

**MINUTES OF THE
WASATCH COUNTY COUNCIL
APRIL 15, 2020**

The Wasatch County Council met in regular session electronically at 3:00 p.m. at the Wasatch County Administration Building, Heber City, Utah 84032 and the following business was transacted.

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

OTHERS PRESENT: No one present except Wendy McKnight from the Wasatch County Clerk/Auditor Office running the electronics because of the Covid-19 Virus problem.

PRAYER: Councilwoman Marilyn Crittenden

PLEDGE OF ALLEGIANCE: Led by Councilman Mark Nelson and repeated electronically by the Wasatch County Council.

Chair Danny Goode called the meeting to order at 3:00 p.m. electronically and indicated that no public is present in the Wasatch County Council room because of the Covid-19 Virus Problem 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.

ADMINISTRATIVE ISSUES FOR FUTURE AGENDAS

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

LEGISLATIVE ISSUES FOR FUTURE AGENDAS

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

PUBLIC COMMENT AND PUBLIC ISSUES FOR FUTURE AGENDAS

Chair Danny Goode indicated that if someone in the public has a comment please send your public comment to publiccomment@wasatch.ut.gov which is always open and will be using that later when we hear our public hearings.

APPROVAL OF THE MINUTES FOR APRIL 1, 2020

Councilman Kendall Crittenden indicated he read through the minutes and didn't see any corrections so I would make a motion that we approve the minutes from our April 1, 2020 meeting. Councilman Spencer Park seconded that motion and the motion carries with the following vote:

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Chair Danny Goode

AYE: Kendall Crittenden

NAY: None.

COUNCIL

UPDATE WASATCH COUNTY HEALTH DEPARTMENT

Randall Probst, the Wasatch County Health Department Director, addressed the Wasatch County Council electronically and indicated that the extended order went into effect yesterday which is an extension of the existing order through the first of May. Also today the Governor of the State of Utah extended to the first of May his order for the State of Utah. For the last two days shows no new positive findings for Covid-19 for Wasatch County. Also the curve has not been squashed yet but pretty well have started to flatten the curve. Also we always look ahead to two week intervals because the incubation period for the virus is anywhere from two to fourteen days from the time of exposure. Also there is a drive through testing that is being done at the Wasatch County Event's Center which you have to start to do it on the web and fill out a questionnaire and get a code and

there is no charge for that. With regard to the Insta-Care I am not sure if there is a charge or not. Also the more testing that is done helps us see how things are going out in the public and to help identify the people who are testing positive. Also if you feel like you have one of the symptoms please go and get tested. There are three new symptoms listed now which are aches, sore throat, decrease of sense of taste or smell along with the fever, cough, and shortness of breath. Testing helps us get a better sense to see the ratio of the positives to negatives are continuing along so we can really see that we are catching people that are positive and helps us to isolate the quarantine down and the contacts around them. As of yet we haven't overburdened our local hospitals or anywhere in the State of Utah yet which is part of the goal in keeping things flat.

Dustin Grabau, the Assistant County Manager, addressed the Wasatch County Council and indicated that there was a public comment that just came in and the question is from Jewel Maeda which says "please comment on plans to make Covid-19 antibody testing available. This test of immunity is important to have previously had symptoms and are now well. If immunity is conformed these people could safely act as care givers or donate plasma. Do you plan to offer the antibody test and if so when? Thank you."

Randall Probst, the Health Director, indicated that certainly if it is available that will become part of the tenure. As of now there is only one that has been approved by the FDA and still being evaluated. Often plasma is drawn from recovered patients but the challenge is when that can be done safely when the antibodies are sufficient to do good and how long do they last.

Dustin Grabau indicated that he has not received any other public comment or questions. Mike Davis, the Wasatch County Manager, indicated that he has no further public comment or questions.

Randall Probst also indicated that with extending the order there also was the need to start a plan on how we are going to eventually come back out with the economy and do it appropriately and make sure it is not too soon. There has been discussions with various businesses regarding this recovery to do it right and be able to work together such as seeing what kind of protective equipment will be needed long term, also what kind of cleaning and sanitation type of things that will help businesses receive customers.

Chair Danny Goode indicated that there are a bunch of rumors that is going out and there is a rumor control which is nationwide and a [fema.gov/coronavirus](https://www.fema.gov/coronavirus) has been set up so that people can ask questions that are going around nationwide.

Councilman Mark Nelson indicated that there have been many discussions and a lot of effort is being spent to make sure that we can get back to business as fast as we can. More will be heard regarding that subject in the next two weeks. We are very sensitive to the fact that we have to get businesses open again and do it as fast as possible. Also the people in Wasatch County that is guiding us through this understands that and making sure that we move in that direction as fast as we can. Business owners should get in touch with the Chamber because people there are working toward this end and you do not need to be a member of the Chamber.

Councilwoman Marilyn Crittenden indicated that a lot of health professionals are hurting with their business because people are afraid to go to a doctor because of this corona virus problem. Randall Probst indicated that we certainly don't want anybody not going to see a doctor who is sick or has a health problem so we would hope that people would still go for those types of reasons. The big thing is that people need to feel comfortable again.

ORDINANCE 20-01-AMENDMENT TO TITLE 16 TO CREATE STANDARDS FOR RECREATIONAL RESORT PARKS WHICH INCLUDE RECREATIONAL VEHICLES, SMALL CABINS AND GLAMPING.

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that this is an ordinance to create a standard for recreational resort parks. There was a discussion about the ERU counts and the Fire District had some concerns about using ERU's versus a term that was used in the code was resort units. Also the ordinance that you had in front of you a couple of months ago is still the ordinance that is in front of the Council today. There was a discussion with everyone involved and after that the language still remained the same. The wording in the ordinance indicated that once you exceeded thirty resort units or more, roads greater than thirteen hundred feet in length you were required to have a second point of access. This was the issue that the Fire District had. The units was the main crux that caused the continuance. Since the last presentation the first question is whether or not the density restrictions that are in the code right now are acceptable. The next question is with regard to the allowance for care taker units and the question is whether to just have one care taker for the property or does the language need to be opened up to allow for more than one care taker. Also the concern that I have from a planning standpoint is possibly this could create a high density residential zone. Also there is a deed restriction that is required to be recorded on them and that would prevent them from being used as rental properties. Councilman Steve Farrell indicated that possibly it could be limited to the number of spaces like one care taker for fifty spaces. The larger the park the more need there would be for more caretakers. The only other question is that we have is the open space and quite a bit of open space is required in these. The question is we want to understand what will be used to calculate open space and what would be excluded from being called open space such as open spaces between units. Councilman Steve Farrell indicated in his opinion that should not be counted as open space.

Austin Corry indicated that possibly we can meet while other matters are being handled by the Council and lets' try and get this wrapped up tonight. Paul Berg was okay with doing that so the matter could be done. All the Council was okay with doing that.

Paul Berg, from Berg Engineering representing the applicant, addressed the Wasatch County Council and indicated that the language has been left as units as recommended by the Fire Department after a discussion was held. Also would like the Council to approve this ordinance with the recommendation for thirty resort units not ERU's as recommended by the Fire Department. Also the caretaker units cannot be sold and are not on their own lot and owned by the resort and part of the project. They are not being created for sale but owned by the resort. Paul

Berg also indicated that it might be better to call these care taker dwellings in calling them employee housing and allow so many of employee housing units per RV spaces. Would this be something that would be approved through the master plan approval or ask for more employee housing every time we get a new building permit for a caretaker or employee housing.

After some more additional time was taken regarding this matter a resolution has been obtained which consists of the following.

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that a couple of adjustments were made. The first one is on line 76 and that used to mention the minimum landscape distance between RV spaces and that has been changed to resort units and the number didn't change or anything but that gave basically a ten foot buffer distance which addresses open space also. The big item was the employee housing now and what has been added is that underneath the management paragraph that was already there that gave the allowance for it and it says if the recreational resort park provides onsite employee housing the units shall meet the following requirements: These three categories and just basically went over to the caretaker section and grabbed the things that was felt pertinent and then tweaked them for the language here. It says that the employee housing units shall be for single family housing only and shall not be rented, leased, sold or separated from the entire property. A deed restriction shall be filed by the applicant on a form provided by Wasatch County that prohibits the rental, sale, condominiumization, subdivision or separation of the employee housing unit as a separate parcel of property. The other criteria would be the parking has to be handled in according with 16.33 which is the parking section. They can't use off street parking on a public road to meet the required parking counts for that. The last would be no more than one employee housing unit may be permitted, however, during the Master Plan approval process the legislative body may grant an exception for additional employee housing units based on the study provided by the applicant, demonstrating the need for additional employee housing units for the successful operation of the recreational resort park. The study that would be provided by the applicant would give something for the Council to actually base a finding so that doesn't seem to be an arbitrary thing that the Council can just decide it if they feel that it is right or not but have an actual study in front of them that they are going to base that decision on.

Austin Corry then indicated that the only other tweak that was made is further down and this is the recreational amenities and common play area section. This is where the open space requirement is talked about and we added this section that a ten foot landscape area around each resort unit shall be provided and that shall not be considered as providing the required non-developed open space described above. This was just applied to the glamping language as well. The landscape would have to follow under our 16.04 is our definition section of the code and it wouldn't necessarily have to be grass but it would have to be something that is manicured and taken care of and irrigation would be necessary. Paul Berg, representing the applicant, indicated that this is for the RV pad not the glamping and don't want to have an irrigated area around the glamping space. The intent of this was to say that ten feet around the glamping unit or RV is not counted as open space. Austin Corry indicated that would be determined through the water board and the development review process what the landscape area has to be but the idea is that it is something manicured. Also Jon

Woodard, the Assistant Wasatch County Attorney, has looked at these different tweaks and feels okay with them and so staff is comfortable where it is at.

Councilman Kendall Crittenden made a motion that we approve the amendments to Title 16 to create standards for recreational resort parks which include recreational vehicles, small cabins and glamping when listed as permitted or conditional uses with the changes that have been added and discussed in today's meeting and all other conditions and findings that are there which is Ordinance 20-01. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Danny Goode

AYE: Kendall Crittenden

NAY: None.

DISCUSSION AND POTENTIAL ACTION ON IMPLEMENTATION OF THE ZERMATT PLAT F FINAL JUDGMENT INCLUDING CHANGING OWNERS OF UNITS IN CERTAIN COUNTY TAX RECORDS, TRANSFERRING PAYMENTS MADE, AND ADJUSTING ASSESSMENTS FOR 2018 AND 2019 FOR CERTAIN UNITS.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that right at the end of last year Judge Brown issued an order on the Zermatt Plat F which clarified the ownership. Most of the records match what the Judge has said but a few, however, that were different. After looking into the matter further with properties being affected a plan was developed in moving the payment history of the different units from the one that we had a track with to the one that was the Judgment. If someone was shown on our records as owning Unit 207 but the Court said no you own 107 the payment history would be moved from 207 to 107 so that person would be making the payments toward 207 would get the benefits under 107. We were able to switch things around so that this made sense from unit to unit considering the Judgment. Also what has changed from what we presented last time is that we found that there was a slight difference between some of the units such as some had kitchenettes and some of them did not and that made an evaluation difference. As a result of that it was made that those that overpaid as result of paying toward a valuation that had a kitchenette and then the Court said that you have got a unit without a kitchenette that was made so that they get a credit for that towards their due taxes and that can be applied to future years. Also they could come and indicate that they would like a check for this amount and that would be done. For the people that were in the other direction where they were being assessed for a unit without a kitchenette and the Court said that you have got a unit with a kitchenette so they were being either paying or under assessed which

made it so we are going to abate that additional amount which is a fairly limited number of units. In total we are looking at under \$5,000 that is being abated total and similarly credits for under \$5,000 total so for any given unit you are looking at under \$400 that are being adjusted either way.

Jon Woodard indicated that we did hear back from of the property owners to make sure that they didn't see any concerns and have no concerns raised and am comfortable with this way in moving forward. The property owners that are affected by this would like this being resolved in our system because it has been causing some confusion for some people.

Councilman Steve Farrell indicated that if there is no questions on this I would make a motion we approve Resolution 20-05 amending and adjusting certain tax records on Zermatt Plat F properties as outlined in the Court Order. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Chair Danny Goode

AYE: Kendall Crittenden

NAY: None.

COUNCIL/BOARD REPORTS

Councilman Steve Farrell indicated that with regard to the tax committee we have been requested to look into the Zermatt delinquent tax matter and the agreement is still out there. Zermatt has replied back and asked for clarification on that and why Wasatch County wouldn't do it. Scott Sweat, the Wasatch County Attorney, has sent them a letter and Zermatt has answered some of the concerns. As a result of that a payment proposal was presented. The payment proposal looks like it would work but the problem is that it does not include any interest for the unpaid balance that has been owed. Also if an agreement could be reached where they would pay interest just like this was a loan for the five years Wasatch County could probably make it work. A discussion was held between the Council Members and it was determined that the main concern is that all the others businesses in Wasatch County should be given the same opportunity and show fair treatment to all the businesses in Wasatch County if there is a problem with their tax situation. Councilman Steve Farrell asked if the Council if they felt like Wasatch County should continue to negotiate with Zermatt. Councilman Mark Nelson indicated that since the tax sale has been postponed until June or even might be postponed a lot longer and with that situation occurring it lends a little more credence to the idea that Wasatch County should keep talking to them and see if some solution couldn't be worked out. Councilman Kendall Crittenden indicated that he would like to work with them. Councilman Steve Farrell indicated that he would be willing to work with them if we treat

it that they pay interest on the unpaid balance as if it were a loan and that way we could show that there might be some benefit to the other taxpayers in Wasatch County. In essence Wasatch County would be giving them an interest free loan and also have interest paid on the unpaid balance. Also to use the interest rate set by the legislature. Danny Goode indicated that he would agree to something like that. Councilman Spencer Park indicated that he liked the idea of the interest rate and also to keep the same lien on the property if a payment is missed and also take into consideration the problem that the virus problem has caused to businesses. The Wasatch County Council indicated that Scott Sweat, the Wasatch County Attorney; Jon Woodard, the Assistant Wasatch County Attorney; Councilwoman Marilyn Crittenden, Councilman Mark Nelson and Councilman Steve Farrell to sit down and work with Zermatt and see if some solution could be worked out before May 6, 2020.

Councilman Steve Farrell indicated that an open space meeting was held Monday night and would like the Wasatch County Council's permission to go ahead and work with David Robinson, the financial advisor, and lay out the frame work on what will have to be done with regard to the bonding. There is one project that is getting close and if there isn't something ready to go we may lose some of the other funding. We need to do an RFP to see what it takes and what interest there is in the bonds and then have everything ready and come back to the Council before anything was issued. Also payments may need to be given to the Financial Advisor and that can be taken out of the bond proceeds after the bond is issued. The Council is the one that is going to have to make the determination when it is issued and how it is issued. The Wasatch County Council felt good about what Councilman Steve Farrell indicated. Also Mike Davis, the Wasatch County Manager, indicated that where it is a County wide bond so no problems should arise.

Councilman Kendall Crittenden indicated that with regard to the transit study the transit study final draft is now available. There is a transit study advisory meeting scheduled for tomorrow over at the Events Center but that meeting has been canceled. Also all the meetings that were scheduled regarding the transit matter has been canceled and if some of the meetings will be held electronically I will let everyone know. Also you can go to the LSC website that has been used and the final draft and information can be found on that website. Next Tuesday at 3:00 p.m. a meeting is scheduled with UDOT regarding moving forward with the EIS. Dustin Grabau, the Assistant General Manager, indicated that meeting is going to be done remotely and that meeting is scheduled to go forward.

Councilman Kendall Crittenden indicated that there was a CBDG meeting yesterday regarding the CBDG funds. It was reported that in addition to those regular CBDG grant funds but the Federal Government has some funds that is being labeled CBD COVID-19 Recovery Grants and they are in three different categories. Also these funds come through HUD which is the CBDG program that is part of HUD. The amount of funds that is available in Wasatch County and Summit County is \$3.2 million and another one that could come down that is \$4.6 million and a third one is a total of \$36,000.00 which makes about \$8 million that could come down. According to the formula that is being used MAG gets \$434,481.00 of that and that money is to be used in Wasatch and Summit County. As a result of that there is a meeting next Tuesday at 5:00 p.m. with the CBDG rating and ranking committee in discussing how this money can be used in Wasatch and Summit Counties.

Also that has nothing to do with Utah County because they got an entitlement. Also this could be a quick turnaround for spending that money to be used in the three different categories and that money has to be used for COVID-19 related expenses.

Councilwoman Marilyn Crittenden indicated that she is just supporting that open space that is being done. Also indicated that she got an RPO meeting invite but didn't know what that was. Councilman Kendall Crittenden indicated that RPO is part of MAG and there is an RPO group and RPO stands for Rural Planning Organization.

Councilman Mark Nelson indicated that yesterday in the JSSD Board Meeting we talked about the 10 percent rule regarding giving the local contractors the job if they were within 10 percent of the low bid. Also I met with Max Covey, the Interim General Manager, of the Jordanelle Special Service District and Max indicated that he is trying to do some more research on his end but is not comfortable with what was talked about in that JSSD Board Meeting yesterday which is applying the County's local bidding rule to the JSSD. Chair Danny Goode indicated that the legal team is also looking into such a rule to see if there is any legal problems regarding that taking place.

Chair Danny Goode congratulated Councilman Steve Farrell's appointment to the MIDA Board by the Governor.

MANAGER'S REPORT

COVID-19 RECOVERY PROCESS

Mike Davis, the Wasatch County Manager, addressed the Wasatch County Council and indicated that this morning he met with Summit and Salt Lake County in an effort to start the process of coordinating our turning on the dimmer switch as that is what it has been referred to bringing the economy back up and coming out of the COVID-19 virus situation. The counties need to work together so there is no undue pressure on any one county by having one county to do it and not another. The meeting had a lot of positive feedback by having the counties work together to try and help the economy recover by joining together in getting these businesses back operating. Also Mike Davis indicated that he has not spoken with Utah County in a long time and are on a different wave length right now. Also different requirements for businesses to be opened such as requiring masks, ways to cleanse the area, social distancing and those types of requirements. Different counties have different issues that they have to face. Just remember that Wasatch County gets to do what we want so don't forget that part. Councilman Spencer Park indicated that we really need to push to get this economy moving again.

CLOSED SESSION

The Wasatch County Council and Staff indicated that there was no need to hold a closed session this evening.

Councilman Spencer Park made a motion to take a break before the Public Hearings start at 6:00 p.m. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

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

NAY: None.

The record should indicate that the time is now 6:00 p.m. and we will proceed with our public hearings that are scheduled for this evening.

**PUBLIC HEARING
APRIL 15, 2020**

REDUS PARK CITY, L.L.C. REQUESTS MASTER PLAN, PHYSICAL CONSTRAINTS AND DENSITY DETERMINATION FOR A JORDANELLE COMMERCE PARK, A PROJECT CONSISTING OF 16 RESIDENTIAL LOTS NORTH OF ALPINE AVENUE AND NEIGHBORHOOD COMMERCIAL UP TO 53,500 SQUARE FEET SOUTH OF ALPINE AVENUE NEAR THE EXISTING FIRE STATION IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 4 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA JSPA.

Staff:

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that the Jordanelle Commerce Park was originally included in a proposal in the early 2000's by United Park City Mines that included this development as well as the Star Harbor Estates and Fox Bay condominium developments. Those proposals went forward and have been finalized but the portion of that proposal has since expired. The rezone matter that was handled was to bring this property into the JSPA and previously part of a three page proposal that Star Harbor and Fox Bay condominiums a large number of years ago and that never went through. We got the final approvals but this particular piece of property never got the final approvals. In the meantime the JSPA was created and so they had to annex into the JSPA and get some things. What was given to them residential single family area north of Alpine Avenue and a neighborhood commercial area to the south. Now the applicant is proceeding forward with the Master Plan approval to make that

a little bit bigger. Part of the Master Plan is to identify constraints on the property and make sure that the ERU's that are associated in the JSPA Handbook that talks about the target density as a general idea of the number of ERU's that Wasatch County felt was appropriate for a project. As they come through the constraints analysis and the master planning process is where the actual density determination is being made so that is what is in front of you as a Council is determining whether or not the 39 ERU's that is in the JSPA and what the applicant is requesting is the full 39.

Austin Corry went through a power point presentation. Austin Corry then indicated that the Planning Commission debated quite a bit about the open space dedications that were being made in order to satisfy the code requirement. In the JSPA a development has to dedicate twenty percent of the cite to open space and of that twenty percent, ten percent of that has to be useable for recreational type purposes in a less than ten percent slope. The applicant was able to meet the ten percent requirement pretty easily but they weren't quite at the twenty percent. The proposal that went in front of the Planning Commission was that the developer was proposing to dedicate this three acre site that is off to the right there which would be well in excess of what their two acre requirement would be and also do about an acre's worth which is the public trail that runs along the back side of those homes as meeting their open space which was debated quite a bit by the Planning Commission and were very careful in the recommendation that they made to the Council. A lot of the discussion was the quality of the open space.

Austin Corry then indicated that since this time the plans have been modified. Now the developer has made some changes to the open space area. The lot lines of the residential areas back and brought that open space area from what was one acre up to 1.75 acres. Then they have a potential detention pond that is on the southeast corner there on the south side of Alpine Avenue that is about a quarter of an acre. What they have done actually meets the County's code requirements. In the project area it looks like they have satisfied those. The lots on the far west end is now being negotiated for a site with Dominion Energy to become a utility parcel that would house a station there and by losing that lot they go down to fifteen single family lots and the developer is asking that the commercial square footage be raised up to 55,000 square feet instead of the 53,000 sf that is in the proposal and take it up to 55,000 sf to use that extra ERU. The request before you is to still use the 39 ERU's but increasing commercial and decreasing the single family. Austin then went through architectural renderings.

Austin then went through the DRC comments.

JORDANELLE comments: The developer should carefully review the recently provided feasibility letter which outlines District requirements and procedures for progressing through the plan approval process. Development should address/respond to items outlined in the letter prior to or as part of the next stage of County review.

COUNTY MANAGER comments: Concerned about entrance to the Jordanelle Parkway. Applicant will have to prove that will work with build out traffic on Parkway and may want to show outlet to Southeast.

PLANNING comments: Preliminary plans will need to verify that the parkway meets the required cross-section including the trail.

PUBLIC WORKS comments: if the road through the residential area is public? The roundabout planter needs to be eliminated. This one shows it and one does not show it. Agreement needs to be change that the roads will be private roads needs to be shown as private on the plat.

RECORDER comments: Jordanelle Commerce Park, Deer Valley, Utah. You are joking about the location, right? Cul-de-sac needs road name. Jordanelle Commerce Park, Deer Valley, Utah. You are joking about the location right. I believe that Deer Valley is in Park City.

WEED DEPARTMENT comments: You will need a weed plan and a cash bond.

Austin Corry indicated that the Planning Commission forwarded this to the County with a unanimous vote in favor but did add some additional conditions. Those relate primarily to that open space that I talked about previously.

Austin Corry then through the proposed findings:

1. The density being proposed is consistent with the guidelines for approval found in the JSPA Plan Book.
2. Additional information will be required at preliminary to refine the plans to continue to demonstrate compliance with the intent of the JSPA and other aspects of the Wasatch County Code.
3. The affordable housing requirement has already been completed through the Fox Bay condominium project as noted in an agreement recorded on July 16, 2001.
4. Master Plan approval does not grant a variance from County Code standards considering many items cannot be determined at the level of detail provided with the Master Plan submittal.
5. The proposed development complies with the product types required within each respective land use areas.
6. The Development Review Committee has reviewed the project and provided a favorable recommendation.
7. Because of previous approvals and unique open space situation the option using non-contiguous open space should be considered. This is kind of moot now since that has been resolved on site but that was the finding that the Planning Commission put in there.

Austin then went through the proposed conditions:

1. Density is granted under the condition that all other aspects of the code will be met as plans are refined at preliminary and final. Any code conflicts may require the density to be reduced if plans cannot be compliant under the density granted. This includes but is not limited to items such as parking lot coverage, building height, storm water detention previously unidentified constraints, etc.
2. All issues raised by the DRC, as noted in the DRC report dated 11 February 2020 shall be

resolved to the satisfaction of the applicable review department during additional reviews.

3. Parking will need to be verified at each stage of the approval process. Final approvals should not be granted without having parking in compliance with the intended end user or addressed on the development agreement.

4. The shared access agreement with the property to the south should be determined and worked out in a development agreement during the preliminary application process.

5. Proposed open space dedications should be made in compliance with Wasatch County Code 16.21.06.

6. The approval will need to proceed with reasonable diligence and in accordance with Wasatch County Code 16.01.16 regarding application and approval expirations.

7. All aspects of the design handbook will need to be compiled and demonstrated at future applications.

8. The commercial piece parking will be determined prior to construction.

9. A determination from the County Council will need to be made if the non-contiguous open space is to be considered as contiguous considering the extenuating circumstances surrounding the previous JBOZ approvals.

10. Details regarding the maintenance of the open space will need to be accommodated in the Development Agreement.

11. A better plan for snow storage will need to be submitted at Preliminary.

Council Comments:

Councilman Steve Farrell indicated that possibly Condition No. 9 would be removed as well as Condition No. 7 as well. Austin Corry mentioned that they could be eliminated.

Chair Danny Goode asked about the snow storage plan who will do that. Austin Corry indicated that snow storage will be determined through the Engineering Department and Public Works. Councilman Steve Farrell indicated that should be changed from a better plan to an acceptable plan.

Mike Davis, the Wasatch County Manager, asked about the parcel of ground that was a building lot that is now going to be a Dominion Energy lot. Is that being donated to Dominion Energy? Austin Corry indicated that he doesn't know the details of that. Mike Davis also indicated that if that is not being donated why more density should be given? Austin Corry indicated that is up to the Council to determine. Mike Davis indicated that they get to sell the lot to Dominion Energy plus they receive more density potentially. Councilman Steve Farrell indicated that they are requesting 2,000 more square feet of additional commercial space because of that lot. Mike Davis indicated that his other question is on the road regarding the lot widths as to whether those roads would be County roads or not and my suggestion would be that, that determination not be made that it is or is not a County road at this time but rather do that in the preliminary process so that we can see what actually being proposed for lot widths and road profiles. Austin Corry indicated that was the intent and just have to satisfy the DRC concerns with the roads

Councilman Steve Farrell asked on that second access where they are going to share the access with the parcel on the south is that going to be a crash gate for emergency purposes or is that going to be a full access onto the Jordanelle Parkway? Austin Corry indicated that when that was discussed with the DRC they talked about crash gating it and I believe the thought right now that it would be a full access serving the parking area there. Mike Davis indicated that having those two accesses close maybe a problem with regard to the heavy flow of traffic, line of sight, and the crossing of four lanes to make a turn to the south would make a dangerously situation. Mike Davis further indicated that he didn't think any of that was actually resolved.

Councilman Steve Farrell asked what is the status of the three acre non-contiguous piece of land then associated with this. Does it have any density rights? Austin Corry indicated that it doesn't. It is a remnant parcel that was left over from the previous development of Star Harbor. Mostly just a hillside and a portion of Old Keetley Road.

Councilman Mark Nelson indicated isn't that a good thing for the County to encourage commercial development in that area especially neighborhood commercial.

Applicant:

Doug Oglivy, representing the applicant, indicated that the roads was discussed with the County Engineer and with the fire department and both were agreeable to that being a right in and right out shared access to the property to the south. Also the grades doesn't work in bringing it out on the other corner across from the road from that loop that goes around through the home lots the grade doesn't work there. The purpose of the Master Plan and Density Determination is to figure out an acceptable level of density that the County can accommodated on the site. The plan can accommodate 15 single family lots, required open space, utilities, commercial center with 55,000 square feet quite comfortably on the site, subject to reviewing the parking as the commercial comes forward. Also there is an acceptable solution for the continued open space. The Wasatch County Council needs to make a determination that the 39 ERU's do fit on the site and it is an acceptable general plan which is the purpose of this exercise. Also I represent the Bank that foreclosed this, so our intent is to sell it. We will end up platting it and selling the residential to one party and selling the commercial to another party. We are not under contract on any of it at this point. The commercial would be subject to the conditional use permits going through the JSPA Planning Commission. Also this hasn't been annexed into the MIDA tax increment area to this point. Mike Davis indicated that whether that could be annexed in or not is a future question. Doug Ogilvy indicated that it would be better if this wasn't annexed.

Public Comment:

Chair Danny Goode then opened the meeting up for public comment and inquired if anybody had dialed in electronically with any public comment. Also public comment can be sent to **publiccomment@wasatch.ut.gov** and please put which item the comment is regarding and put your name and if you are a resident of Wasatch County or of a municipality within Wasatch County. There doesn't seem to be any at this moment. Also the comments will come to Dustin

Grabau, the Assistant General Manager, Chair Danny Goode and Don Wood, the IT Director. The public comments that are received will be sent to the Wasatch County Council members. The final thing is that we won't be able to vote today pending more public comments coming in and leave the public comment period to the next regular meeting and then the public comment period could be closed at that meeting which would give the Council sufficient time to review the public comments and then make a decision. Councilman Mark Nelson indicated that possibly in the future there has got to be a technology way to let the public make their comments virtually in real time so things can be moved on more expeditiously and be able to vote on a matter while it is fresh on everyone's mind. A further discussion was had concerning this matter.

Councilman Kendall Crittenden made a motion that we continue this item until May 6, 2020 and leave public comment on this item open until May 5, 2020 at 5:00. P.m. which is business hours at that time the public comment will close. Between now and then the public can make comments at the website publiccomment@wasatch.ut.com. Then this item will be continued and bring it up again for discussion and action on May 6, 2020 our regular Council meeting at 3:00 p.m. Councilman Steve Farrell seconded that motion and the motion carries with the following vote:

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

NAY: None.

**PUBLIC HEARING
APRIL 15, 2020**

VR ACQUISITIONS, L.L.C., REQUESTS OVERALL PRELIMINARY APPROVAL FOR VICTORY RANCH PLAT N-2 A PROPOSED THREE LOT RESIDENTIAL SUBDIVISION ACCESSED FROM MOON LIGHT DRIVE WITHIN THE VICTORY RANCH DEVELOPMENT LOCATED IN SECTION 32, TOWNSHIP 2 SOUTH, RANGE 6 EAST IN THE JORDANELLE BASIN OVERLAY ZONE JB0Z.

Staff:

Austin Corry, the Assistant Wasatch County Planner, addressed the Wasatch County Council and indicated that this specific proposal is for preliminary approval of Plat N-2 which contains 3 lots and is on 1.799 acres directly adjacent to the golf course. These 3 lots were not in the original master plan and preliminary approvals and are being requested in addition to what has been

approved thus far. At this time, 353 ERUs have been platted within the entire Victory Ranch development well below the approved density of 639 ERUs. All three lots would be accessed through a shared access drive on the south side and that serves as the public utility easement as well would serve their utility needs.

This proposal has been reviewed by the various members of the Development Review Committee DRC for compliance with the respective guidelines, policies, standards, and codes.

Austin Corry then went through the DRC comments.

JORDANELLE comments: As part of final utility plan provide low pressure sewer mode report to verify these 3 new lots can pump to gravity connection.

RECORDER comments: Address Box filled in.

WEED DEPARTMENT comments: You will need a weed plan and cash bond for final.

Austin Corry then went through the proposed findings:

1. The density being proposed does not exceed the master plan approved 639 ERUs.
2. The subdivision generally conforms to Title 16 of the Wasatch County Code.
3. Preliminary approval does not grant a variance from County Code standards that cannot be determined at the level of detail provided at preliminary.
4. The proposed development complies with the product types required by code and approved during the master plan approval.

Austin Corry then went through the proposed conditions:

1. All issues raised by the DRC, as noted in the DRC report dated 21 February 2020 shall be resolved to the satisfaction of the applicable review department prior to final approvals.
2. A full geotechnical report will be required with the final plat application.

Austin Corry then indicated that the Planning Commission has recommended a unanimous decision for approval.

Applicant:

Chair Danny Goode then asked the applicant if he has anything further. Jeff Graham, representative for VRC Acquisitions L.L.C. indicated that he has nothing further and would answer any questions that the Wasatch County Council have.

Public Comment:

Chair Danny Goode then opened the matter up for public comment for anybody that is electronically hooked in. Chair Danny Goode then indicated that this item will be the same as was the other public hearing please send any public comments to

publiccomment@wasatch.ut.gov. Please state your name and put your phone number there so that the Council could call you back if we have any questions or follow-up with you. Any comments will be distributed to the Wasatch County Council.

Councilman Kendall Crittenden made a motion the same as was made prior in the other public hearing and that the Council will continue the public hearing on this matter until 5:00 p.m. the evening of May 5, 2020. That people, prior to that time, can submit their comments to the address that was just given which will give the Council and the staff time to review it by May 6, 2020 and the matter will be put on the 3:00 p.m. Council agenda on May 6, 2020. Councilman Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

AYE: Steve Farrell

AYE: Chair Danny Goode

AYE: Kendall Crittenden

NAY: None.

Councilman Kendall Crittenden indicated that maybe some time the Wasatch County Council could have another tour of your development. Jeff Graham, representative for VRC Acquisitions L.L.C., indicated that the Council is always invited and when this virus problem is over we will then orchestrate a tour for the Council to see what has been done with our development. Just give us a two week advance notice to arrange for that.

ADJOURNMENT

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

AYE: Marilyn Crittenden

AYE: Mark Nelson

AYE: Spencer Park

AYE: Jeff Wade

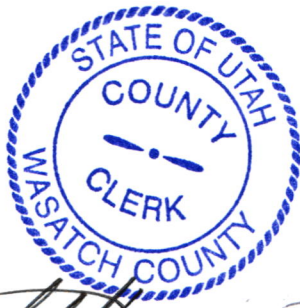
AYE: Steve Farrell

AYE: Chair Danny Goode

AYE: Kendall Crittenden

NAY: None.


Meeting adjourned at 7:00 p.m.





Danny Goode / Chairman





Calvin Griffiths Clerk / Auditor