

Action Summary:

#1 CUP for Kurt Held- Consideration	Approved.
#2 CUP for Scott Harker- Consideration	Approved.
#3 Anderson Ranch 4E Final- Discussion	Discussed, moved to consideration 4/18/2024.
#4 Seabase Rezone- Discussion	Discussed, moved to action item, recommended for approval.
#5 Seabase Amendment to Future Land Use and General Plan- Discussion	Discussed, moved to action item, recommended for approval.
#6 MDA for Twenty Wells PUD- Consideration	Tabled.
#7 Land Use Code Amendment Ch. 21.2.11- Discussion	Discussed, moved to action item, recommended for approval.
#8 Election of New Chairperson & Vice-Chairperson.	Rick Barchers was elected as the new Chairperson and Derek Dalton was elected as the new Vice-Chairperson.

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION, HELD ON APRIL 4, 2024 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH AND ON ZOOM. THE MEETING BEGAN AT 7:00 P.M.

Commission Members Present: Vice-Chairperson Rick Barchers, Kevin Hall, Derek Dalton, Rob Jaterka, Jeff Downward

Appointed Officers and Employees Present: Public Works Director James Waltz, Public Works Deputy Director Christy Montierth, Zoning Administrator Cavett Eaton, Community & Economic Development Administrative Assistant Jaina Bassett, Planning Advisor Gary Pinkham, Fire Marshal Brad Deleeuw, Police Chief Robert Sager, City Manager Jesse Wilson, Aqua Consultant Shay Stark, City Council Member Jeff Williams, City Council Member Heidi Hammond, Mayor Neil Critchlow

On Zoom: City Attorney Dallin Littlefield

Citizens and Guests Present: Doug Cannon, Debbie Reid, Kurt Held, Tashaya Held, Dan Reed, Barb Reed, Liz Allen, Matt Allen, Kari Hawkes, Melinda Firth, Todd Stewart, Terry Stapley, Lori Thompson, Joyce Harker, Scott Harker, Katelyn Butler, Janette Toone, Greg DeHann, Two Unknowns

On Zoom: Kary White and Several unknowns.

Commission Chairman: Rick Barchers called meeting to order at 7:03 PM.

PUBLIC NOTICE

The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, April 4, 2024 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- a) **PROPOSED FINAL PLAN FOR THE ANDERSON RANCH SUBDIVISION PHASE 4E, LOCATED AT APPROXIMATELY SILVER SPUR RD (EAST OF ANDERSON RANCH PHASE 3).**

Liz Allen: Liz Allen was present to speak on this item. She stated that she has lived in her house for 11 years, and has seen a large amount of construction. She noted that she has suffered from several nails in her car tires, and asked that as this area is being developed, that the construction trucks take a different route or clean up after themselves to avoid this happening.

- b) **PROPOSED MASTER DEVELOPMENT AGREEMENT FOR WEST HAVEN PUD, LOCATED AT CHERRY ST. AND CHERRY BLOSSOM LN.**

Kevin Jensen- Email Received 4/4/2024:

To the Mayor, City council, and Planning Commission of Grantsville city,

I am writing to address a concern I have with an upcoming proposal for Development near my home.

My wife and I received an announcement that on the 8th of April this month there would be a public meeting held, and as part of that meeting a new development would be discussed.

My family is going to be out of town during this meeting and therefore I am writing this letter to voice our opposition to this proposal.

This development is called the West Haven P.U.D. and is slated to be at the west end of Cherry Street. My address is 633 West Cherry Street and as such this new development's property is adjacent to ours.

As I began to investigate this proposal for development, I became aware of some things that greatly concern us as well as the other adjacent landowners.

Several years ago, while having my property surveyed and adjusting lot lines, I had the thought that I may want to develop my back acreage for my children and allow them to build houses on it at some point. While working with the city on my lot line adjustments and the survey, I mentioned this and the city employee that I was working with quickly replied that yes, my property could possibly be subdivided in that manner but that the city would require me to finish Cherry Street all the way up from west street to the end of cherry street. This would include

curb and gutter as well as infrastructure. I then stated that I didn't own the property that Cherry Street sat on and that it was also not owned by the city, and even if I had the financial ability to finish the road it was not mine to finish. The city worker stated that it did not matter that I didn't own the road and that I would have to work that out with the current owner but that I would still be responsible for finishing the street. Because of this we changed our thoughts on how to utilize our land and dropped the idea of developing it for our family.

Several years later our neighbors to the west of us had a similar idea to use part of their 10 acres to build a home for a family member. They too were told the same thing, that they would have to finish cherry street all the way up to their home to do this.

Then about 2 years ago the lot that is adjacent to mine on the east side came up for sale. The realtor asked if I would be willing to speak with the potential buyer that was looking at the property. I agreed, and in speaking with the individual it was clear that he was also looking for a place to put a couple of homes for his family. I told him that he should check with the city first and find out what requirements they would have for this lot because of what I had been told years ago. I was thanked later by the potential buyer, because the city had indeed told him that he would have to finish cherry street, with all infrastructure included, if he wanted to build homes

on that lot. Needless to say, the property was never sold.

Also, during this time The Butlers, (the current owners of the property that is being discussed in this new development) were having their property surveyed in the hopes that they could develop the property for family.

I found out during this process that they were told the same thing about finishing cherry street. The Butlers actually own Cherry Street, so this actually made a little more sense to us.

However, after hearing this we saw that the butlers had decided to list the property for sale rather than develop it themselves.

There are also 2 other landowners that we believe were told the same thing about having to finish cherry street if they wanted to develop and I am currently investigating if that is the case. Fast forward to the present. Upon reading the information of what is being Proposed for the "West Haven PUD", I was shocked to find out that this developer wants the property for high density housing, which far exceeds the R-1-21 current zoning, but more importantly, that they have also been told by the city that they will not have to finish Cherry Street.

Upon hearing that this new development will not have to finish cherry street I contact several individuals in the city to verify this. I found out that it is indeed the intent of this new proposal that the new developer will not have to finish cherry street.

Since that time, I have been in contact with my personal attorney as well as a property attorney. Both of these individuals stated that they believe that the city set a "precedent" when they told other landowners that they would be required to finish Cherry Street in order develop their land. If this new proposal allows for a development at the end of cherry street without finishing Cherry street up to the development then this would amount to "selective enforcement" of the

precedent, which would amount to bias in how the city enforces requirements for development, and this bias could be seen as having caused “damage” to the adjacent land owners that were told they would be forced to finish cherry street.

Both attorneys agree that there are 3 scenarios that may play out in this situation.

1. The city requires that the current developer that is proposing the West Haven P.U.D. improve (finish) cherry street up to the West Haven PUD with and including all infrastructure, both underground and above ground, per the precedent set with prior landowners. This would effectively fulfill the precedent that the city has set, and the city would find themselves in safe legal position.
2. If the city approves the West Haven PUD as it is currently proposed and does not require the developer to improve (finish) cherry street then the prior precedent is void, which will allow all adjacent landowners to develop as they see fit without having to improve (finish) cherry street.
3. If the city approves the West Haven PUD as it is currently proposed and does not require the developer to improve (finish) Cherry Street then the city may be held liable for damages caused to adjacent land owners for missed opportunities that the landowners were not able to take advantage of due to the city claiming there was a requirement to improve (finish) cherry street.

If the city decides to allow the West Haven PUD move forward without requiring the developer to finish Cherry Street, I will assess what my legal options are, as well, I will call for an investigation of the city in its application of development practices and selective enforcement of its practices.

I know that the current developer is stating that they do not need to finish Cherry Street because they will have Cherry Blossom Lane as ingress and egress from the development as well as connecting to current infrastructure under Cherry Blossom. Therefore, they believe that this negates the precedent for finishing Cherry Street. However, the current landowners had that

same option to use Cherry Blossom when they tried to develop the parcel prior to this and the city still told them there was a requirement to finish cherry street, so the precedent for this parcel still stands. I was told this by the current landowner themselves, as well as a city official, and by the surveyor that surveyed my property, the Stapley property, and the Butler property.

There is also talk that the new owners/developers will “gift” Cherry Street to the city and by doing so that will negate the precedent. Again, this will not, because that offer was made to the city prior to the proposal of this development, and the city still stated that the anyone developing their land adjacent to cherry street would be required to improve cherry street rather than the city doing it.

As a side note this is not only a legal matter but a matter of public safety as well. Currently many parents and students, that do not live on Cherry Street, drive Cherry Street every day to get to the high school and junior high. Even after the finishing of Apple Street, they still use Cherry Street.

More than half of the traffic that is on Cherry Street is not from residents that live on this section of Cherry Street, but from individuals that live west and northwest of Cherry Street. This puts a great deal of stress on a dirt road. Many times during the year this road is all but impassable because of what happens with rain and snow and vehicles driving on it when wet. Also, because it is dirt, the city refuses to plow it in the wintertime. Granted, our city does not have a lot of snow, however we have at least one good storm a year, and because of wind that is always present, large drifts build up after these storms. The drifts always occur in front of the parcel that is owned by the catholic church. Not only have I had to plow these drifts out with my personal tractor every winter, I have personally pulled out at least one stranded motorist every winter that finds themselves stuck in these drifts. This is bad enough with a handful of motorists, but if you add 47 more units to the top of the street this will exacerbate the situation exponentially.

My wife and I are not apposed to development, but we are opposed to the selective enforcement of the city precedent that has been set on the improvement of cherry street. We are also opposed to the rezoning of this parcel, as all those living adjacent to it have been told for years that this parcel would be developed under the zoning requirements of R-1-21, We realize that the city has a process for rezoning and we trust that the city will follow all rezoning processes properly and make its decision not only on what is beneficial for the city but fair to adjacent landowners.

Thank you for your time,
Kevin Jensen

Barb Reed: Barb Reed was present to speak on this item. She noted that she has lived at her home on Cherry St. since 1996, and has watched in horror as thousands of homes have gone in around her. She stated that there is some disagreement as to where the City's ownership of Cherry St. begins and ends. She spoke to negative experiences she has had, including how she had to purchase the fire hydrant near her home, has been without City snow plowing services, and was previously told that her property was zoned differently than it actually was. She asked if Cherry St. would remain a dirt road.

It was noted that the Commissioners cannot reply to her during public comment, but that she can contact the City Staff to obtain answers to her questions.

Dan Reed: Dan Reed was present to speak on this item. He asked where the speed limit sign for his dirt road is, what size rocks can be there, and what Cherry St. will consist of. He spoke to proposed homes that will be facing Cherry St., and expressed concerns about the ATVs and other motor vehicles going down Cherry St. He noted that the ATVs and other motor vehicles fly down his street and on his property, bringing several issues in regards to public safety and his personal quality of life.

It was noted that the Commissioners cannot reply to him during public comment, but that he can contact the City Staff to obtain answers to his questions.

Terry Stapley: Terry Stapley was present to speak on this item. He noted that he owns the last 10 acre property before you hit Cherry St. and that he is the recipient of the extreme traffic there. He stated that he was told by a previous City employee that he would be required to improve all of Cherry St. in order to subdivide or develop his property for his children. He questioned why he and his neighbor, Kevin Jensen, were told they would be required to finish and improve all of Cherry St., but that the developer of this agenda item is not required to. He expressed frustration about the appearance of different rules for the developer.

Todd Stewart: Todd Stewart was present to speak on this item. He noted that he lives on Cherry Blossom, and that he has been unable to find the plans for the PUD to see how these homes would tie into the existing homes. He stated that the high density developments that are proposed in the A-10 zoning designations, do not make sense. He expressed concerns about the traffic and road situation. He noted that he would like to see that actual compaction was done, especially knowing that it was previously a dump for the old high school.

Kary Yates: Kary Yates was present on Zoom to speak on this item. He stated that he was part of the original proposed development of this land, and that they had to improve Main Street to do so. He stated that the density now being requested does not fit the location, or the original proposal. He noted that he disagrees with the high density being proposed here.

c) PROPOSED REZONE OF 74.89 ACRES OF PROPERTY FROM ZONING DESIGNATION A-10 TO ZONING DESIGNATION C-G, LOCATED AT APPROXIMATELY 1600 N SR138.

Barb Reed: Barb Reed was present to speak on this item. She expressed that she disagrees with rezoning A-10 properties to commercial properties.

d) PROPOSED AMENDMENT TO THE GRANTSVILLE CITY GENERAL PLAN AND FUTURE LAND USE MAP, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1600 N SR138 FROM AN INDUSTRIAL DESIGNATION TO A COMMERCIAL DESIGNATION.

Todd Stewart: Todd Stewart was present to speak on this item. He noted that he would like the Planning Commission to look back at old proposed plans, along with the master plan and previous master plans, when considering changes to the General Plan and Future Land Use Map.

e) **PROPOSED AMENDMENT TO THE GRANTSVILLE LAND USE AND MANAGEMENT CODE - CHAPTER 21, SECTION 21.2.11 - DETERMINATION OF APPROPRIATE PROCESS (LEVEL 2 MINOR SUBDIVISIONS).**

No comments.

AGENDA

1. Consideration of the proposed Conditional Use Permit for Kurt Held II to own and operate A to Z Small Engine Repair, located at 249 E. Pioneer Rose Ln.

Kurt Held II was present to answer questions on this agenda item. Commissioner Rob Jaterka commended Kurt for addressing his business idea with his neighbors before applying for the conditional use permit.

It was noted that concerns were received regarding Pioneer Rose Ln. being a private lane. It was noted that it is not the Planning Commission's place to be involved in the maintenance of the private lane. The Commission noted that they hope Mr. Held will be respectful of his neighbors with parking, road maintenance, and noise levels.

Kevin Hall made a motion to recommend approval of the proposed Conditional Use Permit for Kurt Held II to own and operate A to Z Small Engine Repair, located at 249 E. Pioneer Rose Ln. Derek Dalton seconded the motion. And all in favor? The vote was as follows: Rick Barchers "Aye", Kevin Hall "Aye", Derek Dalton "Aye", Rob Jaterka "Aye", Jeff Downward "Aye". The motion carried unanimously.

2. Consideration of the proposed Conditional Use Permit for Scott Harker to own and operate a small business selling hay out of his detached garage, located at 143 E. Elisabeth Cv.

Scott Harker was present to answer questions on this agenda item. Commissioner Kevin Hall stated that he drove by this property today, and noticed a slab of concrete in the backyard. He asked if it is intended for the hay shed that would be used for this business. Mr. Harker confirmed that the cement is intended for the hay shed for this business. Fire Marshal Brad Deleeuw was present and noted that the Fire Chief had questions regarding the amount of hay being stored on the property, and for how long it would be stored there. Mr. Harker noted that he expects approximately 60 bales of hay stored on the property at a time. It was noted that the hay shed will be surrounded by gravel.

Commissioner Hall noted that with an open hay shed, there is potential for the hay to be blown to neighboring properties, becoming a nuisance. Mr. Harker acknowledged that this is a valid concern, and noted that several of his neighbors store hay on their properties as well. Mr. Harker noted that the hay will be brought in on a semi or a gooseneck trailer.

Commissioner Hall noted that the Staff report suggests that the hay be kept 100 feet from his neighbors' homes, and asked if Mr. Harker had measured it out to fit within those parameters. Mr. Harker confirmed that he did measure the distance, and it does fit within that parameter.

Commissioner Jaterka expressed the concern of a semi being parked on the street, impacting his neighbors. He stated that he would prefer if another method was used, so neighbors would not be affected by a semi. Mr. Harker agreed that this is reasonable, and stated that a gooseneck trailer is the method he has been using for his small amounts of hay.

Kevin Hall made a motion to recommend approval of the proposed Conditional Use Permit for Scott Harker to own and operate a small business selling hay out of his detached garage, located at 143 E. Elisabeth Cv. Rob Jaterka seconded the motion. And all in favor? The vote was as follows: Rick Barchers "Aye", Kevin Hall "Aye", Derek Dalton "Aye", Rob Jaterka "Aye", Jeff Downward "Aye". The motion carried unanimously.

3. Discussion of the proposed Final plan for the Anderson Ranch subdivision Phase 4E, located at approximately Silver Spur Rd (East of Anderson Ranch Phase 3).

Zoning Administrator Cavett Eaton was present to answer questions on this agenda item. He noted that the zoning questioned on the Staff Report was since clarified. He stated that the property was rezoned previously, and all is well with the City regarding zoning.

Doug Cannon was also present to answer questions on this agenda item. Vice-Chairman Rick Barchers noted that concerns were received from a group of residents near Gold Dust Rd. He noted that the original proposal did not include a connection to the bigger subdivision, but that it would limit the access to the subdivision dramatically. He stated that this change was made to meet public safety code requirements.

It was noted that the Commission would like to see the redlines addressed, then for this agenda item to come back for consideration on April 18th.

4. Discussion of the proposed rezone of 74.89 acres of property from zoning designation A-10 to zoning designation C-G, located at approximately 1600 N SR138.

Commissioner Hall noted that this property was originally within Tooele County's limits, then annexed into Grantsville City and lost the zoning designation that allowed him the flexibility to do what he wanted to do.

Commissioner Dalton noted that it was previously discussed to have conservation at this property. Mr. Eaton clarified that the property owner entertained this route, but that a commercial zoning designation is a better fit for them and their needs.

Kevin Hall made a motion to move this agenda item to an action item. Jeff Downward seconded the motion. And all in favor? The vote was as follows: Rick Barchers "Aye", Kevin Hall "Aye", Derek Dalton "Aye", Rob Jaterka "Aye", Jeff Downward "Aye". The motion carried unanimously.

Kevin Hall made a motion to recommend approval of the proposed rezone of 74.89 acres of property from zoning designation A-10 to zoning designation C-G, located at approximately 1600 N SR138. Derek Dalton seconded the motion. And all in favor? The vote was as follows: Rick Barchers "Aye", Kevin Hall "Aye", Derek Dalton "Aye", Rob Jaterka "Aye", Jeff Downward "Aye". The motion carried unanimously.

5. Discussion of the proposed amendment to the Grantsville City General Plan and Future Land Use Map, for the property located at approximately 1600 N SR138 from an Industrial designation to a Commercial designation.

Derek Dalton made a motion to move this agenda item to an action item. Rick Barchers seconded the motion. And all in favor? The vote was as follows: Rick Barchers "Aye", Kevin Hall "Aye", Derek Dalton "Aye", Rob Jaterka "Aye", Jeff Downward "Aye". The motion carried unanimously.

Kevin Hall made a motion to recommend approval of the proposed amendment to the Grantsville City General Plan and Future Land Use Map, for the property located at approximately 1600 N SR138 from an Industrial designation to a Commercial designation. Rob Jaterka seconded the motion. And all in favor? The vote was as follows: Rick Barchers "Aye", Kevin Hall "Aye", Derek Dalton "Aye", Rob Jaterka "Aye", Jeff Downward "Aye". The motion carried unanimously.

6. Consideration of the proposed Master Development Agreement for The Estates at Twenty Wells PUD.

Scott Yermish was present to answer questions on this agenda item. He noted that after the work meeting today they have a good idea of what the City wants, and they will work to make those changes to the Master Development Agreement. Mr. Yermish noted that they will be addressing specific parcels and their variations in the Master Development Agreement that is brought back for the next meeting.

Mr. Stark stated that before the next meeting for this to be recommended for approval, the table with listed variances to code be completed and reviewed. It was clarified that this table must be a part of the Master Development Agreement, for the specifics to be approved.

Rick Barchers made a motion to table the Consideration of the proposed Master Development Agreement for The Estates at Twenty Wells PUD. Jeff Downward seconded the motion. And all in favor? The vote was as follows: Rick Barchers “Aye”, Kevin Hall “Aye”, Derek Dalton “Aye”, Rob Jaterka “Aye”, Jeff Downward “Aye”. The motion carried unanimously.

7. Discussion of the proposed amendment to the Grantsville Land Use and Management Code - Chapter 21, Section 21.2.11 - Determination of Appropriate Process (Level 2 Minor Subdivisions).

Zoning Administrator Cavett Eaton was present to answer questions on this agenda item. He noted that the purpose of this change is to support the new minor subdivision process previously approved, with additions made to meet the requirements of the Tooele County Recorder’s office for recording. He noted that the City has strict checklists that have been approved, which will ensure all required items are present on the plat.

Kevin Hall made a motion to move this agenda item to an action item. Rob Jaterka seconded the motion. And all in favor? The vote was as follows: Rick Barchers “Aye”, Kevin Hall “Aye”, Derek Dalton “Aye”, Rob Jaterka “Aye”, Jeff Downward “Aye”. The motion carried unanimously.

Derek Dalton made a motion to recommend approval of the proposed amendment to the Grantsville Land Use and Management Code - Chapter 21, Section 21.2.11 - Determination of Appropriate Process (Level 2 Minor Subdivisions). Rob Jaterka seconded the motion. And all in favor? The vote was as follows: Rick Barchers

“Aye”, Kevin Hall “Aye”, Derek Dalton “Aye”, Rob Jaterka “Aye”, Jeff Downward “Aye”. The motion carried unanimously.

8. Election of a new chairperson and vice-chairperson for the Grantsville Planning Commission for 2024.

Kevin Hall made a motion to elect Rick Barchers as the new chairperson for the Grantsville Planning Commission for 2024. Rob Jaterka seconded the motion. And all in favor? The vote was as follows: Rick Barchers “Aye”, Kevin Hall “Aye”, Derek Dalton “Aye”, Rob Jaterka “Aye”, Jeff Downward “Aye”. The motion carried unanimously.

Kevin Hall made a motion to elect Derek Dalton as the new vice-chairperson for the Grantsville Planning Commission for 2024. Rob Jaterka seconded the motion. And all in favor? The vote was as follows: Rick Barchers “Aye”, Kevin Hall “Aye”, Derek Dalton “Aye”, Rob Jaterka “Aye”, Jeff Downward “Aye”. The motion carried unanimously.

9. Report from City Council liaison Rhett Butler.

Rhett Butler was absent for this agenda item, but City Council Member Jeff Williams was present in his place. He stated that he has an office in Draper that is set up similarly to the commercial areas on the concept plan for Twenty Wells. He stated that he has witnessed issues there, due to the lack of traffic lights at each access to the development, and the residential properties not being separate from the commercial properties. It was noted that the City is unsure if discussions regarding the need for traffic lights have occurred, but that this would happen when they move forward with a preliminary plan. Mr. Stark noted that in a previous discussion with UDOT, it was noted that traffic lights are not put in until the traffic is already there to justify it. He noted that the City cannot assess impact fees for things that may or may not happen. He stated that ultimately what happens with SR112 is at the discretion of UDOT, not the City or developers.

10. Adjourn.

Derek Dalton made a motion to adjourn. Jeff Downward seconded the motion. And all in favor? The vote was as follows: Rick Barchers “Aye”, Kevin Hall “Aye”, Derek Dalton “Aye”, Rob Jaterka “Aye”, Jeff Downward “Aye”. The motion carried unanimously. The meeting ended at 8:15 PM.