

**MINUTES OF THE
WASATCH COUNTY COUNCIL
MAY 4, 2022**

The Wasatch County Council met in regular session live and by Zoom at 3:00 p.m. The following business was transacted.

PRESENT: Chair Mark Nelson
Steve Farrell
Danny Goode
Spencer Park
Kendall Crittenden
Marilyn Crittenden via Zoom
Jeff Wade

STAFF: Dustin Grabau, The Wasatch County Manager
John Heber Lefgren, Assistant Wasatch County Manager
Natalie Foster, the Wasatch County Manager's Secretary
Mike Davis, the MIDA Coordinator
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight, from the Clerk's Office
Joey D. Granger, the Wasatch County Clerk/Auditor
Doug Smith, the Wasatch County Planner via Zoom
Austin Corry, the Assistant Wasatch County Planner via Zoom
Rick Tatton, Court Reporter via Zoom.
Jonelle Fitzgerald, the Wasatch County Health Director

PRAYER: Councilman Kendall Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Jeff Wade and repeated by everyone.

Chair Mark Nelson called the meeting to order at 3:00 p.m. on Wednesday April 20, 2022 and indicated that all the Wasatch County Council are present and Councilwoman Marilyn Crittenden is via Zoom. The record should also reflect that the Wasatch County Council is meeting in the Wasatch County Council Chambers in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Mark Nelson then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there were any legislative issues for future meetings. Councilwoman Marilyn Crittenden asked if we are still going to have a report from our Assessor's Office. Chair Mark Nelson indicated that will be done in our work meeting next week.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Mark Nelson asked if there are any public comment on matters not on the agenda and there was none.

APPROVAL OF THE MINUTES FOR APRIL 20, 2022

Councilman Steve Farrell made a motion to approve the minutes for April 20, 2022 as written. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/CONSIDERATION OF THE SECOND READING OF THE TAX SALE ORDINANCE #22.08 CHANGE.

Councilman Steve Farrell asked if there have been any changes made since the last meeting. Joey D. Granger, the Wasatch County Clerk/Auditor replied no.

Councilman Steve Farrell made a motion that we go ahead and approve Ordinance #22.08. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

UOLF (Utah Olympic Legacy Foundation) SOLDIER HOLLOW REPORTING ON THE RESULTS OF THE IBU YOUTH AND JUNIOR WORLD CHAMPIONSHIPS.

Luke, from Soldier Hollow, addressed the Wasatch County Council and indicated that was a great event and thanked Wasatch County for helping us on that. There was 260 competitors taking part. There was thirty different nations competing. We did a good share of local advertising. Also did a fair amount of digital marketing. There was eighty seven hours of broadcast through the event. Also 3.7 million hours viewed all international. This has a real good exposure for the community and the venue. The biggest this event made on the local community was obviously with regard to people staying in local hotels and motels and staying in other facilities. We spent about \$730,000.00 running the event. This event also helped in positioning Utah hosting the future Olympic Games and received a lot of good reports from IBU event. We also had a very good return on our monetary investment. Luke thanked Wasatch County for helping us bring the various events to Soldier Hollow. We have another event in March of next year and are gearing up for that event called the IOC World Cup.

CONSIDERATION OF ORDINANCE #22-09 AMENDING THE WASATCH COUNTY LAND USE AND DEVELOPMENT CODE TO DEFINE RECORD OF SURVEY SUBDIVISIONS, ALLOW FOR BUILDING ON PARCELS RESULTING FROM RECORD OF SURVEY SUBDIVISION, MAKE SOME CLARIFICATIONS REGARDING NONCONFORMING SUBDIVISIONS, AND ADDRESS RELATED ISSUE.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that this matter was continued a couple of weeks ago. Mike Davis and I have talked a little bit but haven't gotten into any level of detail. I would like to see this ordinance move forward.

Councilman Steve Farrell indicated that the Council can move this forward and then refine some of these stumbling blocks and we can modify it can we not? Jon Woodard replied that is correct and absolutely agreed with that.

Councilman Jeff Wade indicated that we need to make sure that we are not taking somebody's rights away and don't think there is an easy fix. Councilman Kendall Crittenden asked if this is unique just to our County. John Woodard replied that he hasn't examined that question directly but have seen a lot of case law regarding these old approvals. With regard to the question of partition of property resulting from a survey I haven't seen a lot of case on that but has all been focused on the nonconforming subdivisions and how they have been treated over time.

Mike Davis indicated that this is a complicated issue. His biggest concern is the way the ordinance is written because it is putting the entirety of the burden of proof on the property owner and in many instances it is the County that made the changes not the property owner. The only choice is to subdivide and put more homes on that and our goal was to try and keep as few of homes as possible.

Councilman Steve Farrell asked if there is a way to shift that burden and share that burden. Jon Woodard replied that we can put in some language that talks about the County working in good faith but it is essential that the burden remain on the property owner and our staff is generally helpful in trying to help people solve problems. Putting something like that in the code I don't have an issue with, but actually shifting the burden of proof has significant affects legally and would be very uncomfortable with that.

Councilman Steve Farrell indicated that he likes the idea of putting in the ordinance that the County will work with good faith to resolve the issue. It is the burden of the property owner to bring the matter to our attention and then the County would work in good faith to resolve the issue. Jon Woodard indicated that he would be very comfortable in putting in language along those lines and it would take me some time to figure out the correct places to put it and that is certainly something we can certainly do.

Councilman Steve Farrell indicated that we go ahead and adopt this and have Jon Woodard put the language as we requested. We need to have this ordinance adopted in order to take care of some other items.

Councilman Steve Farrell made a motion that we go ahead and approve Ordinance No. 22-09 with the understanding that our attorney change some of the language to include that the County will work in good faith with the property owner to resolve these issues as they come up. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Marilyn Crittenden via Zoom

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

WASATCH COUNTY BOARD OF HEALTH 2021 ANNUAL REPORT AND PRESENTATION ON THE 2022 COMMUNITY HEALTH NEEDS ASSESSMENT.

Councilman Kendall Crittenden indicated that there are various programs and services that the Wasatch County Board of Health provides to the public. The various department heads do a great job in taking care of the needs of the public. The various vaccination clinics worked out great and were very successful. The COVID matter was handled great and as good as any health department in the State of Utah as near as I can tell. This helped us prepare for any other type of emergency event that could come.

Jonelle Fitzgerald, the Wasatch County Health Director, indicated that about 65% of the revenue for the Health Department comes from grants and most of that is federal dollars through CDC. Also we are fortunate to have the County help with funding and with community partners to help us to accomplish things that are specific to our work and what the needs are locally. Also in health rankings Wasatch County ranks very high and are third highest in the State of Utah for health outcomes and fifth for health factors. Also we handled the COVID issue very well in Wasatch County and saved a lot of lives. Also we recognize that Mental Health is a big issue. Wasatch County is the lowest in the State of Utah for suicides. Wasatch County is high in Alzheimer's disease and also high in life expectancies. We have to look at all the data that is available and then decide how to address these various health issues. Also Wasatch County is pretty much equal to state ranks and ratings and all of that mostly. Wasatch County is higher in cervical cancer, higher in pre-diabetes rate, higher in unintentional fall injury. Higher in heavy drinking, higher in no health insurance. We are lower in depression prevalence, lower in asthma prevalence, lower in

people living with HIV Aids, better in life expectancy, better in education attainment, better considering people living in poverty. The Wasatch County Council thanked Jonelle for the great work that she is doing as the Wasatch County Health Director.

MIDA UPDATE

Mike Davis, the Wasatch County MIDA Coordinator, addressed the Wasatch County Council and indicated that he really doesn't have anything to report. From the combined meeting that Wasatch County Council and MIDA Board had there is a lot of things in the works. Dustin Grabau indicated that information is being put together and will be available to share in our meeting next week and hopefully ready for adoption the following week.

COUNCIL/BOARD REPORTS

Councilman Spencer Park asked if anything is being done regarding making a four day work meeting. It is hard for the different departments in Wasatch County to get employees when we don't have a four week work week in place. A discussion was held between the different Council Members. The Council asked Dustin Grabau, the Wasatch County Manager, to gather some information regarding this matter and then make a recommendation to the Council and possibly follow Dustin Grabau's recommendation. Chair Mark Nelson indicated that he is against not being able to do business five days a week and work with the public five days a week.

Councilman Steve Farrell indicated that we had a public lands meeting this morning and everybody is getting geared up for the summer. Heber Ranger District is looking at opening up some new fee areas out in Strawberry Valley, Soldier Creek Road. The Pleasant Grove Ranger District is looking at opening up some new fee areas to help maintain the fees to help maintain the level of service to keep the restrooms clean that the visitors will have a good experience for visitors. The Pleasant Grove District is looking at doing an Elk Camp. There is a good working relationship with all of our private/public partners. Talked about going back to an in person meeting which is something we need to address.

Councilman Kendall Crittenden indicated a letter was received indicating jersey barriers being placed along Midway here along the road because of the trail.

Councilman Kendall Crittenden indicated that a letter was received from the Midway Mayor wanting to set up an inter local meeting with all the jurisdictions and this came about from the inter local meeting and wanted to voice the opinions concerning the options of the by-pass road. UDOT was very explicit that now isn't the time to express those opinions through public comment. The Midway City Council passed something opposed to all four of the Western Routes not just Western D but that seems to be the big issue right now.

Councilwoman Marilyn Crittenden indicated that what she got from inter local not that we are just trying to force the hand of anybody but we need to start meeting together as elected officials now to be able to start getting a consensus of what it is that we even are thinking. We need to get together and express what both entities are thinking with regard to the bypass now. Chair Mark Nelson indicated that the feeling he got from the meeting was that UDOT indicated that it would be best to wait to put the comments in. Meetings like the Midway City Mayor is wanting to hold are premature. There is a process in place and we should follow the process. Councilman Steve Farrell indicated that we go on the record of doing a resolution by the Wasatch County Council saying that we are opposing Option D, because the impact it would have on land in the North Fields. This would be to let the citizens know where the Council stands. Councilman Danny Goode indicated that passing something makes it official and when the comment period comes we can adjust part of our objection. Councilman Steve Farrell indicated that a response is something that we could have the County Attorney's Office to work on and then we could look at something at the work meeting for next week and then pass it the following week.

Dustin Grabau indicated that he wanted to clarify for the County Attorney's Office that you want this resolution to state simply that the County is opposed to Option D and nothing else: Councilman Steve Farrell replied any option that would further injure the North Fields. We just need to let the citizens know where the Council stands. Pam Patrick, concerned citizen, indicated that she thinks that the public should know and this has been my problem from day one in how to inform the public. Councilman Steve Farrell indicated that a resolution opposing Option D only.

MANAGER'S REPORT

PRESENTATION ON THE DAUGHTERS OF UTAH PIONEERS MUSEUM

Katherine Berg from the Daughters of Utah Pioneers, addressed the Wasatch County Council and thanked the County for the help that has given with regard to the Daughters of Utah Pioneers. We have received new carpet in the west room and office area. Also we have been open for a year and since the closure occurred things have moved around in the museum to make room for other artifacts that were received. One was some pictures that were hung on the walls in the old Zion's Bank Building, also a painting of Chief Tabby, documents of the history of the sandstone home on Main Street which is now owned by Karl Malone and also have the door from that house, received a displace case which came out of the old Ace Hardware Store and think it was when Turner's Building Supply had that building, a Swedish newspaper of August 18, 1881, a 1901 light globe that came from a cave in part of a mine in Park City.

Also from May 2021 to today we have had 1,375 visitors and this is just an approximate because not all visitors sign our guest book. There are 24 volunteers that serve at the museum and the average age is eighty and oldest person is ninety-four and our youngest is in her fifties. We had an open house on April the 26 and 27. The goal of ours is to be an asset to the citizens of our County and to be a tourist attraction. We are on several websites. We hope that the local citizens will come and see what is in the museum. Chair Mark Nelson indicated that we have some really interesting

railroad things that people have brought to us and we probably should bring some of those over to the museum for you to display. Councilman Steve Farrell indicated that he attended a meeting where Jerry Springer put on that presentation of the history of Midway and also understand that he has one of the history of mining in Wasatch County. They are real assets and need to be taken care of because we are losing the history of the area.

DISCUSSION ON TRANSIT STUDY RECOMMENDATIONS

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a transit need in Wasatch County and which residents that are likely to use transit are youth, minority, seniors, disability, and poverty. The preferred route would be that it would connect the old transit center in downtown Park City and then goes down into Heber City with the terminal in the vicinity of Walmart. This would be about a forty-five minute drive. Also this route could be adjusted. Also there is an implement for the recommendation for implementing three micro transit zones outside of that main bus route which are Heber and Midway, Heber, MRF (Military Recreation Facility) area. This would be used for local trips and getting to and from the bus stop. Budget examples for this are for a 20-minute frequency bus route, Heber-Midway zone, MRF zone would be 9.2 million per year. For a 30-minute frequency bus route, Heber-Midway zone 6.6 million per year. For a 60-minute frequency Heber zone, 3.8 million also additional funding may be required such as purchase or lease bus fleet, fuel, bus stops and other infrastructure.

If we identify a funding source for this we would contract with Hi Valley Transit to operate this system or be annexed into the Hi Valley Transit District and would assume that we had a funding source service miles. The primary funding source that are contemplated are transit sales taxes and five of them and all five of them together add about 1.25 sales tax and those taxes can be done independent of the other. One of those portions of sales tax expires, the eligibility to use it expires on June 30, 2022. Two of the taxes have to be implemented by popular vote of the people. The other three options the Council has the option to put it to a vote or enact it by resolution and the one that expires in June does allow you that option of putting it to a vote or inaction by a resolution.

Councilman Steve Farrell indicated that we would be applying a sales tax to the entire population to service ten percent of the population. We need to take into consideration people that have to have their vehicles with them such as contractors. Also would be more to have a micro transportation plan for the Heber City, Midway, and County area to service the citizens of the County.

Caroline Rodriquez, from Hi Valley Transit, addressed the Wasatch County Council and indicated that you can look at this at the industry code and the only way to determine the use of a vehicle is through a survey. Councilman Danny Goode indicated that the County has grown so much and everything has changed so rapidly that this transit option is something to look at. Mike Davis, the MIDA Coordinator, indicated that the feasibility has been shown to make this transit system work.

Dustin Grabau, the Wasatch County Manager, indicated that the intent of this study is to show that there is a current demand for these services. If the Council wants to proceed this is a good opportunity and good solid justification and more is it the worth the cost of implementing a sales tax. What level of public outreach do you feel is necessary to gauge whether or not you are going to implement those types of transit taxes or if you are going to put those to a vote.

Chair Mark Nelson indicated that this is a strategic decision for the Council and you have to put all those things together and decide what the best strategy is. Councilman Steve Farrell indicated that we need to get that tax situation taken care of and equalization.

Dustin Grabau indicated that an initial amount of money to start with depends on what level of service we would want. It would be approximately about 6.6 million dollar operating cost and guess about a five million dollar capital infrastructure initial investment. Also could pursue grant funding for the capital portion of this or future expansion of it. By participating with Hi Valley Transit we strengthen Hi Valley's overall ability to secure federal funding.

Caroline Rodriquez, from Hi Valley Transit, indicated that no public transit public operation in the U.S. pays for itself. Eventually, the same service starts to cost less because as part of providing the service that opens you to federal grants both for operation and for capital. Possibly your sales tax revenues covers operations for two to three years and operational funding from the Federal Transit Administration starts to kick in and then you get a subsidy for that service. You need to have a partner in covering some of those costs or contributing capital such as a Hi Valley Transit. Also there are a lot of capital grants available on an annual basis but you have to know how to apply for those.

Dustin Grabau indicated that the next step if you want to continue down this path is to do further public engagement which is having other public meetings, open houses, form a standing committee of citizens to provide advice to Council and have additional consultants to reach out in surveying the public. Councilman Danny Goode indicated that we could do some on line polling through our face book or through our web page.

Mike Davis, indicated that MIDA very much envisions in the MIDA project area and they have looked the west side particularly and tried to incorporate that into their design system but at this point they have been riding our coat tails saying if we do this together that is great but if we didn't do it but I think they would still pursue something. MIDA is an engine that creates a lot of tax and most of that tax from that area will not be our County residents that will be dispersed which is a very big potential contribution from the MIDA area itself is beyond what we will get out of Heber or Midway our people would be paying sales tax in that area.

Dustin Grabau indicated what we probably should do is aim for an early June meeting or late May public open house and maybe building a larger group of municipalities and business leaders to try and get their input on that and work with the Chamber on that.

CONSIDERATION ON AUTHORIZATION AND FUNDING MAG TRAIL PLANNER AND GRANT WRITER.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that MAG currently employs two positions that provide services to entities within Wasatch County, a trail planner and a grant writer. These positions are funded by participation of Wasatch County, Heber City, and Midway City proportionate to exclusive population totals. The cost for a grant writer is \$24,774. The cost for a Trail Planner is \$24,774 and a potential additional increase and the total is \$53,017. Wasatch County portions is \$17,037 and Heber City's portion is \$24,811 and the Midway City portion is \$7,669 and the Health Department portion is \$3,500 which is total funding proposed of \$53,017.

In addition, authorization for these positions is currently approved on a year to year basis. It is proposed that these shift to up to a five year authorization.

Councilman Danny Goode made a motion to approve funding position increases and authorize an amended agreement extending the term to up to five years. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Jeff Wade

AYE: Marilyn Crittenden via Zoom

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Danny Goode

AYE: Spencer Park

NAY: None.

CONSIDERATION ADDITIONAL OPIOID SETTLEMENTS FOR SMALLER DEFENDANTS.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated now that a settlement agreement has been reached with the major defendants of the opioid settlement, attorneys working on the settlements have begun to negotiate deals with additional defendants with smaller roles in the issue.

Those attorneys have drafted standard agreements for these additional defendants so that they could settle with the State of Utah as a whole for \$500,000 each. Most other parties including other counties involved in these settlements have indicated their support for this direction.

Wasatch County would receive approximately 0.3 percent of the available funds for each settlement after fees. County staff have given general positive feedback but now needs official

direction from the County Council.

Councilman Danny Goode made a motion to authorize future settlements for up to \$500,000 each depending on negotiations. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

CONSIDERATION ON FUNDING A WETLAND AND RIPARIAN MAPPING SURVEY

Dustin Grabau, Wasatch County Manager, addressed the Wasatch County Council and indicated that staff at the Utah Geological Survey organization have secured a grant to map the wetlands along the Provo River Corridor north of Heber City. They are asking that Wasatch County contribute \$10,000 on matching local funds toward this initiative. The total cost of the project will be over \$80,000.

Councilman Steve Farrell made a motion that we go ahead and authorize the County Manager to work with coming up with a contract to do this wetlands riparian mapping survey. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Steve Farrell made a note that this has no legal ramifications on the wetlands. All this is a finding and still have to go through the CORE to get an official wetland determination. That doesn't need to be in the motion.

Heidi Franco, Heber City Mayor, addressed the Wasatch County Council and indicated that Heber City did sign the MOU with USG on this. They have a form and they are willing to bill quarterly and Heber City went ahead with this because they wanted to get started immediately and we had to show good faith that the other monies that they have for the grants are in good. When they said they would use 2011 data that was the wettest ninety day period in history so they are using quality data and not using the driest data.

CONSIDERATION OF APPOINTING A CHARLESTON WATER CONSERVANCY BOARD MEMBER.

Dustin Grabau, Wasatch County Manager, addressed the Wasatch County Council and indicated that the Charleston Water Conservancy District has solicited for and received applications to appoint a board member to replace an expired term. Only two applications were received for those positions, DeVaughn Guymon and Brent Broadhead.

Dustin Grabau indicated that he recommends the reappointment of DeVaughn Guymon as a member of the Charleston Water Conservancy District.

Councilman Steve Farrell made a motion that we reappoint DeVaughn Guymon as a member of the Charleston Water Conservancy District based on the recommendation of the County Manager. Councilman Spencer Park seconded the motion and the motion carries with the following vote:

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

NAY: None.

ARCHITECTS COMING FRIDAY

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there are architects coming on Friday to tour the County facilities and if anyone of you would like to be involved in those tours. We are starting at 9:00 a.m.

Councilman Jeff Wade made a motion to leave our regular agenda and go into closed session for Personnel. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Spencer Park made a motion to leave the closed session and go back into regular session. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

NAY: None.

REGULAR SESSION

Vice Chair Spencer Park indicated that Chair Mark Nelson had to be excused. The record should also reflect that we are now going to handle the two public hearings that were scheduled this evening.

PUBLIC HEARING MAY 4, 2022

DOUG OGILVY REPRESENTING S-LO JORDANELLE FGMCD, L.L.C., REQUESTS PRELIMINARY SUBDIVISION AND SITE PLAN APPROVAL FOR KEETLEY RIDGE, A PROPOSED MIXED USE DEVELOPMENT CONSISTING OF 8 SINGLE FAMILY RESIDENTIAL LOTS, 12 RESIDENTIAL DUPLEX UNITS, A UTILITY PARCEL AND 37,200 SQUARE FEET OF COMMERCIAL USES LOCATED NEAR THE JORDANELLE FIRE STATION IN THE RESIDENTIAL SINGLE FAMILY AND NEIGHBORHOOD COMMERCIAL LAND USE DESIGNATION OF THE JORDANELLE SPECIALLY PLANNED AREA JSPA.

Staff:

Austin Corry, Assistant Wasatch County Planner, presented a power point presentation and indicated that this project was discussed at the December 15, 2021 JSPA Planning Commission. A number of comments were provided to the applicant regarding the JSPA vision and theme, pedestrian activity zones, landscaping and architecture. The applicant has resubmitted with a modified site plan for the commercial area and modified architecture both for the commercial and residential units. The staff report general analysis remains similar, but the exhibits have been updated to reflect the applicant's response to the JSPA Planning Commission.

The subject property includes two main components 4.3 acre residential component north of Alpine Avenue and a 4 acre commercial component south of Alpine Avenue. Collectively, the project received a master plan approval in 2019 for a total of 39 ERUs. Subsequent to that one of the single family detached lots has been granted final approval under a conditional use process for use as a natural gas regulator facility. Of the remaining 38 ERUs, the project received an amendment to the master plan to accommodate 8 single family lots, 14 town home units and 37,500 square feet of commercial building. The proposal is for 8 single family lots, 13 town home units, and 37,200 square feet of commercial.

Austin Corry indicated that as they progressed through this they now have abandoned that idea of the drive through window and that building A is the grocery store so the store would fit right there on the corner in the prominent location.

Austin Corry then went through the architectural examples that they have which is the Mountain Contemporary that is pretty common up there right now.

Austin Corry indicated that this proposal has met the height requirements that come with the densities that are granted up there.

Austin Corry indicated that during the Master Plan stage they presented a shared parking scenario and as they are fine tuning this and determining more specifically tenant mix they do want a consideration for an update to the shared parking study. They have used the same scenario but updated to the square footages and the types of uses that are coming through. Their plan right now shows 147 stalls on site and according to their study they are looking at 145 would be at their peak demand time.

Austin Corry indicated that the JSPA Planning Commission has forwarded this onto you and the DRC has reviewed it and there is a handful of findings and conditions that we would recommend that you consider.

Austin Corry then went through the proposed findings:

1. The subject property is 8.3 acres and includes 37 ERUs.
2. One ERU has been used as a natural gas regulator station.
3. The density being proposed is consistent with what was approved in the master plan.
4. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the intent of the JSPA density bonus and other aspects of the Wasatch County Code.
5. The development was part of an affordable housing agreement collectively with Star Harbor Estates and Fox Bay Condominium projects prior to the creation of the JSPA.
6. The subject property annexed into the JSPA in 2019 and received JSPA zoning at that same time.
7. Preliminary approval does not grant a variance from County Code standards that cannot be determined at the level of detail provided at Preliminary.
8. The proposed development complies with the product types required by code and approved during the Master Plan approval.
9. The proposed architecture appears compliant with the JSPA Design Handbook at the preliminary review stage.
10. The applicant has provided a statement of how they believe they comply with the JSPA Design Handbook.
11. The JSPA Planning Commission provides interpretation of the intent and administration of the JSPA Design Handbook in an effort to fulfill the goal of the JSPA area becoming a four season resort destination.
12. The Development Review Committee has reviewed the project and forwarded the item for Planning Commission and Council determination.

Austin Corry then went through the proposed findings:

1. All issues raised by the DRC as noted in the DRC report dated March 21, 2022 shall be resolved

to the satisfaction of the applicable review department.

2. The draft development agreement will need to be finalized with the County Attorney' office and recorded prior to any final plat approvals.
3. Parking for the commercial site to be verified and finalized with a specific study at the final site plan application if the project is determined by staff to increase in intensity from the shared parking analysis originally approved. The analysis will need to return to the Council for reconsideration before final approval can be granted. The density approved on the commercial site is contingent on compliance with applicable laws, including parking.
4. Commercial and attached housing plans will need to demonstrate how roof penetrations, utility meters and equipment will be screened in compliance with code.
5. All architecture will need to demonstrate full compliance with JSPA design guidelines prior to final approval.
6. Final site plans shall include trail directional signage from public trails into the project area.

Austin Corry then went through the DRC Comments:

JORDANELLE comments:

- Coordinate detailed plan review for JSSD water and sewer with JSSD District Engineer.

ENGINEERING comments:

- Condition of approval. Please show a turning analysis for the delivery ramp on the grocery store, indicate how semis are to approach. Deliveries should not affect or impede traffic on Alpine Avenue.
- Condition of Approval: Show accessibility to the trash enclosures. Building C and E will be partially blocked.
- Condition of Approval: Indicate how the retaining wall W of the N entrance will not affect the clear view triangle.
- The N entrance has almost 6 percent grade. It may be safer to increase the access width. As it stands, the asphalt width is only 21 feet as well.
- Condition of Approval: Could you point me to your snow storage plan? Some of the logical storage areas may be impeded by elements in your plan such as the trash enclosure.
- Condition of Approval: Check your access widths and the width of the drive through the development. It pinches down through the colored concrete intersection. This may affect flow/circulation issues.
- Provide an update due to the changes in the commercial area. It appears you added impermeable area for the communal areas.
- Condition of Approval: Show right in right out on the access to Jordanelle Parkway.

PLANNING comments:

- Final plans will need to resolve a discrepancy because the wall area does not appear to calculate the exposed foundation walls shown in the renderings.
- Open space area needs to be updated. The table shows the same numbers as the previous plat prior to adjusting the lots to encroach further into Open Space A.

- Access onto the parkway needs to remain right-in/right-out per the previous discussions.

SURVEYOR comments:

1. Address table not complete.
2. Legal Description to trail. Upper left of plat POB? L10 of trail easement directions are inverted.
3. Snow storage area not defined or defined.
4. Please indicate widths of Alpine Avenue.
5. Width of Keetley Circle?
6. On south side of Parcel 1, you call out and a shared easement. Please give book and page and parties.
7. You have side yard dimensions shown on some lots but not all.
8. The certification of acceptance box for the Administrative Body is poorly worded.
9. Width of trail L34?
10. The land owner to the north seems to be in different from current public records.
11. Lengths on POB of Parcel No. 1 are different plat to written legal description.
12. Both legal descriptions need area shown.

Council Comments:

Councilman Steve Farrell asked about their snow storage and if they are counting for any type of snow storage? Austin Corry replied that there is snow storage on their plans and was not included in their 145 sites and they are probably going to lose a stall or two for snow storage as well. They probably will be trucking snow off. All the interior roads are all privately owned and maintained. That is noted in the development agreement as well.

Councilman Steve Farrell asked isn't that unusual to ask for something to be approved when there are still existing issues with the DRC? Austin Corry replied that no that is fairly common but the issues that are listed in the DRC report are things that we would expect to be resolved at final but instead of listing fifteen conditions of approval on your actual motion if you adopt the DRC report as a condition it just automatically would include them all.

Councilman Steve Farrell indicated that we will never see this again? Austin Corry replied yes unless they run into issues with their parking so that was the intent of the recommended Condition No. 3 because you as a Council are the ones who are authorized to accept those shared parking studies with a public hearing. We would then come back to the Council for an amendment to the preliminary. The Council has the authority to see this matter at final as well and you could have that one of the conditions as well. Councilman Steve Farrell indicated that there just seems to be a lot of unanswered questions here for the commercial.

Austin Corry went through the key issues to consider.

1. The preliminary application is the first application in the process where significant technical details start to be examined and conditions necessary for final applications are made clear. If the

project cannot demonstrate an ability to comply without significant changes to the project preliminary approval should be postponed until the application is refined

2. The JSPA Handbook and code anticipates commercial aspects would be added to the Design Handbook with the first commercial project, however, the proposal requests review without need to modify the Design Handbook.

Applicant:

Doug Ogilvy, representing S-LO Jordanelle FGMCD, L.L.C., addressed the Wasatch County Council and indicated that Austin Corry did a good job of explaining the matter to you. We received some excellent feedback from the DRC and the project has improved a lot. The plan is to take the residential forward to final plan as quickly as possible and if we get approval for the preliminary plan tonight then we will be going out there and seeking anchor tenants which will definitely refine the commercial. Councilman Steve Farrell asked why you aren't doing this in phases like the residential in one phase and the commercial in another phase. Doug Ogilvy indicated that we are not allowed to do that under County code. We have to do a preliminary for the entire parcel. We think that we have a good project and the commercial will be a good addition to that whole Jordanelle neighborhood.

Public Comment:

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

Councilman Steve Farrell made a motion that we approve the preliminary subdivision and site plan approval for Keetley Ridge in light of the findings and subject to the conditions as noted in the staff report. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Jeff Wade
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode**

NAY: None.

Councilman Steve Farrell indicated that the Planning Commission will make a determination if they need to come back to the Council or not as it comes to the parking so we don't need that condition.

CONSIDERATION OF THE USE OF THE OPEN SPACE BOND FUNDS OF UP TO \$250,000.00 FOR THE PRESERVATION OF THE HEBER CITY MUIRFIELD NATURE PARK.

Heidi Franco, the Heber City Mayor, addressed the Wasatch County Council and indicated that with regard to the recommendation form we have brought you three projects so far. The first one was the Kohler farm. The second proposal that was brought to you was the Mountain Spa project. The third project is this Muirfield Nature Park expansion that the Open Lands Board is recommending to you in a positive way. The Heber City Muirfield Nature Park is located at approximately 600 to 700 North between 150 West to 600 West in or around Heber City. The City bought two additional parcels, the Houston parcel and McDonald parcel to add to the park. These two parcels total 9.25 acres with two separate and verified development rights. The Houston parcel has existing historic water rights which are included in the application price. The McDonald parcel did not have any existing water rights. This is a full ownership application allowed for Wasatch County Code 3.06.02 and 3.06.04.6 and includes a conservation easement to be held by Summit Lands Conservancy.

The two parcels Houston parcel and McDonald parcel are going to be added to the park and they are not going to be annexed into Heber City. They are going to provide that buffer right between the City and the North Fields and that part is going to extinguish two verified separate development rights on these two separate parcels. Councilman Steve Farrell indicated that there are two lots of records on the two parcels that is being bought and that eliminated two building sites. Heidi Franco indicated that this will have total public access, ADA compliant trails, restore the wetlands and also have a fishing pond, bridges over the beautiful creek and canals and streams that go through these two parcel areas. This will be a prime location just as much as we hope your Southfield Park is. We are planning with the funds to be able to do the design work this year and then we will be putting the funds to apply for other grants to actually do the installation of the great amenities that will be there.

This is just going to be one of those spots where the kids can run, play and play in the creek, they will be able to feel close to the North Fields and have that be real to them in a public space where we know where all the parts of the North Fields are private.

Matt Brewer, the Heber City Manager, addressed the Wasatch County Council and indicated that there are two parcels the Houston and McDonald parcel which is the southern parcel. This is preservation of the North Fields. It has some sensitive areas. We also have a certified zoning verification. We have documentation that substantiates lots of records for both the Houston parcel as well as the Jim McDonald parcel.

Matt Brewer then went through some detail on the grant request. We are looking for a 29 percent grant match up to \$250,000.00 and requesting that for two reasons. The first is to reimburse Heber City for the purchase of the Houston and McDonald parcels and second to reimburse for the conservation easement costs that the Summit Lands conservancy doesn't cover and estimate that as \$12,500.00. The Houston parcel cost came to \$450,000.00 and the McDonald south parcel came

to \$500,000.00 for a total cost of \$950,000.00. The conservation easement cost is projected at \$41,799 bringing the total cost to \$991,799. The twenty-five percent of the Houston parcel is \$112,500 and twenty five percent of the Jim McDonald south parcel is \$125,000.00. We are asking for 29.9 percent of the conservation easement cost of \$12,500 and it comes to \$250,000.00. This does not cover Heber City's cost for the purchase of the lands, does not cover the planning costs.

Matt Brewer then went through the conservation easement cost and inflows. The costs were transaction costs in house expenses \$14,000. Out sourced expenses \$14,000 Stewardship costs, annual Stewardship endowment \$24,799. Legal Defense donation, \$3,000. Total Stewardship costs \$27,799. Total project costs \$ 41,799.

Matt Brewer then went through funding request justification.

1. Request meets all goals of Wasatch County Code Chapter 3.06, preservation of open lands.
2. Meets criteria of Wasatch Open Lands Inter local Agreement.
3. Preservation for public use and value, recreation, trails, contiguous to North Fields and other agriculture lands.
4. Matching funds.
5. Broad public support.

The inflows were funding sources, County/WOLB Funding \$12,500, private foundations, \$25,000 Heber City funds \$4,299 the total inflows are \$41, 799.

Kate Sodalmeir, from the Summit Lands Conservancy, addressed the Wasatch County Council and indicated the Heber City Council agrees to no commercial uses on the Houston and McDonald parcels. Heber City asks for ADA compliant trails, benches, picnic tables, natural landscaping, educational/directional signage, bollards on trails for lighting, fishing pond (s) bridges, boardwalks, etc. This land stays open land in perpetuity. We are incorporating our vision for creating recreational trails and keep it open, we are going to have opportunities for restoration, protecting water quality, protecting the views but just keeping it the way it is.

Councilman Steve Farrell indicated that the Open Lands Board has reviewed this document in detail and we would like Jon Woodard, the Assistant Wasatch County Attorney, to see this which is one of the conditions we have made so that the County Attorney has a chance to review it and if there are any recommendations or corrections. This is pretty thorough. It outlines the uses and there can be no commercial use on this and it is good. The Open Lands Board has been working on this document for some time. There were some questions but they were worked out and we have got a very workable document. Also made an explanation how we came up with the twenty-five percent. When we did the Kohler project we was in it at \$2 million and it was a \$9 million project we had a lot of other stuff to the contribution of twenty-five percent of the cost. The Mountain Spa we contributed \$300,000 and our cost after was a ten percent project. We looked at this and we felt like we didn't want to go any higher than the Kohler's at twenty percent contribution but yet if they wanted to give public access at any point and time we felt that was a five percent benefit to the public and that is how we came up with the twenty-five percent contribution and the typical contribution would be twenty percent.

Heidi Franco thanked the Council so much for considering this and we are excited to work with you and the Open Lands Board are excited in getting more notice of interest applications coming to us and we feel like the ball is definitely rolling and appreciate your consideration of this.

Public Comment:

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

Motion:

Councilman Kendall Crittenden made a motion that we approve the use of open space bond funds up to \$250,000.00 for the preservation of the Heber City Muirfield Nature Park as had been presented with the condition that the conservation easement is approved by our legal counsel and before we fund the money it is a recorded document. Councilman Danny Goode seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE; Jeff Wade
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode**

NAY: None.

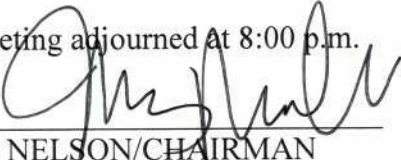
ADJOURNMENT

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

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden via Zoom
AYE: Kendall Crittenden
AYE: Jeff Wade
AYE; Steve Farrell
AYE: Danny Goode**

NAY: None.

The meeting adjourned at 8:00 p.m.


MARK NELSON/CHAIRMAN


SPENCER PARK/VICE CHAIR


JOEY D. GRANGER, CLERK/AUDITOR

