

**MINUTES OF THE
WASATCH COUNTY COUNCIL
FEBRUARY 17, 2021**

The Wasatch County Council met electronically in a regular session at 3:00 p.m. and the following business was transacted.

PRESENT: Chair Mark Nelson
Marilyn Crittenden
Kendall Crittenden
Steve Farrell
Jeff Wade
Spencer Park

EXCUSED: Councilman Danny Goode

OTHERS PRESENT: No one else present in the Council Chambers except Wendy McKnight from the Clerk's Office running the electronic equipment.

OTHERS PRESENT
THROUGH ZOOM; Mike Davis, the Wasatch County Manager
Dustin Grabau, the Assistant Wasatch County Manager
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner
Randall Probst, the Wasatch County Health Director
Rick Tatton, Court Reporter

PRAYER: Councilwoman Marilyn Crittenden

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

Chair Mark Nelson then called the meeting to order at 3:00 p.m. and indicated that all of the Wasatch County Council are present except Councilman Danny Goode who is excused. Then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Mark Nelson asked if there were any administrative items for future meetings. Councilman Steve Farrell asked that the RAP tax discussion be put on the next regular agenda to discuss. Also have the Wasatch County Attorney look into what the RAP tax is and what it can be used for and what is involved in establishing one and how would we set the rate. Chair Mark Nelson indicated that this is a worthwhile topic for discussion by the Council. Councilman Steve Farrell indicated that this might be a good tax to provide funding to help maintain the trails in Wasatch County because it is for recreational purposes. Also a decision needs to be made by June regarding this topic. The Council indicated that this matter will be put on the regular Council agenda for March 3, 2021.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

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

PUBLIC COMMENT

Chair Mark Nelson then asked if there were any public comments that needed to be put into the record and there was none.

APPROVAL OF THE MINUTES FOR FEBRUARY 3, 2021

Councilman Steve Farrell indicated that under the Manager's Agenda for the re-appointment to the Timber Lakes Special Service District the name in the minutes was put as Rich Andersen and it should be Reg Andersen so that needs to be changed in two places.

With that correction I would make a motion to approve the minutes for February 3, 2021 as written. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Jeff Wade

AYE: Spencer Park

NAY: None.

COUNCIL WASATCH COUNTY HEALTH DEPARTMENT UPDATE

Randall Probst, the Wasatch County Health Director, addressed the Wasatch County Council and indicated that the COVID positive case numbers are looking good and trending in a good direction. The schools are doing very well. Also will bring to your attention any variances from the State level. The administering of the vaccine is going very well and Wasatch County was identified as one of those counties where the administering of the vaccine is going well. Wasatch County also had the highest vaccination rate for those over seventy which is just above seventy percent. The Governor indicated that the lowering of the age rate will be lowered here in the future. Also other distributors of the vaccine will become greater in the near future. When you get your first shot the body starts building up some immunity all the way to the twenty-eight days and then you receive the second shot. For that first twenty-eight day period you begin the process of building immunity up to seventy to eighty percent and then the second shot after that will bump your immune system and puts you up to about ninety-five percent. Also everybody reacts differently to the vaccine and people shouldn't get worried if they have a reaction to the second dose especially if they had some with the first shot. If you don't have a reaction it doesn't mean that it didn't work for you because everybody reacts differently. During the period when you have had your shot when you are building up your immunity to what level you might have might not be reflected accurately in a test. There are rare instances when you will even test positive and there can still be false positives or even test negative even after an exposure. The vaccine is designed to keep an individual from getting sick and ninety-five percent effective against that.

Randall Probst also indicated that there isn't a huge difference between high and moderate guidelines and where the big difference is between moderate and to the low and deals with the size of groups and how close people can sit together and those kinds of things. Just go to the web site and look at the transmission index guidelines which shows what happens for each of those guidelines. Also as you move closer to the low but mostly you can see the difference in those moderate to high guidelines are more in the areas of events. We just want to keep those moderate guidelines in front of people and highlighting those.

Randall Probst also indicated the way that Wasatch County is taking care of any violations that are in place such as wearing masks, etc. our staff is out there doing our regular inspections that we do every year and if the staff sees anything that is brought to the attention of the management. If a complaint is received then our staff goes out and meets with the business and identifies the complaint and if there are various complaints then we put it into a written notice. That is as far as Wasatch County has had to go to this point and have not issued any fines up to now.

Randall Probst indicated just keep a safe distance, wash your hands regularly, if you are sick stay home and keep wearing the mask.

Chair Mark Nelson thanked Randall Probst for the good work and let's keep those vaccinations so the numbers can keep going down.

NATIONAL RANDOM ACTS OF KINDNESS DAY.

Chair Mark Nelson indicated that a public comment was received a while ago reminding us that today is the National Random Acts of Kindness Day and the Random Acts of Kindness Train was sold out and left on time at 3:00 today. Hopefully there is a lot of love floating around on the train this afternoon.

PRESENTATION BY COWBOY POETRY COMMITTEE PLANS FOR 2021 EVENT.

Chair Mark Nelson indicated the committee wants to postpone that until next month and that will be put on the agenda for March 17, 2021. That is being delayed that because they are working with Randall Probst and others to try and strategize on how to hold this event this fall. Also I visited with Colleen Bonner from Midway who is the Chair of the Swiss Days event and they are moving ahead with the preliminary preparations and planning on holding that event and that will be re-evaluated in June.

CHAMBER LUNCH HELD AT ZERMATT

Chair Mark Nelson indicated that the three speakers were Mayors of Midway and Heber and Councilwoman Marilyn Crittenden from the Wasatch County Council and all three of them did a great job and presented a very optimistic and well thought out presentation about the challenges that faces us. Just want to congratulate Councilwoman Marilyn Crittenden and the Mayors because they did a great job.

DISCUSSION/CONSIDERATION MOU WITH SUMMIT COUNTY ON TRANSIT

Chair Mark Nelson indicated that the Wasatch County Council met in the Summit County Council meeting last week and were introduced to this draft of an MOU which some discussion was held regarding that. The draft has been received and met and had a short conversation with Scott Sweat, the Wasatch County Attorney, and Scott Sweat indicated that his office will take a look at that draft.

Councilman Kendall Crittenden that the draft just basically says that both counties will work together cooperatively to work on regional transit plans. Also it is good to have our legal counsel look this over. This matter could be put on the Wasatch County Council's first meeting in March.

Councilman Steve Farrell made a motion to put this on the Wasatch County Council's agenda for March 3, 2021 for consideration. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

Councilman Kendall Crittenden indicated that if there are things on this draft that need to be changed and one change that took place was the term of the agreement. If there are changes they need to be taken back to the Summit County Council to make the necessary changes that are proposed. Also work back and forth until everybody is satisfied with what the MOU says. We will need to send a copy of the proposed MOU to our legal counsel to look over. Dustin Grabau, the Assistant Wasatch County Manager, indicated that he is taking care of that right now.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that yesterday in our County Regional Planning meeting, Heber City told us that they are going to review their annexation policy plan amendment and this mainly deals with the North Village Resort and that will be done on March 9, 2021 in their meeting and would like some representation from Wasatch County to be involved with that. It was decided that Councilman Steve Farrell and Councilman Kendall Crittenden will be in attendance at that meeting.

Councilman Steve Farrell indicated that another item that was discussed in that meeting which was on affordable housing.

Councilman Steve Farrell indicated that we also talked in that meeting about the open space agreement in North Village. Also the dark sky lighting was a concern and want to compare both ordinances from Wasatch County and Heber City so that we are all working in the same direction. Also the regional planning meetings are going very well and the important issues are being discussed.

Councilman Steve Farrell indicated that he got a call from Brian Balls and they have some concerns about the requirements of the park. So Councilman Kendall Crittenden, Councilwoman Marilyn Crittenden and myself could talk to them about the concerns and say how the Council remembers it going. One of the concerns was to sod the park or plant it or seed it. Austin Corry, Assistant Wasatch County Planner, indicated that in the Code Section 16.7 that allows the bonus density for the regional park specifically says that sod has to be included with the donation and right now the applicant is wanting to seed now.

Councilman Kendall Crittenden indicated that in the solid waste board meeting a week ago Kelly Christensen, the Director, presented the idea to us he had a bid on a restroom facility that could be leased for three years for around \$34,000. Kelly Christensen looked at the state bid which was done. The one that has the State contract on this is TXT Pre Cast Concrete Products is the name of the company and the bid from them which will be purchased and everything completed for a total of \$47, 872.00. So instead of paying \$34,000 or so for a three year lease we could pay the \$47,872.00 and it would be ours. Also visited with Mike Davis, the Wasatch County Manager with regard to funding for such a restroom and I will schedule a meeting between Kelly Christensen and indicate that he needs to go and talk with the building department and get the necessary information from them on what he needs to do. There needs to be a cement pad poured for the restroom to sit on with the sewer and water coming into the restroom facility. Councilman Steve Farrell indicated that a RFP should go out because this is spending of public money but also indicated where it is a State bid contract that will be acceptable because the State of Utah is the one that received it which is the same as going out for an RFP. Also there is a cost saving to consider the State contract.

Councilman Kendall Crittenden indicated that he met with Doug Smith, Heber City, Midway, and Charleston with regard to MAG facilitating a corridor access agreement between the County and UDOT. There are two corridor agreements. One is a corridor access from State Road 113 from 189 to State Road 222. The other access corridor agreement is State Road 113 from State Road 222 in Midway to US 40. Also a map is presented with each of these corridor agreements indicating where lights would be or other kinds of turns on both of those stretches of highway. The Council indicated that they would like a copy of the map. Doug Smith indicated that he e-mailed back to UDOT indicating that between that light at 5th West and proposed light there on South Field Road that is the one that is in-between there that Heber City had some plans or there was a master plan proposed not only for the school but a lot of commercial and apartments in there butting on Highway 113 and would be good to have some type of limited access language there to keep driveways from coming out all over Highway 113 and UDOT indicated that they would look into that. There needs to be a presentation with the School District regarding this on our Interlocal agreement at the end of March because of the potential of a high school being built in that particular area and MAG will present that to the School District and then the School District will be familiar with it when the Interlocal meeting is held the end of March. Councilman Kendall Crittenden indicated that he will put it on the Interlocal Meeting Agenda for the end of March. Then if all the other entities are in agreement with this proposed corridor access agreements and passed by their various councils then UDOT will sign the agreement. Then all the roads involving UDOT will be covered once we complete these two corridor access agreements.

Councilman Kendall Crittenden indicated our Wasatch County Health Director Randall Probst has indicated that he will be retiring in June of this year. The Health Board has met and put together a job description and started being advertised the first of this week and the deadline is thirty days or whatever. The interviewing will start for this position. Randall Probst has done a terrific job in that position and have appreciated that very much.

Councilman Kendall Crittenden indicated that with regard to affordable housing matter, the matter was discussed in the Affordable Housing Board with regard to hiring an Affordable Housing Director as was mentioned and discussed. David Rowley, the Wasatch County Personnel Manager, indicated that he will research the matter and see what the cost of that would be and has brought back some information regarding that. Also in the process of meeting with the other jurisdictions to get their input on the matter. Once that is done then Dave Rowley will help me refine that application posting and before it is posted then all the other jurisdictions and get their approval regarding that and how this will be funded. The matter is moving forward in getting that person hired so that plans can be carried out.

Councilwoman Marilyn Crittenden indicated that she received a phone call from a citizen and was concerned about our meeting last week with Park City and why that was not noticed so that the public could listen to the meeting if they so desired here in Wasatch County. Chair Mark Nelson indicated that whenever we are to meet as a Wasatch County Council it should be noticed. Councilwoman Marilyn Crittenden indicated to this particular citizen that this wasn't our meeting it was for our Council to meet with Park City's Council as they invited us to meet with them and that Park City had noticed it. Chair Mark Nelson thanked Councilwoman Marilyn Crittenden in bringing that to our attention so that we can take care of the matter better. Councilwoman Marilyn Crittenden thanked Chair Mark Nelson for the compliment with regard to the Chamber meeting at the Homestead. Also all the Mayors want to work together which is a positive for our County and making real good progress in that direction.

Chair Mark Nelson indicated that with regard to the Sorensen project that evidently there are two Master Development Agreements, one from Wasatch County and one from Heber City. The Heber City Manager indicated that this matter was discussed in the Regional Planning meeting yesterday and there seems to be some conflict or disagreement between Heber City and Wasatch County regarding these Master Development Agreements. Heber City has indicated that Wasatch County do away with our Master Development Agreement because Heber City's was done before Wasatch County's was done. Councilman Kendall Crittenden indicated that it was indicated that we didn't have a concern one way or the other if that open space was in Heber City or in Wasatch County just that Wasatch County wanted to make sure that it was designated for ever after as open space. Wasatch County is more than willing to work with Heber City regarding that. You just need to look at what Master Development Agreement came first by just looking at the dates on them.

Councilman Steve Farrell indicated that he wasn't even aware that there was a Development Agreement with Heber City because I thought that they adopted the Wasatch County Development Agreement as the one they were working with. We both just need to look at the Development Agreements and make sure that everything that we want covered is covered. It doesn't matter who owns the open space just as long as it is preserved and easement of some sort is put on that property in perpetuity.

Chair Mark Nelson indicated that he sees this as a communication problem which can be worked out. Councilwoman Marilyn Crittenden also indicated that there needs to be clear communication held regarding this matter and a conservation easement put on that open space. Doug Smith, the

Wasatch County Planner, indicated that there still isn't a conservation easement on the Red Ledges open space either and should be nailed down and also concerned about this open space with the Sorensen matter. Councilman Steve Farrell indicated that the problem is the cost of having a third party holding the conservation easement. Also could Wasatch County hold the conservation easement and they hold the title to the land and who handles the cost of the conservation easement? Councilwoman Marilyn Crittenden indicated that she will make a phone call to Wendy Fisher who is the Utah Open lands and ask her some of these questions and get some knowledge there. The Council indicated that would be fine to get some of these things cleared up. Doug Smith, the Wasatch County Planner, indicated that with regard to the Red Ledges Conservation Easement and at the last e-mail is that Jon Woodard, the Deputy Wasatch County Attorney, and I have been working with Todd Cates from the Red Ledges with the trail easement. Jon Woodard is ready to sign that, however, he wants to review the finalized conservation easement before he has Mike Davis sign the trail agreement. That is where we are at and Todd Cates is working with Utah Open Lands on the final version of the conservation easement. Once we get that we are ready to sign the trails agreement.

MANGER'S REPORT

CONSIDERATION OF APPOINTMENT TO TIMBER LAKES SPECIAL SERVICE DISTRICT BOARD.

Mike Davis, the Wasatch County Manager, indicated that there is an appointment for a part time member to the Timber Lakes Special Service Board. The application of Gary Cannon to be on the Timber Lakes Special Service District Board and my recommendation is that we put Gary Cannon on the board.

Councilman Steve Farrell indicated that he had an opportunity to meet Mr. Gary Cannon last night and that he is very qualified and has a very strong water background and would make the motion that we go with the Mike Davis's recommendation and approve Mr. Gary Cannon as a part time member of the Timber Lakes Water Board and by doing this that makes that board complete and there are no other vacancies. Councilman Kendall Crittenden seconded that motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Jeff Wade

AYE: Spencer Park

NAY: None.

CONSERVATION EASEMENT ON THE SORENSEN PROPERTY

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council with regard to North Village. Originally Wasatch County was going to put a conservation easement on the Sorensen property and they would have owned it as well. The same thing was proposed with Red Ledges when Red Ledges was in Wasatch County. Anybody can put a conservation easement on something but then it has to be managed afterwards and that is where the cost from the Utah Open Lands come as they manage the conservation easement. There are all kinds of possibilities there of entities that can put a conservation easement on property and it doesn't have to be Utah Open Lands or one of those entities.

CONSIDERATION OF RE-APPOINTMENT TO WASATCH OPEN LANDS BOARD

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that there is a need for a re-appointment to the Wasatch Open Lands Board and my recommendation is to re- appoint Tracy Taylor which re-appointment would be for four years.

Councilman Marilyn Crittenden indicated that having worked with Tracy Taylor on that board I would highly recommend her and she is very diligent and cares about what is going on there and would make a motion that we accept that re-appointment recommendation. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Jeff Wade

AYE: Spencer Park

NAY: None.

LEGISLATURE UPDATE

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that I gave an update on Wasatch County moving to municipal service funds due to the potential classification of change from fourth class to third class. The legislature then approved a bill that changed the classification categories due to a change in population which keeps Wasatch County as a fourth class county so there will be no need to implement a municipal services fund which the necessary departments we can still fund out of our General Fund and won't have to create a municipal services fund and fund those departments out of that fund.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that with reference to House Bill 115 which is a bill that would run to address cross county annexations. As the code currently reads the county that the municipality is in the county legislative body has to allow the municipality to apply for annexation into an adjoining county and that was removed from the proposed bill and removed from the code so that legislative bodies would not have any say in a municipality attempting to annex into an adjoining county. Wasatch County worked with lobbyist with UAC and Wasatch County's lobbyist to work with the sponsor and were able to after a couple of weeks there were some substitutes that were pushed forward and got some language in there that basically keep the legislative body of the affected counties so that is the county that the municipality wants to annex into. So if somebody was wanting to annex into Wasatch County we would be the affected county. So the affected county is able to have the legislative body represent their area which was not in the bill at first but now in the bill and does give representation back to the County Council in certain situations. The lobbyist from Park City contacted our lobbyist and indicated that they were upset about this. Also it certainly was not my intent to upset Park City in any way and this would be an issue if hypothetically Park City wanted to annex Bonanza Flats then they would have to approach the Wasatch County Council to look at that annexation and decide whether it met the criteria and did not adversely affect any of the other properties and I don't think that is unreasonable. UAC contacted me and in talking with them this morning assured me that the bill is about where they would like to have it and not just Wasatch County's opposition to it but UAC's feeling is that the bill is right where they would like to have it. Also there has been no opposition from Summit County with regard to this.

Chair Mark Nelson indicated that this really represents a good thing as far as the process goes because this is a bill that was proposed that we have a lobbyist who helps us understand what is going on. Also UAC who helps us understand what is going on and have a County Manager who is involved in that process. We were able to have input into that process and Mike Davis helped others shape that bill so that it would be fair for all counties and all parties. To me it sounds like a really good process that was working in this instance where something goes through process and gets approved along the way. It sounds like the process is working.

CLOSED SESSION

Chair Mark Nelson asked if there was a need for a closed session this evening and there was none.

Chair Kendall Crittenden made a motion that we continue this meeting to our public hearing agenda as 6:00 p.m. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

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

AYE: Jeff Wade
AYE: Spencer Park

NAY: None.

Chair Mark Nelson indicated that the record should show that the time is 6:00 p.m. on Wednesday, February 17, 2021. All the Wasatch County Council is present with the exception of Councilman Danny Goode who is excused. We are now ready to hear the two public hearings that are scheduled this evening.

PUBLIC HEARING
FEBRUARY 17, 2021

JAS REALTY LIMITED PARTNERSHIP REQUESTS AN AMENDMENT TO THE JSPA PLAN BOOK AS WELL AS MASTER PLAN, PHYSICAL CONSTRAINTS AND DENSITY DETERMINATION FOR JAS DEVELOPMENT, A 28 LOT SINGLE-FAMILY HOME SUBDIVISION RANGING FROM 3,400 SQUARE FEET TO 4,000 SQUARE FEET CONSISTING OF 18.86 ACRES LOCATED EAST OF HIGHWAY 40 ALONG THE JORDANELLE PARKWAY AND WEST OF THE NORTH ARM OF JORDANELLE DAM IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 4 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA.

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then indicated that this is a two part item. One is the rezone itself and the other one is master plan and density determination. The rezone request is to take that neighborhood commercial and change it to residential single family and update the plan book. The applicant has indicated that this is due to the topography of the property, the grades in and out of the development, and their desire to minimize the impact through the area and leaving it as natural as we can. We believe that a change to residential single family would accommodate that better than the commercial would.

Austin Corry indicated that the JSPA Planning Commission discussed this matter at great length. The Sky Ridge Development people presented that their golf club house would have little market type stores inside that would be open to the public and this really turned the corner for the JSPA because if the commercial is gone there would actually be this golf club house with the little stores so that people could still have a commercial type stuff. With this being said the JSPA Planning Commission felt comfortable with the intent of a specific commercial spot was there and being met by the Sky Ridge team. There would be no need to have two commercial areas which would potentially overwhelm that area with too much of that need and more commercial areas further to the south and to the north.

Austin Corry indicated that with that the JSPA felt comfortable and forwarded that rezone to you with a recommendation of approval adopting the same findings and conditions that you would find in the staff report.

Austin Corry indicated that when it comes to the Master Plan itself the intent of the developer is to develop 28 single family lots which would be off from two cul-de-sacs on the eastside of the Jordanelle Parkway there and there are estate lots on the southwest corner on the other side of the parkway. Comments were made in the JSPA with regard to trails and the connectivity to other developments and recreational opportunities around the area and this was discussed quite at length at the JSPA Planning Commission meeting. This morning it was indicated by the applicant that they are working on updating their trail connectivity and would anticipate to see through final. In the open space they are showing a pavilion and a bench and some grass. Also the topography has some bearing on the applicant meeting the road grades and getting roads to service the properties. In the JSPA area it specifically talks about preserving the natural features. In the JSPA meeting there was a lot of discussion about whether these two cul-de-sacs were achieving that design intent and whether there were options available that they could achieve the same density without creating as much disturbance there.

Austin Corry indicated that this morning it was shown to the Planning Staff where there were a couple of changes that they tried to go through and was faced with some specific cuts and fills or just lacking a desirable development pattern in some ways. Staff now feels comfortable in saying that they have looked at some other options and you as a Council can decide whether this is an appropriately designed use for the site. The Planning Staff feels that the applicant has now looked at some of the concerns raised by the DRC. The applicant is willing to explore options in getting rid of the detention basin to eliminate some of the impacts on this site.

Austin Corry indicated that this is a Master Plan Level so we generally don't analyze things as in depth as a specific road cross section but the application does include a road cross section that does not meet the current county code. For a road cross section to take place the engineering department now has that authority to look at that exception and not the Council.

Austin Corry indicated that the DRC has reviewed this and have forwarded it on for action. There are a number of comments that lay in that DRC report and those would be expected to be considered conditions of approval at least from the DRC standpoint.

Austin Corry then went through the original findings presented to the JSPA Planning Commission:

1. The proposed amendment is consistent with the goals and policies of the Wasatch County General Plan and JSPA Plan Book as outlined in the staff analysis.
2. The property is located directly adjacent to the newly constructed Jordanelle Parkway.
3. The subject property is surrounded on all sides by other residential development and open space.
4. The existing land use designation of commercial is likely insufficient in size to be feasible for reducing traffic impacts otherwise mitigated by convenience commercial notes in residential neighborhoods.
5. A positive impact of the proposed change would be reduced development impact compared to a larger commercial pad with parking.
6. Negative impacts of the proposed change would be reduced convenience of access for

surrounding residents to potential commercial needs.

7. The proposed Master Plan and density determination for the property is for 28 residential lots and 7.34 acres of open space.

8. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Zoning Map.

Austin Corry then went through the one original condition:

1. Any development of the area shall be carefully designed to reduce the impacts to sensitive lands including steep slope areas.

Austin Corry indicated that the JSPA Planning Commission has forwarded this to you with a recommendation for approval. The JSPA also made some updated findings to the Master Plan.

Austin Corry then went through the proposed updated findings:

1. The subject property is 18.86 acres.

2. The proposal includes 28 detached single-family homes.

3. The density being proposed is consistent to the guidelines for approval found in the JSPA plan book.

4. Additional information will be required at preliminary to refine the plans to demonstrate compliance.

5. The County Council will need to approve a plan for the applicant to meet the moderate income housing requirement. We would expect to see a more from the applicant on that at preliminary.

6. Master Plan approval does not grant a variance from county code standards.

7. The proposed development relies on its own math amendment. Obviously that is in front of you as well.

8. The proposed road cross section does not meet County Code as identified by the DRC and cannot be approved without following the process outlined in Title 14 of the Wasatch County Code. That would be the process they need to go through with the engineering department.

9. The Development Review Committee has reviewed the project and provided a favorable recommendation with conditions.

10. The JSPA design intent Section 16.41.1.2.2 is to encourage responsible land use practices and to respect the natural topography of the land and existing vegetation. The single-loaded layout of the roads creates more disturbance than a double loaded road. The staff analysis has raised concerns that this intent is not being met. That finding was the one that the JSPA Planning Commission focused on quite heavily. And again we discussed with the applicant now this morning so we would still want to ensure that things are compliant as we move through further plans but are comfortable at the Master Plan stage that you as a Council could make that determination

Austin Corry then went through the proposed conditions:

1. The density determination is for the maximum permissible density and it is understood that the density may decrease as other aspects of code compliance are worked through in subsequent applications. I will admit when I drafted that recommended condition for you it made sense in my mind as I read it this morning I just figured I might as well clarify the statement is that the density

determination that you as a Council makes becomes the maximum permissible density. We have started including this a lot of time on recommendations for you because there tends to be this belief that the JSPA Plan Book that has these target densities in it that those target densities are some sort of a vested right. It is clearly noted in the plan book and in the code that is not the case. It is the Master Plan and density determination that makes that but just to try and elevate any more of those concerns we started including this as a recommended condition for you just to try and sort that out and make it clear that you as a Council make the density determination. This is the purpose of this application and that is what you are establishing at this time.

2. The applicant will need to commit to an affordable housing obligation to be presented in the preliminary application and recorded in a development agreement.

3. The road cross-sections will need to meet the County code or be granted an exception under the provisions of Wasatch County Code Title 4. That will still give the applicant to move forward and chose they application they would like to pursue.

4. The design of the recreational open space should be better refined at preliminary. The open space should be located more centrally to the development or better access for the residents provided. That comes into play with a lot of the same comments about the trail network and how folks can get to those recreational open spaces.

5. The trail network shall be coordinated with surrounding development and refined to comply with the overall intent of the JSPA area.

6. All issues raised by the DRC, as noted in the DRC report dated December 28, 2020 shall be resolved to the satisfaction of the applicable review department in subsequent applications.

7. This was added by the JSPA Planning Commission and take a lot of the pedestrian patterns for the entire project completed sidewalks and trails and demonstrate how the project interconnects with the rest of the system.

Austin Corry then went through the Wasatch County Planning Commission findings:

1. The proposed amendment is consistent with the goals and policies of the Wasatch County General Plan and JSPA Plan Book as outlined in the staff analysis.

2. The property is located directly adjacent to the newly constructed Jordanelle Parkway.

3. The subject property is surrounded on all sides by other residential development and open space.

4. The existing land use designation of commercial is likely insufficient in size to be feasible for reducing traffic impacts. Otherwise mitigated by convenience commercial nodes in residential neighborhoods.

5. A positive impact of the proposed change would be reduced development impact compared to a larger commercial pad with parking.

6. Negative impacts of the proposed change would be reduced convenience of access for surrounding residents to potential commercial needs.

7. The proposed Master Plan and density determination for the property is for 28 residential lots and 7.34 acres of open space.

8. The Wasatch County Council as the legislative body, has broad discretion for amendments to the Wasatch County Zoning Map.

Austin Corry then went through the Wasatch County Planning Commission's one condition:

1. Any development of the area shall be carefully designed to reduce the impacts to sensitive lands,

including deep slope areas.

Austin Corry then went through the DRC comments:

JORDANELLE: Developer to address/respond to items outlined to the feasibility letter. Detailed engineering plans will be required for final approval note alignment B may require a low-pressure sewer system to convey sewer to the Jordanelle Parkway.

ENGINEERING: The County does not have a road standards that matches what is being proposed. The right-of-way is 60 feet and there is room for the building setbacks. Can address at preliminary. The lot on the south west side of the parkway does not meet the code. There is no driveway access allowed on a 756 foot collector. Title 14 code was amended and does not have a typical section with sidewalk only on one side of the road. This would require a variance from the County Council. I would support the plan because the homes are primarily only on one side of the road. My understanding is the applicant would like to request a variance for the proposed road section from the County Council based on the density and the proposed sidewalk configuration and I have no objection to the proposed section.

COUNTY MANAGER: Roads will be private. Snow storage must be identified. Road profiles must meet County standards.

PLANNING DEPARTMENT: The layout of this plan is excessive in disturbances and roads. It is recommended that the homes be adjusted to double load and reduce unnecessary disturbance and cost. Pedestrian connections should be considered from each cul-d-sac to the parkway and open space areas. The provided cross-sections do not meet the county's standards. These will need to be modified to meet the standards or an exception granted prior to or concurrently with preliminary plans. If an exception is granted. It is planning's recommendation that the single-side sidewalk be an 8 foot trail to more closely align with the single-sided options the County has called in the past.

PUBLIC WORKS: I am not seeing lighting plan, street sign plan and if the roads are public or private. I would like to see the development agreement that shows that these are private roads. With the stamped concrete or pavers that I am seeing in the entrance and cul-de-sacs this is something the County does not maintain. 3.2 obligations of the County. 15-still shows County will maintain and the roads are public? I see the road drawings show private roads. I would like to see this change on the development agreement.

RECORDER OFFICE: No plat to review.

WEED DEPARTMENT: You will need a weed plan filled out and a cash bonds you can find both on County Website under Public Works then noxious weeds.

REGIONAL TRAIL PLANNER: Need plan and profile on trail. It appears too steep to meet County requirement. It should connect to the open space and should coordinate with Sky Ridge on the connection to the east southeast corner by detention pond is closer to the Sky Ridge trail alignment. We need plan on profile for the trail as the grades appear too steep in some areas. The trail need to connect to the open space and the property to the north and east.

Council Comments:

Councilman Steve Farrell asked what the target density of this parcel was originally. Austin indicated that there was an error as far as the acreage in the JSPA Plan Book when you count for that it comes out to 47 ERU's. Councilman Steve Farrell indicated that the 28 ERU's is assuming

that we have already made the zone change correct? Austin indicated that is correct. Councilman Steve Farrell indicated that by making the zone change there would only be approximately 23 ERU's on the parcel. Austin indicated that is correct. Councilman Steve Farrell so there is five additional. Are the roads going to be private or publically maintained with those cul-de-sacs? Austin Corry indicated that they will be private. Councilman Steve Farrell asked how many other parcels are neighborhood commercial areas that we have and if we approve this are we setting a precedent because everybody wants to go residential that is where the fast money is. Are we going to shoot ourselves in the foot by making these zone changes and never getting the commercial development that we need? Austin Corry indicated that is what the JSPA Planning Commission struggled with and felt that it wasn't setting a precedent with the Sky Ridge having little markets in the golf course clubhouse. The JSPA Planning Commission decided that with this piece is different than simply saying we don't want to do commercial we are going to move to residential and felt like the intent was still being met. Councilman Steve Farrell asked how many square feet of commercial space was required to give an idea of the ERU's that we being allocated. Austin Corry indicated that the plan book was not that specific but from my estimation it is about four acres of site. It is neighborhood commercial so it is not intended to be big box type of thing but intended to be small neighborhood type services, also the golf course clubhouse markets will be accessible to the public. Councilman Steve Farrell asked how many other neighborhood commercial zones are in the JSPA. Austin Corry indicated that there is a small one down next to Deer Cove and it is called the Hollows. So there is only two neighborhood commercial areas in this immediate area. Councilman Steve Farrell asked what the density per acre for Sky Ridge was. Doug Smith indicated that is 673 acres and 503 ERU's. Councilman Steve Farrell indicated that this is going to be twice as dense as Sky Ridge? Austin Corry indicated that is right.

Councilwoman Marilyn Crittenden asked if changing this zone change fall under the November time frame. Austin Corry said not in the JSPA area. Councilwoman Marilyn Crittenden asked if Sky Ridge was supportive of this. Austin Corry indicated that they were supportive of the zone change and did express some concerns with the development especially regarding trails like was mentioned previously. They are willing to work together to come up with better trails. How many other commercial places located: Austin Corry indicated that one is in the Deer Cove and the other is in the JBOZ area. Also they are still intact.

Councilman Spencer Park asked what is going to be done with the private drive on Jordanelle Parkway that is not allowed and would worry about setting precedent also. Austin Corry indicated that was resolved and engineering allowed the project to move forward for a decision but that is a comment on the DRC report that the driveway access isn't allowed.

Applicant Comments:

Rocky Malin, engineer for the applicant, addressed the Wasatch County Council and indicated that access to this property has been changed and does not come off from this property any more. An intersection was planned there but has now been changed and not a corner any more. As far as the driveway goes, Andy Dahmen, assistant Wasatch County Engineer, was the one that brought it up in allowing it to go out onto the Parkway. Doug Smith mentioned that as long as we had a

turnaround up towards the house so that nobody was coming out on the Parkway and having to back out and coming out onto the Parkway more as an intersection rather than backing into the Parkway and Doug Smith thought that would be allowed.

Tom Flinders, on behalf of JSA Realty, addressed the Wasatch County Council and indicated that commercial in that area really is feasible from the standpoint of a business even making it alone let alone the physical features. I am a proponent of commercial and right now involved with some around the Jordanelle. The road configuration right now we felt it was the least impactful on the site. Also real excited for this site and this plan and would ask for an approval so that we can start working with planning and engineering and getting the preliminary and final process going and hope to see you again soon. Also a good portion of the site was taken up by the Parkway going through it which per acre was quite excessive and would appreciate that as a consideration.

Rocky Malin then went through a detailed power point presentation to the Wasatch County Council showing the different aspects of this plan.

Public Comment:

Chair Mark Nelson then asked if there is any public comment concerning this matter.

Mike Kasakowski, concerned citizen, addressed the Wasatch County Council and indicated that he is in support of Tom Finder's proposal. I also have two issues. One is on the commercial and the type of residents that it is going to have. In another area known as Park Meadows and the people that live there and how they are going to use their property which is close to Tom Flinders property. In Park Meadows they would prefer that convenient stores and commercial things to be at one end. Also don't see that people in my neighborhood using this commercial but would use the commercial type things that would be found in the golf club house. I don't know what a small commercial space in the middle of that Parkway would serve that neighborhood. I support Tom Flinders proposal on that.

Mike Kasakowski indicated that the second point I want to make is that it was raised right after this discussion on another matter but it pertained to all the matters that was discussed that day at the JSPA Planning Commission. Another member of the public requested from the County that the JSPA Planning Commission meetings be held at a different time so that the public could attend. A brief discussion on that and invite the Wasatch County Council to listen to that discussion. I got the feeling that they were reluctant to raise that issue in a public meeting and would ask the County Council here do you plan to discuss that proposal and having the public have better access to the JSPA Planning Commission meetings. I will take up my issue at that time instead of imposing on Tom Flinder's time. Are you willing to discuss the moving of the JSPA Planning Commission to where more of the public can attend? Doug Smith indicated that the JSPA is a recommending body to the Council and any legislative decisions will also go to the Valley Planning Commission at 6:00 p.m. and then to the Council for a public hearing at 6:00 p.m. Councilman Steve Farrell indicated that there is an option for the public to be heard in a public hearing setting. Chair Mark Nelson indicated that he would be happy to bring this matter up in a regular council meeting and

have us discuss it there and consider it. We had a discussion in holding our council meetings at a different time and it was decided that we will hold the times for the meetings where they currently are. Councilman Kendall Crittenden indicated that he doesn't mind discussing at a different time but it is off the current topic at the moment.

Chair Mark Nelson then closed the public comment period.

Council Comments:

Councilman Steve Farrell asked what other amenities are being put in the park. Austin Corry indicated that grass and the pavilion and bench and also an improvement to their trail plan to connect more to the original system which is one of the findings or conditions.

Councilman Steve Farrell asked what are the price points of these lots compared to the Sky Ridge price points. Tom Flinders indicated that they would be on the high end but doesn't know the exact amount at the present time. Rocky Malin indicated that Sky Ridge has more density on the road than these lots will have. Councilman Steve Farrell has a concern about changing the zone. In looking at the other neighborhood zones I don't know if that is as big concern as I thought it was. This is just a hard piece of property to develop. Maybe the 28 units are denser than it needs to be. Also I don't know if there is a trade off or what. The bottom line I don't know what to do with this.

Councilman Jeff Wade indicated that there was more ground taken from these development and from Sky Ridge to build the Parkway and at least twenty percent of their property was taken. Also hate to give up any commercial. Also this is a bad location to try and make a go of a business. It is hard to understand why commercial was even put there. It is a tough move to change the zoning.

Mike Davis, the Wasatch County Manager, indicated that we did change the road. We approved Sky Ridge without the intersection. Also unsure for the viability of commercial at this spot. Deer Cove is going to be asking for an increase in the commercial area for their development. That probably would be a better location for commercial to get cars in and out of the Parkway and have a wider profile of road, less slope to deal with. Everything else I am okay with.

Councilman Kendall Crittenden indicated that he is in favor of this but have some of the concerns that have been expressed.

Councilman Kendall Crittenden made a motion that we approve the request for an amendment to the JSPA Plan Book as well as the Master Plan, physical constraints and density determination for the JSPA Development including all of the findings and conditions that have been put in the Staff Report. Also the updated findings and conditions from the JSPA Planning Commission. Also include what the JSPA Planning Commission gave and there are some additional things that the JSPA Planning Commission did in both the Staff Report and the JSPA Planning which is included in my motion. Councilman Spencer Park seconded the motion and the motion carries with the following electronic vote:

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

NAY: None.

PUBLIC HEARING
FEBRUARY 17, 2021

**CONSIDERATION AND ACTION TO ESTABLISH PENDING LEGISLATION FOR A
PROPOSED CODE AMENDMENT THAT WOULD ADDRESS RECENT STATE CODE
REQUIREMENTS REGARDING CANNABIS PRODUCTION AND DISTRIBUTION IN
THE UNINCORPORATED COUNTY.**

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that what we hope to accomplish with this is get a pending legislation put in place because of the State Code adoption regarding cannabis and production establishments. The State Code says that we have to adopt an ordinance designating an industrial zone and an agricultural zone specifying where in those zones the cannabis production establishment can go, otherwise they can go in any agriculture zone.

Doug Smith indicated that we need to establish a specific location otherwise they can go in any industrial zone. Also there are only two industrial zones in the County. One is out here by the south of the airport and the other one is over in the Midway area just north of the sewer treatment facility off from Michie Lane. My proposal for an industrial zone would be the one out by the airport. Also Jon Woodard, the Deputy Wasatch County Attorney, feels that it would be better to do an overlay zone. We need to get direction from the Wasatch County Council as to what your thoughts are as far as locations for the industrial zone and for the agricultural zone.

Doug Smith then indicated that the agricultural portion of this is that we need to specify an agricultural zone otherwise it is permitted in any agricultural zone. The RA-1 Residential Agricultural is throughout the valley floor except for the areas that are incorporated cities. There are two locations. One is an RA-5 out on Daniels Road that is in the same location as that industrial zone we talked about and the other is in an A-20 Zone out southwest of the sewer treatment plan. Jon Woodard also indicated that we should allow another location in the A-20 Zone. The Planning Commission indicated that the zones that I presented to the Planning Commission were appropriate and to forward it to the Wasatch County Council with the recommendation for a motion on a pending ordinance so that Jon Woodard and I could start working on this and not be worried with someone submitting in the meantime and being able to go anywhere in the County in any

agricultural zone or any industrial zone. Doug Smith also indicated that it would be his recommendation that we enact a pending legislation and that we move forward with this and then come back to you within six months with an ordinance and language to adopt something.

Council Concerns and Questions.

1. Security issues.
2. Contact property owners whose ground is being recommended.
3. Unattractive to neighbors.
4. Appropriate in the neighborhood.
5. Better than houses.
6. Property owners have advantages or disadvantages.
7. Potential public concern.

Councilman Spencer Park indicated that some of the questions and concerns that the Council has could be answered during the study of the subject in the six months.

Doug Smith then went through some possible findings:

1. State Code allows counties to decide which zones to allow cannabis production.
2. If the County does not designate a zone and a specific area in that zone, then any agricultural or industrial zone will be permitted zones for production.
3. The State Code allows for more specific locations within the two permitted zones.

Chair Mark Nelson indicated that the recommendations that have been made here one the industrial zone and the agricultural zone makes sense.

Public Comment:

Chair Mark Nelson then opened the matter up for public comment and there was none.

Councilman Kendall Crittenden made a motion that we enact and establish a pending legislation for a proposed code amendment that would address recent State Code requirements regarding cannabis production and distribution in the unincorporated County and accept the three proposed findings. Councilman Steve Farrell seconded the motion and the motion carries with the following electronic vote:

**AYE: Chair Mark Nelson
AYE: Marilyn Crittenden
AYE: Kendall Crittenden
AYE; Steve Farrell
AYE: Jeff Wade
AYE: Spencer Park
NAY: None.**

ADJOURNMENT

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

AYE: Chair Mark Nelson

AYE: Marilyn Crittenden

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Jeff Wade

AYE: Spencer Park

NAY: None.

Meeting adjourned at 8:30 p.m.


MARK NELSON/CHAIRMAN


JOEY D. GRANGER /CLERK/AUDITOR

