

**MINUTES OF THE
WASATCH COUNTY COUNCIL
OCTOBER 4, 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: Vice Chair Karl McMillan
Mark Nelson
Steve Farrell
Kendall Crittenden
Luke Searle
Erik Rowland
Mark Nelson

EXCUSED: Chair Spencer Park

STAFF: Dustin Grabau, Wasatch County Manager
Scott Sweat, the Wasatch County Attorney
Austin Corry, Assistant Wasatch County Planner

PRAYER: Councilman Mark Nelson gave a report of some books he has read with regard to the country as what it is and got to be what it is through Devine providence.

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

THE 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 Karl McMillan asked if there was any administrative issues for future meetings and there was none.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Vice Chair Karl McMillan asked if there was any legislative issues for future meetings.

Councilman Steve Farrell indicated that a group contacted me and asked if they could come and make a presentation on the youth and their activity as it relates to the Fair and the Livestock Show and that be done under keeping with the agriculture in Wasatch County and could put that on the agenda on October 11, 2023.

Councilman Mark Nelson indicated that he has an item to be considered on a future agenda regarding what the Council would like to see what is done with Cowboy Poetry

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

My name is Janet Zimmerman and actually here on behalf of the Swiss Mountain residents and it has been brought to my attention that the roads up there has been classified as Class B roads which is ATV and recreational vehicles. I didn't know that the Council didn't know of the ramifications of not plowing those roads in the winter time and there are no lenders who will lend on homes up there and also there is a safety concern with roads not being maintained. Councilman Steve Farrell replied that if they want to bring them up to County standards and make them either a Class D or Class C road. This is not a new issue. We also have the same problem in Oak Haven and Brighton Estates and to a degree Timber Lakes. Janet Zimmerman asked that you would consider plowing the snow. We also need to have an agreement with them to plow it to eliminate the liability which is being worked on.

APPROVAL OF THE MINUTES FOR SEPTEMBER 20, 2023

Councilman Erik Rowland indicated that on page 40 it says in the last sentence on the motion and it currently it reads if there is a conflict and we have the authority to discuss and we are missing a work "if" so if there is a conflict and then strike the word "and" we will have the authority to discuss openly approve it without risk of self-incrimination. The second change is to include we wanted to include the recommendations of the findings from staff as part of their findings. Those are on page 40 where it lists the motion.

I would make a motion to approve the minutes for September 20, 2023 with the corrections as noted. Vice Chair Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle

NAY: None.

COUNCIL

DISCUSSION/CONSIDERATION FOR RESOLUTION #23-16 UCIP 2023 MEMBERSHIP

Scott Sweat the Wasatch County Attorney, addressed the Wasatch County Council and indicated that every year UCIP which is our indemnity pool that we are part of and has a meeting and they held during the same time as UAC and they always ask for someone to be authorized as a voting member and for many years Joelle has been the authorized person for that and Jim Kaiserman as the backup and they are both ready to perform those duties again.

Councilman Steve Farrell made a motion that we pass Resolution #23-16 authorizing Joelle and Jim Kaiserman to represent Wasatch County at the UAC meeting. Vice Chair Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson

NAY: None.

S-L0 Jordanelle FGMCD, L.L.C. requests a revision to the shared parking study approval 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. (DEV-4403)

Staff

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this is a continuation from the meeting ago where this was discussed. The motion was to continue the item to have us get our traffic consultant to review the study that was being

presented by the applicant and get feedback to you. Austin Corry indicated that my intent today is not re-present the item as it was presented to you but more just to address what the traffic consultant's review that came through to you. The applicant has proposed a flexible parking option and the proposal shows a 193 spaces for the commercial area with the potential of adding 144 additional underground parking if necessary. You imposed conditions on your approval. Final approval should not be granted without having parking in compliant with the intended end user or addressed in the development agreement.

In 2022 the applicant proceeded through with further refined plans on the development and came to you with their preliminary approval. That is the most recent approval that is sitting in front of you. That was approved back in 2022 and that is the 147 stalls that keeps getting discussed is this preliminary approval and that also included their shared traffic plan and it reallocated some of the commercial uses.

Now what is in front you and that is the request to allow an increase of commercial square footage in terms of the parking requirements and to further reduce the number of stalls that is included in the plan. Councilman Steve Farrell asked was the only increase in the commercial use was 2000 square feet of outdoor dining and Austin Corry replied that is 3000. What is in front of you is the applicant is trying to get their final plan approved and that final plan is contingent on them being able to get this approval from you. If you were to analyze the project today, the square footages the allocations that they are asking for in the shared parking study if we were to go just with the base Wasatch County code requirements and nothing more that would require 275 stalls for the project and their request is to go to 144 stalls but also include 14 bicycle parking stalls. That is the presentation and that is kind of what has occurred so far. A month ago that is what was presented to you. You asked for the item to be continued and have our traffic consultant review that study and provide feedback to you.

In summary here is what my understanding is of what Hales Engineering review included. They note that the land use intensities on cite are increasing and the proposed parking is decreasing. They are looking and talking about parking. The number one concern that they raised in their review is that the study provided by the developer had no source data to support the assumptions regarding the percentage of business demand at times of day. If the applicant provided information to them they would be happy to review and look at that information. They turned then to the ITE manual which is the Institute of Transportation Engineers. They indicate that there is no significant demand decrease using that time of day modeling and that goes into the shared parking concept of you might have a use that is more intense during the day and tapers off at night and the other use is more intense in the evening but not there during the day. They understood that there was a preliminary approval granted for 147 stalls and then they provided calculations only for the increase intensity. They did not re-analyze the 147 stalls that already occurred. They only looked at what they determined to be increase in intensity. That is what their study states that they are only allocating for the increased intensity on the use. They looked at and applied what the County Code would require for just the increase intensity and adding on to the 147 portion that was already granted. They also looked at the ITE Parking Generation manual and did the same thing. County Code would require an additional 31 stalls for the shift and the change that the developer is

requesting that is in front of you today and the ITE Manual would recommend an additional twenty stalls be added to the site. So based on the Hales Study the applicant's study is 23 to 34 stalls short in meeting parking demand created by the increased intensity of the proposal final plans. There no underground parking plan presented.

Councilman Steve Farrell replied that a rapid transit system will come someday. Councilman Mark Nelson replied that if I was to summarize what you presented the number is somewhere in that range of around 175. Austin Corry replied that is the recommendation of the traffic consultant. Austin Corry also indicated that what I would recommend is that you understand that is an existing current preliminary approval. If their final plans came in and they would have been matching that exactly they have a right to proceed forward with that and the preliminary should be taken into consideration. They are asking to shift the uses that were presented back then.

Councilman Erik Rowland asked what is exactly being presented today other than reading through the summary and that is their proposal modifies a square footage of the uses initially by applicant and adds a request for utilizing bicycle space to cover parking needs. We are not exactly approving the parking spots necessarily but we are trying to approve their reallocation of use which by the fact would affect the parking. Austin Corry replied that what you were presented by the applicant was a parking study by them which is the number of stalls we actually needs. It includes square footages and types of uses in order to analyze but what you are really looking at is just what their parking count will be required if they were to do those square footages of those uses.

Councilman Erik Rowland what is the action item and like what we are looking to approve? Austin Corry replied lets focus on the 2022 preliminary approval so that included a site plan that was accompanying it but there was a parking study in that approval that said to the affect we have 10,000 square feet of restaurant space, 5,000 square feet of office space, 10,000 square feet of a grocery store and they were presenting here is the square footages of uses that we have and here is the parking allocation for those uses and here is the time of day operation of those uses. Here is how the site could be parked and be sufficient. That is a provision that is under County Code where they could come in under Code and just say we are going to meet all of your parking if 275 stalls in the current proposal. Instead they are saying we want a reduction in parking, want a reduction in parking. In 2022 during the preliminary they got that from the Council and what they presented was here is what we are doing and here is the amount of parking that we think we need. Today what is in front of you today they are coming back we changed the way that we are using the size. They are asking for you to approve their new study. If you deny it they can still go back and comply with their preliminary and likely mean they would have to change what they are doing with their site plan right now and comply more with the preliminary that they presented or try and find a way to add more parking stalls to the site. The main reason why the outdoor dining came into play is if you recall and just bring this back up just for history sake the applicant asserts that there is no parking requirement for outdoor dining and it appears from the Hales Engineering report.

Councilman Luke Searle replied that he would like to see clarity on how we determine parking and have a third party look into that.

Applicant

Stephenie Wilson, one of the developers on Keetley Square and came here tonight to ask for a continuance of this agenda item and we just received the report from Hales yesterday and we have not had sufficient time to review all the information and make sure that it adequately represents our project. We just have questions and clarifications but we are not one hundred percent sure of that. Councilman Steve Farrell replied that let's continue it indefinitely until they come back and say they are ready to proceed.

Councilman Kendall Crittenden made a motion that we continue this item until the applicant makes a request to move forward and ready to put it back on the agenda. Vice Chair Karl McMillan seconded the motion and the motion carries with the following vote;

AYE: Vice Chair Karl McMillan

AYE: Mark Nelson

AYE: Erik Rowland

AYE: Steve Farrell

AYE: Kendall Crittenden

AYE: Luke Searle

NAY: None.

Austin Corry asked if there is anything that you would like us to do. Councilman Kendal Crittenden replied if they come up with any ideas based on when they meet with the traffic engineer and we agree or disagree with them. Councilman Mark Nelson replied that Austin you are the gate keeper. Councilman Steve Farrell replied that we will make the decision

MIDA UPDATE

There was no MIDA update this evening.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell replied that the public lands is closing things down for the winter months. Plans are being made for the controlled burns. We need to change the November work meeting to a regular meeting because the Planning Commission has some things for us.

Councilman Steve Farrell made a motion to change the November work meeting to a regular meeting. Vice Chair Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson

NAY: None.

Councilman Kendall Crittenden indicated that on October 28, there will be a national drug take back from ten to two so if you clean out the medicine cabinets that are old and drop them off.

Councilman Kendall Crittenden indicated that there is a Wasatch Wellness work shop. There will be two more of these during the year January 10, and April 17.

Councilman Luke Searle indicated that he went through the Peace House with other elected officials and it was interesting what they do. I didn't go to the MIDA session and would like to get an update of that MIDA session. Also I plan to attend UAC. Also had a question about doing the back stairs when the front stairs was done.

Vice Chair Karl McMillan indicated that he was impressed what the public lands is doing.

MANAGER'S REPORT

There was no Manger's Report this evening.

CLOSED SESSION

Vice Chair Karl McMillan asked if there is a need for a closed session and the Council and the staff indicated there is no need for a closed session this evening

ADJOURNMENT

Vice Chair Karl McMillan made a motion to adjourn. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Vice Chair Karl McMillan
AYE Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell

AYE: Erik Rowland
AYE: Mark Nelson

NAY: None.

Meeting adjourned at 5:30 p.m.


KARL MCMILLAN, VICE CHAIR


JOEY D. GRANGER, CLERK/AUDITOR

