

**MINUTES OF THE
WASATCH COUNTY COUNCIL
JUNE 19, 2019**

The Wasatch County Council met in regular session at 3:00 p.m. at the Wasatch County Administration Building, Heber city, Utah and the following business was transacted.

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

EXCUSED: Councilman Kendall Crittenden

OTHERS PRESENT: On list attached to a supplemental file

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Councilwoman Marilyn Crittenden and repeated by everyone.

Chair Danny Goode called the meeting to order at 3:00 p.m. and excused Councilman Kendall Crittenden. Then welcomed those present and then called the first agenda item.

OPEN AND PUBLIC MEETING AFFIDAVIT

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

ADMINISTRATION ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there were any administration issues for future agendas and there was none.

LEGISLATIVE ISSUES FOR FUTURE AGENDAS

Chair Danny Goode asked if there were any legislative issues for future agendas and there was none.

PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE MEETINGS

Chair Danny Goode asked if there was any public comment or public issues for future meetings and there was none.

COUNCIL

DISCUSSION/CONSIDERATION JORDANELLE SPECIAL SERVICE DISTRICT NO PARKING SIGN FOR NORTH VILLAGE.

Ron Phillips, General Manager for the Jordanelle Special Service District, addressed the Wasatch County Council and indicated that the new Jordanelle Special Service District Administration Building is about to be completed. Along the old Highway 40 there is a road going to the new administration building. Fisherman like to park along old Highway 40 to fish the Provo River and this is a request for four no parking signs on each side of that entrance to the Administration Building to be sure to preserve the site line distances and so on so people pulling out of the Administration Building will be able to see oncoming traffic. The signs would have to be up on the shoulder of the road.

Councilman Steve Farrell made a motion that we go ahead and authorize the Wasatch County Attorney to prepare a resolution relating to parking on the old Highway 40 near to the Jordan Special Service District Administration Building. Also authorize Chair Danny Goode to sign the resolution once it is prepared. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

DISCUSSION/CONSIDERATION RESOLUTION 19-09 CERTIFIED DISPATCHERS IN THE PUBLIC SAFETY RETIREMENT SYSTEM.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that the Utah State Legislature authorized this to happen for the dispatchers that they could be put into the public safety retirement fund. Also depending on where they are presently now whether it is Tier One or Tier Two level. Also the previous time that they have earned in the retirement system under the other public employee portion that would be factored back in and that won't be converted straight over but that is factored in for the retirement stuff.

Councilman Mark Nelson made a motion that we approve Resolution 19-09 on coverage for certified dispatchers in the Public Safety Retirement System as was presented and described. Councilwoman Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

COUNCIL TRAINING BY SCOTT SWEAT THE WASATCH COUNTY ATTORNEY

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and then gave training regarding the subject of legislative versus administrative acts of the Wasatch County Council. Scott Sweat indicated that there are three types of actions that the Wasatch County Council can take which are: (1) They can take legislative action (2) They can take administrative action and (3) Quasi-Judicial. Scott Sweat then proceeded to explain each of them and what action the Wasatch County Council can take in each one of those actions. Scott Sweat also indicated that these actions are mostly taken in a land use context because that is where it is seen the most often. Scott Sweat also indicated that a land use authority is a person, a board, commission, agency or a body and can include the Council that makes a decision on a land use application. The Council can designate who that is and that is done in the Wasatch County Code which is adopted by the Wasatch County Council. Also if nobody is designated as the land use authority then the Wasatch County Council is the land use authority.

Scott Sweat also indicated that the next definition is a land use regulation and that is the Wasatch County ordinances or codes. Also can be a fee or a rule or anything that governs the use of the development of land which has been adopted by the Council as a land use regulation and does not include a land use decision.

Scott Sweat then indicated that vesting is defined as an applicant that has submitted a complete land use application and included paying a fee is entitled to a substantive review of the application under the land use regulations that are currently in effect on the date that application comes in. The applicant is vested when a date is given and they have completed an application and they have paid the fee for the application the applicant is vested in the code as it is on that day. Also vesting lasts as long as the applicant is pursuing and proceeding in getting things done with reasonable diligence.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that the check for the fee is not cashed until there is a completed application presented. Also when a project is accepted and the County says that it is complete, the County is not saying that it is correct, the County is saying that the applicant has checked all of the boxes and submitted the soils report, traffic analysis, drainage analysis, all those things. But as they are reviewed a lot of the times things are missing and it takes a review after we deem it complete.

Scott Sweat indicated that there is a pending ordinance doctrine which means that the Council has started the process to change the code before that application came in. The code may not be changed but everybody is on notice that the code is probably going to be changed and then the applicant will be subject to that new code. Scott Sweat also indicated that a Court shall presume that a land use regulation is properly enacted and the process has been gone through right and is valid and can only be determined whether it is expressly pre-empted or was enacted contrary to State or Federal law, or that it is reasonably debatable that the land use regulation is consistent with the State Code.

Scott Sweat indicated that the Public Clamor Document indicates that the public clamor is emotional or basis on opinion on a matter. Other comment is factual information presented by the public which is comment that the Council can look at and say that is right that doesn't apply or that doesn't comport with the code so there is a reason that this shouldn't be approved or maybe it should be approved. That is when the Council is acting as the land use authority. When the Council is acting in the legislative capacity the Public Clamor Doctrine has no application because there you are representing the people, of the people, for the people, by the people and what is said to you as far as what they think the law ought to be that is something that the Council can take into consideration.

Scott Sweat indicated that in summary legislative reasonably debatable standard mostly general welfare versus administrative which is a substantial evidence standard if not when restricted must interpret an implied favor of the applicant. Scott Sweat indicated that he is more than willing to sit down with each member of the Wasatch County Council and go through this training in much more detail and answer any questions that each of the Wasatch County Council Members may have.

The Wasatch County Council asked Scott Sweat to prepare a copy of his Council Training and present that to them for further review. What was presented above is a quick synopsis of what Scott Sweat indicated in the training.

DISCUSSION/CONSIDERATION OF A RESOLUTION RECOGNIZING THE DEVASTATING EFFECTS OF THE OPIOID CRISIS AND IN SUPPORT OF PURSUING LEGAL ACTION AGAINST MANUFACTURES AND DISTRIBUTORS OF OPIOIDS.

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated there is an action against the Opioid Manufacturers distributors along with many of the counties in the State of Utah. As a result of this, one of the things that need to be done in order to pursue that legislative action is to make a finding that opioid use is a public nuisance in Wasatch County. Scott Sweat also indicated that the resolution that is before you is very close to the resolution that was passed by Summit County and several other counties. The resolution just basically goes through and outlines the opioid crisis in Wasatch County.

Councilman Mark Nelson asked if there will be any legal fees that Wasatch County will have to pay for this to go through. Scott Sweat indicated that the only expense that he could see when information is put together on expenses we had or some of the crisis and help that has affected us. It will not be something where we are paying for the legal help. Also this is an action to receive reimbursement for the expenses for treating and managing the opioid crisis that has fallen to the cities and the counties of the nation. Also this resolution has to be passed for us to be successful in the litigation.

Councilman Steve Farrell made a motion that we approve Resolution 19-10 dealing with the legal action against the manufacturing and distribution of opioids. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

**AYE: Chair Danny Goode
AYE: Marilyn Crittenden
AYE: Mark Nelson
AYE: Spencer Park
AYE: Jeff Wade
AYE: Steve Farrell**

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that last night the Midway City Council met and approved the agreement with the Open Land's Board as was written with no changes so that is good to move forward.

Councilman Steve Farrell indicated that with regard to the water meeting with the Central Utah Water that they are going to go through truth and taxation to hold the tax rate at .0004 and wanted to know if the CUP should come to Wasatch County and make a presentation concerning this and Councilman Steve Farrell indicated that Wasatch County would like to have them come. Right now that is scheduled for July 10, 2019 at a work meeting and questions can be asked and taken care of in that meeting.

Councilman Steve Farrell indicated that Ernie Giles, the Wasatch County Fire Chief, has indicated that there needs to be a public hearing held regarding the impact fee study and would like to have that public hearing on July 17, 2019. Also should that be done as a Wasatch County Council or through the fire district? Mike Davis, the Wasatch County Manager, indicated that Wasatch County owes money to the Public Safety Impact fees to pay for certain buildings and there is a deficit in that part of the budget that needs to be made up. If the Fire District instigates their impact fee ours goes away and that deficit can't be made up. After a short discussion was held it was determined that Councilman Steve Farrell, County Chair Danny Goode, Mike Davis, Ernie Giles, and Lewis Young should set up a meeting to discuss the matter and figure out how best to coordinate this. Councilman Spencer Park indicated that most of the fire fees should stay with Wasatch County and be used on brick and mortar projects used by the fire district. The only thing that the fire district can use with impact fees is the purchase of apparatus equipment that is over \$500,000. Councilwoman Marilyn Crittenden indicated that the thing to make sure is that this impact won't cost the residents a lot of money in taxes.

Chair Danny Goode indicated that he received an e-mail from Kate Map which indicated that she made four points of complaint and invited her to come to this meeting. Councilman Mark Nelson indicated that when these types of e-mails are received they shouldn't handle through the core of social media or radio stations but a personal meeting with the individual and not in a Wasatch County Council meeting to try and address those concerns. Councilwoman Marilyn Crittenden indicated that if there is a personal matter to just give the Wasatch County Council a call and handle the matter individually.

Chair Danny Goode indicated that there is an item that needs to be discussed this month in a Wasatch County Council meeting. Would the Wasatch County Council be against have a fourth meeting this month to discuss the matter and not have a meeting on July 3, 2019. A resolution concerning the matter which is the use of Wasatch County property being acceptable. The Wasatch County Council indicated that they would like to have a regular meeting on June 26, 2019.

Chair Danny Goode indicated that in a regular Wasatch County Council regular meeting in July could there be a report on the status of the bypass road with regard to how much property that Wasatch County or Heber City has purchased and show that on a map and all the parcels in-between that we haven't yet purchased. The Wasatch County needs to mitigate and purchase as much of the right-of-way that Wasatch County can and hopefully UDOT follows that path because it is less for UDOT to mitigate along the way. And is the least costly way to proceed and also the path of least resistance for UDOT. Mike Davis, the Wasatch County Manager, indicated that UDOT then would require that and actually reimburse Wasatch County for the properties we have purchased if they end up using that property so that is a little different scenario than what this project started out as with the same result. Chair Danny Goode also indicated that there is a meeting next week just for the team and Councilman Kendall Crittenden and Mike Davis, the Wasatch County Manager and Austin Corry, Assistant Wasatch County Planner are the representatives for Wasatch County concerning the bypass meeting next week with UDOT. After the meeting the draft document copies which have been received will then have the feedback that was received in that meeting and then UDOT will come up with their final report. Then a copy will be received with that information in it.

The next step in the process is the Environmental Study. The Environmental Study is the time to have the quality of life and social justice concerns be put into play with respect to residential homes and areas that are impacted and have those impacts be considered. The environmental impacts are human concerns and not just animals and plants. Now when that environmental impacts are discussed that is when all of the public needs to be there to express their opinions. Wasatch County needs to get that information out when that meeting is to take place so that the public is fully aware of that.

Councilman Mark Nelson indicated that it is important for Wasatch County to establish a position on some of these issues as a Council and submit it as part of the process saying that the Wasatch County Council feels this way about various things during this whole process. Also in this Environmental Study UDOT has to answer all the hard questions that the public have and the Wasatch County Council, as representatives of the public, need to present their hard questions to be answered by UDOT.

Chair Danny Goode indicated that the bypass is coming and just a matter of where the route is going to be and there is nothing but that environmental study that will mitigate those concerns. Mike Davis, the Wasatch County Manager, indicated that there is a corridor identified and this environmental study will now look at that and say will this corridor really work which is the real question. Regardless of where the bypass road is built it has an affect and the study needs to show does this bypass really work or does it not.

Councilwoman Marilyn Crittenden indicated that before a decision is finally made there should be more than one option to be presented. No matter where this bypass road goes, Wasatch County will be changed dramatically and we have a great responsibility that the very best is done to make this County the best that we can. Also, the citizens have made a very loud statement about the desire to protect some open space. Also very concerned about the commercial along this road that will be built which is a very large concern.

Mike Davis, the Wasatch County Manager, indicated that with the comments that you would like to have brought to that meeting next week get your comments to Natalie Foster, the Wasatch County Manager's secretary, so she can put all the comments together in one document to be presented to that meeting next week. That is really important because the UDOT consultants have nothing to do with Wasatch County and very focused on one thing. And the local community comments are vital to these types of things because the public has experiences and understanding of things that will affect Wasatch County.

Ron Crittenden, Heber City Councilman, addressed the Wasatch County Council and indicated that with regard to the UDOT study they are looking at relocating Highway 189 or using it and coming out through like the Hub intersection or just south of that. When you hear that UDOT is looking at all alternatives then to hear that the original way is not being considered. Mike Davis, the Wasatch County Manager, indicated that is right because in one of the meetings that route was no longer there. Councilman Ron Crittenden indicated that the Sorensen property and that whole north end is asking to be annexed into Heber City.

MANAGER'S REPORT

Scott Sweat, the Wasatch County Attorney, addressed the Wasatch County Council and indicated that the Legislature passed House Bill 163 which dealt with and tightened up the question of personal use of public property. The question is finding where that balance is as far as what constitutes personal use of public property. The statute indicated that as long as the employees are complying with our County policy that is fine and if not the individual could be charged with a felony for using public property for personal use. As a result of that, the Wasatch County Attorney's Office, through Assistant Wasatch County Attorney Jon Woodard has prepared a policy that would define what an incidental use is in using public property for personal use so that the individual won't be charged with a felony. There is a great concern with the Wasatch County Employees with regard to this matter so a resolution needs to be passed so the matter will be taken care of and the employees will know how to handle these matters. Councilman Mark Nelson indicated that this is a serious concern and a problem that House Bill 163 has created. Scott Sweat indicated that is why it would be helpful to have a meeting on June 26, 2019 to get this resolution adopted so that employees are covered. The Wasatch County Council indicated that they would like to have a meeting on June 26, 2019 and not have a meeting on July 3, 2019.

Councilman Jeff Wade made a motion to leave our regular agenda and go into Closed Session to discuss property acquisition and litigation. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

**PUBLIC HEARING
JUNE 19, 2019**

NATE REEVE, REPRESENTATIVE FOR A. J. FIRESIDE PARK CITY, L.L.C. IS REQUESTING A PRELIMINARY APPROVAL FOR BENLOCH RANCH, A MASTER PLANNED COMMUNITY. BENLOCH RANCH COMPRISES THE FORMER MASTER PLANNED PROJECTS REFERRED TO AS TALISMAN, HIGHLANDS AT JORDANELLE AND A PORTION OF JACKSON FORK. THE PROPOSAL CONTAINS 2, 345 ACRES AND UP TO 2,046 EQUIVALENT RESIDENTIAL UNITS ERU'S. THE PROPOSAL LOCATED SOUTH OF THE JORDANELLE RESERVOIR AND ON THE SOUTH SIDE OF HIGHWAY 32 WEST AND ADJACENT TO VICTORY RANCH IN SECTIONS 1, 2, 3, 10 AND 11 OF TOWNSHIP 2 AND 3 SOUTH RANGE 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and presented a power point presentation and then indicated that this request is for overall preliminary approval of Benloch Ranch. All three master planned properties have been purchased together and are owned by the applicant. Also the entitlement agreement allows the purchaser of the properties to have the densities approved in the master plans mentioned as long as they comply with the applicable County codes. The entitlement agreement vests the owner under the code in place at the signing of the entitlement agreement for four years. Also along with the number of vested units the entitlement agreement allows for the project to move forward at preliminary approval as long as the land uses, general layout and densities are substantially similar to the previously approved master plans.

Doug Smith then went through the project summary:

Applicant:	Jamie Mackay
Density:	A maximum of 2,046 ERU's +/- 2,150 units
Total Acreage:	2,345 acres.

Open Space: 56 percent open space 1,259 acres.
 Utilities: Sewer and water managed by the JSSD.
 Unit Types: Mixture of single-family lots, attached units, Fireside resort proposal with overnight rental cabins and commercial and retail uses.
 Vesting: Settlement agreement allows a density of up to 2,046 ERU's if in compliance with all required codes.
 Lot Sizes: Detached single-family lot sizes range from a minimum about 1/3 acre up to several acres. Attached and detached condo and town house units are on 80 foot by 80 foot building envelopes that will be recorded as a PUD.

Doug Smith also indicated that under the ERU chart, a hotel suite is .33 of an ERU per unit. If the Wasatch County Council agrees with the staff interpretation of a minimum of a .33 ERU number for each Fireside unit it is only based on the units being used as a short term rental unit and nothing else. If any unit is changed to anything other than short term rental units that are owned in common, then, besides changing the product that was presented for preliminary approval, in staff's estimation, it would fall under the category of "all other residential uses" and each Fireside unit should become 1 ERU.

Doug Smith then went through the breakdown of the density:

1. 532 single family lots (1 ERU each)
2. 1.193 attached either condo or townhouse units (1 ERU each).
3. 178 detached condo/townhouse (1 ERU each)
4. 50,000 square feet of commercial (21.5 ERU's)
5. 250 wheelhouse units. 400 square foot nightly rentals located in the resort base area (+/- .33 of an ERU as determined by the County Council.)
6. Total units 1,903 (if counting the Fireside units 2,153 units) of 2,007 ERU's.
7. Sheet 177 of the latest plan set has a product type shown that does not comply with the latest lot layout. This cannot be part of the approval package.

Doug Smith also indicated that sheet of the latest plan has a product type that does not comply with the latest plot layout and cannot be part of the approval package. Doug Smith also mentioned that the code does not allow units to be on over thirty percent slopes and as a result the lots have been moved out of that area. Also one of the things that will be on all of these sheets say that the landscaping and architecture or representations and conceptual and this is a preliminary approval. Doug Smith also indicated that he doesn't want the applicant to come back at a final and say that those were conceptual because something completely different is being done. That has been represented to me that is not the case that they should be substantially similar and that is one of the conditions. The Fireside units are proposed to be 400 square foot modular that will be on a nightly rental basis. Also the question that was left up to the Wasatch County Planning Commission as a recommendation to the Wasatch County Council is what is required for each one of those 400 square foot units as far as an ERU count, Doug Smith indicated that his recommendation was .33 because I felt it wasn't a typical hotel room and a stand-alone unit and was larger than a typical hotel room or might be larger. It has a kitchen and a bathroom so that is

why the .33 was given. The Planning Commission didn't make a recommendation one way or the other but just sent it to the Wasatch County Council. As a result that will be an item for discussion. There is also a trail system through the project and will be recorded as public easements. Also road cross sections need to be built in accordance with County code. The applicant is also proposing a fire station and an indoor and outdoor storage also and will not be a commercial use but for the use of the residents. That needs to be committed to as part of the Development Agreement. The architecture drawings indicate that they would like to be contemporary on their design with quality materials.

Ryan Taylor from T-O Engineering addressed the Wasatch County Council. A couple of the items here. 1. The two access points are closer than the code would like them to be and that is an exception. 2. The roads do meet our current code with the exception of the areas that were platted as part of the Talisman project.

Doug Smith indicated that the geotechnical engineer submitted a letter and basically saying that from an overall view they are in agreement that the property can be developed and exceptions to retaining walls and those need to be engineered of course.

Doug Smith indicated that a letter was received from Alane Boyd, the Wasatch County water consultant and there are a number of items that need to be addressed before any final approvals and they are basically ERU erosion control and storm water runoff.

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that he has a concern on those private roads and I understand it is a public road but those cul-de-sacs are designed with a local standard. There is no idea what they are going to build on the other side. Also don't know why Wasatch County is concerned because they have an annexation request into Heber City. And as a result the local traffic will flow into the local neighborhoods but the Wasatch County piece is understandable which will be an easement for Wasatch County. And whatever road is approved needs to meet the Wasatch County road standards. The concern is this will be an established road, units built and if there are three hundred units pushing into one of those the road won't handle it. If the road can't be expanded then an unsafe condition is created on those local roads. Wasatch County shouldn't be obligated to connect those into that property. The problem is with the Sorensen Group and not this applicant because this applicant is complying with the Wasatch County Code.

Doug Smith then went through the DRC comments.
Health Department Tracy Richardson comments: JSSD Sewer and Water.

Engineering Reid Wintersteen comments:

1. The two access roads to the development do not meet international Fire Code D107.2. The two access roads are required to be a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the area to be served. A diagonal across the area to be served is roughly 15,000 feet. The access roads are currently 3,100 feet apart and need to be a

minimum of 7,500 feet apart. Preliminary approval of this project will mean the exception of this code.

2. A final overall storm water report meeting 16.27.10.3 requirements will be required prior to final approval. The easements will be required for all piping through lots. Some of the proposed building pads may need to be relocated to provide sufficient width.
3. Additional ridge line analysis will be required for any building in proximity to a ridge line. All lots and building pads will need to comply with ridge line code. This may result in fewer building pads at final.
4. Retaining wall will need to meet current County code and will not be allowed within proposed lots at final.
5. At final all lots will need to have acceptable driveway access meeting fire code requirements. Lots with large cut and fills or other constraints will need to be designed prior to final approval.
6. Trail plan will require updates at final and easements for all trails will be required.
7. Roadway cross sections do not meet County code. Please review Title 14 of the Wasatch County Code for road standards.
8. A final traffic study will be submitted at final, any roadway classification changes may reduce final ERU's.
9. Prior to final approval, UDOT approvals will be required for final design of both access points.
10. Prior to final approval, a phasing plan will need to be submitted.

Fire WCFD comments:

1. Any road in excess of 30 units/1300 feet required approved secondary access.
2. Multiple points of secondary access needed east, west Benloch Ranch Parkway and at least 2 at rear of property.
3. Interconnection to adjoining future and existing development.
4. All roads ten percent or less unless approved.
5. Access to all recreational areas.
6. Dry hydrants must be approved by WCFD and do not count as required fire flow.
7. Show phasing plan prior to final approval.
8. If community is gated it must be approved by WCFD with SOS and keypad.
9. Emergency access as per fire code.
10. UDOT corridor agreement.
11. All other pertinent fire code for access, fire flow, emergency services etc.
12. First review comments are secondary access too close to be approved. Phase 4 in excess of distance allowed from primary and secondary access. Other phases may have additional access issues. Please contact the Fire District to schedule a meeting to discuss.

Water Resources Steve Farrell comments: See attached water action report.

Public Works Brandon Cluff comments: I am wondering if the street lighting is private. I did not see where the lights were called out. I would like to see the spine road more defined on the plans so I have a general idea.

JSSD/Twin Creeks/ North Village Ron Phillips comments: Developer to enter into a development

agreement with District prior to submitting for final approval. The developer is to resolve any design issues identified in upcoming design review letters and in the Will Serve Letter. Prior to first final plat, developer to present to District an overall development sewer master plan and an overall development water master plan and coordinate with the District on those plans until deemed acceptable by the District. The water master plan must address points of connection, storage, pressure zones, transmission lines, booster stations, etc. Also all final plat submittals must be accompanied by an accounting of proposed irrigation for proper determinations of water right and impact fee requirements.

Housing Authority Wasatch County Housing Authority comments: Providing the developer meets the County's fee in lieu requirements on affordable housing, we would have no problem with the development.

Assessor comments: No exclusive/private structures permitted on common area or open space. Proposing up to 1800 parcels, utilizing all current AJ Fireside Park City L.L.C. parcels.

Doug Smith then went through the possible findings:

1. The proposal is a conglomeration of three previous master plans and their associated densities granted by the County.
2. Due to a law suit against the Jordanelle Special Service District and a subsequent settlement agreement the property is vested with 2,046 ERU's.
3. The application, in accordance with the recorded entitlement agreement, is allowed to proceed at the preliminary approval stage if it is determined to be in substantial compliance with the three previously approved master plans.
4. Density is vested as long as the proposal is in compliance with the codes in place at the time of the entitlement agreement.
5. The entitlement agreement vests the proposal under the code in place at the time of the agreement for four years.
6. The proposal is showing that all lots and attached and detached product, other than the Fireside units, are 1 ERU as represented to the County Council on May 9, 2018.
7. The County Council has reviewed the proposal in several work meetings to determine substantial compliance with the previous master plans.

Doug Smith then went through the possible conditions:

1. Determination of the Fireside units and whether they are a minimum of .33 of an ERU per unit or higher.
2. A ridge line analysis done at final on a plat by plat basis and verified by the County prior to any plat recordings.
3. Approvals for encroachment into the UDOT right-of-way.
4. Further approvals include final applications for conditional use and site plan approvals for the Fireside Resort area, storage units, mixed use commercial area and other amenities mentioned in the body of the report and should be substantially similar to the rendered site plans included in the preliminary application. It is worrisome to staff that the plans have a comment that says: "landscape architectural plans shown here within are conceptual in nature. Final plans will need

all Wasatch County regulations.”

5. Bonding for proposed amenities-since the Fireside area is being proposed as a “horizontal hotel” in a resort setting the County feels that the typical amenities provided in a hotel should be provided and a guarantee that these will be built. To that end there has been a discussion that the applicant will provide bonding for necessary infrastructure and timing of those amenities outlined in a development agreement. Necessary infrastructure should include: clubhouse, pool, and resort amenities, i.e. zip line, skeet shooting, trails, grocery/convenience store, etc.

6. Work with the water board for water requirements for ponds and water features that are shown on the site plan to ensure that the proposed rendered site plans can be built.

7. Development agreement language should include, among other things, the following items:

- a. A more detailed final ridge line analysis.
- b. Ownership and use of the Fireside Resort units.
- c. Conditional use and site plan approvals of identified areas in body of report substantially in compliance with renderings.
- d. Trails built by a professional trail builder after inspection by the County and must tie into existing off-site trails.
- e. Construction of a 10 feet asphalt trail along Highway 32 constructed with phase 1.
- f. Construction of off-site connections to existing trails in other developments.
- g. Bonding and timing for required Fireside Resort amenities.
- h. Architecture quality similar to what was provided with the architectural renderings in the applicant’s submittal with additional detail of attached product types.
- i. Affordable housing agreement
- j. Open space easement agreement and ownership.

8. The addition of a stub street into the property to the south of the west cul-de-sac.

9. All final plats with portions over thirty percent slope are required to have a building envelope.

10. Any building envelopes with slopes between 25-30 percent require site specific soils reports with the final application.

11. At final, lots with steep accesses need driveways, designed by the applicant that meet code and are shown to be feasible.

12. Affordable housing fee-in-lieu to be paid prior to recording each plat if approved by the Wasatch County Council.

13. Snow storage areas shown on plats at final approval.

14. There should be restrictions on fencing and language in CC&R’s on pet restrictions following any guidelines of the DWR letter yet to be received.

15. Compliance with DRC report, T-O Engineering dated June 4, 2019, Alane Boyd letter and AGECE letter. With regard to the stub streets, the stub into the north portion of Jackson Fork running parallel with Highway 32.

16. Added condition of easement in favor of Wasatch County from the end of the platted Talisman road to the south property line of the Benloch ownership.

17. Connections of trails to existing trails off-site which may require agreements and off site trail work.

Doug Smith indicated that the motion by the Wasatch County Planning Commission was unanimous to recommend approval to the Wasatch County Council.

Wade Budge, representing the applicant A. J. Fireside Park City, L.L.C., addressed the Wasatch County Council and indicated that with regard to the .33 units for the Fireside Units we will be providing transient tax and hotel tax revenues for Wasatch County. Also because it has a bathroom, a kitchenette that would increase the ERU to .33 and that number strikes the right balance. We agree with the conditions and findings as presented by Doug Smith and will work with Jon Woodard, assistant Wasatch County Council and Mike Davis, the Wasatch County Manager on getting those confirmed in the development agreement. We would like to obtain approval from this body tonight if we can.

Chair Danny Goode then opened the matter up for public comment.

Dave Cummings, representing Jackson Fork, addressed the Wasatch County Council and indicated that he has just got one issue and after meeting with regard to the road there certainly can be something worked out there. Dave indicated that he wanted to make sure that Wasatch County is okay with what we are doing with this new access that it will meet fire code, Wasatch County Code, drainage issues.

Nate Reeve, engineer for the A. J. Fireside Park City, L. L.C. addressed the Wasatch County Council and indicated that with regard to the two stub roads and the origin of those stub roads is when we meet with Ernie Giles, the Fire District Chief, his recommendation was to be able to have two additional accesses to the south for fire protection and that is connecting onto the previously platted Talisman project and the other access was here. His recommendation was to just have a crash gate at that location and stub it. We agree to provide those locations and provide crash gates onto those. Then the Sorensen's easements will extend through that location. We met with David Cummings and looked at his previously engineered project, the Jackson Fork project, and he has a stub road to the south of his project that has master plan approval and that is where we would like to propose and work with Mr. Cummings and provide an access connection for him at that location and that will provide better separation. Currently the Jackson Fork access SR 32 is really close to us and that will provide another location at the rear of his project that will connect the Benloch project.

Chair Danny Goode then closed the public comment period. Chair Danny Goode indicated that there is six Council Members present and absent Councilman Kendall Crittenden so any decision made by the Wasatch County Council will stand are you okay to go forward. Wade Budge, representative for the applicant indicated that they are alright with proceeding with only six members of the Wasatch County Council present.

Councilman Steve Farrell indicated that with seventeen conditions is the Council ready to go forward. Doug Smith indicated that there are some conditions that he is concerned about. For example the ponds and whether they have the water and the ability to do that. Wade Budge, representative for the applicant, indicated that there are some springs on the area and with the help

of a water consultant to go out and obtain enough water for those things to be taken care such as the ponds.

Councilwoman Marilyn Crittenden commented that the applicant is going to build the resort parts with those Fireside things but the other area you are selling off to other developers. Wade Budge indicated that they may build those as well but correct we will be selling some of those development pods to other developers. Also the development agreement will accommodate both scenarios but the key component is that anyone that comes into Benloch as to understand what the set of the conditions and expectations as set forth in this meeting and in the approval that we hope to obtain.

Chair Danny Goode asked Doug Smith if the number of conditions could be taken care of if there were some more meetings with the applicant over the next few weeks. Doug Smith indicated that a lot of them is because of the nature of the project. The number of conditions are in there so that all these things need to be satisfied before we have a development recorded. A lot of these conditions are to be done at final approval. Also with the locations of the road that they have shown comply with our UDOT agreement so there shouldn't be an issue with UDOT.

Councilman Spencer Park was concerned about the assurance that the Council will have that the Fireside units don't become monthly rentals because we need to be assured that Wasatch County will continue to receive transient room tax and don't become nightly rentals. Wade Budge indicated that there will only be one owner so the units can't be owned individually and the stay will be limited that no longer than thirty days stays and that will be in the Development Agreement. The final thing is that we are going to obligate that the transient room tax be collected on all of those units. Doug Smith indicated that is why there will be bonding for the amenities.

Councilwoman Marilyn Crittenden is concerned about the architecture too and being able to stay with that high quality of building materials and it would help if something was written confirming that would stay this high quality that is being proposed. Jamie Mackay, the owner of the proposed development, addressed the Wasatch County Council and indicated that with regard to the materials and architecture that will always be what is being proposed because Jamie indicated that he doesn't like anything cheap or substandard whatsoever. Also will verify that the materials will be real stone and real wood. Doug Smith indicated that if the developer is willing to sell that out that it is going to be real stone and real wood those types of things and that can be put in the development agreement. Wade Budge indicated that would be fine with the applicant to put that in the development agreement and will be described sufficiently there.

Councilman Steve Farrell indicated that he just has one question with regard to there being enough water for the project especially when the water in the ponds are included in their available water. Nate Reeve, the engineer for the project, indicated that they have been working with Ron Phillips, the General Manager of the Jordanelle Special Service District with regard to having sufficient water for the project and ponds. Also what water we are graphically showing on the preliminary plan does coincide with the amount of acre feet of water that we do have. With regard to evaporation of water the ponds will be lined so there is not a percolation loss from there. Also

with regard to the conditions that everything we can do to meet those conditions at a preliminary level will be taken care of and feel like we have met those conditions at the preliminary level.

Ron Phillips, the General Manager of the Jordanelle Special Service District, addressed the Wasatch County Council and indicated that if the preliminary approval is approved then we go into more detail and examination and preparation for a development agreement with the Jordanelle Special Service District with regard to water before a Will Serve Letter will be issued with the final water numbers on it. Councilman Steve Farrell indicated that the Council doesn't want to give preliminary approval for something that may not be able to be moved forward. Nate Reeve, the engineer for the project, indicated that Jamie Mackay if needed to have a condition that states that ERU's the number of residential ERU's would be reduced to be able to accommodate the landscaping and the ponds with the amount of water that would be available. Doug Smith indicated that before we record the development agreement and they come back in for final that the matter goes to the water board and there is an ERU number that can be determined with the ponds and in the development agreement state that without any additional water you can do this many ERU's until you get additional water with the ponds. Mike Davis, the Wasatch County Manager, indicated that if they are inclined to improve it with the maximum use of the acre feet of water that is proven and that is it and they can adjust that a little bit with their ERU's and units and the ponds but approved with the maximum use of that acre feet of water that they have. The condition is that they cannot use more water than what they have. Nate Reeve, the engineer, indicated that they would concur with that. Doug Smith also indicated that if the matter is moved forward that a condition be put in with regard to the materials and what they have represented with regard to those materials being used. Ron Phillips, the General Manager of the Jordanelle Special Service District, indicated that he is not uncomfortable in moving forward under these circumstances and am not encouraging a delay to this matter.

Councilman Spencer Park made a motion that we grant preliminary approval for Benloch Ranch, a master planned community, with the seventeen conditions and findings with an additional finding that the development does not exceed the seventeen hundred and ninety point one acre feet of water with the ponds provided as shown unless they find additional water or the ERU number will be reduced accordingly to not exceed that. Would also like to add a condition that the finishes in the development be required to be as presented in the document as provided with the description of the materials as provided and prohibited on the list. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

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

Councilwoman Marilyn made a motion to adjourn. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Chair Danny Goode

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

NAY: None.

The meeting adjourned at 8:00 p.m.


DANNY GOODE / CHAIRMAN


CALVIN L. GRIFFITHS CLERK/AUDITOR