

**MINUTES OF THE
WASATCH COUNTY COUNCIL
SEPTEMBER 6, 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: Doug Smith, the Wasatch County Planner via Zoom
Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight from the Clerk's Office
Rick Tatton, Court Reporter via Zoom
Mike Davis, the MIDA Coordinator
Austin Corry, the Assistant Wasatch County Planner.

PRAYER: Chair Spencer Park

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

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday September 6, 2023 and indicated that all the Wasatch County Council are present. Also the record should 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. 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.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any legislative items for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there were any legislative items for future meetings and there was none.

REGULAR COUNCIL SESSION

APPROVAL OF THE MINUTES FOR AUGUST 16, 2023

Councilman Kendall Crittenden made a motion to approve the minutes for August 16, 2023 as written. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

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

NAY: None.

DISCUSSION/APPROVAL OF APPEALS FOR BOE

Chair Spencer Park indicated that the Clerk Joey Granger isn't here today and not to do Item No. 1. Dustin Grabau, the County Manager, indicated that she would like it to be on the third meeting this month so two weeks from now.

Councilman Kendall Crittenden made a motion to continue this matter for September 20, 2023. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Kendall Crittenden

AYE: Luke Searle

AYE: Karl McMillan

AYE; Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

CONSIDERATION OF APPROVING ADDITIONS TO THE SCOPE OF WORK FOR THE HEBER VALLEY RAIL TRAIL PROJECT.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County has been working with the Mountain lands Association of Governments MAG on additions to the trail network system within the County. The first part of the major additions is the trail along the Provo River up to Deer Creek Reservoir Dam. The second portion Phase 1 of the Rail Trail was already approved by the County Council and is a section from the Soldier Hollow train depot to the intersection of Highway 13.

Wasatch County has access to grant funds that will provide a 50 percent match on the next section Phase 2 of the trail that would connect the Highway 13 and Tate Lane section north along Highway 113 to Midway, and east to the border of Heber City. The last section Phase 3 is entirely within Heber City and it is anticipated that Heber City will provide the matching funds for their portion of the Rail Trail.

Dustin Grabau indicated that we would like to use those grants funds in the amount of \$500, 00 and use those funds by adding to the scope of work by adding what we are calling phase 2 and the portion from Highway 113 to Tate Lane along the rail alignment up to the border with Heber City. We have a quote from the engineering firm that did that first phase of the process which is \$400,000. The grant funds that we have available will cover fifty percent of that so we would need to authorize the additional \$200,000 of Transient Room Tax and restaurant tax funds to cover it. What this will do is generate the engineering designs for the trail so that come to spring when additional grants are available that we would be a shovel ready project.

Nancy O'Toole, grant writer, addressed the Wasatch County Council and explained some of the grants that are available in the spring we will be ready to go. There has been a new group that has been formed and want to be able to bring them out here and show them that we are ready to this group that has \$90 million called the Trail and Transit Network. We need to get the engineering

done on phase 2. Phase 3 we have gone to Heber City and working with them to get the money and the funds for Phase 3 and everything would be shovel ready.

Councilman Steve Farrell made a motion that we approve the addition to the scope of work and direct our county manager to use those funds. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

Councilman Steve Farrell indicated that we need to sit down with the State Park and get an operating agreement on that section from the dam all the way to the railroad. Dustin Grabau indicated that we did have a meeting with them a couple of weeks ago and we were all in agreement that we could develop an Interlocal agreement that would address all of the concerns with the State Park and make sure that they have access. One of the concerns that the State Park has is utilization of that trail segment for events, maintenance and other things like that. Those things can be considered as part of an Interlocal agreement and we are on a good path for those things to happen. Councilman Steve Farrell replied that he would like to see an MOU or something that would last. Councilman Mark Nelson indicated that we need to look a little further out when it comes to this.

DISCUSSION AND DIRECTION OF ISSUING THE SECOND TRANCHE OF OPEN SPACE BOND FUNDS.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that in 2018, voters approved \$10 million in authorization for Open Space Bond Funds for the preservation of open and agricultural property within Wasatch County, since then, the County has issued \$5 million of that \$10 million in debt and spent \$3.36 million of those funds.

In 2022 the Wasatch County Council approved a conditional contribution to the Lundin Farms property in the amount of up to \$2 million. As that project approaches an opportunity to fund, Wasatch County will need to issue the second tranche of \$5 million to cover that \$2 million contribution.

Wasatch County's financial advisors have provided preliminary estimates of the time line and costs associated with issuing that debt. The interest rate is anticipated to be in the 4 to five per cent range. It will take 60 to 90 days to issue the debt. This debt issuance will also affect the 2024

property taxes as General Obligation Bonds. Current estimates of the cost start at about \$11.79 annually for an average primary residence of \$ 2.44 per \$100,000 of valuation.

Wendy Fischer from Utah Open Lands has indicated that funding of the Lundin Property is imminent. The Wasatch County Attorney's Office has a desire to ensure that all legal issues with the property and the open space contributions are adequately addressed. Wendy Fischer has indicated that they would like to follow a similar model that we followed with the Allen Giles property with the Lundin property where the County would be the first money in. We authorized that the \$2 million dollars and we don't have a full \$2 million dollars and have about \$1.6 million of our existing open space bond funds available. If we were to fund the Lundin Farms property we would need to issue additional debt in order to do so.

Councilman Steve Farrell replied that if we put the money in and get to the end and there is no other money then we have got a conservation easement on that and they agreed to that. The litigation is going to go on because they didn't settle Friday and the matter was taken under advisement and it could take another year or more before something happens.

Dustin Grabau indicated that the Council has the decision and have an additional \$5 million authorization which is ten year authorization and the debt itself repayment will extend beyond that but the issuance of that debt was within the next ten years. We will then wait until we have a pressing need for those funds and we will just hold onto it for now.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that the big announcement came which is the Deer Valley/Extell Agreement and there was a big event when that happened. When it happens it will be one of the largest ski resorts in North America. We are in the process of getting some of our staff to attend meetings so we can get introduced with them. Also it was indicated that there will be no snowboarding. We are still trying to figure out who is working for who with regard to Extell and Deer Valley.

Councilman Erik Rowland asked if the Council could be given a copy of that agreement and Mike Davis indicated that he will try and see what happens. Councilman Mark Nelson indicated that this property is in two counties and it is like there are three jurisdictions that has to be dealt with. There might be some movement to simplify that in some way. Mike Davis replied that he doesn't know. Also it will not affect the revenue to Wasatch County. Also there are agreements in place that pertain to revenue that Wasatch County will receive.

Councilman Steve Farrell asked Mike Davis if the issue with Burbidge has been taken care of. Mike Davis replied that it appears there may have been a distribution issue on the County's side in that fee wasn't apportioned out on these mid-year sales and we will have to look into that. It may be that we didn't apportion them that fee back to MIDA because it is not right with the tax collection. They will not get any increment reimbursement. We will met with them on Friday and

try and get this cleared up.

Mike Davis replied that the retreat with MIDA is still on for September 21, 2023 at 9:a.m. And will need a head count for those who plan to attend.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that the State Parks and the Forest Service had a great summer. The Forest Service will have some controlled burns and also will have some timber sales there is a woman's PGA golf tournament going on at the golf courses which is a big thing. Also the sheep dog trials was canceled and moved to the Memorial Day weekend. Wasatch County Sheriff's Department was very much involved with Swiss Days. Also there is a problem with traffic going through the parking lot at the Senior Citizens Building because of the High School being neighbors. There is a safety concern with the additional traffic in this area.

Councilman Mark Nelson indicated that Swiss Days was a big success. Swiss Days is a unique event. Also the executive committee for Swiss Days is actively trying to slightly shrink it. The square is getting smaller and the resources and parking all kinds of other resources are getting much more expensive and much more difficult to schedule. The volunteers do a great job. Also last year at this time we had sold 7000 of the 45,000 North Pole Express tickets. This year as of today we had sold 23,000 of the 45,000 tickets for the North Pole Express. The rate that they are being sold they will be sold out by the first of October. We have offered to the first responders and their family a free ride on the North Pole Express and we have done that in the middle of October and offered Wasatch County employees discounted tickets and there won't be any tickets in the middle of October to do that so we are in the process of blocking some of those tickets out so that still can be done.

Councilman Erik Rowland indicated that he will be curious to hear from the Heber Transit Authority on how effective the rides that were shared were. Dustin Grabau replied that he can get that information for you. Councilman Steve Farrell indicted that Swiss Days hired some shuttle busing to bring the people in.

Councilman Kendall Crittenden indicated that the Wasatch County Criminal Justice Coordinating Council is making great progress. A strategic plan has been put together which has to be turned in each year by the end of November. We have got great plans and goals for next year. When that is done I will get the Council copies of that plan.

Councilman Kendall Crittenden then was excused for a UAC Board Meeting in Bryce Canyon.

Councilman Luke Searle indicated that he has been involved in the Heber Halloween Festive Event that happens the Friday before every Halloween. They were hoping this year to utilize the County parking lots in the afternoon and this year will end at 7:00 p.m. This year we don't want to close any streets. Dustin Grabau asked is the Council comfortable with us either closing for the public

or having modified business operation on those days. Councilman Mark Nelson replied that he is not comfortable with curtailing services to the public. Chair Spencer Park replied that he is like Councilman Mark Nelson with regard to that. Dustin Grabau replied that we will work with Heber City for a way for us to maintain normal operating hours through 5:00 p.m. that evening.

Juan from the Library indicated that everything is going fine with regard to the Library. Just wanted to report to the end of the summer reading program which went along fine. A lot of families participated in this event. Also thank the Heber Valley Railroad for donating train tickets for those who completed the four stages. Also with regard to the traffic problem at the Senior Citizens Building which is a challenge. Councilman Luke Searle replied that there is a person dedicated to parking at the high school and we will connect you to see if this problem can be worked out.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING A MEMBER TO THE WASATCH OPEN LANDS BOARD

Dustin Grabau indicated that the Wasatch Open Lands Board consists of four members appointed by the Wasatch County Council, one by the Heber City Council, one by the Midway City Council, and one as a representative of HVTED. In June of this year one of the citizen-at-large seats appointed by the Wasatch County Council expires. The County Manager's Office received two applications for this seat and recommends that Justin Keyes be appointed as a member of the Wasatch Open Lands Board.

Councilman Mark Nelson made a motion to appoint Justin Keyes as a member of the Wasatch Open Lands Board. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

CONSIDERATION OF APPOINTING A MEMBER TO THE BOARD OF HEALTH

Dustin Grabau addressed the Wasatch County Council and indicated that the Board of Health had a vacancy for the remainder of a term that will end in December 2023. The County Manager's Office has received a single application to fill that vacancy and the person that I would recommend is Colleen Nielsen.

Councilman Steve Farrell made a motion to appoint Colleen Nielsen to fill the vacancy on the Board of Health. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

INDUSTRIAL PROTECTION ZONE

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that the Heber Valley Special Service District has informally conveyed a request for us to consider adoption of an industrial protection zone around their sewer lagoons. There is state code that exists that parallels our agriculture protection areas and we could through by ordinance adopt code that might afford additional protections to industrial operations like the Heber Valley Special Service Districts. Would you like us to pursue that we could work with the attorney's office on what that would look like and what the implications would be.

Councilman Steve Farrell asked if the Board requested this or did an individual. Dustin Grabau replied it was an individual. Councilman Steve Farrell replied that before anything is done the Board needs to ask for such a zone to be looked into. Chair Spencer Park replied that if the Board would come to us with that request it would be something I would be in favor of looking into.

Chair Spencer Park asked if there is a need for a closed session. The Wasatch County Council and staff indicated that there is no need for a closed session this evening.

Chair Spencer Park then indicated that we are ready to hear our Public Hearings and the record should reflect that all of the Wasatch County Council is present with the exception of Councilman Kendall Crittenden who has been excused for another engagement.

**PUBLIC HEARING
SEPTEMBER 6, 2023**

S-LO JORDANELLE FGMCD, L.L.C., REQUESTS A TEXT AMENDMENT TO THE JRA DESIGN HANDBOOK TO ADD CRITERIA FOR DESIGN ELEMENTS AS THEY RELATE TO COMMERCIAL USES IN THE JSPA JORDANELLE SPECIALLY PLANNED AREA. THE AMENDMENT IS INTENDED TO ADDRESS COMMERCIAL ASPECTS OF DESIGN SUCH AS PARKING, PLAZAS, SIGNAGE, OUTDOOR DINING ETC.

Staff:

Austin Corry, the Assistant Wasatch County Planner addressed the Wasatch County Council and indicated that the JRA Design Handbook has been adopted already and was adopted a few years ago. The process that went through at the time the imminent need was to address residential design criteria. The code then required that the first commercial project that came in would add commercial standards to that handbook. So that is basically what is in front of you is the first commercial project is nearing a final approval and so the design handbook needs to address that. In summary what this is doing is adding some of the commercial criteria to existing regulations things like bike parking standards, standards for mechanical and servicing areas, public art and pedestrian circulation elements. The JSPA Planning Commission has recommended this with a positive recommendation for you to adopt this. As a staff we did review it and we made some suggested modifications that they accepted and are a part of that as well.

Applicant:

Stephanie Wilson, one of the developers for Keetley Square. I don't have a lot to say on this. It was a joint effort and I am the main author of most of it. Doug Smith and Austin Corry were very useful to go through it with us also. I don't have anything specific to talk about. These have been designed for any commercial development up in the JSPA. We have designed the center to be very pedestrian and bicycle accessible to be both safe and convenient for those types of users

Public Comment:

Chair Spencer Park then opened the hearing up for public comment. Mike Davis, the MIDA Coordinator addressed the Wasatch County Council and indicted that this is a great idea. There will be a lot of public going through here because a lot of the Extell generated public will be wanting to access trails and other things towards the lake so there has got to be corridors that come down through there. It is a great idea that we will have some standards for commercial.

Chair Spencer Park then closed public comment.

Councilman Karl McMillan made a motion that we recommend accepting the text amendment to the JRA Handbook has been presented. Councilman Erik 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: Luke Searle

AYE: Karl McMillan

NAY: None.

S-L0 JORDANELLE FGMCD, L.L.C. REQUESTS A REVISION TO THE SHARED PARKING STUDY APPROVED FOR KEETLEY SQUARE, A PROPOSED COMMERCIAL DEVELOPMENT CONSISTING OF RETAIL, OFFICE AND RESTAURANT SPACE ON 3.8 ACRES AT THE INTERSECTION OF JORDANELLE PARKWAY AND ALPINE AVENUE. THE PROPOSAL MODIFIES THE SQUARE FOOTAGES OF THE USES INITIALLY ASSUMED BY THE APPLICANT AND ADDS A REQUEST FOR UTILIZING BICYCLE SPACES TO COVER PARKING NEEDS FOR AN ADDITION OF OUTDOOR DINING AT THE RESTAURANT AREA.

Staff:

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this is for the Keetley Ridge Project. Under 16.33 of the code there is an ability for someone to come to the Council for a request for a shared parking study, is the title that it gives it but there are two different things that can be considered through that. The first is a reduction in the number or spaces required by code normally. The second is the combining of spaces and if you have two dissimilar uses or maybe different hours of operation you can use the same parking stall for one during the day time and other use during the night time. This includes 37,200 square feet total of commercial area with 147 parking stalls. Their new request is shifting the allocation of that square footage. Even though they are remaining the same in terms of interior square footage of the buildings, the grocery store is getting larger, office space is getting smaller and they are shifting the allocations around. A larger change to the request that is in front of you is they are asking to add 3000 square feet of outdoor dining with no additional parking added for that extra square footage. As staff has reviewed the parking requirements and how we would have to analyze the code we would consider it to be 8,348 square feet of restaurant space.

Councilman Steve Farrell asked would the outside dining be seasonable. That is in the parking study and they claim that outdoor dining will only be used from July to September and there is no restriction proposed those that would preclude it from being outside of that. They are asking that

there be no allocation for the 3,000 square feet of outdoor parking. They are asking you under the shared parking concept to consider the infrastructure for alternative modes of transportation that they are implementing which could be some bike sharing stations and bike parking to have that satisfy their requirement for the 3000 square feet of outdoor dining.

Councilman Erik Rowland indicated that they are off on every line item that is in the staff report regarding parking. Councilman Steve Farrell indicated that the outdoor dining be controlled by Mother Nation basically. Also would agree in taking Condition No. 2 out. Luke Searle replied that if they were to develop like a yurt on their 3,000 square footage if that would be considered indoor space at that time and it sounds like there is some ambiguity there.

Jon Woodard, the Assistant Wasatch County Attorney, replied that he would like to bring up two points. One is the JSPA Planning Commission was not concerned with the impacts on the health, safety, welfare on this. They took the position that if we don't build enough parking then the business won't be a successful and the market should really regulate these things. My experience has been if there isn't adequate parking people park in other places and that creates a health, safety, welfare problems. I don't think they were looking at it from the perspective what it is going to take the County to try to enforce the no parking signs that are up there and blocking traffic or blocking ambulances or whatever so I think we need to be comfortable that whatever is approved is actually going to work. The other concern that I had is as I read the report that was put together, I felt like there was a lot of justifying lowering the numbers but not a lot of expertise on what the right number was. I would have liked to have seen a parking engineer that had more experience saying that this is what actually needed and we have seen that work in other places than this report showed. Dustin Grabau replied that one thing to consider as well with that Condition No. 2 is enforcement.

Austin Corry then listed the key issues to consider.

1. A shared parking plan requiring 145 stalls was approved with the Preliminary Approval in 2021.
2. As proposed, total square footage of parking demand areas increases from 35,752 square feet to 40,000 square feet.
3. Full time employee counts adjusted based on same principle assumptions from previous parking plan.
4. The applicant has added 3,000 square feet of outdoor dining and requests that no additional parking requirements be applied to the increased area due to a higher probability of bicycle/pedestrian traffic.
5. The County Council has discretion on accepting the applicant presented parking study.
6. An agreement will need to be executed to ensure the assumptions presented are followed as the project building and tenant lease up occurs.

Austin Corry indicated that the JSPA Planning Commission discussed this quite heavily.

Austin Corry then went through the proposed findings if approved.

1. Wasatch County Code 16.33 states that the County may consider a reduction in parking spaces

after consideration of a shared parking plan, the nature of the buildings or premises and specific conditions. That the plan would lessen the need for the parking spaces as specified in this chapter.

2. Wasatch County Code 16.33 also states the County may consider a combination of parking spaces when two dissimilar uses are located adjacent to each other and the demand times for parking would not conflict.

3. Wasatch County Code 16.33 requires that any request to consider a shared parking plan shall require submission of a formal study for consideration by the Planning Commission and legislative body.

4. The applicant submitted a parking study with the preliminary approval previously granted and was given a reduction based on that analysis.

5. The applicant has submitted a revised parking study for consideration.

6. The submitted parking study makes certain assumptions of the final square footages of tenant spaces which follow the same methodology but with updated/modified use allocations.

7. The submitted parking study also indicates a desire to add 3,000 square feet of outdoor dining and requests that no additional parking be required.

8. The County believes that the developer proffered improvements to alternative transportation options supports a reduced parking requirement beyond the shared parking concept and initial reductions previously granted.

9. The County, in acting on the submitted study, accepts and relies on the assumptions presented by the applicant.

10. The applicant has suggested outdoor dining is only feasible from July to September.

Austin Corry then went through the two conditions.

1. The updated parking analysis and any necessary enforcement mechanisms necessary be included as an amendment to the development agreement.

2. An amendment to the development agreement shall include a restriction on outdoor dining areas being used outside of the applicant proposed outdoor dining period of July to September.

Austin Corry then went through the proposed findings if denied.

1. Wasatch County Code 16.33 states the County may consider a reduction in parking spaces after consideration of a shared parking plan, the nature of the buildings or premises, and specific conditions. That the plan would lessen the need for the parking spaces as specified in this chapter.

2. Wasatch County Code 16.33 also states the County may consider a combination of parking spaces when two dissimilar uses are located adjacent to each other and the demand times for parking would not conflict.

3. Wasatch County Code 16.33 requires that any request to consider a shared parking plan shall require submission of a formal study for consideration by the Planning Commission and legislative body.

4. The applicant submitted a parking study with the preliminary approval previously granted and was given a reduction based on that analysis.

5. The applicant has submitted a revised parking study for consideration.

6. The submitted parking study makes certain assumptions of the final square footages of tenant

spaces which follow the same methodology but with updated/modified use allocations.

7. The submitted parking study also indicates a desire to add 3,000 square feet of outdoor dining and requests that no additional parking be required.

8. The County does not concur with the conclusions drawn by the applicant that the parking demand for the project is lessened from the previously approved study. The proposed study shows reasons to lower the requirements from what the Wasatch County Code requirements would be without a study, but does not provide a basis to show the amount of parking proposed is actually going to be sufficient.

9. The study makes recommendations at odds with common practice such as proposing that 1,000 square feet of additional outdoor dining should have no effect on parking requirements because they interpret the Wasatch County Code to not require it.

10. The parking study does not adequately demonstrate that the proposed parking would be adequate for the project.

Applicant:

Stephanie Wilson, representing S-LO Jordanelle FGMCD, L.L.C., addressed the Wasatch County Council and indicated that expanding the buildings with the design guidelines that you just passed wouldn't allow for that certain thing. Our development is located between two resorts. Most people would use public transportation to come to the resort who is not necessarily driving a car. There is a difference of opinion on what the code says about outdoor dining because it doesn't address it at all and not mentioned in the code at all. We are asking for a deviation from the code. We are willing to discuss the outdoor dining and hopefully mitigate it.

Stephanie indicated that in Park City the restaurants do about fifty-eight percent of their sales from January to March and the other forty-two percent happening over the other nine months of the year. That is where outdoor dining is more available. Also I have an interest in something called transit oriented development and one of the main goals of this is to create a sense of place. A place where people want to gather and use the indoor commercial uses and just enjoy the environment in general. This goes with the whole idea of the JSPA and what we are trying to do here is create a vibrant area. That is not done with a lot of parking spots. You are just replacing gathering areas of people with parking which in my opinion is not as inviting as a place to come. There is public transit planned and have a transit stop on the site plan. There also is bicycle access into the site and have covered bicycle parking with charger stations for e-bikes. We also have pedestrian walking entrance only and not bumping up against cars.

Councilman Erik Rowland replied that there has already been significant concession based on these numbers to get to where you want to be. Councilman Steve Farrell asked would it be wise to have a third party review that parking study to make sure that we are looking at it correctly? Stephanie Wilson replied that I did a lot of research but I based on the study on previous shared parking analysis that were approved by the Council and the same calculations were used. Councilman Steve Farrell replied that this is really the first commercial project. Stephanie Wilson also indicated that we have a shuttle stop right at the development which makes perfect sense and that is all that I have right now.

Public Comment:

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

Mike Davis, the MIDA coordinator, addressed the Wasatch County Council and indicated that we rely on too many cars to get to certain places. Changing the atmosphere of rural areas is a challenge and will be relying on this as a resort area that people will be coming in probably not all driving their own cars because there will be other transportation systems that will be used to get them to a resort. If what is done here is wrong there is zero remedy on the part of Wasatch County. Mike Davis indicated that he gets concerned when there is shared parking because there is a lot of what ifs. We need to protect the other areas. Councilman Steve Farrell replied that he views this as a little bit different and view this as more of a village type concept where there is going to be a lot of walkable space. I agree with the developer that you don't want acres and acres of parking if it is not going to be utilized because it takes away the appeal of the area. Also you don't want to under estimate the amount of parking. I don't know what the answer is.

Chair Spencer Park then closed the public comment.

Stephanie Wilson replied that he mentioned there is no remedy and no way to know if there is a remedy. We are working on an amendment to the Development Agreement that says that we have to keep track of peak time spaces per tenant and if we change a tenant or tenant type when they get the building permits we have to submit to the County showing that it is a similar use or that we have the additional parking to absorb that and there is a mechanism for policing it.

Commission Comments:

Dustin Grabau indicated that the question really before the Council can you add this outdoor seating area. It seems like you could build it exactly as proposed without the outdoor seating area and the decision before you is can they do it with the outdoor seating area or would you rather do it without the outdoor seating area. I think that is the really the only thing that you are really considering with this approval and maybe some parking problems. That really is the decision before the Council.

Austin Corry replied that is accurate but you are also approving the change. The allocations are changing with what they are asking for and it also includes you approving their changes and assumptions of what they are going to use.

Councilman Luke Searle indicated that they would need 25 stalls rather than 30. Chair Spencer Park indicated that don't we usually get a study like this and it is provided by a professional with a license or something. Austin Corry replied that the Council could require the additional parking spaces to accommodate that outdoor issue.

Chair Spencer Park replied that if we are going to do this much of a reduction it should be done

by a licensed professional. Councilman Erik Rowland replied that there is one thing that seems to be constant in life there are always challenges with parking. We don't want to repeat past mistakes over and over again and there has always been a need for more parking.

Austin Corry replied that we are in a little bit of an unprecedented area right now and in the midst of growing pains where there is a long term vision for the JSPA but it is not there yet and what do you do in the interim and also in a different area of the County.

Councilman Karl McMillan indicated that I tend to agree with Councilman Steve Farrell and like to see it go to our engineer and go over it with a fine tooth comb. Councilman Luke Searle replied that he would agree with that as well to have a third party looking at and making sure of the numbers because it is a village area. Councilman Erik Rowland replied that he would agree with having a third party looking at this and to look at everything in that study will carry a lot of weight. Councilman Mark Nelson replied that should there be a motion that says subject to approval by our traffic engineer.

Austin Corry replied to restate that you would recommend approval if the traffic consultant agrees with the analysis and if not it would come back to you at a future meeting. Councilman Steve Farrell indicated that we need to have it reviewed by a traffic consultant and then come back because they may come up with issues that we haven't even discussed this evening. Councilman Luke Searle replied if they brought up other issues could we even make changes. Councilman Steve Farrell indicated if they brought up other issues relating to parking we could. We are looking in a new area where we haven't been involved before. We are looking at a village concept. Councilman Luke Searle replied that are we having a traffic consultant to look at all the projects that have shared parking. Austin Corry replied that he has a draft amendment sitting in my list of other things and that is one of the things. It is that if an applicant is going to pursue this process of a shared parking study that the study has to be produced by a traffic engineer or an architect.

Councilman Luke Searle made a motion that we continue this matter and have a traffic consultant review their parking study and also have him look at everything, reductions and everything and blend them altogether in a really awesome spread sheet and bring it back at a future date after we have that study done. Also we won't have another public hearing because we have held one already and the matter will be brought back in a regular meeting agenda. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

ADJOURNMENT

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

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

Meeting adjourned at 8:00 p.m.


SPENCER PARK/CHAIRMAN


JOEY D GRANGER, CLERK/AUDITOR

