

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JANUARY 18, 2023**

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

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

STAFF: Dustin Grabau, Wasatch County Attorney
Heber Lefgren, Assistant Wasatch County Manager
Natalie Foster, secretary to the County Managers
Wendy McKnight from the Clerk's Office
Mike Davis, MIDA Coordinator
Shelby Thurgood, Assistant Wasatch County Attorney
Jon Woodard, Assistant Wasatch County Attorney
Doug Smith, the Wasatch County Planner
Rick Tatton, Court Reporter

PRAYER: Councilman Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Erik Rowland and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday January 18, 2023 and indicated that all the Wasatch County Council are present. The record should also show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032 and Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any legislative issues for future meetings. Councilman Mark Nelson indicated we need to put on High Valley Transit item. Dustin Grabau indicated that we will do that in our first meeting in February. At our last meeting we asked our staff to consider some nightly rental discussion items. Dustin Grabau indicated that we are planning in bringing that to you in a work meeting in February.

Councilman Luke Searle indicated that Councilman Karl McMillan and I went to this newly elected officials training and it was talked about the conflict of interest disclosure form and talked about best practices. We need to have that as an agenda item and if we need to present disclosure documents and have the Wasatch County Attorney check into that and also have that as an agenda item in a normal meeting to have those statements presented so that they are open to the public explaining what those conflict of interest are. Dustin Grabau indicated that the personnel department was going to be the repository for those forms and I have conflict of interest disclosure forms available. That policy is if you have a conflict to disclose you can fill out that form and disclose it.

Councilman Kendall Crittenden said that he received an e-mail from Dave Misiak and he indicated to add an agenda item for the next meeting to provide an update to your constituents about the assessment process in Wasatch County. Specifically to plan to assess all properties and have a time line and have them indexed on a yearly basis for the state code and what resources that is. Councilman Steve Farrell indicated that we are going to have that on February 8, 2023 and then have the assessor address that at that point. Have the assessor and auditor both come in a work meeting. Councilman Steve Farrell indicated that he can't be here on that date. Maybe we could change it to the following meeting and Dustin Grabau indicated that it has already been set up for that date. Councilman Steve Farrell indicated that he will try and get back but I may have to miss it.

Councilman Steve Farrell indicated that we do have this letter from the State Auditor's and I don't know if there is anything on our part that we have to do. It was a letter sent from the State Tax Commission concerning the inequities of the tax system and as I read it there is more discrepancy with the State Tax Commission on how they are enforcing it and we need to address some of the issues stated in that letter. Dustin Grabau indicated that his things that would be appropriate and probably could do that at the same time as the assessor office matter. Councilman Steve Farrell indicated that maybe it ought to be done as a separate item. Also the State Auditor sees this matter the same way that we see it.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there are any administrative issues for future meetings and there was

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA.

Chair Spencer Park asked if there is any public comment on issues for future meetings and there was none.

APPROVAL OF THE MINUTES FOR JANUARY 11, 2023

Councilman Steve Farrell indicated that he has reviewed the minutes of the January 11, 2023 and would move to approve the minutes as presented. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

COUNCIL

DISCUSSION/CONSIDERATION OF ORDINANCE #22-24 SECOND READING, AMENDING WASATCH COUNTY CODE, TITLE 8, ANIMAL CONTROL.

Councilman Kendall Crittenden indicated that we have been working on this for a while and some requests made by the Heber Valley Animal Services to make some changes and some input into our County Code to kind make sure everything is unified on that. The attorney's office has come up with an ordinance 22-24 and had the first reading on that ordinance on December 21, 2022. We talked about some things and had Shelby Thurgood, the Assistant Wasatch County Attorney, look into this matter and Shelby Thurgood is here to indicate some changes were made and some questions that they need to pose to us as a Council on some directions that we would like to go based on some input that we have given her.

One is animal in hot weather distress and there are some questions on what this includes and excludes There are three options I can see personally depending on how you like to handle it. The first one is to make it exclusive to cars, exclusive to animals in hot vehicles and change it to just say unattended in closed motor vehicles.

Option two is to eliminate open space smaller than 150 square feet and bigger than that would not fall within the parameters of this.

The third option is to leave it as written in mind it is just not about the space that the animal is in and it needs to be 90 degrees or hotter inside the space for ten minutes or longer and most indicators that the animals is in distress because of the heat. The third option is to leave it as written and gives animal control the most flexibility but it is going to be a policy call, judgment call on your part and leave animal control to do something about. The way it is written here are the things that are included in the original those three containers, the vehicle container and open space.

Councilman Mark Nelson indicated that what is here in Item G that is what before us. Councilman Erik Rowland indicated that he certainly sees the needs from where they are coming from animal control for a clear definition when it comes to enclosed carriers and doesn't feel like it should be in this section.

Councilman Steve Farrell indicated that there could be another section dealing with mild treatment of animal on private property and could see as an unattended motor vehicle in a parking lot or on a public street and not necessarily in private property.

Heber Lefgren, the Assistant County Manager, addressed the Council and indicated that with his experience from his last job dealing with animal control, officers are asked to deal with animals and vehicles and also be called out to situations where there is some form of a container and whether it be in the back of a truck where the container doesn't have the proper ventilation so animals need to be rescued. There would be some benefit by having some form of ability to take care of problems outside of just the vehicle.

Councilman Erik Rowland indicated that on page six he has a concern with that not being a part of private property. We need to look at what enclosed means. Dustin Grabau indicated that it pertains to dogs kept enclosure on private property and if Shelby exempt that from this, would you be comfortable with that? Councilman Erik Rowland indicated that it needs to be more clearly defined and too much connecting to a motor vehicle. Councilman Mark Nelson indicated that the intent is for it to be more inclusive than that.

Dustin Grabau indicated that the Council needs to tell us what you want it to be. It is just public places where animals are enclosed in or on the vehicle or are there other circumstances that you want animal control to have this authority. Shelby Thurgood indicated that you want it written so that when a situation does arise there are rules to follow and write it so as you consider what could happen in the future that we need tools for.

Councilman Mark Nelson is uncomfortable how Item G is the way that it is written unless it is made to specifically talk about vehicles in or on the vehicle. That is Option 1 and Option 2 is limiting the size and excluding garages and stuff.

Councilman Erik Rowland indicated that if Dustin Hatch really does want to include language to address kennels or spaces not on vehicles that you should have it written that way and presented that way. There needs to have another section in here that you can't confuse the two.

Shelby Thurgood indicated that the section that deals with cats at large. Councilman Erik Rowland indicated that he is finding bullet E difficult because we are releasing a cat back out and then absolving ourselves of any damage from our action that is difficult because I can see the other side of that argument. Shelby Thurgood indicated that is a policy decision too if you want to make the shelter liable. The shelter has to make sure that cat is healthy before it is released again.

Heber Lefgren indicated that it is not a problem in rural areas and city limits and you have a lot of stray cats and so one way the neighborhood deals with that is they are able to pick up the cat and bring it in to get it spayed or neutered and returned. Cats are territorial and if the food source that is available for that cat will sustain a certain population of cats and if you do what is referred to as catch and relocate what happens that population of cat just keeps reproducing.

Councilman Kendall Crittenden indicated that if a person does they ought to retain it in the same area it is in. Councilman Erik Rowland indicated that if the cat cannot be relocated to the reasonable proximity does that mean a cat is no longer a problem. Heber Lefgren indicated that the general practice of shelters is that you don't relocate them there unless you have permission. There needs to be more clarification on that.

Councilman Steve Farrell indicated that Title 8 needs to be looked at and the whole ordinance needs to be looked at to update it and with regard to citations there should be only one citation given for a number of animals instead of issuing a citation for one single event.

Councilman Kendall Crittenden indicated that he would make a motion to continue this item to a third reading when it is ready. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: None.

CLARIFICATION ON ADMINISTRATION OF THE COUNCIL MOTION REGARDING A DEED RESTRICTION FOR LOT 21 OF THE BLUE SAGE RANCH DEVELOPMENT AGREEMENT RESTRICTING THE USE OF THE PROPERTY TO AN EDUCATIONAL FACILITY WITH SERVICES FOR THOSE INDIVIDUALS WITH SPECIAL NEEDS.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that we have got an element of the Blue Sage Development that the Council made a particular motion and placed a deed restriction on a lot. The developer proffered a number of things through a zone change application and one of those was a request to have the RA-1 Zone applied in the northeast corner of the project and with that would be committed to develop that not only as an educational facility for individuals with special needs. The applicant is starting to work through the details of actually developing that parcel in that way. Some questions have come up with the concept that they are putting forward and the motion was made by the Council and we as staff and as the applicant would like a little bit of clarification before they go down this path before they get too far.

In the development agreement that got recorded for this talks about the area being restricted to be used as an educational facility including services for those individuals with special needs. The individual now wants to include some housing. The housing would still be restricted to handicapped persons in the RA-1 Zone which was the zoning that was given there and that is one of the conditional uses that is listed there. The specific clarity that we are asking for from the Council if the inclusion of housing facility for persons with disabilities onto the site would fall under what was anticipated or expected from the Council on that motion.

Councilman Steve Farrell indicated that was never discussed at the time. The development agreement acknowledges that there was no concept plans or ideas as to what this educational facility would be because it just mentions it is deed restricted for an educational facility and the question is that under the provisions of that could they utilize this conditional use process to also include housing or was the intent of the Council that it just be an educational facility. So I can't make the judgment call but would like some clarification from you.

Councilman Mark Nelson indicated that he recalls this discussion and don't remember any mention of housing but nothing was said to exclude that. Austin Corry indicated that what he is asking for was that intended in the motion or if they want to implement housing should they come through a process of amending the deed restriction, amending the development agreement or whatever it is. We are asking primarily for an interpretation from the Council if housing comes into play.

Councilman Steve Farrell indicated that he would not be opposed to amending the conditional use permit and having this go back through the Planning Commission and public hearings to see what the public thinks about this conditional use permit to include housing.

Austin Corry asked that where the clarity is needed are you as a Council comfortable if they are headed in this direction that the conditional use permit which would go to the Planning Commission and as you as a Council wouldn't see it if they included housing as a component of

that additional use. Councilman Steve Farrell asked if we would see the final decision? Austin Corry replied yes.

Councilman Mark Nelson indicated that it sounds like a great idea as to what Councilman Steve Farrell has said. There is some background and context and other relevant information but on the surface of what you presented I think it is a great idea.

Austin Corry indicated that the only clarity I need is did the motion during the zone change does that allow the applicant to pursue a proposal with this type of a concept and not asking you to approve this concept plan or any additional use permit but did the motion allow them to allow housing on that?

Councilman Steve Farrell indicated that the intent of this motion would allow the conditional use permit to allow educational facility for handicap. I am not opposed to the housing component but we want to look at it and what it consists of and how many units and what the impact that is going to have in the neighborhood and let the public speak to it. Also would increase the water component of it. We need to see how many units we are talking.

Austin Corry asked are you comfortable with their ability to pursue this. Councilman Steve Farrell indicated that the motion did not say that they could include it. The motion was that we would approve a conditional use permit for educational facility and I would ask and request a modification to the conditional use permit for an educational facility to expend it to the housing.

Austin Corry indicated that the motion included a deed restriction that said the only permit can be used for an educational facility and does that mean that only would be that center or if they included housing would that be encapsulated in our motion. If they wanted to include housing what it would mean they need to come back to you for an amendment to the development agreement to define the clarity. We need to know the right process. Austin Corry indicated that the conditional use permit is coming to the Council and the conditional use permit could include a request to amend the Development Agreement as well. The clarification we need is did the Council's motion permit them to also pursue for persons of disabilities.

Shelby Thurgood indicated that it sounds like the motion would be the determination that the original zoning motion did not include housing but that the county would allow it to be included in an application for a conditional use permit and come back to the Council for the option of amending the Development Agreement.

Mark Nelson made a motion that the original motion did not include housing but the County would allow it to be included in an application for a conditional use permit and an amendment to the Development Agreement. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Erik Rowland**

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

NAY: None.

FIRST READING OF AN ORDINANCE #23-02 AMENDING CODE CHANGES FOR THE TAP AND ESTABLISHING THE TAP TAX ADVISORY BOARD.

Shelby Thurgood, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that this is the first reading of the code. The attached ordinance amends County Code to enact the imposition of TAP/TAP tax in Title 4 Chapter 11 of the County Code as well as establishing the TAP Tax Advisory Board in Title 2 Chapter 2 of the County Code. Shelby Thurgood then went through what the Ordinance indicates. The board consists of seven voting people three of whom have to work for the remodeled and the rest of it off from a TAB Board. Their main responsibility is to provide the Council with a recommendation for how the tax revenue should be spent and the board can create their own rules and how to govern themselves. The term of office for the voting members is four years. The initial terms would be scattered, the initial term of one member would be one year and two members would be two years and two members would three years and two members would be four years. Non-voting members serve at the discretion of the manager so they don't have set terms. They can be removed and added at the discretion of the County Manager. They act with the advice and consent of the Council. The County Manager may remove any voting member of the advisory board for cause. All members of the advisory board shall serve without compensation except for per diem and reimbursement for actual expenses incurred in performance of the member's official duties, upon presentation of proper receipts and vouchers. The money would be split up in percentages that are allocated in the Interlocal agreement and each entity through the advice of their board can chose to save it or spend it at their discretion. The County can retain one half of the revenue to administer it. That would go to like the per diem and reimbursement of the board. The rest of this ordinance is pretty much per Utah Code.

Councilman Steve Farrell indicated that there will be three entities that will be using the money. Each money is going to create their own advisory board and this is only for the County portion of thirty-three percent and was outlined that in the Interlocal agreement as well.

Shelby Thurgood indicated that this is the first reading of it and if you are comfortable after reviewing this you can move it for a second reading. If there are things that you like changed or questions to me.

Councilman Luke Searle indicated that all the different entities in the County should have their own boards if they chose.

Councilman Kendall Crittenden made a motion that we set the first reading for Ordinance #23-02 of being today and set the second reading for February 1, 2023. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that we met with the MIDA work group last Friday and there are two other meetings that we held. One would be the building department meeting which I had today with them and met down at the building department facility and went over the process on how building permits will be handled which is working quite well. There are a couple of differences that we are working through quite well. The certification of occupancy was issued for Building A of the Peoche Apartments on Friday. It looks like it is projected that they want the next one the first part of February. There was some issues that needed to be discussed and are working out very well. We are close to the second building as well.

Councilman Steve Farrell asked how we deal with the nightly rentals as it refers to the transit room tax. Mike Davis indicated that he asked that question and they didn't know. It is something they have never done and so they weren't aware of all the new things of it. Extell doesn't have a business license in Wasatch County but in Summit County. They were going to contact the Tax Commission in what needed to be done to make sure that the transit room tax got done correctly and there will be a follow up on that and part of the granting of MIDA was in six months they had to have a Wasatch County business license and right now that is the only process that we have got.

Dustin Grabau indicated that we ought to invent a process for how we do this. It will be MIDA that will be using a business license and they will be contracted with us to facilitate it because their land use authority is similar to how the building permits work. We are the building department that is working in behalf of MIDA to issue those building permits so I assume that we will have a similar parallel process.

Mike Davis indicated that we do have a meeting with regard to the frontage road and were talking about Wasatch County building and paying for a round-about that is costing around five million dollars for a roundabout. A traffic consultant to do an analysis in the hold area and was intended

to address not only the frontage road but also the anticipated need for this round about for transportation from the east side to the west side and vice versa. Extell raised some concern which didn't require a roundabout but the regional transportation needs did. There is some underlying issue and Wasatch County needs more stake in the process.

There was a MIDA bill and there was an amendment to that bill and I haven't read the new amendment so I don't have the data on that. Just started into the legislative process and it is SB20. I will send to you the bills that I think would affect Wasatch County. My take on what I have seen in the legislature there is always little focuses and the land use issue with a tag of affordable housing on it is going to be a big one. That will have a negative impact to the County. I think they are going to take away process of allowing how many meetings they allow and what we can ask of a developer. We need to be aware of that and support through the legislature. There will be some water bills and also things pertaining to the Great Salt Lake. On other bills I will get more information on them but don't have enough information on any others right now. Also eighty-five percent is served by the four major water districts. Eight-five percent of the water in the state is agriculture use.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING MEMBERS TO THE PLANNING COMMISSION WEED BOARD, AND TIMBER LAKES WATER SSD.

Dustin Grabau, addressed the Wasatch County Council and indicated that he has an appointment of the Planning Commission which is Doug Hronek; Weed Board, George Muir and Timber Lakes Water SSD is Roger Lefevre..

Councilman Kendall Crittenden made a motion that we accept Manager's recommendation for Doug Hronek on the Planning Commission, George Muir on the Weed Board and Roger LeFevre on the Timber Lakes Water SSD. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Luke Searle

AYE; Eric Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Karl McMillan

AYE: Mark Nelson

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Kirk Rowland indicated that we did have that call with the jail entity on Thursday and there was some interesting statistics shared as far as the appropriation of money but nothing else to report on.

Councilman Kendall Crittenden indicated that there was an information thing and a presentation on the Connecting Utah which encourage peoples to take that speed test and how the internet connections are around the area. The Connecting Utah will make a presentation here in Heber City at the Heber City Public Safety Building on January 30, 2023 from 10:30 to 12:00 if anyone would want to go to that.

Councilman Luke Searle indicated that it was a great day for a field trip to meet the legislatures and four Council Members were there and had a great opportunity to meet with our senators and representatives and was real good thing and had a lot of presentations that morning meeting from the Governor, Speaker, Senate President and others.

Chair Spencer Park indicated that there is a need for a closed session for matters of property and legal.

Councilman Steve Farrell made a motion to go into Closed Session for matters of legal and property acquisition. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE; Luke Searle

AYE: Karl McMillan

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

Councilman Mark Nelson made a motion to leave our Closed Session and go back into regular session to hear the two public hearings that are scheduled for this evening. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY:

**PUBLIC HEARING
JANUARY 18, 2023**

**PUBLIC HEARING CONSIDERING THE SALE OF SURPLUS PARCEL 20-8086
LOCATED IN INDEPENDENCE.**

Dustin Grabau, addressed the Wasatch County Council and indicated that the County has reached an agreement on the sale of surplus property, parcel 20-8086 for \$24,000.00 matching the appraised value. The parties have agreed to a sale contract with simple terms selling only the property itself.

Public Comment:

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

Motion:

Councilman Mark Nelson made a motion that we approve the sale of surplus parcel 20-8086 located in Independence. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Steve Farrell
AYE: Eric Rowland
AYE: Mark Nelson
AYE: Karl McMillan
AYE: Luke Searle**

AYE: Kendall Crittenden
NAY: None.

PUBLIC HEARING
JANUARY 18, 2023

DOMINION ENGINEERING REPRESENTING ARC JACKSON FORK L.L.C., REQUESTS PRELIMINARY SUBDIVISION APPROVAL FOR ARC JACKSON FORK, A PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 44 PUD UNITS, 84 TOWN HOMES, AND 24 SINGLE FAMILY LOTS FOR A TOTAL OF 152 ERU'S ON 153.92 ACRES LOCATED AT 2966 EAST HIGHWAY 32 IN THE JORDANELLE BASIN OVERLAY ZONE JBOZ.

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented a power point presentation and then indicated that this project is just to the west of Ben loch Ranch outside of Highway 32. This request is for overall preliminary approval of Jackson Fork. The north half of the property remained in the ownership of the original developer Dave Cummings along with approximately half of the entitled ERU's on 153 acres. Though the master planned property has been cut essentially in half the preliminary proposal is, in staff's opinion, substantially similar to the master plan approval.

There is a right-of-way agreement that provides for a second access from Jackson Fork into Ben loch Ranch to provide for a second access in compliance with the master plan. This agreement is entirely between Jackson Fork and Ben loch Ranch. The County is not a party to it. Without the second access the proposal does not comply with the approved master plan nor would it comply with access requirements once roads are over 1,300 feet or 11ERU's are platted.

Also the proposal is in compliance with the master plan density if there are units that will be placed on fill this will affect the allowable heights since height is measured from natural grade not finished or altered grades. Areas of fill will need to be identified at final. All roads need to be designed and phased so that there are no dead end roads longer than 1,300 feet or more than 31 units/ERU's. The County consulting geologist has reviewed the applicant's geotechnical report and there are three landslides on the property that affect 4 lots, two road sections and the north detention pond.

The proposal shows the standard cross section required by code which is sidewalk and park strips on both sides of the streets. The applicant has provided a rendering of the attached product to show architectural flavor. Setbacks in the Jordanelle should be consistent with the underlying zone which is the Mountain Zone. The proposal has 66.72 percent open space. At final there will need to be a landscape plans provided with species, sizes, quantities and irrigation for the twin home and condo units and common areas. Title 26 only allows for a building height of 35 feet for dwellings. There is a plan provided with street light fixtures. There are four retaining walls that

range between 240 to 350 feet long and 4 to 8 feet in height. The Planning Commission has forwarded a recommendation to accept the four retaining walls. There are three landslides on this property. One of the landslides slopes to Highway 32. The other two landslides actually have lots that are impacted by them and roads. There is a technical report that is required from the applicant from the geotechnical engineers. The consultants have reviewed that and talked about it and bed rock is three feet below surface. They will need to excavate down to the bed rock and as they excavate for those roads they will be able to see what those layers look like and also have our consultant go out and look at as well. That will be addressed in my conditions and see if you are comfortable with that. Also there are standard cross sections. Doug then went through the DRC report. The DRC has indicated that this is ready for a decision. There are also comments that might be conditions.

Doug Smith then went through the proposed findings:

1. The southern approximately half of the property was foreclosed on by the JSSD as well as roughly half of the ERU's.
2. The application, is in accordance with the remaining portion of the approved master plan as far as layout and unit numbers.
3. The applicant has a second access agreement with Ben loch Ranch. This agreement is between the two property owners. The County is not a party to it.
4. The project is required to have a second access to comply with former approvals and meet code requirements.

Doug Smith then went through the possible conditions:

1. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department.
2. At final there should be consideration of an access from the west cul-de-sac to the west property line if feasible.
3. At some point, as required by code, a second access will need to be built from Jackson Fork to a completed road in Ben loch Ranch or some means of a secondary access in substantial compliance with previous approvals and ordinances.
4. Building envelopes with fill will need to be identified with final submittals.
5. The applicant's soils report identifies three landslides on the property. One landslide is in an area outside of development. The other two landslides affect 4 lots, two road sections and a small part of the northeast detention pond. This must be resolved before further approvals. The four lots 128, 129, 145 and 152 may not be developable without consensus on the treatment of the slides.
6. A recommendation regarding the retaining walls will require action by the County Council.
7. More regular building envelopes specifically for lots 2 3-26.

Doug Smith then went through the DRC report.

PLANNING comments:

- Significant retaining walls will be required to get a conditional use permit due to height

and length.

- The slope map has the buildable area greyed out. What is the underlying slope? Any slopes over 25 percent require a separate site specific geo tech report. Please provide a slope map showing the slopes in the buildable area.
- Nor that lots 23, 30, 37, 38, 59, 125, 135 and 142 have a landscape scarp that is proposed to be graded down to competent bedrock. This will need to be reviewed in accordance with applicable sections of the code including 166.17.11 and reviewed by AGECE.
- It is stated that I can now see the underlying contours in the building envelopes. I do not see this. Any envelope with slopes between 25-30 percent slopes will require a site specific soils report.
- Lots 89 and 90 seem to have some line work missing.
- Condition of Approval; That the applicant work with engineering to minimize site disturbance for the day lighting of cut and fill slopes.
- Coordinate details plan review for JSSD facilities directly with District Engineer.

ENGINEERING comments:

- Condition of Approval: Provide and resolve comments from AGECE at final Original Comments: Please respond to the geotechnical review comment letter attached to the DRC review.
- Condition of approval. Resolve comments from AGECE regarding the pavement cross section design. We believe that a higher CBR of the native subgrade was used for the design thicknesses than is reasonable based on engineering judgment for the worst case scenario for clays that are found on site.
- Condition of Approval. That the applicant work with engineering to minimize site disturbance for the day lighting of cut and fill slopes.

PUBLIC WORKS comments:

- The roads in this project need to be shown as private and the development agreement needs to be changed to reflect that also.

RECORDER comments:

- COA. There will be an address table or addresses on the lots at submittal of final plat.

SURVEYOR comments:

- Sheet 1. This sheet could do with a legend.
- Sheet 3 need calls for back line between 21 and open space. Back line of lots 138-142.
- Sheet 4 bearing and distance. Mt View Way north of Edgeline Road. Aspen Fork Loop and Mt. View Way.
- Back lines of lots 131-132.
- Sheet 5 bearing and distance lots 138-142.
- Sheet 7 bearing and distance north centerline Mountain Way
- Tie to unit 85-86. West boundary appears to conflict with Highway 32 land properties

- Does parcel on sheet 1/1 get sold to the developer? After sheet one this parcel disappears.
- What happened to the existing structure?
- How do we locate your building pads?
- Your plat shown double monuments for NW corner section 3 but not for N1/4 or NE corner why.
- ROS #1889 broke down the section somewhat different. You have gained 60 plus feet ease to the west. Please review this.
- This is the second review of this project. The plat does not tell/indicate what changes have been made submittal 1 to submittal two, if any.
- The office is approving the project to proceed through the preliminary stages and on to the Planning Commission.
- We reserve the right to further review the project when given the final signed plat.

ENVIRONMENTAL QUALITY comments:

- COA Sheet OP-03 callout references Lots 18-20 will retain its own detention.
- Developed. Please revise to reference appropriate lots 22-24.
- COA Sheet O P-3 requires detention of anticipated runoff from Lots 22-024 in proposed ponds. Individual detention BMP's will be required at time of construction for lots 22-24.
- COA pg. 71 sheet callout references lots 19-20 will retain its own detention as they are developed please revise to reference appropriate lots 22-24.
- COA pg. 7 require detention of anticipated runoff from lots 22-24 in proposed ponds. Individual detention ponds will be required at time of construction for lots 22-24.
- Also correct reference to lots 18-20 to be consistent with Plat.

Public Comment:

Chair Spencer Park then opened the public hearing up for public comment.

Parley Eskelson, from Dominion Engineer and the project engineer on this, addressed the Wasatch County Planning Commission and have been on since 2007. These landslides have not moved. When the Road 32 was built that slide did not move at all. Once we build the roads we will know exactly what is in there. We have built test pits so we are very familiar with this landslide issue. The County and Dominion will all be there when these different construction things are done so that we will both know what we are looking at. When you take the toe of a potential landslide that is when they will occur and these have never moved. I don't have any problem with working with the County experts on these different issues and then coming to a consensus on what needs to be done.

Chair Spencer Park then closed the public comment.

Wasatch County Council Regular Meeting
Wednesday February 1st, 2023 4:00 P.M.

NAME (Please Print Legibly) Council	REPRESENTING/OTHERS
1. Mark Nelson	Travis and Dial (IT)
2. Erik Rowland	Dustin Grabau (Co Mng.)
3. Spencer Park	Rick Tatton (Minutes)
4. Kendall Crittenden	Jon Woodard (Att)
5. Karl McMillan	Jared Rigby (Sheriff)
6. Luke Searle	Wlatt (IT)
7. Steve Farrell	Heber Lefgren (Asst Co. Mng.)
8.	Natalie Foster (Co. Mng. Sec.)
9.	Austin Corry (Planning)
10.	Doug Smith (Planning)
11.	Carolyn Rodriguez (Public) (Transit)
12.	Mike Davis (MIDA)
13.	Matt Hutchinson
14. <u>Closed Session</u>	Heather Kruse (MIDA)
15. Council (7)	Kim Carson (Transit)
16. Dustin Grabau.	Mike Kohler (Representative)
17. Doug Smith	
18. John Woodard	
19. B Natalie Foster	
20. Heber Lefgren	
21. Mike Davis	
22.	

**Wasatch County Council Regular Meeting
Wednesday February 1st, 2023 4:00 P.M.**

NAME <i>(Please Print Legibly)</i> Council	REPRESENTING/OTHERS
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Motion:

Councilman Erik Rowland made a motion to approve the Preliminary Subdivision for ARC Jackson Fork, a proposed residential development and accept the findings and subject to the conditions. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

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

NAY: None.

ADJOURNMENT

Motion:

Councilman Mark Nelson made a motion to adjourn. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

Meeting adjourned at 7:30 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER/CLERK/AUDITOR

