

**MINUTES OF THE
WASATCH COUNTY COUNCIL
OCTOBER 12, 2022**

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

STAFF: Dustin Grabau, Wasatch County Manager
Heber Lefgren, Assistant Wasatch County Manager
Wendy McKnight, From the Clerk's Office
Karl McMillan, upcoming new Wasatch County Council Member
Jon Woodard, the Assistant Wasatch County Attorney via Zoom
Austin Corry, the Assistant Wasatch County Planner via Zoom
Doug Smith, the Wasatch County Planner
Joey D. Granger, the Wasatch County Clerk/Auditor
Rick Tatton, Court Reporter via Zoom.

PRAYER: Councilman Kendall Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Spencer Park and repeated by everyone.

Chair Mark Nelson called the meeting to order at 4:00 p.m. on Wednesday October 19, 2022 and welcomed those present and indicated that all of the Wasatch County Council are present with Councilman Jeff Wade via Zoom later in the meeting. The record should further 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.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

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

Scott Phillips, Heber City Councilman, addressed the Wasatch County Council and thanked the Wasatch County Council for offering to help with the Heber Valley Airport issue. The offer is not allowed unless you are a co-sponsor of the Airport. If Wasatch County wanted to be a co-sponsor that would be fabulous. Chair Mark Nelson indicated that both the Wasatch County Council and the Heber City Council should meet together periodically to discuss matters concerning both councils. Scott Phillips indicated that would be great to meet together even if it was just once a year. Also Scott Phillips indicated that there is one other thing with regard to the railroad crossing on South Field Road we would love to come to the Wasatch County Council and see if there is an opportunity to help pay for a dropping crossing there instead of just the yield sign to make that safer. Scott Phillips indicated that the vote that took place in the Heber City Council concerning the Airport is not a final vote but the vote was to proceed with the Master Plan Process as part of the settlement agreement with the litigation both of those items were part of that vote. The Heber City Council has voted to proceed with the one viable alternative.

APPROVAL OF THE MINUTES FOR OCTOBER 12, 2022 MEETING

Councilwoman Marilyn Crittenden made a motion that we approve the minutes for October 12, 2022 as written. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode
AYE: Spencer Park**

NAY: None.

DISCUSSION/CONSIDERATION PREVIOUS YEARS ADJUSTMENTS FOR ERRORS OR MISPLACE APPLICATION AND ANY ONGOING. CURRENT BOE APPROVALS

Joey D. Granger, the Wasatch County Clerk/Auditor, addressed the Wasatch County Council and indicated that we are trying to clean up any of the old stuff that has come up. We found some parcels that had been approved previously. We found applications that had been approved and never taken care. There is a total of seven that were previous years which carried over to this year as well.

Councilman Steve Farrell indicated that there was one dealing with Park City of Brighton Estates. Joey Granger indicated that we all looked into this and it was recorded and don't know how it was missed on the tax roll but it was recorded in 2017 and change should have been made in 2017 but was not change until 2018. Councilman Steve Farrell indicated that the tax that occurred on this was for 2018 or carried over from 2017. Joey replied 2018. The owner should be Park City Municipal. Councilman Steve Farrell indicated if I understand this right they were mining claims and were State assessed so Wasatch County did not do the assessment on it but was done by the State of Utah. Joey replied correct but it should have been marked exempt. It was not updated until 2018 in the Wasatch County system. The only year that is left right now is the 2018 that shows a tax owing and for that year it should have been marked exempt. It should have been updated in 2017 and marked exempt for that next year. So the 2017 taxes was owed which they were paid. The update should have been made 2018. I don't know how it was missed. I am just asking these to be abated.

Councilman Steve Farrell made a motion to go ahead and approve the changes and abate the taxes on 90-0000 3196 and the motion pertains to all of them and the parcel numbers are 21-1310, 21-5819, 20-8442, 20-7155, 21-0727, 21-6814. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode
AYE: Spencer Park**

NAY: None.

DISCUSSION AND CONSIDERATION OF OPIOID SETTLEMENT FUND USE.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we had talked about the opioid settlement. As a result of the national opioid epidemic, entities involved in the manufacturing, marketing and distribution have been targeted for illegal action by government entities. Major defendants in the effort have reached a settlement agreement that has resulted in significant funds being contributed toward mitigation and prevention of opioid addiction. Because of the agreements reached between all entities, Wasatch County will receive 0.6 percent of these funds or \$818,000 over 18 years, averaging \$45,500 on an annual basis.

Wasatch Behavioral Health, Wasatch County Health Department, and the Wasatch County Sheriff's Office have worked together to develop the following plan for the use of opioid settlement funds.

1. The proposed to split the funds 50/50 on an annual basis.
2. This split allows both organizations to engage in meaningful prevention work.
3. The Health Department would have funding to purchase and distribute Narcan to local law enforcement.
4. For some projects the Health Department and Wasatch Behavioral Health will combine funding to provide prevention services.

The Sheriff's Office will be an indirect beneficiary of the use of these funds. There is also a possibility of securing additional settlement funds through a proposed grant program at the state level.

Dustin Grabau indicated that we could revisit this and we already received the first portion of these funds or will soon if we haven't already. This would be the plan unless we change it. If we get state grants we can consider those in the budgeting process if those funds were being shared.

Councilwoman Marilyn Crittenden asked if this cost Wasatch County anything. Dustin Grabau replied not directly. We did join with other counties and there was staff time included and it was agreed on a national level on how much the attorney fees were. Councilwoman Marilyn Crittenden indicated it just took time out of our attorney's office. Dustin Grabau indicated that we have already approved the settlement agreement but this is specifically on the use of the funds. We have already authorized the settlement.

Councilman Kendall Crittenden made a motion that we accept the distribution of the opioid settlement funds as has been worked out with Wasatch Behavioral Health, Wasatch County Health Department and the Sheriff's Department as proposed in this agenda item. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode
AYE: Spencer Park

NAY: None.

**DISCUSSION/ CONSIDERATION SECOND READING ON ORDINANCE #22-20
AMENDING TITLE 11 OF THE WASATCH COUNTY CODE. TITLE 2.02.16 SENIOR
ADVISORY BOARD.**

Councilman Kendall Crittenden indicated that we talked about this last week and we had our first reading and it is now ready for the second reading of this Ordinance #22-20.

Councilman Danny Goode made the motion that we accept the Second Reading of Ordinance #22-20 and approve Ordinance #2022 as presented. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson
AYE; Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Danny Goode
AYE: Spencer Park

NAY: None.

**CONSIDERATION OF A SERVICE AGREEMENT BETWEEN WASATCH COUNTY
AND HIGH VALLEY TRANSIT.**

Dustin Grabau, the Wasatch County Manager, indicated that following the adoption of the County Option Transit Sales Tax, Wasatch County has been working with High Valley Transit HVT to develop a service plan for providing transit using those funds within Wasatch County.

The included service agreement is intended to set not-to-exceed budgets of transit operations in Wasatch County s provided by HVT. This includes a fixed bus route connecting Heber City to Park City and a micro-transit service within Heber Valley.

The Wasatch County Council has already authorized the use of ARPA funds for the up-front costs of \$302,000 and this service agreement would establish the ongoing portion of those costs for 3

years. The intent is for the already adopted transit sales tax, estimated to be over \$3 million, to cover the ongoing portion of the transit service, so no cross-subsidy is created. The fiscal impact is \$302,000 in 2022 and roughly \$3 million annually from 2023-2025.

This service agreement contemplates contracting with High Valley Transit to provide the service over the next three years utilizing that revenue source. What this contract does is set not to exceed budget number and costs of providing the service so that we have assurances that we won't be subsidizing the use of transit with other funds. In the event of unexpected changes we would have to make provisions to meet the services or potential funding sources at our discretion... The approval of this agreement would do would be to finalize the process of launching transit service in Wasatch County. High Valley Transit would like to launch in November to start this service. They have procured buses and working on leases for the vans which would be used for the micro-transit and pending your approval we would be able to launch this in a matter of weeks.

The Wasatch County Attorney has worked with the Summit County Attorney who works with High Valley Transit on this agreement. We would ask the Council to approve the agreement as presented with minor changes as we work out the details. The vans for the micro-transit will be housed in Wasatch County in the public works facility which has enough space for six to eight vans and if this wouldn't work there are other storage facilities potentially behind the Wasatch County Attorney's Office which would be a backup. Also there will be a method of tracking these.

The service is fare free. There will also be data on actual costs and Wasatch County will be paying for those actual expenses. The public will know about this including website changes, e-mail marketing, digital marketing and will host a number of public in person meeting to change people on how to use the app specifically maybe geared to our senior citizens and also do one on one training with citizens. If you can't use an app they accommodate call in bookings. Also worked with the Wasatch County Planning Department on the boundaries of the micro-transit zone. We need to use all the funds and provide the best quality service so we can prove that this will work. There will be no cost to use this service and also there will be no money tipping paid to drivers, etc.

Dustin Grabau indicated that if you feel comfortable with this agreement we would need a motion to approve this.

Councilman Danny Goode made a motion to approve the contract as presented with the option for the County Attorney and County Manager to make or find adjustments or minor adjustments to it as presented. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Spencer Park
AYE: Steve Farrell**

AYE: Danny Goode

NAY: None.

DISCUSSION REGARDING CYBER SECURITY WITHIN WASATCH COUNTY

Don Wood, the Wasatch County IT Director, presented a detail power point presentation and then addressed the Wasatch County Council and indicated that October is National Cyber Security Awareness Month. I will discuss how hackers use manipulation and trickery for fraudulent purposes and malicious software, malware and how we can keep it out of our system. What is the County's IT department doing to protect the County's IT infrastructure and what we users can do to protect our online accounts and information?

Don Wood discussed the following:

- Trust in a digital world that all things being equal, trust as little as possible.
- Use evidence and experience to measure trustworthiness.
- Distrust proportionally to the level of risk.
- Free and cloud services require even more scrutiny.

There are mixed messages concerning trust because do not talk to strangers. The best way to find out if you can trust somebody is to trust them. Trust but verify. Trust has to be earned and should come only after the passage of time. He who does not trust enough will not be trusted. You must trust and believe in people, or life becomes impossible. All things being equal trust as little as possible.

There are e-mail and text scans. Do not click on links contained in e-mails or texts. Don then went through Wasatch County's e-mail situation. Don indicated that use evidence and experience to measure trustworthiness.

Passwords are easily obtained. Irresponsible use of technology can allow you to become an unwitting attacker. Owning technology requires you to be a responsible owner. Always remember that free does not come without costs. Also think before you click a link, purchase a product, and share information. Network connected devices must be maintained and updated. The more programs/devices more risk. Old technology and too-new technology may be vulnerable. Just remember who controls your devices. Assume that all communication will be made public. Just remember what you say today may be viewed very differently 10 years from now. Just remember technology is great but there are a lot of risks involved with the use of the technology and the internet.

The Record should show that Councilman Jeff Wade just joined the Council via Zoom.

MIDA UPDATE

Mike Davis, the MIDA Coordinator was excused and Dustin Grabau indicated that Mike Davis indicated that some tax issues were discussed.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that the Inter local meeting is coming up and I have sent the issues that we would like to discuss at the meeting. Transit, RAP tax, agricultural protection areas, code enforcement. The Inter local meeting starting in January, will be hosted by Wasatch County.

Councilman Kendall Crittenden asked how many will be going to the Utah Lane Use Institute meeting that is November 3 over in Coalville at their event center. Please let me know if you are planning on attending that meeting.

Councilman Kendall Crittenden with regard to the CBDG meeting, there is a possibility to go after a bus for the senior citizens. The minimum grant is \$200,000.

Councilman Danny Goode asked about the CBDG meeting regarding the work shop and my understanding is that you have to be in attendance.

Councilman Kendall Crittenden indicated that the Thanksgiving dinner which the Wasatch Community Foundation does every year is scheduled for November 19, 2022 from 5:00 to 7:00 p.m.

Chair Mark Nelson indicated that he attended a meeting that included a whole bunch of different organizations in the valley talking about trying to start this coming year 2023 a Fourth of July Celebration version of the Freedom Festival that is held in Provo and have a miniature version here in Wasatch County. If any one of you would like to attend the next meeting down in Provo and have a field trip with them and then regular meetings will be started.

MANAGER'S REPORT

NOVEMBER 2, 2022 COUNCIL MEETING

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that our next Wasatch County Council meeting will be held downstairs in the conference room and have noticed this location on November 2, 2022. Digital facilities will be down there also.

DOLLAR RIDGE PROJECT IS FINALIZED

Dustin Grabau indicated that this week the Dollar Ridge project was finalized and that is one hundred percent complete. Jeremy Hales has offered to set up a tour for anyone who is interested to go see the final product. If you are interested please let me know if you are interested in participating in that. If there is going to be a quorum the matter has to be noticed.

C-PASTE BONDS

Randy Larsen, bond attorney for Wasatch County, addressed the Wasatch County Council and indicated that there is a relative new statute that the legislature created it is called C-Paste Financing which allows for a governmental lien to be placed on commercial property, not residential homes, and to get long term financing for energy efficiency improvements. The intent behind the legislation was to fund the gap in capital financing of commercial projects to incentivize energy efficiency pieces. The legislature allows for a finding by the County to place an assessment lien on a commercial property which would need commercial property owner's consent and any lenders on the property need to consent. This would require no bonding by the County. This would create a lien that could be assigned to a commercial bank who would then be the enforcer of it on that particular property that elected to chase this kind of financing. The legislation allows the County Manager to make that determination but typically most counties and cities would rather come to the Council before that was to be done. I will give some procedures here and will give them to Dustin Grabau. You would make a written agreement finding and assign the lien to a bank and doesn't show up on your balance sheet but the bank's responsibility to take care of stuff.

Councilman Steve Farrell indicated that it is a great thing and would be very interested in something like that which would be a real benefit for some of our older buildings. I would like this issue put on a future agenda because this could be an asset to some of our commercial buildings and commercial properties here in Wasatch County. Also how would something like this work on CRA in Heber City on all commercial properties? Randy Larsen indicated it would be a case by case for each commercial property. This is a limited governmental lien. Jon Woodard, the Assistant Wasatch County Attorney, if people got in financial trouble or cease to exist would the County have any liability? If there is no risk why county sign off is required? Randy replied to the first question the answer is no. To the second question the reason that the County is involved it is a governmental lien and only a governmental entity can do that.

Dustin Grabau indicated that he has an appointment this evening and would like to be excused but I need a Closed Session with regard to pending litigation.

Councilman Spencer Park made a motion to leave our regular session and go into a Closed Session for pending litigation. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Spencer Park made a motion to leave the Closed Session and go back into regular session and hear the one public hearing scheduled this evening. Councilman Jeff Wade via Zoom seconded the motion and the motion carries with the following vote:

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

NAY: None.

Chair Mark Nelson indicated that the record should indicate that the Council is back in regular session and will hear the public hearing that is scheduled for this evening and the Wasatch County Manager is excused for another appointment.

The record should show that Councilman Danny Goode is now appearing via Zoom

**PUBLIC HEARING
OCTOBER 19, 2022**

JACK JOHNSON CONSULTING, REPRESENTING STICHTING MAYFLOWER MOUNTAIN FONDS REQUESTS AN AMENDED MASTER PLAN AND DENSITY DETERMINATION FOR MARINE-WEST CONSISTING OF 76.5 ACRES AND INCLUDING 50,000 SQUARE FEET OF COMMERCIAL, 57 ERU'S OF RESIDENTIAL SINGLE FAMILY DETACHED AND TOWN HOME PRODUCT, AND 137 AUE'S OF AFFORDABLE HOUSING APARTMENT COMPLEXES LOCATED IN SECTIONS 19, 30, AND 25 OF TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA.

Doug Smith, the Wasatch County Planner, presented a power point presentation and addressed the Wasatch County Council and indicated that this application is to amend the master plan that was approved on January 18, 2017. The portion of the neighborhood plan being discussed is the southwest portion which according to the approved master plan, contains 47 residential ERU's and was approved during the time when the County did not count commercial ERU's. The approved master plan has 50,000 square feet of commercial. Along with the no-count commercial is 137 affordable housing ERU's which also do not count towards density. These affordable housing units meet the affordable housing obligations for the Lakeside North Project, now known as Sky Ridge, the Marina-East Project being developed by Land scope and this master plan area, still owned by Stichting Mayflower. The affordable housing arrangement is memorialized in a Moderate Income Housing Agreement recorded as entry #456366. The proposed plan as well as the approved plan anticipates a road that would go somewhere through or around the tailings piles and under the portal to connect to the resort development on the west side of Highway 40. This makes sense partly due to the affordable housing on the site that could be employed at the resort on the west side of highway 40. Also there are some approvals that need to start happening next year. The road is part of an agreement with MIDA for a floating easement that will be designed later to connect the portal. Three departments that would like the portal to be built, planning, engineering and fire that would really like that portal to connect by the time the affordable housing is on line and starts getting occupied. The applicant has indicated that is not part of anything that they want to do and outside of their proposal for their Master Plan. In talking with MIDA they have stated and they indicated that I can state this in a public meeting that they will be putting in that road and was told yesterday, as far as road base would most likely be going in next year.

Doug Smith then went through a summary of the proposed changes to the January 18, 2017 approved master plan.

1. 50,000 square feet of neighborhood commercial has been re-aligned.
2. 40 townhouse units approved plan was all detached single family.
3. 17 single family lost approved plan shows all single family lots with a total of 47 the additional 10 units proposed comes from the Land scope side that they did not use.
4. 137 AUE's Affordable housing units the approved plan shows 5 apartment buildings in a tight configuration. The proposal shows 7 buildings that are more spread out with surface parking
5. Road alignments have changed, the commercial and affordable housing areas have moved.

Doug Smith then went through the DRC comments:

PLANNING comments:

- The JRA handbook would need to be looked at for a commercial center to see if an addition to the handbook would need to be made for commercial architecture, amenities and common elements.
- There should be some type of connection to the portal for the residential portion especially the affordable housing service industry workers should be able to get to their work place without having to go through the interchange.

ENGINEERING comments:

- We recommend that the access to the south portal be constructed with the phase of development associated with affordable housing. Many of the residents will be employed at the resort on the other side of US-40. That would greatly assist in reducing congestion at the Mayflower interchange.
- Condition of approval. At preliminary, IGES should review the latest grading/site plans. They should provide recommendations specific to the current plan.
- Condition of approval. Drainage report to be reviewed in further detail at preliminary.
- Condition of approval. That an access connection permit be presented from UDOT upon construction permitting.
- We recommend that the access to the south portal be constructed with the phase of development associated with affordable housing. Many of the residents will be employed.

JORDANELLE comments:

- Detailed plan review for water and sewer infrastructure to be coordinated directly with JSSD District Engineer.

FIRE comments:

- Future development need/require interconnection for access.
- Show interconnection.
- How is development connected to underpass for connectivity?
- Fire code as applicable and approved by Wasatch Fire for access, hydrants, fire flow, etc.

ENVIRONMENTAL QUALITY comments:

- Sheet C115 the proposed CN value listed in the Hydrology Summary table for basin C does not match the value listed in the Storm Drain Calculations report.
- Follow up 8/9/22 the proposed CN values listed in the Hydrology Summary Calculations table Sheet C115 for Basin B and Basin C do not match the values listed in the drainage. Calculations document provided please revise CN values so they are consistent between documents.

REGIONAL TRAIL PLANNER comments:

- Paved trail needs to continue to eastern property boundary. Need 4 foot back country perimeter trail in a corridor wide enough to meet grade requirements. Trail needs to connect to paved trail along roadway on both ends. Recommend privacy fencing between residential units and state park campground.

Doug Smith then went through the findings:

1. On November 20, 2015, the County accepted the Master Plan Application for the Marina, AKLA Mayflower East. Wasatch County approved the master plan with 392 ERUs, 137 AUEs affordable housing, and 50,000 square feet of commercial on January 18, 2017.
2. The proposed master plan complies with the target density for the Mayflower south plan which limits density to 392 for projects on both sides of SR 319.
3. The Mayflower East neighborhood was granted 345 ERU's and proposed to use only 335 ERU's leaving 10 ERU's that are proposed to be moved to the south side.
4. If the master plan is approved the south property will go from 47 ERU's to 57 ERU's.
5. The approved and proposed master plan helps satisfy the affordable housing requirement for Marina East, Sky Ridge and Marina South.
6. On January 26, 2018, Mayflower and the County entered into a moderate income housing agreement for the Marina and Sky Ridge. ERU's are not counted for affordable housing.
7. The approved plan clusters the affordable housing apartments in a tighter area.
8. We do not review master plans at the level of detail provided on the submitted plan. Further reviews will be made for more detailed code compliance.
9. At the time the original master plan was approved in 2017 the code did not count commercial ERU's. Since this is an amendment the no count commercial is part of the proposed master plan.
10. The master plan does not include any of the tailings property area except for the floating access easement to the south portal.
11. The applicant is stating that the portal access will be built by others. Building the portal may be required in order for the property to develop.
12. Staff believes that the portal access needs to be developed with the affordable housing parcel.
13. Additional information will be required at final to refine the plans. The plans must continue to demonstrate compliance with the intent of the JSPA and other aspects of the Wasatch County Code.

No. 13 is additional information and will be required at final to refine the plans. Plans must continue to demonstrate compliance with the intent of the JSPA and other aspects of the Wasatch County Code.

Doug Smith then went through the proposed conditions:

1. Density is granted under the condition that all other aspects of the code will be met as plans are refined at preliminary and final. 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, building setbacks, storm water detention, landscaping

previously unidentified constraints, etc.

2. The planning, engineering and fire departments are recommending that the access to the south portal is constructed with the affordable housing parcel.
3. The affordable housing units must comply with the JSPA code and the design and material guidelines from the JRA Handbook. The code or the JRA Handbook may be amended, at which time the County would need to determine whether the new standards would or should apply to this vested project. A proposal to amend the code was continued and has not been acted on.
4. All issues raised by the DRC, as noted in the DRC report dated 22 August 2022, shall be resolved to the satisfaction of the applicable review department during additional reviews.
5. The approval will need to proceed with reasonable diligence and in accordance with Wasatch County Code 16.01.16 regarding application and approval expirations.
6. All aspects of the JRA design handbook will need to be complied with and demonstrated at future applications.
7. A master plan development agreement should be entered into prior to applying for preliminary using a form substantially similar to that used for Marina East, but addressing issues specific to the Marina West project.
8. Environmental studies performed on the property shall be provided with preliminary and final to aid in evaluating the suitability of the site for development, and necessary mitigation or limitation on development may be required in subsequent approvals.

When this went to the JSPA Planning Commission they struck Condition No. 2 and felt like the connection didn't need to be made at this time because there were too many things with timing that were up in the air with completion of the southwest frontage road on the other side of the highway and when that would connect under the portal and that type of thing. The Planning Commission mentioned that the applicable requirements would apply if No. 2 ends up getting struck. Also No. 4 with the exception of the requirements for the portal connection.

Councilman Spencer Parks asked if there any clarification for the Lon Parcel and none of the findings or anything addressed that. Doug Smith replied that his opinion has always been if they are using all the ERU's from the neighborhood plan and don't leave any for the Lon parcel they will have to come in with a code amendment to get density on the Lon piece which will be a legislative action. Councilman Steve Farrell indicated that his understanding is that they can request density on the Lon parcel. Doug Smith replied that is why it would be a code amendment because in my opinion the Lon piece and I think there is even statements in there that don't have any density for it. So it also then says this is the neighborhood plan with 392 ERU's.

Applicant:

Craig Coburn, attorney for Mayflower, addressed the Wasatch County Council and indicated that the sole issue is whose responsibility is it for the connector road. The approved Master Plan that you saw did not have a connector road in it. The County Staff has recommended that it be included now on this amended master plan. It is not needed under the code because we have primary and second access already and it is already compliant with the fire code in that it is suitable for fire

apparatus access both for primary and secondary. The County has asked that we provide a third fire access road. Also suggested that it was necessary for affordable housing to supply workers to the Westside to Extell. The road is an Extell issue, a MIDA issue if you will. We have provided an easement and not charged for it, a right-of-way for this connector road and put it where MIDA and Extell told us where they want it. We feel like we have done about everything that we can do to accommodate that road including granting an easement free of charge and where they want it and how they want it, etc. We don't think it would be appropriate to impose a requirements that was not included in the original approved Master Plan at a cost of \$1.5 million on Mayflower.

We have got two requests and one is that we get approval of the amended Master Plan application without finishing the road as recommended by the JSPA Planning Commission so we can continue to work towards meeting our Affordable Housing deadlines to the County, Land scope and Sky Ridge. If the County wants us to do that road or want that road to be a part of what we are doing in Marina West and MIDA is going to build it we need to suspend the deadlines that are coming up until MIDA is on board to do the road. We have a deadline that we can't meet until MIDA steps and builds the road.

Councilman Steve Farrell asked how much of an extension would be needed. Craig Coburn replied that we had talked with MIDA and Extell and would be about 180 days or six months. That would be from the February deadline. That February deadline will be very difficult to meet but we are going to do everything that we can to meet it because we have to start construction of the infrastructure for the Affordable Housing and would be hard pressed to meet that.

Councilman Kendall Crittenden asked if an extension was granted would the time start from today or in February. Craig Coburn replied that is a good question but would like to see it from the February deadline but would be up to the County when that 180 days would start. Craig Coburn indicated that this is just for informational purposes that under the affordable housing agreement if these deadlines are not met the County has discretion to put the brakes on what is going on in Sky Ridge and Land scope and that is why an extension would be helpful to keep things moving.

Jon Woodard, the Assistant Wasatch County Attorney, indicated that there will be additional Affordable Housing impacts from the golf academy. When an extension was granted before we were careful to get sign offs from all interested parties because there are a lot of people that are part of extending that. One thing that I wanted to clarify on this is that the original reports from the Master Plan approval I did see fire had a DRC comment for that portal to be built and the Council adopted the DRC comments need to be addressed. I can't recall that specifically if it was tied to affordable housing so that might be just to the general requirement that road has to be built. Craig Coburn replied that did come from the fire marshal but it had to do with two secondary accesses one for Stillwater and one for the connector road.

Councilman Steve Farrell asked Jon Woodard if he had any suggestions to affordable housing how to deal with that because that seems to be the stumbling block. Jon Woodard replied that he has some thoughts and I am not sure that I have a recommendation but by kicking the can down the road with the Affordable Housing because we have already done multiple addendums on that and

granted extensions and the more we do that the less and less likely this will ever get built.

Craig Coburn indicated again that we don't think that this is our road to build but being necessitated by what is going on in the west side. This isn't our road to build. It was not in the approved Master Plan and not required for traffic or anything within our development and not required for second access. We understand why it makes sense over all we just don't think it is our responsibility. The road makes sense but it is just not ours to build. We have approvals without it and not required under code and that is really the issue.

Councilman Steve Farrell asked how much time is going to be required to get it to final approval. Doug Smith indicated that it would be February of next year. Councilman Steve Farrell asked if we were to approve the 180 day extension or 90 day extension that would move it down the road 90 days or 180 days would that create an adverse condition for Land scope and Sky Ridge? Can we approve it as his right now subject to the existing conditions and findings of the JSPA Planning Commission and if they need to they can come back and ask for the extension down the road. Doug Smith indicated that if there is not an extension they have got to start working right away on the plan. They would have to start turning in their road plans right away to comply with February.

Councilman Steve Farrell asked how far away you are on your plans. Craig Coburn replied we don't have our amended Master Plan approved yet. Doug Smith indicated could you approve the Master Plan today and then since it is not advertised for an extension could they come back and request to be put on the agenda? Councilman Steve Farrell asked why do we even have to approve that and go ahead and approve the Master Plan and Density Determination that would take care of the ten additional ERU's and Affordable Housing and the commercial on the seventy-six acres with the findings and conditions of the JSPA Planning Commission and if they cannot meet that they can come back and request an extension could they not? Doug Smith replied yes. Councilman Steve Farrell indicated that he would rather do it that way than approve it and have it be subject to them coming back. They are right they may not have to do the planning on this if this deal goes through.

Public Comment:

Chair Mark Nelson opened the hearing up for public comment and there was none so the public comment period was closed.

Councilman Steve Farrell made a motion that we go ahead and approve the Amended Master Plan and density determination for Marina West consisting of 76.5 acres including 50,000 square feet of commercial, 57 ERU's of residential single family detached and town home product and 137 AUE's of affordable housing apartments subject to the conditions and findings of the JSPA Planning Commission and not recommended by staff but as amended by the JSPA Planning Commission. Also if an extension is needed that is subject of you coming back and requesting that. Chair Mark Nelson seconded the motion and the motion carries as follows:

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

NAY: Danny Goode via Zoom

ADJOURNMENT

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

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

NAY: None.

Meeting adjourned at 8:00 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

