provided to support the above findings.

12. If information is found, a mitigation plan will be required or no development may be approved.

Doug Smith then went through other things in the staff analysis like roads, ridge line, sidewalks/trails, open space, parks, landscaping, architectural standards, JSPA design standards, the development agreement. As part of the application the applicant turned in a traffic analysis and it shows their impact on SkyRidge Drive. The architecture that the JSPA requires has a higher level of architecture and needs to be reviewed more especially the town homes at preliminary to ensure compliance with the JSPA Code. The development right now has access shown to the property but not built and at preliminary the developer will need to have or enter into a development agreement of some type with the County acknowledging that those accesses aren't built and they are in SkyRidge and we don't know what their timing is. Also concerned about granting additional density or entitlements when we don't know when those accesses will be built. Obviously we can't record a plat and allow the sale of lots or units until we have a handle on that access. Doug Smith indicated that we have a letter from our Geotechnical Engineer and we consult with AGECE and these items that were brought up which I kind of touched upon that will need to be further addressed at preliminary. Each project is required to do a ridge line analysis. The applicant applied to our engineering department for an exception to our road section or standard road cross section has a 60 foot right-of-way and you have got your 32 feet of asphalt and then a park strip on both sides and then a sidewalk. They asked for an exception to that because of the excessive grading that it would require in some of the steeper areas. Through our engineering department they received the exception and the road platform although it is still in a 60 foot right-of-way the road plat form ranges in width to 39 feet without a walk, 44 and a half feet with a four foot sidewalk and five and a half park strip on one side. The approval for this is through the Wasatch County Council. The project does not have access at this time although there is approved through master plan and preliminary approvals two stub streets and then east park has another stub that will go into it. We have no idea of knowing what the timing of any of this will be. East Park was recorded in the 1960's and haven't developed but at some point I am guessing East Park will develop and will have the stub into this property and at some point SkyRidge will build those phases and stub into this property. The concern that we have is giving further entitlements when we don't know what the timing of that connection will be.

Councilman Steve Farrell asked why are we even considering this if there is no access here? We have a condition addressing this and it says that we can't go further until there is a written agreement that they understand that the timing of this is undetermined. Dustin Grabau replied that they need a reasonable level of confidence that there is a path forward and that is what we have talked a little bit on the DRC Level. At the master plan they achieve some level of confidence that they know how much density they have and generally what the project looks like and those additional steps in that process where they need to firm up what that access looks like. The

additional steps in that process for access is where they need to firm up what that access looks like. For instance they could achieve some kind of pioneering agreement with Sky Ridge that allows them to build roads and get access and that would be a prerequisite for something like a final approval if those accesses didn't already exist.

Councilman Steve Farrell replied that I am still a little bit skeptical because what is going to stop them from getting a master plan and density determination and flipping the property and some other person comes in and he starts demanding that you build me access. What this does is move them forward towards actually being able to address those things. Doug Smith indicated that what I have mentioned in this bullet statement is that there is a development agreement that gets recorded and runs with the land so anybody that purchases it would be put on notice that there is not access at this point. There is approved access but there is not build accesses. Councilman Steve Farrell indicated that this could be probably fifteen years down the road. Jon Woodard, the Assistant Wasatch County Attorney replied that the high level or concept we are okay with this but we are making it clear that in the next step going forward they need to address this before they can meet those. In preliminary there needs to be a common understanding which is intended to be a common understanding between the developer and the owners of SkyRidge on how they are going to get access and then for final plat they have to actually provide for that road to be built and demonstrate that they have the right to do it. If we follow up with the way we are supposed to this is a safe way of moving forward. Recorded through the Development Agreement with the developer demonstrating that SkyRidge and they have a path forward with SkyRidge but don't necessarily have a written agreement saying how they are going to do it but they have a common understanding with SkyRidge of how they are going to move forward so when they get their final it is not going to be an insurmountable hurdle to have that actual agreement and demonstrate will actually be built and bonded. Councilman Steve Farrell replied that I have a hard time giving master approval of something that is not feasible at this point and time to develop. Doug Smith indicated that he does agree with Dustin Grabau that they need some incentive to work through this issue and they don't have any idea of what they can do but that is a valid issue. The last thing we can or would ever want to do is we can't record a Mylar where they can sell properties if the access isn't either there or bonded for. Dustin Grabau indicated that as staff we feel like had we followed what we are proposing now with some other problematic areas this is the way we wish we would have handled those. Councilman Steve Farrell indicated that he can see a legal problem coming here and as soon as we give this property the entitlements, the master plan entitlements the value should go up and MIDA will want that money.

Doug Smith indicated that a traffic study was done by Hales Engineering. Our code requires that twenty percent of the project is open space. They will have to comply with the JSPA Code as far as materials and percentages and set backs of the garages and all that type of thing that will all be reviewed at preliminary and then again at final and building permit.

Doug Smith then indicated that the Development Review Committee DRC with this proposal have been reviewed by the various members of the Development Review Committee for compliance with the respective guidelines, policies, standards, and codes. A report of the review has been

attached. The Committee has forwarded the item for the legislative body to render a decision .

Doug then went through the DRC comments:

PROJECT comments:

- Construction plan review to be coordinated with JSSD for approval. Higher elevation portions of the subdivision need to water tank and pressure issues resolved.
- Secondary access needed if dead end exceeds 1300 feet or more than 30 residential units. Please specify main access and secondary or if phasing is being implemented.
- Do secondary access roads connect to existing paved/approved roads?

ENGINEERING comments:

- Update to comment. The ridge line analysis appears to be missing certain homes intersecting with the line of sight. We would like to know height restrictions prior to preliminary approval.
- Original Comment: provide a more detailed analysis of the ridge line constraints by building height at preliminary.
- Update to comment: the applicant's response indicates that a study of the wetland delineation will be provided. We would like to know how the study affects setbacks in the master plan stage.
- Original Comment: there appears to be further wetlands, farther in the west drainage channel per the national wetlands inventory online GIS map.
- Updated comment: The dead end road abutting the existing lot should be voided.
- Original Comment: comments SE entrance to site connects to lots. This alignment likely will need to change.
- Updated Comment: the applicant has indicated that the conceptual plan has been updated to resolve the original comment. The conceptual plan does not appear to indicate this update.
- Original Comment: at preliminary show feasibility of access to lots with large amounts of steep cuts and fills all along their frontage.

PUBLIC WORKS comments:

- Lets get the Development Agreement updated in the Obligations of the County (d) to show that snow removal, street lights, and all storm drain infrastructure will be maintained by the developer/HOA.

Doug Smith then went through the proposed findings:

1. The subject property is 68.13 acres in the Jordanelle Specially Planned Area JSPA Overlay Zone.
2. The property Jordanelle View was planned as part of the RSPA in 2002 and the JSPA in 2014.
3. The target density in the RSPA and JSPA was 72 ERU's.
4. The project complies with the target density and is proposing 72 ERU's

5. The master plan shows the area as RSF Residential Single Family.
6. The RSF allows for up to 6 ERU's per acre. The proposal is well below the density allowed in the RSF but is at the maximum allowed by the target density.
7. The RSF allows for attached and detached housing.
8. The proposal is a mixture of housing types with 49 detached single family homes and 23 attached units.
9. The proposal will be required to comply with the JSPA Design Handbook for architectural standards and common elements and demonstrate that at preliminary.
10. Precedent imagery has been submitted but not reviewed for JSPA code compliance.
11. The applicant has proposed to comply with the affordable housing program through a fee-in-lieu of \$28,000 per AUE for a total payment of \$201,600 at recording.
12. The proposal at this time, has planned access but no constructed access. At preliminary there will need to be an agreement recorded stipulating access requirements and timing.
13. Master plan approval does not grant a variance from County Code standards as a project proceeds with further stages in the approval process.
14. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.

Doug Smith then went through the proposed conditions.

1. At preliminary further study to see if this .65 acres of wetlands is jurisdictional and if the rock fall mitigation proposal is acceptable.
2. A more detailed ridge line analysis will need to be done for the preliminary submittal as per the conditions from the engineering reviewer and as stated in this report.
3. Further review at preliminary of areas within the building envelopes that are over thirty percent slope to determine compliance with 16.04 slop irregularity.
4. Moderate income housing fee-in-lieu determination made by the Council.
5. The variations in the sidewalk locations, as per the County Engineer letter, requires approval by the County Council.
6. At preliminary application there will need to be an agreement entered into between the County and developer regarding access to the project.
7. At preliminary application a soil reports for all lots that have slopes in envelopes over twenty-five percent.
8. Density is granted under the condition that all other aspects of the code will be met as plans are refined at preliminary and final plan stages. Any code conflicts may require the density to be reduced if plans cannot be compliant under the density granted. This includes, but is not limited to items such as parking, lot coverage, building height, storm water retention, previously unidentified constraints, etc.
9. The commitments made by the developer in the submittal documents will be considered part of the approval.
10. All issue raised in the DRC report and comments by AGEK in the soils report review shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.

Doug Smith indicated that based on the analysis in the staff report it appears that the proposal can be compliant with applicable laws. Therefore it is the recommendation made by the JSPA Planning Committee that that the Wasatch County Council grant the proposal.

Councilman Steve Farrell asked Doug Smith to go back to Condition No. 6 and shouldn't that other third party. Doug Smith indicated that is correct. Councilman Steve Farrell indicated that you have got a three way agreement. Doug Smith indicated that SkyRidge has three stub streets going into it.

Applicant:

Doug Ogilvie, the applicant, indicated that the sidewalk goes from the Summit County on the north property line down to the southeast corner of the property which is kitty corner from SkyRidge's golf club house property. At the southeast corner of the property there is about thirty feet of SkyRidge HOA property across which there is a historical jeep road that this trail connects to so the thought is that this trail connects to the SkyRidge Drive where we would anticipate there should be some form of a transit stop at some point in the future. Doug Smith indicated that connection made through that jeep trail. Doug Ogilvie replied that is correct. We also ran a sidewalk east/west across the top of the property from East Park to SkyRidge Pegasus which are both sidewalks to nowhere. Doug Smith replied that this connection will be a dead end essentially. Doug Ogilvie indicated that the Committee has been here for a long time this afternoon and Doug Smith done a very good job presenting the project. We are working with some interesting sites with interesting topography and two drainages and with the engineering exception for roads have significantly reduced the grading impact on the property which benefits everybody in the community. The conditions that are proposed I agree with and are reasonable and things that we can work through with the preliminary plan stage.

Doug Ogilvie also indicated that Sky Ridge has no sidewalks and so they went through their approval under a prior ordinance because of their vesting date that allowed them to use paved trails as an alternative sidewalk and that option wasn't available for us. So we basically proposed sidewalks. We have the two big drainages corridors at the middle and felt it was very appropriate to run gravel trails up there and they will be improved eight percent grade trails to County standards so there will be some switchbacks. Pretty extensive trails but they are the gravel old mountain pedestrian trails. They park up at the County line and envision improving that with a little bit of a lawn area, picnic tables, ten parking spots for mountain bikers to stage from and tying into both of the back country trails. We are asking that if we finish this step so we then can move forward on the next one. We know we are not going to be in here for a final plat within the next two years it is going to be highly depended on lots sales picking up for SkyRidge. This development needs to be developed before anything can happen with East Park because East Park runs into their thirteen hundred foot limit.

Public Comment:

Chair Spencer Park then opened the hearing for public comment.

Bill Coleman, lot owner in SkyRidge, indicated that he just has one quick question and regarding target density and it has always been up to a number and curious how this just automatically becomes what was on the chart as opposed to having the stages of getting up to that amount. I am looking backwards here a bit for all the years that we have spent together on target density. If there is some room for that to be more fluctuating and I notice that it is in the one item there that is other constraints but a promise of a certain target density becomes solid if you move ahead with this it seems where that is the most malleable part of the overall aspect of the original JSPA Code that is all that I had thanks.

Motion:

Councilman Steve Farrell made the motion that we go ahead and approve the master plan for the Duratech Jordanelle LLC on physical constraints and density determination for Jordanelle View a proposed residential development consisting of 72 ERUs. In light of the findings and subject to the conditions and with regard to Condition No. 6 that the third party be added to that access agreement. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Erik Rowland
AYE: Mark Nelson
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan**

NAY: None.

ADJOURNMENT

Councilman Eric Rowland made a motion to adjourn. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan**

NAY: None.

Meeting adjourned at 10:00 p.m.


SPENCER PARK/ CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

