

**MINUTES OF THE
WASATCH COUNTY COUNCIL
NOVEMBER 2, 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 both live and by zoom.
Marilyn Crittenden
Jeff Wade by Zoom
Vice Chair Spencer Park
Steve Farrell
Kendall Crittenden

EXCUSED: Councilman Danny Goode

STAFF: Dustin Grabau, Wasatch County Manager
Heber Lefgren, Assistant Wasatch County Manager.
Jon Woodard, Assistant Wasatch County Attorney
Natalie Foster, Wasatch County Manager Secretary
Wendy McKnight, from the Clerk's Office
Joey D. Granger, the Wasatch County Clerk/Auditor
Mike Davis, the MIDA Coordinator
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner
Rick Tatton, Court Reporter via Zoom
Karl McMillan, upcoming new Wasatch County Council Member
Ben Probst, Financial Officer, for Wasatch County Special Service Area 1
Shelby Thurgood, Assistant Wasatch County Attorney

PRAYER: Councilwoman Marilyn Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Steve Farrell and repeated by everyone.

Vice Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday November 2, 2022 and welcomed those present and indicated that all the Wasatch County Council are present with Chair Mark Nelson appearing both live and by Zoom and Councilman Jeff Wade appearing via Zoom and Councilman Danny Goode excused. The record should further reflect that the Wasatch County Council is meeting in the downstairs Wasatch County Council Chambers located

in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Vice 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

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Vice Chair Spencer Park asked if there are any administrative issues for future meetings. Dustin Grabau, the Wasatch County Manager, indicated that our third meeting in November is during UAC and wasn't sure how the Council wanted me to handle that. There will be some of the Council that will be going there as well.

Councilman Kendall Crittenden made a motion to make November 9, 2022 a regular meeting unless we need to cancel the meeting on November 16, 2022. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park'

AYE: Marilyn Crittenden

AYE: Steve Farrell

AYE: Kendall Crittenden

NAY: None.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

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

Councilwoman Marilyn Crittenden made a motion to leave our regular session and go into Special Service Area #1. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Board Chair Steve Farrell
AYE: Spencer Park
AYE: Marilyn Crittenden
AYE: Kendall Crittenden

NAY: None.

SPECIAL SERVICE AREA #1

APPROVAL OF THE WARRANTS

Ben Probst, the Financial Officer, of Special Service Area # 1 indicated that we have warrants in the amount of \$11,463.30. Board Chair Steve Farrell indicated that we need a motion to approve the warrants.

Board Member Spencer Park made a motion to approve the warrants in the amount of \$11,463.30. Board Member Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Board Chair Steve Farrell
AYE: Board Member Marilyn Crittenden
AYE: Board Member Spencer Park
AYE: Board Member Kendall Crittenden

NAY: None.

Ben Probst indicated that we need a time to consider the budget. Board Chair Steve Farrell indicated that maybe we could do it the first meeting in December and then the public hearing on the third meeting in December.

Board Member Spencer Park made a motion to adjourn. Board Member Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Board Chair Steve Farrell
AYE: Board Member Marilyn Crittenden
AYE: Board Member Spencer Park
AYE: Board Member Kendall Crittenden

NAY: None.

Vice Chair Spencer Park indicated that we need a motion to go back into our regular Wasatch

County Council Agenda

Councilman Steve Farrell made a motion to go back into the Wasatch County Council Agenda. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell**

NAY: None.

APPROVAL OF THE MINUTES OF OCTOBER 19, 2022

Councilman Steve Farrell made a motion to approve the minutes for October 19, 2022 as presented. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE: Steve Farrell**

NAY: None.

DISCUSSION/CONSIDERATION FOR ERRORS AND ANY ONGOING CURRENT BOE APPROVALS.

Joey D. Granger, the Wasatch County Clerk/Auditor addressed the Wasatch County Council and indicated that she sent a list of 83 primary approvals that was heard by the Hearing Officer. Also there are parcels that should be exempt or should have been deleted and there are ten of them. Also there was a discussion of lots owned by the Wasatch County School District. Councilman Steve Farrell asked if it is possible to abate the tax and not exempt it because I don't want to exempt it and then have the abatement for each year. Also could you do some research on this matter. There are two lots 47 and 48. Joey Granger indicated that we can hold off on those and do a little bit more research. Joey Granger then presented the ones that had errors on them that was found by the assessor's office.

Councilman Kendall Crittenden made a motion that we approve numbers three through ten on the first list but do more research on the two of the Wasatch County School District issue and then on the Midway ones bring them back to us on the partial year on both of them for the tax year 2022. Then approve the 83 primary approvals. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Vice Chair Spencer Park
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Marilyn Crittenden**

NAY: None.

CONSIDERATION OF RESOLUTION #22-13 ADJUSTING THE SHERIFF'S COMPENSATION.

The Record should reflect that Chair Mark Nelson is now present for the discussion concerning this matter.

Chair Mark Nelson indicated that I put this on the agenda and just want to give a tiny bit of background that several months ago, many months ago Sheriff Rigby and I but we have had two or three conversations but we had a conversation about the sheriff's budget and about the compensation for officers and compensation for the sheriff in particular. He expressed at that time some concern and potential dissatisfaction of that situation and felt like it needed to be addressed and so I just want to mention on the record that he and I have had some conversations about that in the past and that recently he has come back and had another conversation and so that is why I put this on the agenda that I feel like that is something that needs to be addressed because we are doing budgeting right now. I appreciate and understand that this is probably a bigger issue than just the sheriff's compensation. We are going through a wage study right now in Wasatch County and that is basically why I put it on those because I wanted to have a discussion regarding that. This is also on the 6:00 p.m. public hearing agenda.

Councilman Steve Farrell asked if this includes all the rest of the elected officials. Chair Mark Nelson replied that at the moment the resolution is only concerning the sheriff's office but there will be some discretion if you want to change the resolution.

Councilwoman Marilyn Crittenden indicated that my question would be why we would consider

it now before we have this rate study done. Chair Mark Nelson replied that there is a specific situation that brought this up and I think that we need to have a closed situation to talk about that with regard to personnel.

Councilman Kendall Crittenden made a motion that we leave our regular agenda session and go into closed session to discuss personnel. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None

Chair Mark Nelson then addressed the Wasatch County Council in Closed Session regarding personnel. Because this matter was concerning personnel no record was made of the proceedings.

Councilman Steve Farrell made a motion to leave our closed session and go back into our regular Wasatch County Agenda. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

The record should reflect that the Public Hearing concerning this matter is put on hold.

BRIEFING ON THE WASATCH COUNTY FY 2022 9 MONTH FINANCIAL REPORT.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that this is a nine month status report for the 2022 budget. The changes that we are noticing and expect to see an increase in revenue and then a decrease in expenditures for the general fund. There is an unbudgeted transfer to the capital improvement plan in the amount of \$3.6 million to be able to be placed in reserve for some future expenses as directed by the Council. There is a new fund for a library maintenance fund which includes about \$100, 0000 transfer. Also a transfer to the MIDA fund to be able to cover some one-time expenses that were allocated in that fund so that fund remains a net positive.

Dustin Grabau, the County Manager, indicated that we are getting a reimbursement for a grant of \$40,000 from MIDA as the match portion. At the end of the year this budget shows that the General Fund will end with a 64% end fund balance to the revenue. The other funds for the most part will all end with a positive fund balance with the exception of a few of them that are associated with one time projects so we will dip into the fund balances for those. We also looked at the Sheriff's Department with regard to increasing the commissary funds to align with the actual expenses for that. Also there will be a new transportation fund that is associated with the quarter-cent tax that was approved which will be used for local transportation issues so you will see that under the special revenue fund category. It shows the closing out sales tax revenue bond fund because the expenses associated with that because we are finished with those expenses. This shows us closing that out by the end of this year.

Councilman Steve Farrell asked on the revenue side are we showing a separate category for building permits. Heber Lefgren replied that we are capturing those revenues. Dustin Grabau indicated that some of these are just based on the best guess.

DISCUSSION/POSSIBLE APPROVAL EASEMENT CONCEPT OF OPEN SPACE IN THE NORTH FIELDS.

Councilman Steve Farrell indicated that the Wasatch Open Lands Board has been approached by a property owner, the Mitigation Commission and Utah Open Lands to go into a concept of a notice of interest for the north part of the north fields. Heidi Franco, the Heber City Mayor and a member of the Open Lands Board, addressed the Wasatch County Council and indicated that a map has been compiled by the property owners themselves in the North Fields and it shows property owners who are interested in pursuing a conservation easement with some funding from the open space fund from the County. We have only received 160 acres so far and expecting more NOI's to come to us next week after November 14, 2022 meeting. Right now we have five property

owners plus for hundreds of acres. There has been a watershed protection grant within our CS money and hope by next spring that we can receive some good news to be able to receive. Wendy Fisher is putting together those matching funds and will be able to bring back some really great proposals to you.

Councilman Steve Farrell indicated that a protection area doesn't make a permanent conservation. Heidi Franco indicated that this is more a protection for their private property. This is a regular conservation plan. Councilman Steve Farrell indicated that one of the reasons for moving this forward is NCRS money is available now for this year. I don't know what good that water protection plan is going to help us unless we do the plan itself and it won't help us acquire the property. The money is to be used on land improvements. Heidi Franco indicated that what we need from you today is to give us your support to the landowners doing conservation easements.

Mike Davis, the MIDA Coordinator, indicated that there was a commitment when the County approved that subdivision that all of those properties would be put into a conservation easement at their expense. That didn't happen and we couldn't force because one we approved the subdivision we had no control over that. The premise of the approval was that those would go into a conservation easement. Right now this is kind of a dirty deal and the County is getting the money now when that commitment was made without subdividing that. Heidi Franco indicated that we just want to see that the County Council is in support of the conservation and we will bring this back to you and we will get the details down.

Vice Chair Spencer Park indicated that Chair Mark Nelson has just joined us via Zoom.

Councilman Steve Farrell made a motion that we favor a possible concept for an open space in the North Fields. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Steve Farrell

AYE: Kendall Crittenden.

NAY: None.

ABSTAIN: Jeff Wade

Councilman Jeff Wade via Zoom indicated that he only got in on the very last part of this and so I will abstain.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, indicated that he has nothing at this time to report because

we haven't had a meeting lately.

COUNCIL/BOARD REPORTS

Kendall Crittenden indicated that this is the Day of Thanksgiving. It is seven dollars per family and that is kind of a voluntary thing. No one will be turned away if they want to go for this affair. Along with that there will be the winter coat drive and if you have any spare winter coats like kids coats there will be drop places around town. Also there is the sixth annual community clothing and toy exchange that is being sponsored by the Community Foundation, Health Department and Burns Recreation Center. That will be December 2, 2022 from ten to seven at the drop off for donation. Can use clothing, toys, small household items, etc. Then from December 3, 2022 from ten to five families can go by and pick up what they need toys or clothing or what not for their families for Christmas.

Kendall Crittenden indicated that the other one quickly that we have been talking about this Utah Land Institute and is there anybody going over tomorrow. They will have an open agenda and if there are any thoughts of things we want to bring up we can do that. Mike Davis, the MIDA Coordinator, indicated that he would be good to talk about affordable housing and the things that legislature has implemented. Wasatch County has done several things which is very progressively trying to protect water and other things and the legislature has come back with different thing for the developers. These are things that should be discussed because they are very worthwhile for things to discuss. Dustin Grabau indicated that we need to discuss that Summit County has an exemption to the Affordable Housing because they have a ski resort within their County. It would not be too much of a stretch to fourth class counties with ski resorts as well to be included. Mike Davis also indicated that issue was tried at the very last hour and they wouldn't open it back up for us but they did it for Summit County. Councilman Kendall Crittenden asked if any of the Council members thinks of others things to be brought up just send me an e-mail.

The record should indicate that Chair Mark Nelson is no longer on Zoom.

Kendall Crittenden indicated that we received an e-mail on re-certifying the Wasatch County Justice Court and who prepares that. Dustin Grabau indicated that he forwarded it to Scott Sweat to take a look at that along with Judge Sessions so I think they are very aware of that. Judge Session has to do a certification as well.

The record should show that Chair Mark Nelson has again joined the Council via Zoom.

MANAGER'S REPORT

CONSIDERATION OF A POLICY IMPLEMENTING PARAMETERS FOR C-PACE BONDS

Randall Larsen, the County Bond Attorney, addressed the Wasatch County Council and indicated that we talked about this a little bit last week. This is regard to the policy around the C-Pace bonding program. This would be a discretionary award by the County based upon application. It is a financing tool for energy efficiency, water efficiency, and earthquake things. Basically it is an incentive from the legislature to try and get commercial buildings to be built to a higher standard than what a standard commercial lender would grant an appraisal. It is a capital filled piece. It is governmentally and it doesn't cram down or force anyone into doing so. The method that I am prescribing in this policy to help with Dustin Grabau to convert that to a written agreement. Meaning it is an assessment lien that you would create and you would assign to a bank. That way you would never be the enforcer and wouldn't be in that position to have any of those remedies. A bank would do that. The statute does allow for bond financing which you could explore if that were ever to come up but right now this policy would be recommending written agreements, a sign able lien security for the bond. Also there is no funding from the legislature. What it does it allows a perspective lender to know that I have got a first lien on the property and grant an interest rate in accordance with its own market standards to get that done. The reason a senior lender would be amenable to this is because there is no acceleration. In other words if you don't pay the assessment on the C-Pace all you can do is have them compound the interest rate for that one year. The C-Pace would require any existing mortgage on the property to consent.

Councilman Steve Farrell replied that these improvements that we are talking about are improvements or something over and above what we already require. Dustin Grabau replied that the proposed policy would require the applicants to demonstrate on how they would meet those requirements for energy efficiency. Randy Larsen indicated that if they don't pay their C-Pace assessment.

Mike Davis, MIDA Coordinator, replied that I am worried if they fail. It is an entity that does this and the entity indicates that we just failed and they try and walk away and so you have got mortgages and commitments and others things and that entity is gone.

Randy Larsen indicated that it is a real estate secured investment. You would be prohibited as a County making any payments on a C-Pace Bond in fact you would be the issuer. Also the appraised value will not allow the developer to finance code types of improvements. My proposed policy with Dustin Grabau's help limits it to an assignable link that does not require any County debt. The proceeds from the financing would go into escrow and would have to pay for those improvements. This is typically highly sought after because it intensifies people to put things which otherwise struggle to do and probably won't put these extras in because there is no code requirements.

Mike Davis indicated that this could work up in the MIDA area but it might be a little more complex. Councilman Steve Farrell replied that this ordinance creates the possibility of an additional lien holder with a high priority standing. Randy Larsen replied again that this is a policy to help them demonstrate what they are intending to finance and the amount and seek the Council

approval on the project and they will need to come to the Council on a uniform standard.

Councilman Steve Farrell made a motion that we approve the policy as presented and stating the parameters to receive C-Pace Bonds. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Jeff Wade via Zoom

AYE: Chair Mark Nelson

NAY: None.

CONSIDERATION OF AN MOU AMENDING EXISTING AGREEMENTS WITH MAG TO INCORPORATE LEGISLATIVE AFFAIRS.

Dustin Grabau, indicated that we have talked about the possibility of engaging a lobbyist to pursue infrastructure funding. MAG has an existing agreement with a lobbyist that procures or helps procure state level funds for infrastructure projects. The proposal is to enter into this MOU to amend our agreement with MAG to include the legislature affairs line item. The cost is \$100,000 and we would pay that on a quarterly basis to MAG and as a part of that MAG would then pass through that revenue to their existing lobbyist to help us secure additions funds. This would start basically now and then go for the next twelve months. Also talked to Scott Sweat about this and his suggestion was that we potentially amend this Inter local agreement right now with regard to infrastructure funding. We could be pursuing funds for the Provo River Corridor because we have a \$1.9 million liability there. We have future trail projects that the state is interested in and often those come with local commitments as well and to the extent we could get state level funds to MAG for our portion of those projects there is a potential benefit there. Things such as that is not memorialized in this agreement and there are some other things that we could request like a set number of hours that we would like in conjunction with this. My only concern with that is we are hoping to get twelve months of representation and would hate to burn through all those hours on a specific project. We are asking is for you today that it does play into our budget discussions as well this is one of the line items in our budget next year.

Councilman Steve Farrell replied that what is the advantage of doing this and not just going out and doing it directly with the lobbyist that we can have direct responsibility for that. Dustin Grabau replied that the reception is a little bit more likely that the state would contribute these funds in advance to MAG more readily than we would directly to the County. Some of these projects don't

currently have the same advantage as the Provo River Parkway does in that we don't know exactly when we will need the money but we will need the money and then MAG holds onto it and that would be more important for the state. The second point that we get some benefits of their existing efforts and leveraging those existing efforts. They are still interested in pursuing us and working with us on an individual level and in conjunction with all the other aspects.

Councilman Steve Farrell replied that over the years MAG's interest has been more toward Utah County because they have got a bigger checkbook than we have and most of the funding has gone that direction.

Dustin Grabau indicated that MAG has been working to change that and this proposal is part of that process. Right now our regular lobbyist handles general legislative affairs including making sure that we get updates. This is target more at getting infrastructure funds from the State. We need to obtain a portion of the surplus money that is available this year. The lobbyist would be a contractor of MAG and basically ends being a pass through and the lobbyist would work directly with us on issues that affect us and MAG just helps facilitate it and potentially holding the funds in the interim. The County would pay MAG and MAG would pay the lobbyist and MAG would potentially hold funds for future projects. We need to amend the MOU to reflect infrastructure projects related to paved trails and transportation needs within Wasatch County. Are there other provisions that you would like to include in a motion like the rail trail section and we are real close to completing that?

Councilman Steve Farrell replied that for the same amount of money, using the same lobbyist and I am still having trouble seeing the benefit of going through MAG and dealing with the other lenders of MAG. Dustin Grabau indicated there is a sense of urgency because decisions are being made today on how to allocate the state funds and this is the fastest way for the county to procure those services as well.

Councilwoman Marilyn Crittenden indicated that if we try this MOU for a year and see how it works and then we could re-look at it next year. Councilman Steve Farrell replied that we need to look into these sole contracts.

Councilwoman Marilyn Crittenden made a motion that we would approve the MOU as amended for trails, and transportation needs. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

CONSIDERATION OF A LEASE AGREEMENT FOR PROPERTY TO THE HEBER VALLEY RAILROAD.

Chair Mark Nelson indicated that I suppose I should recuse myself from this because of my position with the railroad. Dustin Grabau indicated that you can vote on it as long as you declare any conflict of interest. Chair Mark Nelson replied that I will declare that and when the vote is taken I will vote yes. Also in meetings and discussions in walking the property with John Provost and Tom Bonner this seemed to be agreeable to them. This unused property underneath the power lines.

Dustin Grabau, the County Manager, indicated that there is a portion of property adjacent to the Wasatch County Event Complex that abuts the Heber Valley Railroad. Currently, it is underutilized property and the proposal is to lease a very small portion of that property to the Heber Valley Railroad. This would potentially allow the Heber Valley Railroad to improve some operational efficiencies. We have prepared a lease agreement that was put into your packets that represents this lease. It is a ninety-nine year lease, one dollar a year payable up front but what this would do is just allow the train to use that small portion of property adjacent to theirs for the next ninety-nine years. It is a quarter of an acre of property. There needs to be a fence put along the property line and that is why we want to get this resolved. The parks and recreation have been stalling in putting a fence designating of the new location of the Cowboy Village here and want to put the fence in where the line is and are trying to do the lease agreement so it would fix the place for the line would be for that fence.

Councilman Kendall Crittenden made a motion that we approve the lease agreement between Wasatch County Council and the Heber Valley Railroad as explained in the agreement. Councilman Jeff Wade via Zoom seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE; Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Jeff Wade via Zoom.

AYE: Chair Mark Nelson via Zoom with what he explained earlier.

NAY: None.

The record should show that Councilman Steve Farrell left the Council for just a few moments when the vote on the previous matter was taken. Councilman Steve Farrell is again present with the Council to hear the next matter.

THE INITIAL INTRODUCTION OF THE 2023 TENTATIVE BUDGET.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that just to give you a brief introduction of the tentative budget. There have been some significant changes to our budget in an attempt to be a little more transparent in how we will present the budget. We are trying to chase after industry standards in the budget presentation.

Heber Lefgren, the Assistant Wasatch County Manager, walked the Council through the budget documents and gave each of the Council Members a copy of the proposed budget so that they can get oriented to where we are going with it and become more familiar with it when we will discuss the document in more detail next week. The document that you just received provides information that you need to be able to address. To orient you we start off with the County Manager's message and the executive summary.

The purpose of the executive summary, which is two pages, is first one is to provide and show a graph of all the funds put together as we are proposing from the tentative budget. Also the details associated with the General Fund in graph form. The second page takes a high light of all of the major changes that we are proposing for the budget and how they align with the five part strategic priorities that we went through previously and how the proposed budget will align with the proposed budget. Page one is a history or information about Wasatch County. Page 9 is the funds budget summary. This includes the revenues that we anticipate, the expenditures that we anticipate and the ending balance for each of the funds that we have.

We wanted to give the Council a week to orient yourselves regarding the document and give you a week to review and formulate your questions and we will have a more robust conversation next week. Page 15 provides a high level of just the General Fund and it has the tabs that go into what we actually spent in 2022 and where the budget is in 2023 and then what the nine month estimate is looking like and the final column is our proposed tentative budget. The expenditures are broken down based upon four or five categories of the personnel, your operating fixed cost and capital outlay. Finally, at the very bottom you will see a narrative on what is the major change that happened to a particular department and will see that for each of the departments within the General Fund.

The next Page 37 we go from the General Fund to the Special Revenue Funds and they consist of three revenue funds that actually serve as departments as well. That is the Health Department, Library and the MIDA. Then you have the operating funds and again on Page 45 we go into the

internal service funds. We then go through the capital funds and next year we are not allocating very many funds next year for that.

We want the Council to review it and then we will have more conversations with it next week. Dustin Grabau indicated that the incoming Council Members will be provided a copy of this tentative budget after the voting has taken place even though they are running unopposed.

Vice Chair Spencer Park indicated that the record should show that now the Wasatch County Council is now going to hear the public hearings that have been scheduled for this evening. Also all the Council are present live except Jeff Wade via Zoom and Councilman Danny Goode who is excused.

**PUBLIC HEARING
NOVEMBER 2, 2022**

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that items number 1 and 2 will be handled together because they work together.

**ITEM 1 SUMMIT ENGINEERING, REPRESENTING CHRISTENSEN FARM
LOTS L.L.C. REQUESTS A PLAT AMENDMENT TO CHRISTENSEN
FARM PHASE 1 SUBDIVISION PLAT TO ADD 0.134 ACRES OF
ADJACENT PROPERTY TO A RETENTION AREA PARCEL LOCATED
AT 1460 SOUTH 2130 EAST IN THE RESIDENTIAL AGRICULTURE 1
RA-1 ZONE.**

Staff:

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that Item 1 is a plat amendment but then as we move into Item 2 it is a preliminary subdivision plan but the plat amendment is based off a need that is created by that subdivision and that is why they work together. Austin Corry then presented a power point presentation and then indicated that Christensen Farm Phase 1 was a subdivision that was brought in on its own. Although the preliminary subdivision is being called two and three it was not part of the considerations of phase 1. Phase 1 is a standalone subdivision and came in under its own approvals. The subdivisions will have a separate HOA but are different subdivisions.

Austin Corry listed the key issues to consider.

1. The retention area is currently 4.19 acres located in the northwest corner of the subdivision.
2. The plat amendment will add 0.134 acres of adjacent land into the property, resulting to the

retention area becoming 4.324 acres.

3. The plat, and Wasatch County Code, currently requires the HOA to maintain the retention area.
4. The applicant proposed to have the proposed subdivision HOA, Christensen Farm 2 and 3 assume maintenance responsibility of the retention area parcel.
5. The Christensen Farm 2 and 3 subdivision does not use the retention area for storm water.
6. Although the name of the proposed subdivision is Christensen Farm Phases 2 and 3, it is a completely separate subdivision with no procedural connection to the previously platted Christensen Farm Phase 1 subdivision.

Austin Corry indicated that the new proposal results in two main changes (1) the retention area parcel is increased in size, and (2) the notes of the plat are amended to alter the specifics of maintenance responsibilities for the retention area. It is important to note that the new proposed subdivision does not use the retention area for its storm water facilities. Their proposal is to take what would be a nuisance strip in their subdivision and just add it to the acreage of the phase 1. This strip needs to be added in. They are also increasing the area for the retention area easement for phase 1 and because there was the maintenance responsibility to the phase 1 HOA which is the storm water area for that subdivision. We did ask them to reach out and get approval for the landscaping that they were proposing in that area. The applicant indicated that they were unable to get their HOA there to respond to them and in an effort of working together and trying to get things moving forward we worked through some language that is blown up in my presentation. In essence what it is and this is the second major change that is happening with the plat amendment is that the new HOA that they will be creating with their subdivision next door will be taking over the maintenance responsibility of phase 1 retention area which will be all of it.

Councilman Steve Farrell asked if phase 2 and phase 3 will they be able to use this retention pond. Austin Corry replied that it is not designed that way right now. Councilman Steve Farrell indicated that you are asking them to take over the responsibility but they have no benefit for that. Jon Woodard, the Assistant Wasatch County Attorney, indicated that phase 1 did not have a Development Agreement. Austin Corry indicated that the Planning Commission did forward this onto you with a recommendation for approval. Austin Corry then went through the proposed findings for approval.

1. The affected plat is Christensen Farm Phase 1.
2. The request is to add 0.134 acres into a 4.19 acre storm water retention area in the existing plat.
3. The proposed landscaping is to seed the area with pasture grass and use the retention area as a pasture.
4. The proposal includes a request to change the maintenance responsibility of the retention area from the HOA of the Christensen Farm Phase 1 subdivision to instead be maintained by the HOA of an adjacent subdivision.
5. The existing plat is currently at the maximum permissible density of 1.3 acres/unit for the zone.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the project and forwarded the item on for a determination by the Planning Commission and County Council.

8. Utah Code and Wasatch County Code require a finding of good cause in order for any plat to be amended or vacated. If good cause is not able to be found, the request should be denied.
9. Good cause is defined as providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.
10. Good cause for the amendment exists by accommodating the current design of the Christensen Farm Phase 2 subdivision as proposed, which would create a nuisance strip if the parcel were not combined with the existing retention area, thus precluding the ability of approving the proposed subdivision.
11. Based on the current zoning designation and its associated regulations, both the existing affected subdivision and the proposed subdivision would be at the maximum permissible density.
12. The proposal is consistent with Utah Code Section 17-27a-609.

Austin Corry then went through the proposed conditions:

1. The plat amendment approval shall expire if the amended plat is not recorded within one year from the date of receipt of plat amendment approval.
2. Approval is subject to verification from the water board that the water requirements for the additional acreage added is appropriately conveyed.
3. The plat notes should be updated to also include an open space easement in favor of Wasatch County per Wasatch County Code Section 16.08.04(D).

Austin Corry then went through the DRC comments:

PLANNING comments:

The action report from 2016 doesn't account for the new acreage being added. Verification from the water board will be needed that the rights for the added acreage are conveyed prior to plat recording.

Austin Corry also indicated that Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. State law requires a public hearing to amend any plat when the amendment is not signed by all the owners within the plat being amended. At the time of preparing this report, no objections have been received in response to the notices sent. Also Utah Code Section 17-27a-609 allows the County to approve a plat amendment if the County finds that (a) there is good cause for the vacation, alteration, or amendment, and (b) no public street right-of-way, or easement has been vacated or altered. One of the things with the plat amendment if you chose to approve it is that condition no. 3 that we have recommended is to put the open space easement over the top of it as well which is a code requirement. When it got platted I don't know if it was missed or what

happened there the open space easement is meant to protect some of that as well.

ITEM 2 BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS LOTS L.L.C., REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR CHRISTENSEN FARMS PHASE 2 AND 3 A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF 62 LOTS ON 80.92 ACRES IN THE EASTERN PLANNING AREA OF THE RESIDENTIAL AGRICULTURE 1 RA-1 ZONE.

Staff:

Austin Corry, the Assistant Wasatch County Planner indicated to keep this rolling the preliminary subdivision is a standalone subdivision that is in front of you today. The area is just south of the Cobblestone Development and west of the Christensen Farm Phase 1 Development and the layout is a typical modified grid network that you would see. It does include the connections to the existing Wild Mare Way and others. One of the things that they will need to do is actually execute an easement on these properties. Austin Corry then presented a power point presentation. It is a one acre lot development. Austin Corry indicated that to my understanding from the conversations that I have had with them they want to maintain the ownership of that because one of the partners in the L.L.C. will be the one running that pasture area apparently. The applicant was not inclined to utilize our Development Agreement path that we have in the code so a number of things we typically handle just through narrative form they have submitted through documentation through these. One of the reasons for the phasing plan is because that is where the applicant indicated how their amenities and timing of their landscaping will be handled which is included in the note there on the bottom right. So eighteen months from the time of plat recording or fifty percent of the building permits being issues any of the required landscape areas which would be that parcel A and parcel B and their landscaping for Phase 1 retention area will all need to be done in that time line that they are committing to through their phasing plan. Also there was an extensive amount of grading activity that occurred there in anticipation of different approvals that the applicant pursued at their own risk with grading activities there and those proposals have gone away and so now with the new proposals they need to restore that area back. The compaction of the dirt will have to be done to meet the County's requirements and criteria and will be done through the engineering staff. As the applicant move into final plans they will need to do landscaping ways that meet the Wasatch County Code.

Councilman Steve Farrell indicated that none of the area in parcel A was used for the density requirement in Phase 1. Austin Corry replied that Phase 1 is not included in the density calculations for this subdivision. The only reason that retention area is coming into play is because the applicant chose to design their road and it was left with a gap from what was platted in phase 1 and not platted that way for common area but required for the approval. There is no building right or anything like that on those four acres. Currently it has a storm water retention easement over the top of it that effectively is a deed restriction.

Councilman Steve Farrell indicated that he can see five or ten years down the road someone coming in and saying we can prove through storm water management that a parcel of that size is not needed.

Councilman Spencer Park indicated if the HOA has to take care of this area they need to have some benefit for doing so. Is there an option to make it open space so that the HOA has some long term benefit to taking care of it? Jon Woodard, the Assistant Wasatch County Attorney, indicated that I think there will be a big change from what has been discussed. The reason that we are doing it this way as I understand it, is they have got that little parcel that they need to combine with this other parcel in order to have the road where they want it. They could not get sign off from the other HOA because there was a landscaping requirement and an addition being made to that open space parcel we wanted that HOA that has the responsibility to maintain that to sign off on that because we felt uncomfortable not allowing this development to record based on a third party refusing to cooperate. We kind of used our baling twine and came up with this solution. It is not ideal but that is how we got where we are because I do think that it is not reasonable for us to hold up a development approval because of the third party that is not even a governmental entity is refusing to cooperate.

Councilwoman Marilyn Crittenden indicated that I am concerned with what can happen down the road when the HOA members find out that I am paying for something that I have no use for and actually paying for somebody to farm on that and possibly make money and that is my biggest concern. Jon Woodard replied that I think that it is a valid concern but the answers are that they won't have the development approval at least with this layout without them agreeing to this so they won't have a buildable lot.

Councilman Steve Farrell indicated that phase 1 should step up and take care of it because it is to their benefit. Austin Corry also indicated that an Moderate Income Housing Report be provided and the applicant indicated that instead of providing a report has asked that you as a Council allow them to take a ten percent number and pay a fee in lieu instead of providing the report. Also the last thing on this particular subdivision it is surrounded by a number of different properties and a variety of different properties and different fencing types and do have a right to farm regulation here in the County if a subdivision is developed to someone who has animal rights that you have to provide fencing that is adequate to maintain the animals. If they do not put up a fence required by the County then they will have to get permission from the adjacent property owner to use their type fence.

Austin Corry then went through the DRC comments:

JORDANELLE comments:

- Construction drawing review and approval to be coordinated with District Engineer.

MANAGER'S comment:

- There should be a plat note related to the creation and role of the HOA for the retention areas and open space.

PLANNING comments:

- Street trees required at 1/50 feet, parcel A needs to be fully landscaped.
- COA: if preliminary approval is granted, the water action report may need to be updated to reflect your changing landscape plans.
- Final plans will need to include full landscape plans with plants, quantities, etc.
- Final fencing plans will need to include documentation of adjacent landowner approval since a number of the fences differ from code minimums. Fencing being replaced shall be included in the cost estimates submitted with final plan.
- The easement will need to be executed prior to final approval.
- Street trees on Parcel A have been removed on this latest submittal. Trees at 1/50 are required.

RECORDER comments:

- COA: Address table needs to be complete. 8/19/2022, this note is still applicable for fiscal plat approval.

SURVEYOR comments:

- This is a preliminary plat. We are approving the project so it can proceed for planning commission review.
- We reserve the right to review the final signed plat.

Austin Corry then went through the proposed findings:

1. The subject property is 80.77 acres per the applicant's surveyor.
2. The subject property is in the Residential Agriculture 1 RA-1 Zone.
3. The RA-1 zone is a 5 acre minimum lot size zone.
4. The RA-1 zone allows a greater density of 1.3 acres per unit if certain criteria outlined in 16.08.04© of the Wasatch County Code are met
5. The application includes connections to public sewer and public water.
6. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
7. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
8. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
9. The proposal includes two retention area parcels that are to be landscaped by the developer and maintained by the proposed subdivision HOA.

10. Wasatch County Code 16.21.06 requires specific ownership and maintenance responsibilities for open space parcels.
11. The phasing plan on the application includes a developer commitment to landscape the retention areas and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
12. Additional information will be required at final to refine the plans to continue to demonstrate compliance with the aspects of the Wasatch County Code.
13. The applicant has offered a ten percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
14. Preliminary approval does not grant a variance from County Code standards that is not determined at the level of review provided at Preliminary.
15. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission and County Council.
16. Wasatch County Code 16.02.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. An easement, or other acceptable form of agreement, will need to be executed for the off-site temporary cul-de-sac prior to final approval.
2. Approval is contingent on a concurrent approval for a plat amendment. If the concurrent plat amendment is denied, this approval becomes void.
3. The commitments made by the developer in the submittal documents shall be considered part of the approval.
4. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
5. The open space parcels shall include dedication to the HOA and an open space easement in favor of Wasatch County or other options as available under WCC 16.21.06.
6. Open space areas shall include landscape plans that comply with County code with the final subdivision application.
7. Final plans shall include fencing plans and any necessary agreements in compliance with Wasatch County Code.
8. Final plans will need to include a will-serve letter from applicable service districts. At this time, the County water board has indicated Twin Creeks Special Service District and Timpanogos Irrigation Company.

Applicant:

Peter Gamvroulos, representing the applicant, addressed the Wasatch County Council and indicated that the parcel that is referenced has been in our ownership the whole time. Nothing changes as to the benefit to phase 1 and they never had ownership and never had access they only

had a drainage. The only thing that changes is the maintenance and we said that the owner could take on maintenance. County code forces HOA to be the maintenance authority over that. That is fine we will have our HOA be the maintenance authority over it and it will still be the landowner who takes care of it but the HOA will have that right to go into and maintain and so it really isn't going to be a cost to our HOA. It is just going to function as an easement that exists on private property.

Public Comment:

Vice Chair Spencer Park then opened Item 1 and Item 2 up for public comment. And it should be made known that Councilman Jeff Wade had to go off via Zoom because of computer problems so he now is not joining us. Also to pass any matter it will require four positive votes and if you would want to continue the matter until all the council would be present please let us know. (There was no problem mentioned regarding that issue and were okay with proceeding.) Spencer Park then closed the public comment period for Item No. 1 and Item No. 2.

Motion:

Councilman Steve Farrell made a motion on Item 1 that we go ahead and do a plat amendment on Christensen Farm Phase 1 Subdivision to add 0.134 acres of adjacent land to a retention area in light of the findings and subject to the conditions put forth by the Planning Staff and Planning Commission. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE: Marilyn Crittenden

AYE: Chair Mark Nelson

AYE; Steve Farrell

AYE: Kendall Crittenden

NAY: None.

Motion:

Councilman Kendall Crittenden made a motion on Item 2 that we approve the preliminary subdivision approval for Christensen Farms Phase 2 and 3 a proposed residential subdivision consisting of 62 lots on 80.92 acres in the Eastern Planning Area in light of the findings and subject to all conditions as put forth by the Planning Staff and Planning Commission and also approve the affordable housing as has been presented. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

AYE: Vice Chair Spencer Park

AYE; Marilyn Crittenden

AYE; Steve Farrell

AYE: Chair Mark Nelson

AYE: Kendall Crittenden

NAY: None.

ITEM 3 HORROCKS ENGINEERING, REPRESENTING CACHE PRIVATE CAPITAL DIVERSIFIED FUND L.L.C. REQUESTS AN AMENDMENT TO THE OVERALL PRELIMINARY APPROVAL FOR BENLOCH RANCH THAT WOULD IMPACT PHASES 4, 5 AND 6 CONSISTING OF 616 ERUS ON APPROXIMATELY 577 ACRES LOCATED IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JBOZ.

Staff:

Doug Smith, the Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that this request is for amended preliminary approval of phases 4, 5 and 6 of Benloch Ranch. Overall preliminary for the entire development consisting of 2,345 acres was granted in 2019. Since that time the master developer has sold off portions of the development to other developers. The new developers have proposed changes to the overall preliminary with new road alignments and lot layouts. It was determined that the changes were too great to be considered consistent with the previously approved preliminary and the new developer was required to amend the preliminary for phases 4, 5 and 6. The intent of an overall preliminary is to have a cohesive development with roads, open space, trails, and utilities that connect between phases and with the rest of the development. This has been a big undertaking by both the applicant and staff but hopefully this will allow for a better development that, after preliminary approval can apply for final phased plats that will work with future phases.

The property is a challenging piece to develop. Much of the project is on steep north facing slopes that require large amounts of cut, fill and retaining walls. Lots are limited due to building envelope requirements that must be less than 30 per cent slope as well as potential ridge line issues. The steep terrain also complicates roads and driveways. These phases will connect to Benloch Ranch Road and Skyfall Road. These roads connect phases throughout the development and will approve the necessary second accesses for phases. All phases must have two accesses internally and ultimately provide access back to Highway 32 at two separate locations. We require that each lot has a 5,000 square foot building pad that is under thirty percent slope. The trail system is very extensive throughout this open space and working with them in a Development Agreement to require those and bond for those in various stages. There are two product types which are town house and single family. Duplexes are connected. The code requires the Wasatch County Council to sign off on retaining walls that are over thirty feet or longer than two hundred feet in length and

this is much more extensive than that. The code does recommend that natural stone be used and nothing like block or anything like that. The other Benloch Ranch Developer is building those access roads. The initial affordable housing was done by a fee-in-lieu with the existing Development Agreement and assume that will be continued with the new developer.

Doug Smith then went through the DRC comments which are extensive.

PLANNING comments:

- There were a number of lots in most and all plats that have envelopes over 30 percent slope.
- Lots with building envelopes over 25 percent require a site specific soils report with the final application.
- Please provide a rendering of the street lights and ensure that they are dark sky compliant with full cut off.
- Retaining walls over 200 feet in length and/or over 30 feet in cumulative height require County Council approval. It will be helpful if there is an exhibit that illustrates this.
- Building height is measured from natural grade. Lots with fill will be limited in height, please demonstrate how some of the lots with 10-20 feet of fill will work. The reply from the last review by Horrocks states noted, that the architect is working on this what if only a 15 foot high home is allowed?
- Architectural examples of the twin home product.
- Slopes in 48 lots 124-133 and 137 should have an envelope shown on the plat under 30 percent slope. Do these have an envelope under thirty percent slope outside of setback areas.
- There are numerous lots throughout the phases that show envelopes with large amounts of over 30 percent slope. This is not allowed and 30 percent slopes in the envelope must be less than 500 square feet.
- Lot 23 in 4A is an example. Please demonstrate how lots have less than 500 square feet over 30 percent within the building envelopes.
- Reviewing the grading plans there are many lots that the entire lot is a cut slope with over 30 percent slopes. How will these be developed? How will driveways be built under 15 percent to access the lots and meet the Fire Marshal's requirements? Many lots are on significant fill. Along with the homes being limited in height due to the fill the fill will have to be compacted in lifts.
- Has the ridge line analysis taken into account the fill on a number of lots?

ENGINEERING comment:

- Condition of approval: further analysis may need to be done for the slopes for Phases 4A Lots 15, and 28 and Phase 5: 189, 190 and 192. Envelopes need to follow code based on the irregularity exception. These lots may need to be moved or removed upon further

review/analysis.

- Condition of Approval: Envelopes must be shown on this exhibit to match those on the plat.
- 1st follow up: Envelopes must be shown on the plat. Verify min square footage. Some of the envelopes you show are still on 30 percent slopes.
- Original Comment: All Phases: the lots with slopes >30 percent need to have building envelopes. Code reference 16.27.19.
- Condition of Approval: At final, present a formal geotechnical retaining wall design for all walls over 4 feet. I do see a cross section detail and some global stability, but no details on internal stability analysis, lab testing regarding backfill material, recommendations for construction, etc.
- Condition of Approval: The grading shown here you match that of Exhibit 5. Specifically the lot grading is inconsistent and the intent of the grading cannot be inferred.
- Condition of Approval: The wall along Night Shade Lane is over 30 feet and over 200 feet in length. This is against code. It would need special approval from County Council. If approved, we would need the design.
- Condition of Approval: Comment may apply to multiple phases. It seems there should be culverts along the natural drainage, e.g. Ph 4B C2.12.
- Condition of Approval: Include a key map for the sections that they described above there isn't anything to review at this point.
- The geotechnical report needs to be updated based on the current layout that you show. The 25-30 percent lot-specific slope stability analyses will also need to be performed and reviewed jointly with final
- Condition of Approval: (Applicable to all phases). Building envelopes need to be placed on all lots which contain 30 percent slopes within their boundaries and be relatively rectangular and avoid 30 percent slopes with 500 square feet of 30 percent allowable if contiguous, i.e. completely surrounded within the lot by >30 percent slopes. Should no building envelope be allowable to meet this code, the lot is not buildable in its placement at preliminary.
- Condition of Approval: These sections and appendices need to be tied to the plan view of the development. Placement and context need to be given.
- Condition of Approval: There are no supplemental geotech recommendations or an updated report to justify 10 foot retaining walls.
- Condition of Approval: Sheet C24, the catch basin at Sta 10-40 appears a bit low even though it is off to the right. Please look into.
- Condition of Approval: Ensure measures are in place to protect the existing drainage pathway between pond 9A and 9B.
- Condition of Approval: The storm drain off of the northern end of Night Shade Place discharges to the road below. Improve this at final.

- Condition of Approval: Detention Pond 4C is not plotted correctly on Page C.1.5 of the final drainage plans, please correct.
- Condition of Approval: Add more slope labels to the grading in Phases 4b and 5.
- Condition of Approval: On Sheet C.1.4 Pond 9C, the pond discharges along the toe of the slope. Preserve the natural drainage or engineer a spillway to protect the top of the slope.
- Condition of Approval: Lower storm drain to have 30 feet of cover (24") currently.
- Condition of Approval: Ph 6, sheet C.2.5. The road is not plotted on this profile sheet.
- Condition of Approval: Ph 6 sheet C.2.11. Pipe is broken, fix.
- Condition of Approval: Ph 6, Sheet C.2.15, Catch basin and pipe orientation should be shown for this area.
- Condition of Approval: Ph 6, Sheet C.2.16. Show the bend in the pipe like you have for others (callout or plan sheet)
- Condition of Approval: Further analysis may need to be done for the slopes for Phases 4A Lots 15 and 28 and Phase 5: 189,190 and 192. Envelopes need to follow code based on the irregularity exception. These lots may need to be moved or removed upon further review/analysis.

GIS comments:

- In order to approve the preliminary plan, I will need 24 road names. Our online recorder map can be used to see what road names have been used. Feel free to email me and I can give you some guidance.
- Please send me a list of proposed names to be reviewed. Ivan Spencer ispencer@wasatch.utah.gov
- We use the name "Holcomb C1" on the highlighted road. Can't use "Benchmark Loop" for the segment of this road.
- You are welcome to give us another name if you want.

JORDANELLE comments:

- Detailed plan review for water and sewer infrastructure to be coordinated directly with JSSD District Engineer.
- For future submittals provide Plats 4A, 4B, 5 and 6 as separate DEV projects so that respective issues can be dealt with separately.
- An updated water master plan and sewer master plan for the overall Benloch Ranch project must be submitted to JSSD and approved by JSSD prior to any other submittal relating to Benloch Ranch will be reviewed by JSSD. The water transmission pipeline from the JSSD Lady Monument tank to Benloch Ranch Skyfall Drive and Firestone Drive must be completed prior to final approval of Plans 4A, 5 and 6.
- For Plat 4B the manner by which the sewer outfall requires further coordination with

JSSD. The proposed alternative to direct sewer outfall to connect to the sewer collection system within Victory Ranch would require an amendment to the existing Benloch Ranch Development Agreement as the JSSD sewer impact fee for flows to those facilities changes the applicable sewer impact fee tier.

- The other alternative is to pump sewer to Skyfall Drive.
- This issue of where sewer outfall is to be directed will need to be coordinated and approved by JSSD prior to submittal of final plans for Plat 4B.

RECORDER comments:

- COA: There still are no addresses in the address table. But I hope that by the time it gets to this office for recording the address tables will be filled out.
- I see no addresses on this plat anywhere. Addresses must be assigned and labeled on the plat before being submitted for recording.
- Address blocks need to be filled out before being submitted for recording.

SURVEYOR comments:

- The plat is marked preliminary.
- We are approving the plat so it can proceed to the Planning Commission.
- Our office reserves the right to review and comment on the final signed plat.

ENVIRONMENTAL QUALITY comments:

- Unless otherwise already noted, please add a note to the plans that specifies a permanent stabilization seeding window such as Permanent Stabilization of.
- The site by revegetation or other means should be planned during the following window. From 4,000'-6000' September 15 to December 1 from 6,000' and above September 15 to November 15.

Doug Smith then went through the proposed findings:

1. The proposal is a conglomeration of three previous master plans and their associated densities granted by the County.
2. Due to a lawsuit against the Jordanelle Special Service District and a subsequent settlement agreement the property is vested with 2,045 ERU's.
3. The amended preliminary is substantially similar to the master plan as far as location of various densities and product types.
4. Amended preliminary for phases 4, 5 and 6 is required because substantial changes have been made to the road and lot layout.
5. Density of the original preliminary was 646 ERU's. The amended preliminary is for 614 ERU's.
6. All phases will require a final application and further review.

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 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 building envelopes that meet code, lots with large amounts of cut and fill, driveway and access feasibility, ridge line analysis and building heights, previously unidentified constraints, etc.
2. Further ridge line analysis will be required at final review.
3. At final further refinement of building envelopes and slopes within envelopes.
4. At final street light renderings in compliance with the code.
5. Review and recommendation by the Planning Commission on the retaining walls.
6. All issues raised by the DRC, as noted in the DRC report dated October 11, 2022, shall be resolved to the satisfaction of the applicable review department during additional reviews.
7. A development agreement will need to be entered into prior to final plat recording to address issues that include but are not limited to affordable housing, open space dedication of 58 percent, maintenance of detention ponds, ridge line analysis and who submits it, trail completion and access by public, architecture, bonds, etc.
8. At final areas with substantial fill on lots will have to be refined and so that maximum heights of structures can be determined and noted on the plats.
9. The main access roads that provide the necessary secondary access must be completed prior to permits being issues.

Doug Smith indicated that this was passed by the Planning Commission and was recommended for approval. There was one NAY vote and the reason for that vote was that there were too many unfinished conditions and matters to be taken care of before bringing it before the Wasatch County Council.

Applicant:

Russell Skuse, from Horrocks engineer representing the applicant, addressed the Wasatch County Council and indicated that this project was challenging. We understood that from the beginning of the challenges that were out there. We would like to thank staff especially Doug Smith and Ryan over at TO Engineering for working with us. We have met with your staff every week. We have come in with a good plan. We have had many discussions about that road and the connectivity. We cannot shift Skyfall horizontally. Russell Skuse then showed a video that shows what is taking place that will be very helpful for the Council to see. Skyfall was actually approved through Phase 3. We actually took it over to redesign it because of the way that it was designed previously. We are fine with the conditions that have been noted and especially with the slopes and understand the concern.

Council Comments:

Councilman Steve Farrell indicated that you went through all the conditions outlined by the DRC, the staff and Planning Commission and is there any one of those conditions that you don't think you will be able to meet and ask for a variance on? Russell Skuse replied that we have actually gone through most of them, if not all of them, and we are honestly set to submit. When we submitted for the preliminary we actually submitted everything in the file. Essentially what you are seeing is the final but we still have been coordinating with Doug Smith because we understand the consent about the slopes. We have been working with the geo tech.

Public Comment:

Vice Chair Spencer Park then opened the matter up for public comment. Mike Davis, the MIDA Coordinator asked if there is any expectation with the reduction of the ERU's that they will be transferred somewhere else other than to these phases or to the overall approval of the density is there any expectation on the part of the other owners that they get the bids on those ERU's. Russell Skuse replied that I think that is anticipated but they will be planning future phases on the other side of Benloch Ranch Road. That is just anticipated by them. Jon Woodard indicated that is a tricky question because you can't open everything up at the beginning and then try to cram everything else in at the last step so that certainly maybe possible but it would depend on whether or not that can meet the requirements of the code that it is vested under and the approvals that it is vested under. Doug Smith indicated that even there are density allotment you still have to comply with all the codes. Vice Chair Spencer Park then closed public comment.

Motion:

Councilman Steve Farrell made a motion that we approve the request as an amendment to the overall preliminary approval of Benloch Ranch that would impact Phase 4, 5 and 6 consisting of 614 ERU's on approximately 577 acres in light of the findings and subject to the conditions of the Planning Staff and the Planning Commission and the condition was to 56 percent open space. Chair Mark Nelson seconded the motion and the motion carries with the following vote:

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

NAY: None.

Vice Chair Spencer Park indicated that there is a need for another Closed Session to consider Pending Litigation.

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

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

NAY: None.

Motion:

Councilwoman Marilyn Crittenden made a motion to leave our Closed Session and return to the regular Council agenda. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

ADJOURNMENT

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

AYE: Vice Chair Spencer Park

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE; Steve Farrell

AYE; Kendall Crittenden

NAY: None.

Meeting adjourned at 9:00 p.m.



SPENCER PARK/VICE CHAIRMAN


JOEY D. GRANGER/ CLERK/AUDITOR