


# May 2, 2024
# Planning Commission
# Regular Meeting
# Information Packet

**PUBLIC NOTICE**

The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, May 2, 2024 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

a) **PROPOSED CONDITIONAL USE PERMIT FOR REYANNA DURFEE TO OWN AND OPERATE HUGGING HEARTS DAYCARE, LOCATED AT 546 S. QUIRK ST.**

~~b) PROPOSED PRELIMINARY PLAT FOR THE MATTHEWS LANDING SUBDIVISION, LOCATED WEST OF MATTHEWS LN. CANCELLED~~

~~c) PROPOSED MASTER DEVELOPMENT AGREEMENT FOR THE MATTHEWS LANDING SUBDIVISION, LOCATED WEST OF MATTHEWS LN. CANCELLED~~

d) **PROPOSED REZONE OF DURFEE LANDING FROM ZONING DESIGNATION A-10 TO R-1-21, LOCATED AT APPROXIMATELY 1350 W. MAIN ST.**

**AGENDA**

1. Consideration of the proposed conditional use permit for Reyanna Durfee to own and operate Hugging Hearts Daycare, located at 546 S. Quirk St.
2. Discussion of the proposed amendment to the Grantsville City General Plan and Future Land Use Map, for the property located at approximately 1350 W. Main St. from a Rural Residential (RR-1) designation to a Residential (R-1-21) designation.
3. Discussion of the proposed Rezone of Durfee Landing from zoning designation A-10 to R-1-21, located at approximately 1350 W. Main St.
4. Consideration of the proposed PUD for The Highlands subdivision, located on SR138.
5. Discussion of the proposed Master Development Agreement for The Highlands PUD, located on SR138.
6. Approval of minutes from the April 18, 2024 Planning Commission Regular Meeting.
7. Approval of minutes from the January 18, 2024 Planning Commission Regular Meeting.
8. Report from City Council liaison Rhett Butler.
9. Adjourn.

Cavett Eaton
Zoning Administrator
Grantsville City Community and Economic Development

Join Zoom Meeting
https://us02web.zoom.us/j/88107933007
Meeting ID: 881 0793 3007

In compliance with the Americans with Disability Act, Grantsville City will accommodate reasonable requests to assist persons with disabilities to participate in meetings. Requests for assistance may be made by calling City Hall (435) 884-3411 at least 3 days in advance of a meeting.

CERTIFICATE OF POSTING: This agenda was posted on the Grantsville City Hall Notice Boards, the State Public Notice website at www.utah.gov/pmn/index.html, and the Grantsville City website at www.grantsvilleut.gov. Notification was sent to the Tooele Transcript Bulletin.

# PUBLIC HEARINGS

a) **PROPOSED CONDITIONAL USE PERMIT FOR REYANNA DURFEE TO OWN AND OPERATE HUGGING HEARTS DAYCARE, LOCATED AT 546 S. QUIRK ST.**

b) **PROPOSED REZONE OF DURFEE LANDING FROM ZONING DESIGNATION A-10 TO R-1-21, LOCATED AT APPROXIMATELY 1350 W. MAIN ST.**

**GRANTSVILLE CITY PLANNING COMMISSION**

**MAY 2, 2024**
**PUBLIC HEARING**

# PROPOSED CONDITIONAL USE PERMIT FOR REYANNA DURFEE TO OWN AND OPERATE HUGGING HEARTS DAYCARE, LOCATED AT 546 S. QUIRK ST.

Notice is hereby given that in accordance with the provisions of Section §10-9A-205 and §10-9a-502 of the Utah Code, the Grantsville Planning Commission will hold a discussion and public hearing on May 2, 2024 at 7:00 p.m. at Grantsville City Hall. The meeting will also be broadcast on Zoom. The discussion, public hearing and meeting are to receive public input and consider action on the PUBLIC HEARING ON THE PROPOSED CONDITIONAL USE PERMIT FOR REYANNA DURFEE TO OWN AND OPERATE HUGGING HEARTS DAYCARE, LOCATED AT 546 S. QUIRK ST. You can view a copy of the agenda and packet online by 5:00pm on April 26, 2024 at the link below:

https://www.grantsvilleut.gov/departments/community___economic_development/planning_commission.php

Or by emailing jbassett@grantsvilleut.gov All comments and concerns need to be sent in writing through email or mail and received no later than 12:00pm on May 2, 2024.

Dated this 15th day of April, 2024

**BY ORDER OF THE GRANTSVILLE PLANNING COMMISSION**

Cavett Eaton
Zoning Administrator

Scan QR Code above or use the link below to join zoom meeting
https://us02web.zoom.us/j/83204332560

Meeting ID: 832 0433 2560

**GRANTSVILLE CITY PLANNING COMMISSION**

**MAY 2, 2024**
**PUBLIC HEARING**

**PROPOSED PRELIMINARY PLAT FOR THE MATTHEWS LANDING SUBDIVISION, LOCATED WEST OF MATTHEWS LANE**

Notice is hereby given that in accordance with the provisions of Section §10-9A-205 and §10-9a-502 of the Utah Code, the Grantsville Planning Commission will hold a discussion and public hearing on May 2, 2024 at 7:00 p.m. at Grantsville City Hall. The meeting will also be broadcast on Zoom. The discussion, public hearing and meeting are to receive public input and consider action on the PUBLIC HEARING ON THE PROPOSED PRELIMINARY PLAT FOR THE MATTHEWS LANDING SUBDIVISION, LOCATED WEST OF MATTHEWS LANE and make a recommendation to the City Council. You can view a copy of the agenda and packet online by 5:00pm on April 26, 2024 at the link below:

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Or by emailing jbassett@grantsvilleut.gov All comments and concerns need to be sent in writing through email or mail and received no later than 12:00pm on May 2, 2024.

Dated this 10th day of April, 2024

**BY ORDER OF THE GRANTSVILLE PLANNING COMMISSION**

Cavett Eaton
Zoning Administrator

Scan QR Code above or use the link below to join zoom meeting
https://us02web.zoom.us/j/83204332560

Meeting ID: 832 0433 2560

**GRANTSVILLE CITY PLANNING COMMISSION**

**MAY 2, 2024**
**PUBLIC HEARING**

**PROPOSED MASTER DEVELOPMENT AGREEMENT FOR THE MATTHEWS LANDING SUBDIVISION, LOCATED WEST OF MATTHEWS LANE**

Notice is hereby given that in accordance with the provisions of Section §10-9A-205 and §10-9a-502 of the Utah Code, the Grantsville Planning Commission will hold a discussion and public hearing on May 2, 2024 at 7:00 p.m. at Grantsville City Hall. The meeting will also be broadcast on Zoom. The discussion, public hearing and meeting are to receive public input and consider action on the PUBLIC HEARING ON THE PROPOSED MASTER DEVELOPMENT AGREEMENT FOR THE MATTHEWS LANDING SUBDIVISION, LOCATED WEST OF MATTHEWS LANE and make a recommendation to the City Council. You can view a copy of the agenda and packet online by 5:00pm on April 26, 2024 at the link below:

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**GRANTSVILLE CITY PLANNING COMMISSION**

**MAY 2, 2024**
**PUBLIC HEARING**

**PROPOSED REZONE OF DURFEE LANDING FROM ZONING DESIGNATION A-10 TO R-1-21, LOCATED AT APPROXIMATELY 1350 W. MAIN ST.**

Notice is hereby given that in accordance with the provisions of Section §10-9A-205 and §10-9a-502 of the Utah Code, the Grantsville Planning Commission will hold a discussion and public hearing on May 2, 2024 at 7:00 p.m. at Grantsville City Hall. The meeting will also be broadcast on Zoom. The discussion, public hearing and meeting are to receive public input and consider action on the PUBLIC HEARING ON THE PROPOSED REZONE OF DURFEE LANDING FROM ZONING DESIGNATION A-10 TO R-1-21, LOCATED AT APPROXIMATELY 1350 W. MAIN ST. and make a recommendation to the City Council. You can view a copy of the agenda and packet online by 5:00pm on April 26, 2024 at the link below:

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Zoning Administrator

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Meeting ID: 832 0433 2560

# AGENDA ITEM #1

Consideration of the proposed conditional use permit for Reyanna Durfee to own and operate Hugging Hearts Daycare, located at 546 S. Quirk St.

**Planning and Zoning**
336 W. Main St.
Grantsville, UT 84029
Phone: (435) 884-1674

**Permit #2024031**

# Staff Report Summary and Recommendation for Conditional Use Permit for Hugging Hearts Daycare/ Reyanna Durfee

**Parcel ID(s):** 16-085-0-0341
**Property Address:** 546 S. Quirk St.
**Lot Size:** 1.00 acre

**Meeting Date:** May 2, 2024
**Current Zone:** RR-1

**Applicant Name:** Hugging Hearts Daycare/ Reyanna Durfee
**Request:** CUP for an in-home daycare.
**Prepared By:** Jaina Bassett

**Planning Staff Recommendation:**

If the Planning Commission feels comfortable with this application, City Staff recommends approval with the following conditions:

- Activity will not impact the use of property for surrounding owners.
- No on-street parking will be permitted for the purpose of this business.
- Must be compliant with all state and federal regulations and requirements, including obtaining the required permits and licenses.
- Must have current Grantsville City business license at all times. An inspection by the Grantsville City Fire Department must be completed before the issuance of the Grantsville City business license.
- Must conform with all fire, building, plumbing, electrical, and health codes.
- Must stay within the parameters of the application.
- May not expand the use without approval.
- This permit shall be periodically reviewed administratively by the Zoning Administrator and/or if any complaints are received.

## SITE & PROJECT DESCRIPTION

This request is for the Consideration to approve a Conditional Use Permit for an in-home daycare business, located at 546 S. Quirk St. (Hugging Hearts Daycare/ Reyanna Durfee). The lot is 1.00 acre and is in the RR-1 zoning designation. The business will be operated only on the main floor of the home, and in the fully fenced backyard.

The business will consist of childcare for up to 16 children. The expected hours of operation are Monday-Friday 6:00am-6:00pm. Reyanna Durfee will be the only individual working on the business at this time.

Once more than 8 children are in care, another provider will be hired who will meet all state licensing and background requirements. The children will eat at the kitchen table and bar stool counter area. They will also have the family room for a play area. After speaking with the state and confirming what is acceptable, the applicant will purchase appropriate outdoor play equipment to add to the fully fenced backyard. Six parking spots will be provided in front of the home, for parents to use during pickup and drop off times.




## NEIGHBORHOOD RESPONSE

Public noticing requirements were completed April 15, 2024, for the Public Hearing at the Planning Commission meeting on May 2, 2024. No neighborhood responses were received as of April 24, 2024 when this staff report was created. Any responses received after the creation of this staff report will be forwarded to the Planning Commission via email.

## PLANNING STAFF ANALYSIS AND COMMENTS

The City Public Works Department expressed no concerns regarding this permit, as described. The City Fire Department noted that an inspection by their department will need to be completed before the issuance of the Grantsville City business license. The City Building Department noted that any floor used for the daycare must have two means of egress. With only the main floor and backyard being used for childcare, the Building Department expressed no concerns.

**Facts and Findings**

- Approval is for an in-home daycare business, providing childcare for up to 16 children.
- Expected hours of operation are Monday-Friday 6:00am-6:00pm.
- The childcare will take place only on the main floor of the home, and in the fully fenced backyard.
- No additional staff will be utilized at this time, but additional staff will be hired as needed to meet all state and federal requirements.
- Six off-street parking spots will be provided for customers, with no on-street parking being used for the purpose of this business.

## CONCLUSIONS & RECOMMENDATION

If the Planning Commission feels comfortable with this application, City Staff recommends approval with the following conditions:

- Activity will not impact the use of property for surrounding owners.
- No on-street parking will be permitted for the purpose of this business.
- Must be compliant with all state and federal regulations and requirements, including obtaining the required permits and licenses.
- Must have current Grantsville City business license at all times. An inspection by the Grantsville City Fire Department must be completed before the issuance of the Grantsville City business license.
- Must conform with all fire, building, plumbing, electrical, and health codes.
- Must stay within the parameters of the application.
- May not expand the use without approval.
- This permit shall be periodically reviewed administratively by the Zoning Administrator and/or if any complaints are received.

# AGENDA ITEM #2

Discussion of the proposed amendment to the Grantsville City General Plan and Future Land Use Map, for the property located at approximately 1350 W. Main St. from a Rural Residential (RR-1) designation to a Residential (R-1-21) designation.

# AGENDA ITEM #3

Discussion of the proposed Rezone of Durfee Landing from zoning designation A-10 to R-1-21, located at approximately 1350 W. Main St.

**Planning and Zoning**
336 W. Main St.
Grantsville, UT 84029
Phone: (435) 884-1674

**Permit # 2024019**

# Durfee Landing Property Rezone
# Staff Report Summary and Recommendation

**Parcel ID(s):** 01-065-0-0067

**Meeting Date:** May 2, 2024
**Public Hearing Date:** May 2, 2024

**Property Address:** Approx. 1350 West Main Street

**Current Zone:** A-10
**Proposed Zone:** R-1-21 Residential
**Total Acreage:** 35 acres

**Applicant Name:** Lance Ford
**Request:** Rezone
**Prepared By:** Cavett Eaton and Shay Stark

**Planning Staff Recommendation:**

The Applicant initially presented before the Planning Commission with a concept proposing a mixed commercial and residential project. This property has been discussed in Concept Plan presentations on September 21st, 2023, and January 18th, 2024. On March 21st, 2024, an application for rezone from A-10 to CG was presented to the Planning Commission. A public hearing was held in the same meeting. This application for rezone to CG was submitted by the applicant based upon the feedback which had been received in previous Planning Commission conceptual discussions.

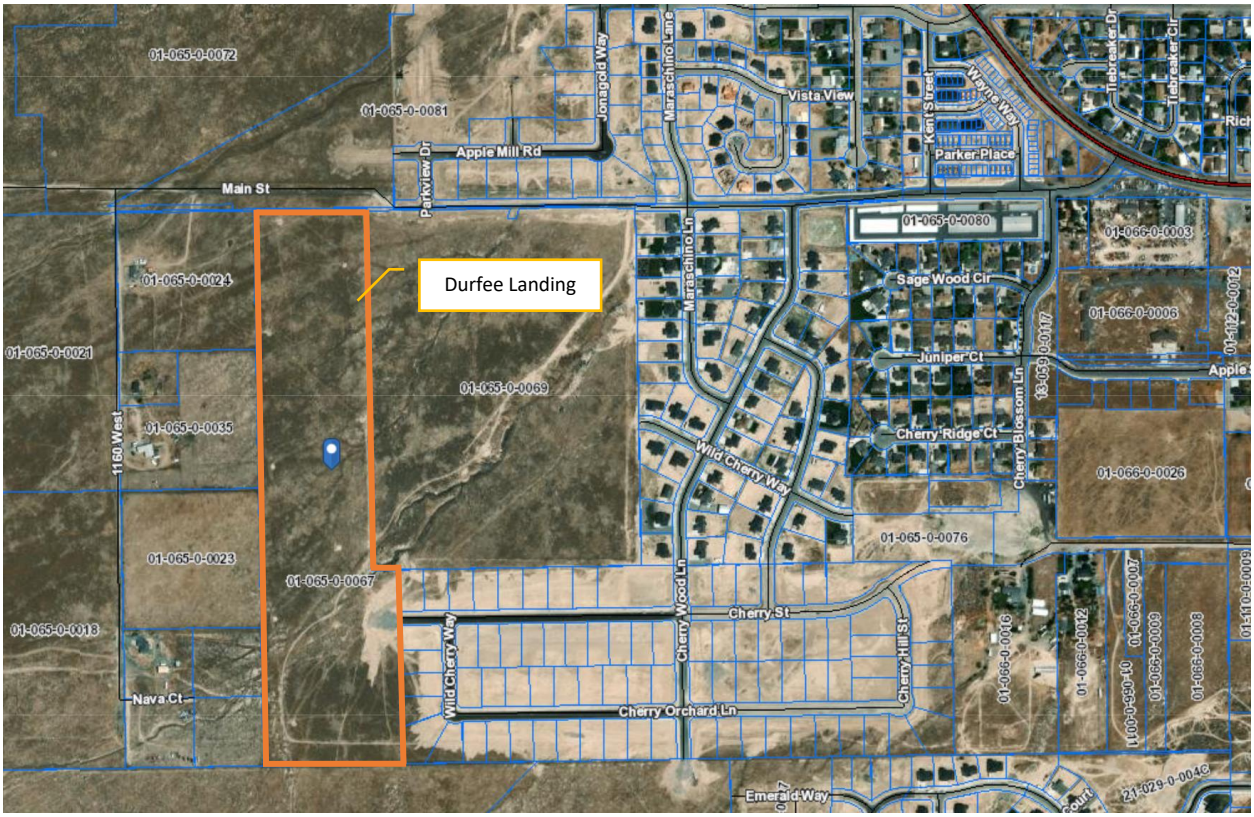
In the March 21st meeting of the Grantsville City Planning Commission, there were comments from neighboring landowners requesting this property be developed as residential. The sentiments of the Planning Commissioners present were commercial was not the correct use of this land at this time.

The Applicant has considered these comments and sentiments and is proposing to re-zone this 35 acre parcel to an R-1-21 Zoning District, which requires residential lots to be a minimum of ½ acre or 21,780 square feet.

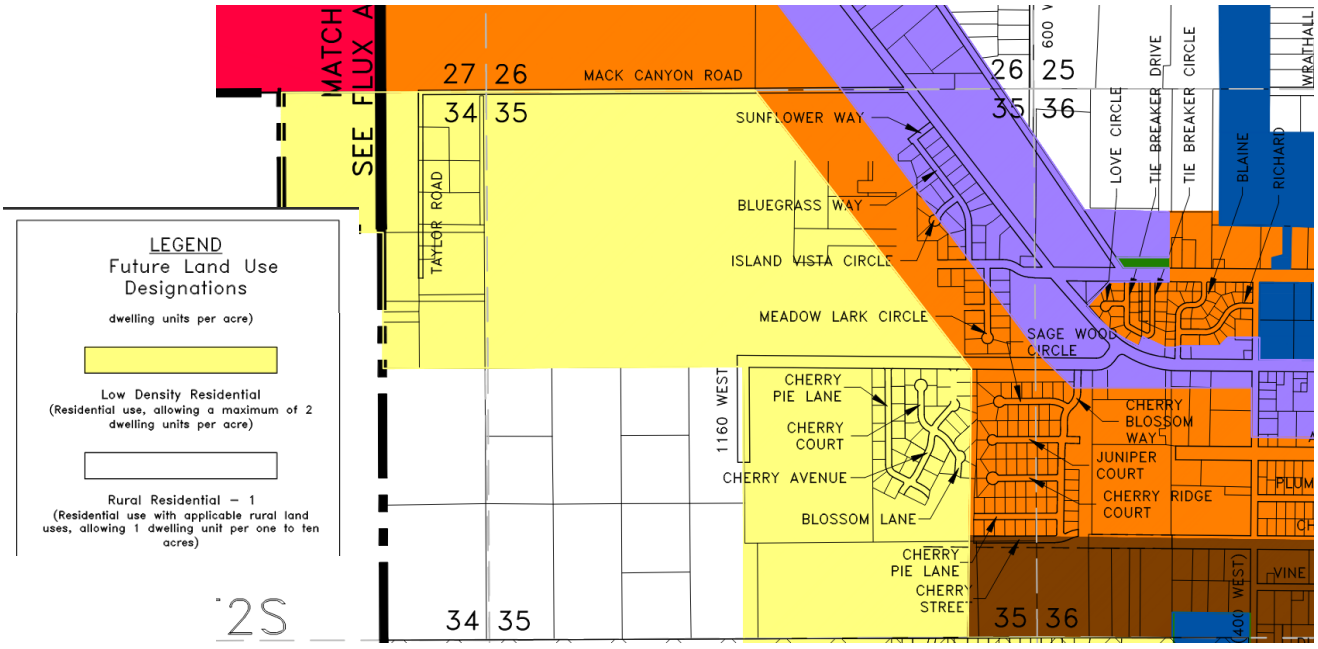
While the rezone is up for public hearing on the May 2nd meeting, the Future Land Use Map in the Grantsville General Plan must also be amended for this property to change from Rural Residential 1 to Low Density Residential. The amendment to the General Plan will require a separate public hearing proposed for May 18th. Because of the need to hold a public hearing to amend the General Plan, both items are on the current agenda for discussion only.

**Recommendation:** Staff recommends, depending on the outcome of the public hearings for both the proposed rezone and the amendment to the General Plan, if the public comments are generally in favor of the proposed action, Planning Commission take action on the General Plan Amendment and Rezone. This recommendation is based upon the fact the amendment to the proposed designation of low density residential on the Future Land Use Map will then allow for a rezone of the property to R-1-21 which fits with the zoning of the properties to the north and east of the subject property. This Staff recommendation for rezone reflects this application to rezone the property to R-1-21 is based upon both the public's and Planning Commission's expressed desire, as discussed in public meetings, for this property to be developed as residential property similar to surrounding zoning.

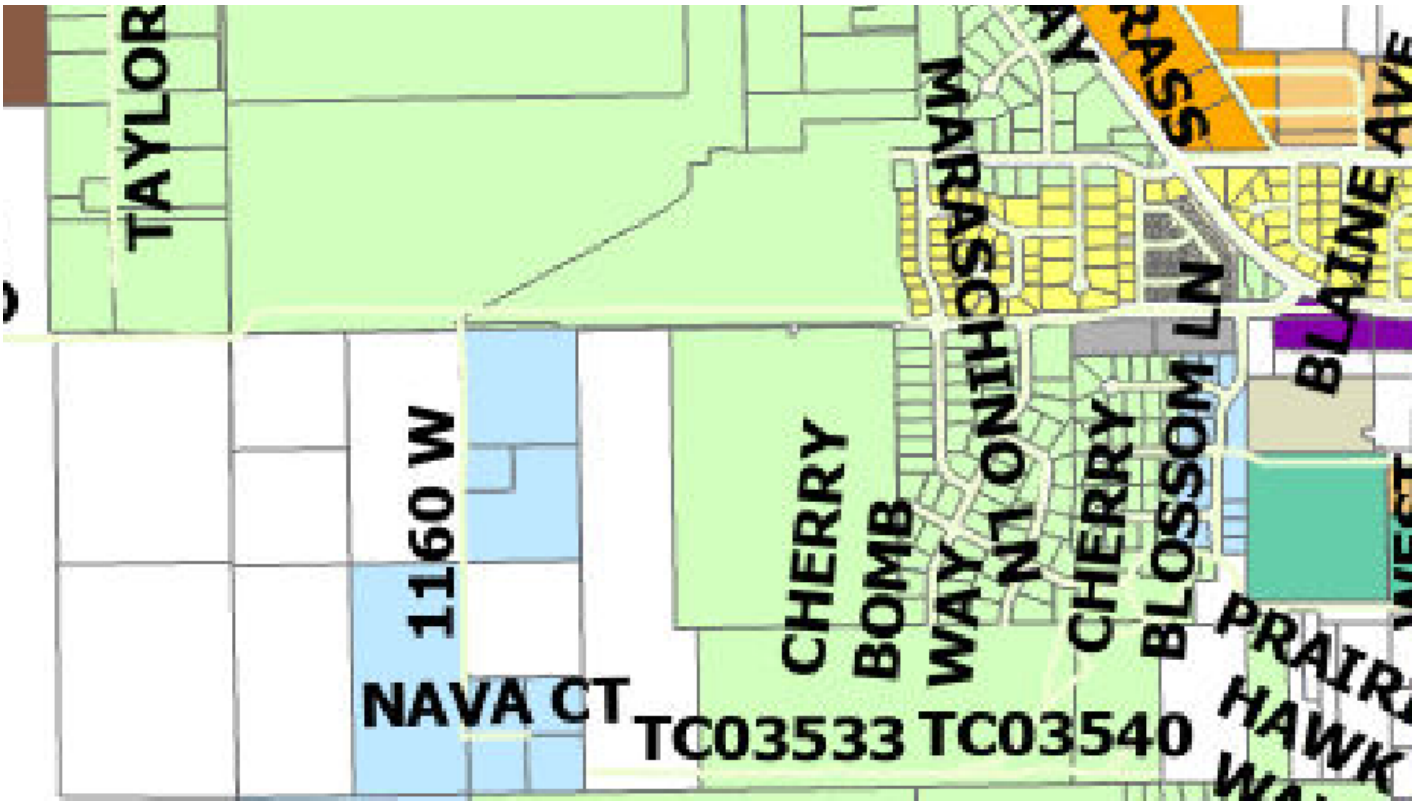
## SITE & VICINITY DESCRIPTION




**Arial View**




**Future Land Use**




**ZONING DISTRICTS**

| | | | |
|---|---|---|---|
| | A-10 | | CN |
| | RR-5 | | CS |
| | RR-2.5 | | CG |
| | RR-1 | | CD |
| | R-1-21 | | MD |

**Current Zoning Map**

Zoning Key

## NEIGHBORHOOD RESPONSE

Radius Report for Rezone for March 21st, 2024 meeting sent March 11th, 2024. City Staff have received several responses to this public notice. Letters received were forwarded to our Planning Commission and several citizens stood and shared their response to the Commercial Re-zone Application at the public hearing on March 21st, 2024.

# STAFF ANALYSIS AND COMMENTS

**Background:**

In response to public and Planning Commission comments as various concepts and application proposing to rezone the property to CG for the Durfey Landing property, the owner has applied for rezone of the property to R-1-21. It should be noted that through this process the applicant has been very receptive in working with the City Staff and Planning Commission to try to apply the comments provided as feasible.

**Existing Land Use:** Mainly open space with scattered Dwellings on large lots (10, 8.6 & 1.3 acres) to the West of this property. Main Street to the East contains several businesses (Storage Star, West Side Auto, Others)

**Existing Zoning:** Currently this lot is zoned A-10. Other Zoning Districts surrounding ~~around~~ this parcel are R-1-21 and RR-1. Properties further to the East (on Main Street) are zoned CS.

**Proposed Zoning R-1-21 Requirements:** Grantsville Land Use Development and Management Code (GLUDMA) Chapter 15 Residential and Multiple Residential Districts

## 15.1 Residential District R-1-21

(1) The purpose of the R-1-21 district is to promote environmentally sensitive and visually compatible development of lots not less than 21,780 square feet in size, suitable for rural locations. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character; to promote the safety, and well-being of present and future residents; and ensure the efficient expenditure of public funds.

Minimum Lot Size: .....21,780 sq. feet (1/2 acre)

Lots shall comply with Chapter 4: Supplementary and Qualifying Regulations – Section 4.5: Lots Standards and Street Frontage.

Minimum Frontage (at the property line on a public street or an approved private street) .....70 feet

Minimum Yard Setback Requirements: Front Yard .....40 feet.

Rear Yard .....30 feet

Side Yard for Main Buildings .....5*/15 feet

Side Yard (Amended 4/98) .....4 feet*

Rear Yard for Accessory Buildings .....1 foot*

On corner lots, 2 front yards and 2 side yards are required.

*Setback shall be as listed or match the easement width, whichever is greater

Maximum Building Height .....35 feet, or a basement and two (2) floors, whichever is less

Maximum Building Coverage .....20%

# AGENDA ITEM #4

Consideration of the proposed PUD for The Highlands subdivision, located on SR138.

**Planning and Zoning**
336 W. Main St.
Grantsville, UT 84029
Phone: (435) 884-1674

**Permit # 2024017**

# The Highlands PUD
# Staff Report Summary and Recommendation

**Parcel ID(s):** 01-062-0-0037

**Meeting Date:** May 2, 2024

**Public Hearing Date:** May 2, 2024

**Property Address:** Hwy 138

**Current Zone:** RM-7

**Applicant Name:** Updwell Homes LLC
**Request:** PUD
**Prepared By:** Cavett Eaton / Gary Pinkham / Robert Rousselle

**Planning Staff Notes and Recommendation:**
City records indicate that this initial development was presented as a Concept Plan (similar to the current Preliminary Plan) called Desert Highlands Subdivision on March 1st, 2017. Another Concept Plan was presented as The Highlands on June 2nd, 2021 and a third Concept Plan was presented on March 1st, 2022. Phases 1, 2, 3, 4, 5, and 6 have been presented for approval and Phase 6 is under construction.

The Highlands Public Infrastructure District (PID) Nos. 1-3 was presented on January of 2023 and was approved in the March 20th, 2024 City Council meeting.

The Highlands Amended and Restated Development Agreement (ARMDA) was brought before the Grantsville Planning Commission for discussion on December 21st, 2023. There has been discussion of this Amended Development Agreement at several Planning Commission Meetings since that time.

The applicant has submitted all applicable information for this proposed project. The applicant's completed worksheets and response to the City's request for what is allowed and what is requested in the current zoning for this property has been above average in response and completeness. They have worked with the City Staff and taken comments from the Planning Commission, then implemented them where feasible for the proposed project. It is important to note that **the Applicant is not asking for any exceptions** to the city standards and ordinances. The conceptual plans proposed in the PUD application comply with the RM-7 District for which the property is zoned.

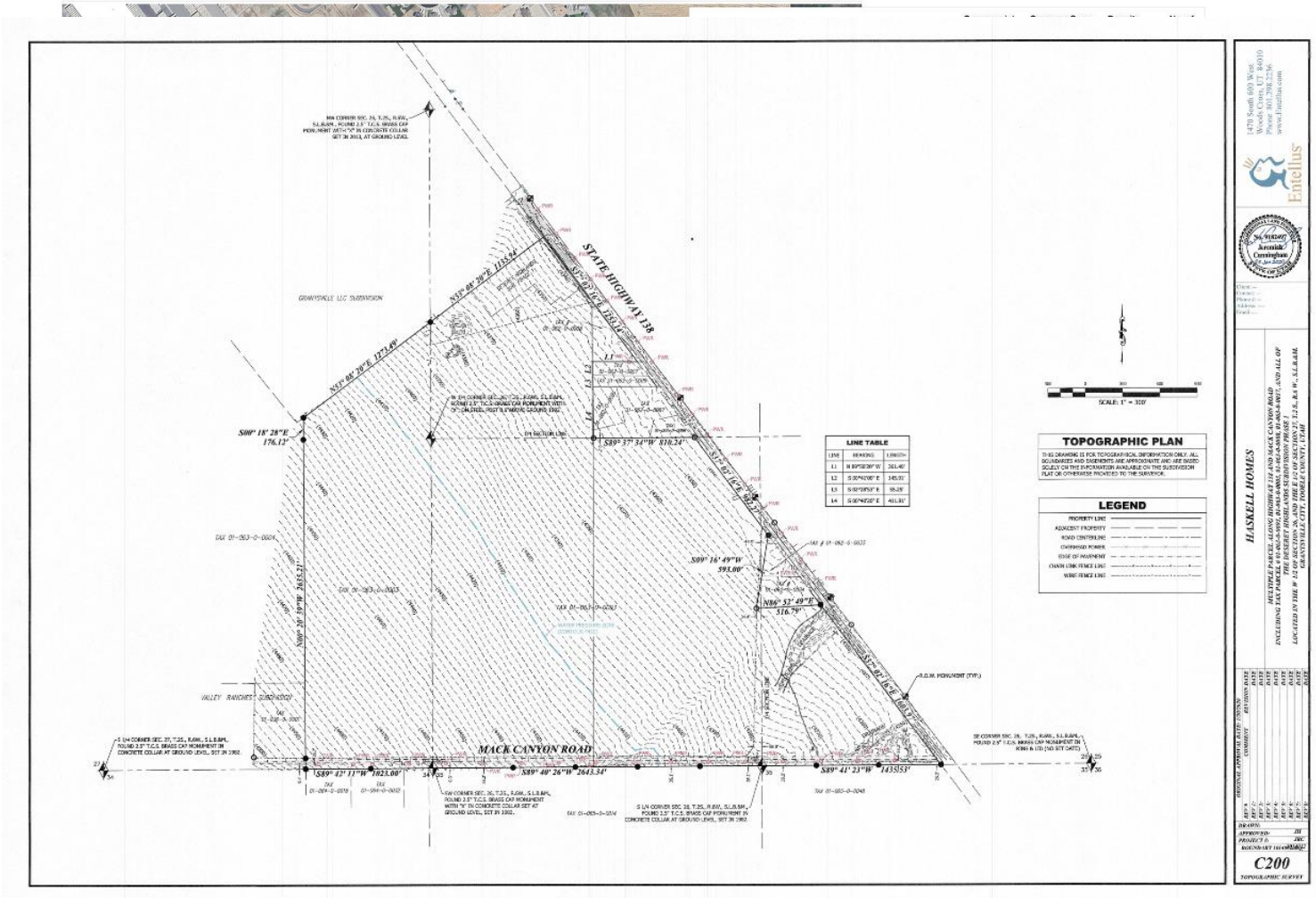
**Recomendation**
Because the application is complete, the actions proposed in the application comply with the underlying zoning of the property and meet the intent of the General Plan for this location, no exceptions to code are being asked for and the applicant has gone out of their way to try and work with the City and the

neighboring developers to resolve the significant infrastructure issues that each of the developments face the City Staff supports this application, and recommends it for approval by the Planning Commission and City Council with recommendations and additions as deemed necessary by those bodies.

## SITE & VICINITY DESCRIPTION



# TOPOGRAPHIC SURVEY



# DEVELOPER RESPONSE / PUD WORKSHEET

## GRANTSVILLE CITY

## DRAFT PUD APPLICATION WORKSHEET

The purpose of this worksheet is to guide your responses to the application requirements. If something is not applicable to your project, please note "Not Applicable" in the response box. If a response requires more space than is provided on this application or additional information is necessary, attach on separate pages and provide reference to the attachment in the response box.

Project Name -THE HIGHLANDS

Applicant -DESERET HIGHLANDS INVESTMENTS LLC

Project Location -S 26 T 2S R 6W

Project Acreage -299.46

Current Zoning -RM-7

PUD PURPOSE AND OBJECTIVES (GLUDMC Section 12-1-1):

Describe how the proposed project will meet each of the following Objectives:

Objective (a):

*(a) Creation of a more desirable environment than would be possible through strict application of other City land use regulations through promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The developer shall detail the proposed variation from Grantsville City ordinance requirements and explain how this variation will lead to a more desirable environment;*

Response

Recent significant increases in home prices have made rural lots, defined by the State Code as One Acre or larger, beyond the financial reach of most Utah families. The Highlands proposes to provide a range of affordable and attainable housing types including apartments, townhomes and single family detached homes. This range of housing types is encouraged by the RM-7 Zone.

The Highlands will also provide active open spaces including a 10 Acre City Park, a trail system and a series of HOA parks located in various neighborhoods.

Deviations from the City Code are requested and are outlined in the attached document.

Objective (b):

*(b) The use of design, landscape or architectural features to create a pleasing environment while preserving desirable site characteristics such as natural topography, vegetation and geologic features as open space and providing recreational facilities. For projects containing a residential component containing more than a single dwelling unit at least 10% of the total parcel acreage shall be open space. All Planned Unit Development projects shall conform at a minimum with open space and improved open space requirements found in Chapter 21. Topography with slopes greater than 30% on average with a site area greater than 5,000 square feet, natural water bodies and drainages shall be protected;*

Response

The Highlands proposes landscaping and architectural features that are typical of contemporary master planned communiites across the Wasatch Front. As stated, there will be 10 Acre City Park, a trail system and several HOA maintained parks in various areas.

The Highlands will have 38.94 Acres of open space which is thirteen (13) percent open space, 30 % more than the required minimum.

Objective (c):

*(c) Preservation of buildings which are architecturally or historically significant contribute to the character of the City;*

Response

There are no architecturrally or historically significant buildings on the property.

Objective (d):

*(d) Establishment of interconnecting paths and trails for alternative transportation routes which lead to common and popular destinations and interface with automobile traffic at few and specific points. Onsite paths and trails shall connect to the citywide trail system. Trails connecting to the citywide system shall be considered public trails allowing for public use; and*

Response

The Highlands proposes an extensive trail system that can be connnected to off-site trails. The trail system is designed to minimize conflicts with automobiles and allow residents to travel from neighborhoods to oepn space areas.

Objective (e):

*(e) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.*

Response

There are no blighted structures for incompatible uses on the property.

STANDARDS (GLUDMC Section 12-14-2 (a)):

Per GLUDMC Section 12-1-1 (a) *A planned development is a distinct category of conditional use.*

*(a) At the preliminary phase, the applicant shall submit a written statement addressing each of the standards set forth in Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 pf this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective;*

***7.8 Determination***

*(1) The Planning Commission, or upon authorization, the Zoning Administrator, may permit a use to be located within a zoning district in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances. The Zoning Administrator is also authorized to issue conditional use permits for family food production and the raising of animals, when appropriate, but may also defer any such application to the Planning Commission for its determination, in the sole discretion of the Zoning Administrator. In authorizing any conditional use the Planning Commission or Zoning Administrator shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission or Zoning Administrator shall only approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district. The Planning Commission or Zoning Administrator shall not authorize a conditional use permit unless the evidence presented is such as to establish:*

Describe how the proposed project will meet each of the following Standards:

The Applicants descriptions will help City Staff and Planning Commission make the determination for each of these standards. Some points may not be applicable to a specific project.

Standard (a):

*(a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;*

This information is found in the Use Tables found at the end of each Zoning District Chapter in the GLUDMC.

Chapter 14 Multiple Use, Agriculture and Rural Residential Districts

Chapter 15 Residential and Multiple Residential Districts

Chapter 16 Commercial and Industrial Districts

If the project is located in Chapters 17 Downtown Commercial Districts, 19 Sensitive area District, SA or 19a Mixed Use Districts Check Not Applicable

Response (Check the Applicable Box):

| Permitted | | Conditional | X | - Not Allowed | | Not Applicable | |
|---|---|---|---|---|---|---|---|

Standard (b):

*(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;*

Response

The Highlands is a master planned community that is contemplated by the RM-7 Zone. The types of homes are permitted by the RM-7 Zone and Section 4.5, Multi-Use Unit Residential Development.

Buffers have been included in the design to minimize the impact on adjacent residential areas.

Standard (c):

*(c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;*

Response

The Highlands has been designed to implement both the RM-7 Zone and the General Plan designations for the property.

Standard (d):

*(d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;*

Response

The Highlands is a master planned community that is contemplated by the RM-7 Zone. The types of homes are permitted by the RM-7 Zone and Section 4.5, Multi-Use Unit Residential Development.

Buffers have been included in the design to minimize the impact on adjacent residential areas.

Standard (e):

*(e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;*

Response

The Highlands is a master planned community that is contemplated by the RM-7 Zone. The types of homes are permitted by the RM-7 Zone and Section 4.5, Multi-Use Unit Residential Development.

Buffers have been included in the design to minimize the impact on adjacent residential areas.

Standard (f):

*(f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;*

Response

The Highlands is a master planned community that is contemplated by the RM-7 Zone. The types of homes are permitted by the RM-7 Zone and Section 4.5, Multi-Use Unit Residential Development.

Buffers have been included in the design to minimize the impact on adjacent residential areas.

Significant drainage courses have been retained to accommodate storm water flows without damage to surrounding properties.

Detention basins have been designed to retain additional storm water runoff as a result of land development.

Standard (g):

*(g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;*

Response

~~Other than a proposal to permit a limited number of zoning standard deviations (See attached page),~~ The Highlands has been designed consistent with the RM-7 Zone and the City General Plan.

Standard (h):

*(h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;*

No Response From Applicant. (This statement is directed to the body considering any conditions that may be imposed.)

Standard (i):

*(i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;*

No Response From Applicant. (This statement is directed to the body considering any conditions that may be imposed.)

Standard (j):

*(j) The internal circulation system of the proposed development is properly designed;*

Response

The Highlands proposes a Minor Collector loop street system to carry neighborhood traffic to Mack Canyon Road. Mack Canyon Road will be widented to Master Transportation Plan standards. Local streets have been designed to be 66 feet in right-of-way width, the City's standard.

Standard (k):

*(k) Existing and proposed utility services are adequate for the proposed development;*

Response

Utility systems will need to be upgraded for the size of development, however this has been contemplated in the design of the development.

Standard (l):

*(l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;*

Response

Buffering, as reguired by the City Code, has been incorporated into the plan design.

Standard (m):

*(m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;*

Response

The architecture and the building materials used will meet or exceed the City Code requirements.

Standard (n):

*(n) Landscaping is appropriate for the scale of the development;*

Response

The landscaping contemplated for The Highlands will balance the need for green spaces with the need to reduce water demands.

Standard (o):

*(o) The proposed use preserves historical, architectural and environmental features of the property;*

Response

Environmental features of the property, natural drainage courses, are being retained in the native conditions wherever possible.

There are no historical or architecturall significant features on the property.

Standard (p):

*(p) Operating and delivery hours are compatible with adjacent land uses.*

Response

The commercial proposed will follow City, County and State requirements for operating and delivery hours to minimize the off hours impact on adjacent land uses.

REQUESTED DEVIATIONS FROM DEVELOPMENT REGULATIONS (GLUDMC Section 12-14-2 (b)):

*(b) At the preliminary phase, the applicant shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulations is being sought by the developer, if any.*

Describe how the proposed project will meet each of the following Objectives:

**As part of the application requirements, a page was prepared that listed the deviations requested. The page is attached. The pages have been updated to address the additional information requested in the following.**

**Stephen G. McCutchan**
**Land & Community Planner**
**PO Box 382 Draper, UT 84020**
**(801) 557-6945**
**stevemplan@gmail.com**



February 27, 2024

**Requested Code Section Changes, Alterations, Modifications or Waivers Per Coide Section 12.4 c.**

**15.4 Multiple Residential District RM-7**

Front Yard Setbacks:

Alley-loaded garage units be permitted to have a minimum front yard setback of fifteen (15) feet.

Rear Yard Setbacks:

Alley-loaded garage units be permitted to have a minimum rear yard setback of five (5) feet.

Building Height:

Multi-family buildings, apartments and condominiums be permitted to have three (3) stories but no more than 35 feet in overall height.

Describe How Requested Deviation Benefits the Project and the Community.

Two of the requested deviations are to accommodate alley loaded or rear garage units. There are not contemplated in the existing City Code. The use of alley loaded or rear garage units will create a walkable, pedestrian streetscape in neighborhoods and the loop street Minor Collector.

Describe Mitigation Proposed to Maintain the general purposes, goals and objectives of this Code and of any plans adopted by the Planning Commission or the City Council. (12-2-1-(b)).

No additional mitigation is needed. Alley loaded or rear garage units create a more attractive and safe neighborhood.

**4.34 Multi Unit Residential Development**

2. c Setbacks:

i. Front: 25 feet, except alley-loaded garage units, have a minimum front yard setback of fifteen (15) feet.
ii. Sides (attached dwellings): fifteen (15) foot spacing between buildings containing dwelling units 7.5 side setback to the property line.
iii. Rear: 20 Feet, except alley-loaded garage units, have a minimum rear year setback of five (5) feet.
iv. Corner lots (attached dwellings): In order to maintain an adequate site triangle, there shall be a minimum setback on corner lots as follows: Fifteen (15) feet on each side fronting a street, and the developer shall illustrate how the fifteen (15) foot street corner setbacks meet or exceed the City's site triangle minimums.

2.d. Minimum Lot Frontage

i. Townhouses, rowhouses, and attached separately owned residential units shall have a lot frontage/lot width per unit of no less than 20 feet.

2.e. Open Space Requirements

3. As open space areas are meant to provide outdoor amenities for the use of the residents, stormwater facilities shall not be considered as part of the open space area, except where individual open space areas are greater than one (1) acre in net area, stormwater detention shall be permitted.

2.f. Street and Parking

3. Residential Visitor Parking: Parking requirements found in Chapter 6 Off Street Parking and Loading shall apply with the following exceptions:

a. Parking for the first ten (10) units shall provide one (1) separate designated visitor parking stall per dwelling unit. Each unit over the first

ten (10) dwelling units, one (1) additional parking stall for each two (2) dwelling units shall be provided. For any partial stalls calculated, the applicant shall round up to the next whole number of stalls.

b. If sufficient separated designated visitor parking is not available in approved curbside locations, off-street parking shall be provided no more than 200 feet away from the units for which parking is serving.

c. In the case of alley-loaded dwellings, on-street parking will be counted as visitor parking.

Describe How Requested Deviation Benefits the Project and the Community.

Most of the requested deviations are to accommodate alley loaded or rear garage units. There are not contemplated in the existing City Code. The use of alley loaded or rear garage units will create a walkable, pedestrian streetscape in neighborhoods and the loop street Minor Collector.

The addition of the request that on-street parking be counted as guest parking in the case of alley loaded or rear garage units is a typical standard in communities that have alley loaded units. Without garages and driveways in the front, on street parking is a great place for guest parking.

Describe Mitigation Proposed to Maintain the general purposes, goals and objectives of this Code and of any plans adopted by the Planning Commission or the City Council. (12-2-1-(b)).

No additional mitigation is needed. Alley loaded or rear garage units create a more attractive and safe neighborhood.

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**stevemplan@gmail.com**



February 7, 2024

**In response to Code Section 12.4 b., the applicant provides the following information.**

(a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;

*12.1 Purpose*
*(1) A planned unit development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development.*

(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;

*This Planned Unit Development implements the provisions of the RM-7 Zone and Code Section 4.34 Multi Unit Residential Development.*

(c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;

*The Planned Unit Development Concept Plan has been prepared with the intent, spirit and regulations of all City codes, specifically the RM-7 Zone and Code Section 4.34 Multi Unit Residential Development.*

(d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;

*The Concept Plan has been prepared to implement the provisions of the RM-7 Zone and Code Section 4.34 Multi Unit Residential Development.*

(e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;

*The Concept Plan has taken into consideration adjacent existing uses and has adjusted the land uses to be in harmony with neighboring uses.*

(f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;

*The implementation of the Concept Plan will increase property values, mitigate adverse environmental impacts and increase Grantsville's tax base with property taxes, increased sales tax and fees.*

(g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;

*The Concept Plan has been designed to implement the provisions of the City's General Plan, including Land Use, Circulation and Housing Elements.*

(h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;

*The property owner and developer will need to file plat maps to implement the Concept Plan. The approval of the plats will include surety bonds and other financial tools to secure that the construction is in keeping with the conditions of approval.*

(i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;

*NA at this time.*

(j) The internal circulation system of the proposed development is properly designed;

*The Concept Plan plans for the ultimate development of Mack Canyon Road consistent with the City's Transportation Plan. The collector and local streets have been designed per the City's street standards and drawings.*

(k) Existing and proposed utility services are adequate for the proposed development;

*Improvements to utility services will need to be made as a condition of approval.*

(l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;

*The Concept Plan incorporates City standards for minimizing the impacts of light, noise and visual impacts.*

(m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;

*Modern building techniques and materials will be used as permitted by the Uniform Building Code.*

(n) Landscaping is appropriate for the scale of the development;

*The development of the property will strike a balance between needed landscaping and the need to reduce water use.*

(o) The proposed use preserves historical, architectural and environmental features of the property; and

*Significant natural drainages have been preserved. There are no historical or architectural features on the property.*

(p) Operating and delivery hours are compatible with adjacent land uses.

*Most of the property is planned to be a residential master-planned community and will operate as one usually does. When commercial businesses are established, they will operate to shield residential areas from commercial activities.*

**Stephen G. McCutchan**
**Land & Community Planner**
**PO Box 382 Draper, UT 84020**
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February 7, 2024

**Requested Code Section Changes, Alterations, Modifications or Waivers Per Coide Section 12.4 c.**

**15.4 Multiple Residential District RM-7**

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Building Height:

Multi-family buildings, apartments and condominiums be permitted to have three (3) stories but no more than 35 feet in overall height.

**4.34 Multi Unit Residential Development**

2. c Setbacks:

i. Front: 25 feet, except alley-loaded garage units, have a minimum front yard setback of fifteen (15) feet.
ii. Sides (attached dwellings): fifteen (15) foot spacing between buildings containing dwelling units 7.5 side setback to the property line.
iii. Rear: 20 Feet, except alley-loaded garage units, have a minimum rear year setback of five (5) feet.
iv. Corner lots (attached dwellings): In order to maintain an adequate site triangle, there shall be a minimum setback on corner lots as follows: Fifteen (15) feet on

each side fronting a street, and the developer shall illustrate how the fifteen (15) foot street corner setbacks meet or exceed the City's site triangle minimums.

2.d. Minimum Lot Frontage

i. Townhouses, rowhouses, and attached separately owned residential units shall have a lot frontage/lot width per unit of no less than 20 feet.

2.e. Open Space Requirements

3. As open space areas are meant to provide outdoor amenities for the use of the residents, stormwater facilities shall not be considered as part of the open space area, except where individual open space areas are greater than one (1) acre in net area, stormwater detention shall be permitted.

2.f. Street and Parking

3. Residential Visitor Parking: Parking requirements found in Chapter 6 Off Street Parking and Loading shall apply with the following exceptions:

a. Parking for the first ten (10) units shall provide one (1) separate designated visitor parking stall per dwelling unit. Each unit over the first ten (10) dwelling units, one (1) additional parking stall for each two (2) dwelling units shall be provided. For any partial stalls calculated, the applicant shall round up to the next whole number of stalls.

b. If sufficient separated designated visitor parking is not available in approved curbside locations, off-street parking shall be provided no more than 200 feet away from the units for which parking is serving.

c. In the case of alley-loaded dwellings, on-street parking will be counted as visitor parking.

**NEW LETTER- NO CODE EXCEPTIONS REQUESTED**

**Stephen G. McCutchan**
**Land & Community Planner**
**PO Box 382 Draper, UT 84020**
**(801) 557-6945**
**stevemplan@gmail.com**



March 27, 2024

**Requested Code Section Changes, Alterations, Modifications or Waivers Per Coide Section 12.4 c.**

We are not requesting code section changes, alternations, modifications or waivers. The Planned Unit Development is designed to meet all code requirements.

## NEIGHBORHOOD RESPONSE

The Radius Report for this PUD for the 3/21/24 meeting was sent on 3/11/2024. City Staff have received no responses at the time of this report. Responses received after posting the packet will be forwarded to the Planning Commission via email.

## PLANNING STAFF ANALYSIS AND COMMENTS

**Planning Consultant - Gary Pinkham**

**GENERAL NOTES:**

It is my understanding that the developer wishes to amend the original Highlands project plan to add roughly 260 acres of additional ground to the plan area. The proposed plan for this added area includes uses and concepts that were not considered in the original approval process.

The project area is currently zoned RM-7 which will permit the proposed uses shown in the applicant's concept plan.

Once I realized that the Code reference in their opening sentence should refer to 7.8 and not 12.4.b, I was able to make sense of their following comments. I am very pleased that this applicant is actually following and providing the required information for this PUD application. They have addressed each of the items listed in 7.8 and are providing an itemized list of their desired changes, alterations, modifications, and waivers to the City's Code.

SPECIFIC ISSUE NOTES:
Regarding their responses to the various items listed in 7.8, their will need to be additional discussions held to determine the requirements to address issues such as (b) public safety and welfare, (k) utilities, (n) landscaping, and (o) storm drain protection and preservation.

Regarding their short list of proposed changes, alterations, modifications, or waivers to the City's code, I have the following comments:

1. For setbacks that will have garage access or driveways associated with the frontage the Planning Commission members have expressed that they feel 25' is the minimum they are comfortable with. This is to accommodate full sized vehicles such as extended cab pickups, service vans, etc.
2. For building height, the 35' maximum height is the critical dimension. If they can squeeze a third floor in, I see no problem with this request.
3. For the corner lot setbacks, they will need to show that nothing will encroach into the 30' triangle. This will include any vehicles parked within the area.

4. For minimum lot frontage, this issue must be looked at with regard to the impact on utility access and placement, garbage can locations, parking, street signage, etc.
5. For parking, I am not in favor of granting any relief to the parking requirements of the City's code. In looking at the concept plan it appears that there is a significant lack of parking. It should be noted that the City's Code has been written to be in compliance with the State Code for parking and cannot be subject to variance.

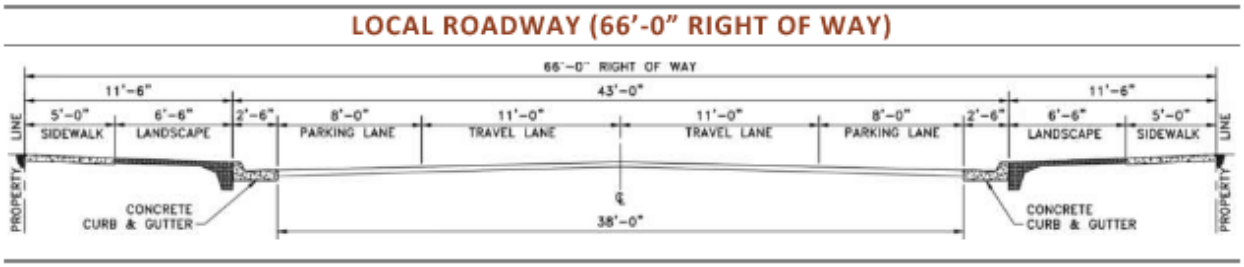
The table on the concept plan appears to have some errors and omissions in it regarding the type of use and number of units.

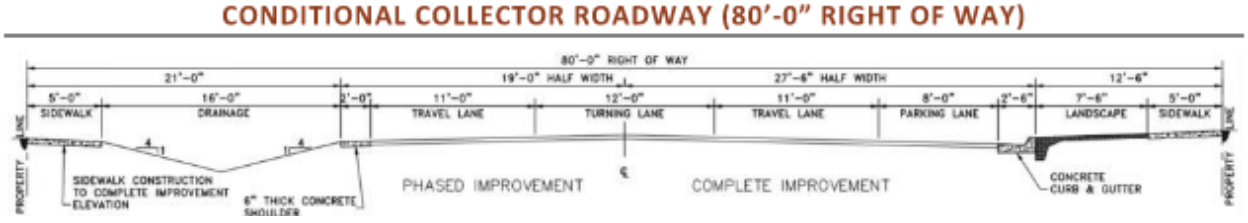
## ENGINEERING STAFF ANALYSIS & COMMENTS

Comments have been provided by the City Engineer concerning issues that will need to be considered if the proposed project moves forward. The City Engineer's recommendations are included in the staff recommendations.

The developer mentions improvements to utility services will need to be made as a condition of approval. With the amount of units proposed with this development utility and road improvements will be crucial.

**Roads:** Most of the roads proposed in the development meet Grantsville City's local roadway right-of-way standards of 66-feet of right-of-way, see below. The main looped roadway within the PUD is proposed as a conditional collector roadway (80-foot wide right-of-way). The development has also proposed realigning Mack Canyon Road so it intersects SR-138 perpendicularly. With Mack Canyon Road as the main access for the majority of this development, a traffic study should be completed to determine all the improvements required within the development, Mack Canyon Road, and SR-138.




**Drainage:** The Pope Canyon and West Canyon 1 Watersheds drain through this project as shown in the figure below. The 100-year – 24-hour duration peak discharge for Pope Canyon is 849 cfs with West Canyon 1 at 286 per the 2024 Final Draft Grantsville West Bank Development Stormwater Master Plan

Report by Jones & DeMille Engineering. There are three (3) culverts under SR-138 along this property: 24-inch CMP, 6-foot (wide) x 4.5-foot (high) culvert, and 6-foot (wide) x 4-foot (high) culvert. The developer will need to work with the City on mitigation efforts to minimize adverse effects on downstream properties.

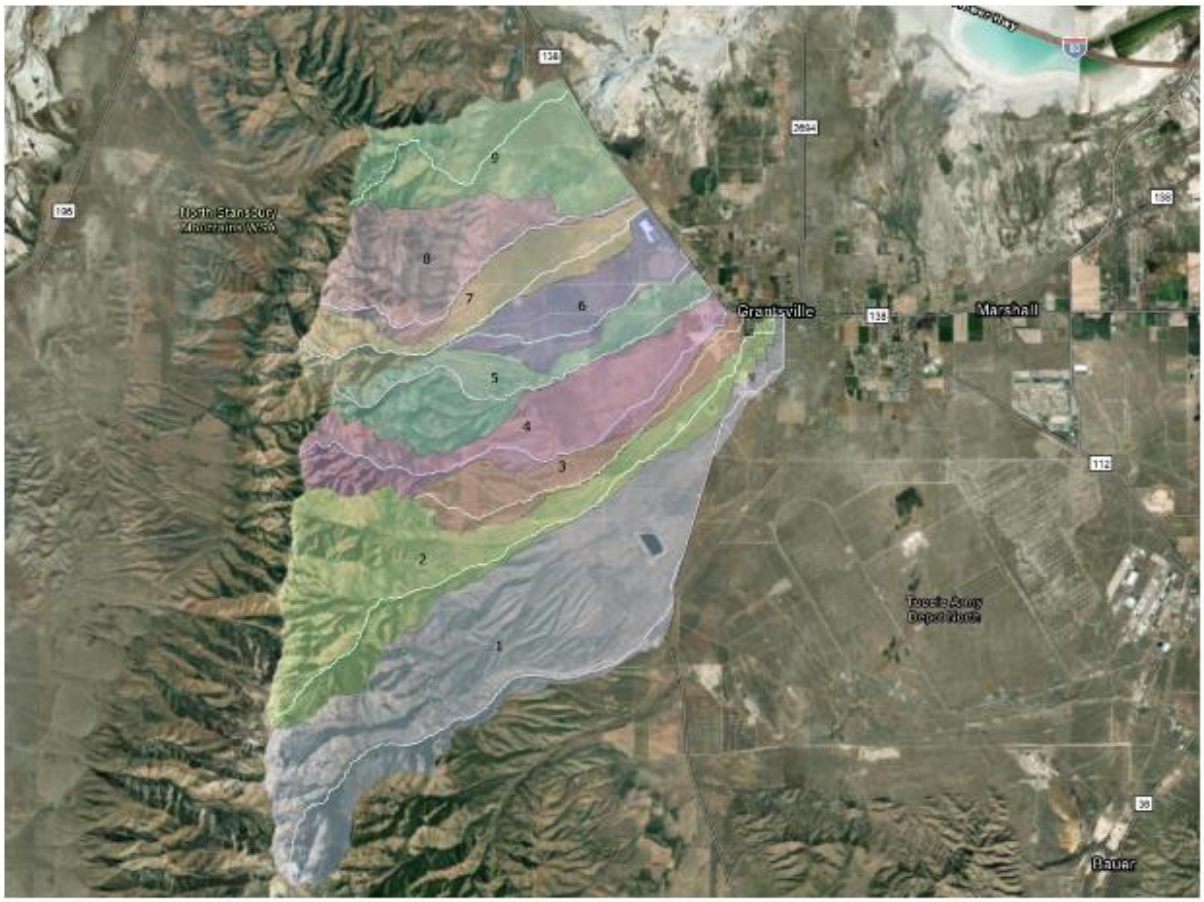



Figure 1. West Bank Watersheds

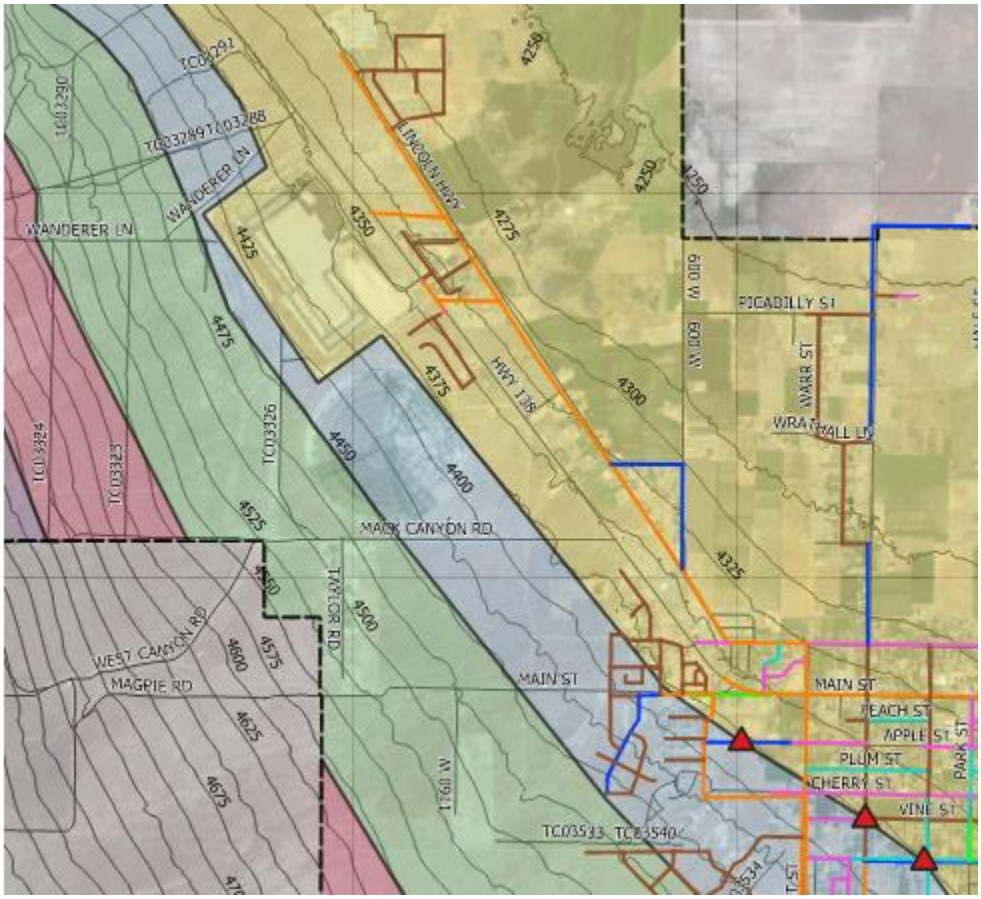
Table 1. Subbasin Number and Name

| Subbasin | Subbasin Name |
|---|---|
| 1 | South Willow and Coal Pit Canyon |
| 2 | North Willow Canyon |
| 3 | White Rocks |
| 4 | Baker Canyon |
| 5 | Pope Canyon |
| 6 | West Canyon 1 |
| 7 | West Canyon 2 |
| 8 | Dry Canyon |
| 9 | Unnamed |

*Source: 2024 Final Draft Grantsville West Bank Development Stormwater Master Plan Report by Jones & DeMille Engineering*

**Water :**

The majority of this project will be located within pressure zone 2, see figure below, with the southwest corner located in pressure zone 3.




*Pressure Zone 1 – Yellow Shaded Area*

*Pressure Zone 2 – Blue Shaded Area*

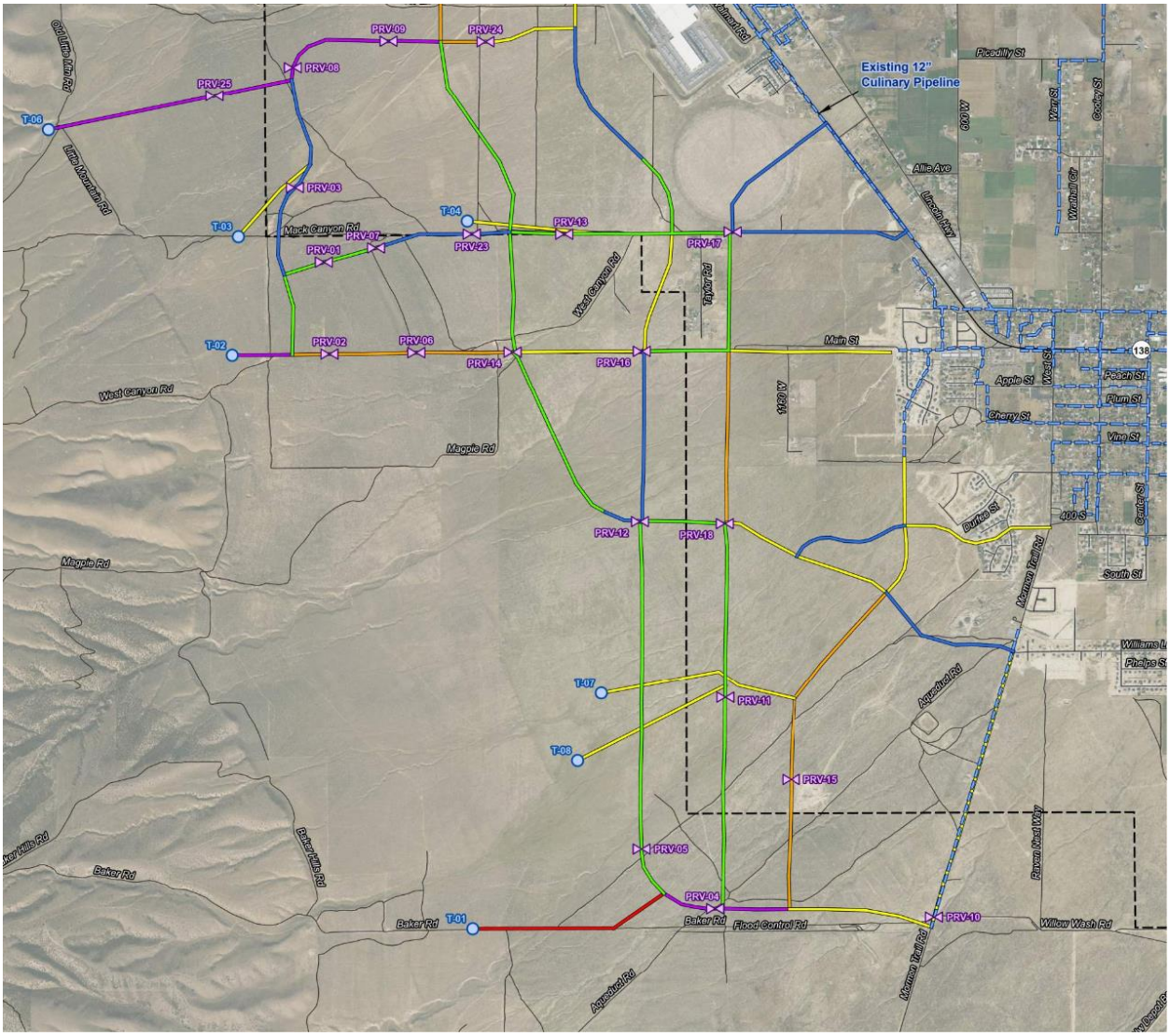
*Pressure Zone 3 – Green Shaded Area*

*Future Pressure Zone 4 – Red Shaded Area*

*Future Pressure Zone 5 – Purple Shaded Area*

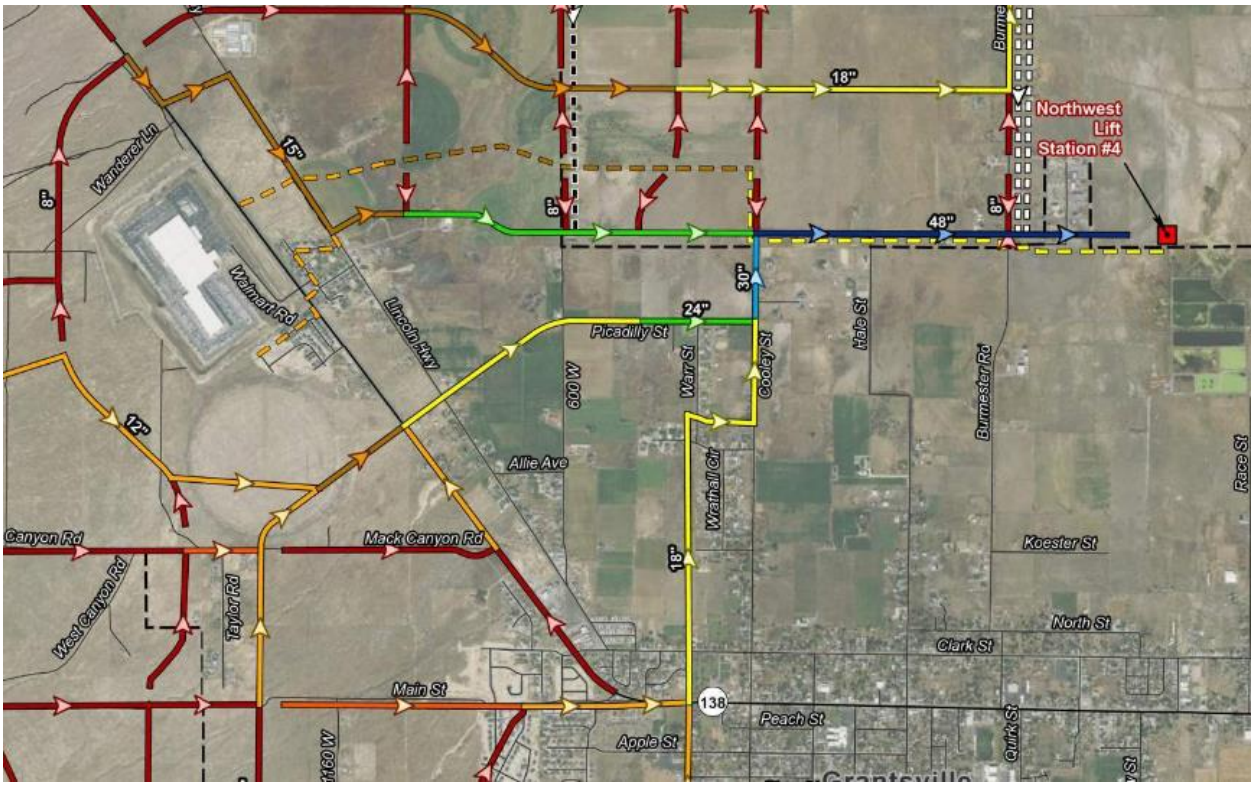
*Source: Figure 7 from 2022 Grantsville CFP, IFFP, and IFA by Ensign Engineering and Land Surveying*

Wells and tanks are proposed along Mack Canyon road to ultimately serve pressure zone 3. As shown in the figure below, water line connections need to be made to existing pipe lines to the south for pressure zones 2 and 3. This project has an existing irrigation well and this site is being considered for a location for a future City well.



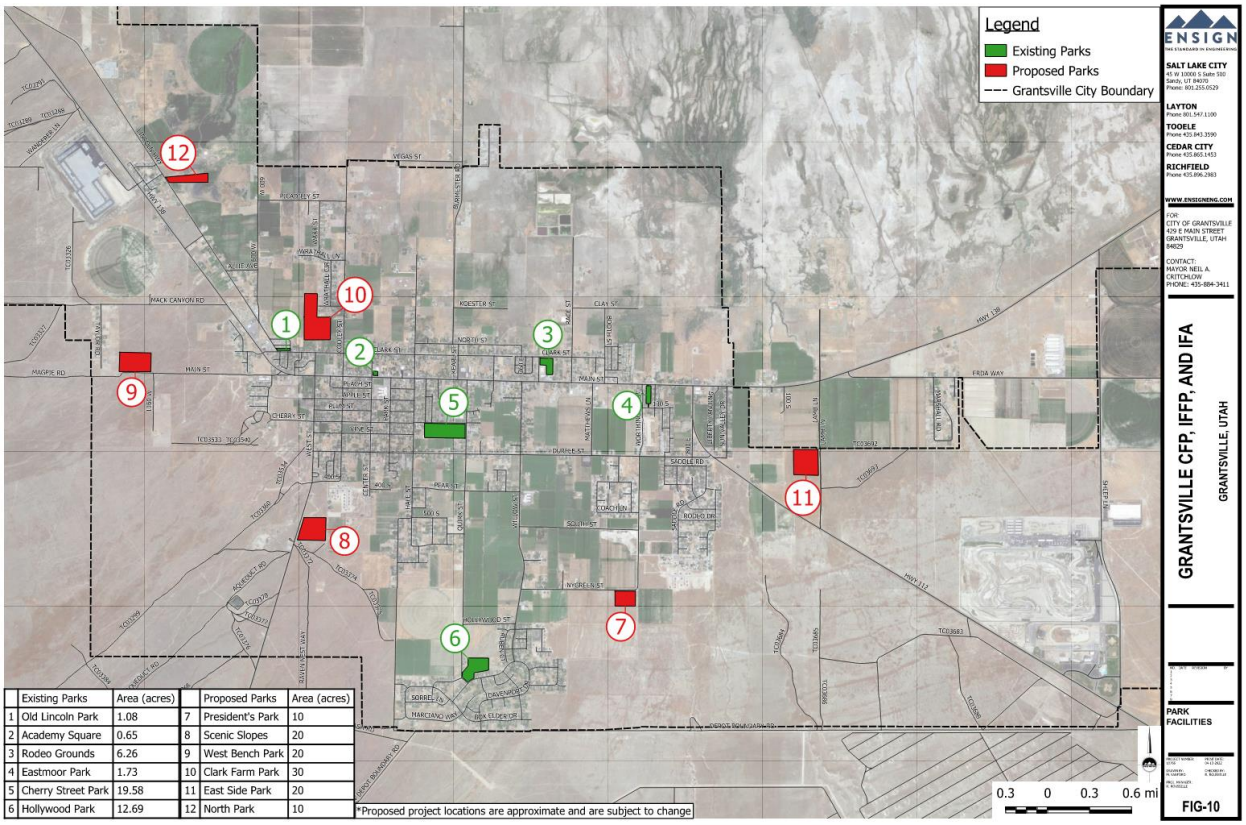

*Source: Figure 1 from 2024 Final Draft Grantsville Drinking Water Master Plan Report by Jones & DeMille Engineering*

**Wastewater :** This development will need to provide a sanitary sewer line to connect to the existing Northwest Interceptor, see figure below. The Northwest Interceptor will need to be increased in capacity to convey sanitary sewer to the Wastewater Treatment Plant. The Northwest Lift Station will need to be replaced near the end of the 10-year planning period, if not sooner dependent on growth, with a larger lift station to not only convey the wastewater flows from The Highlands, but numerous large developments in the West Bank area. The new Wastewater Treatment Facility, currently in design, will be sized to handle these additional wastewater flows.




*Source: Figure 1 from 2024 Final Draft Grantsville West Bank Development Wastewater Master Plan Report by Jones & DeMille Engineering*

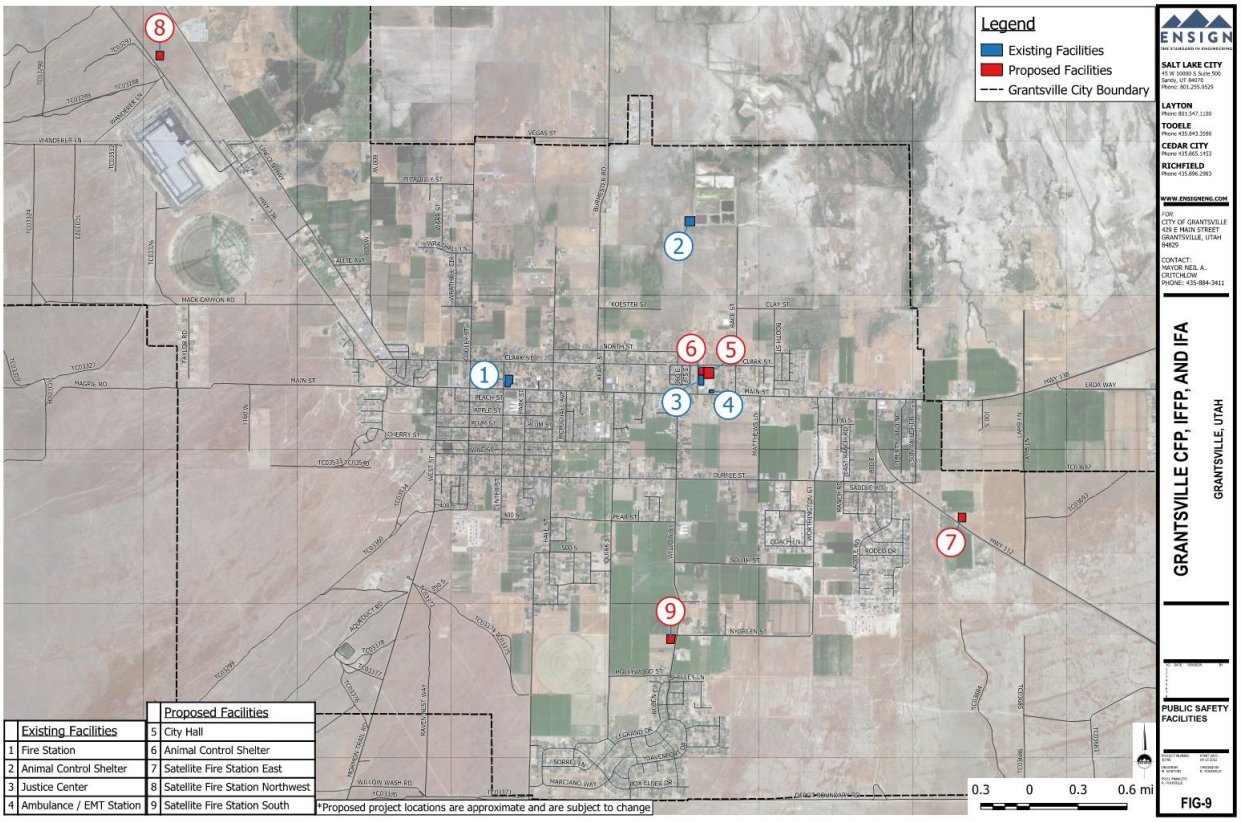
**Parks:** There are currently no parks in the vicinity of this development except for the 1.08 acre Old Lincoln Park by Old Lincoln Highway and Clark Street. The 2022 Parks CFP, IFFP, and IFA show a proposed 10 acre North Park in the vicinity. The developer should work with Grantsville City Parks and Recreation Department along with the community to incorporate park amenities and improvements into the proposed 10 acre park located within The Highlands.




| | Existing Parks | Area (acres) | | Proposed Parks | Area (acres) |
|---|---|---|---|---|---|
| 1 | Old Lincoln Park | 1.08 | 7 | President's Park | 10 |
| 2 | Academy Square | 0.65 | 8 | Scenic Slopes | 20 |
| 3 | Rodeo Grounds | 6.26 | 9 | West Bench Park | 20 |
| 4 | Eastmoor Park | 1.73 | 10 | Clark Farm Park | 30 |
| 5 | Cherry Street Park | 19.58 | 11 | East Side Park | 20 |
| 6 | Hollywood Park | 12.69 | 12 | North Park | 10 |

*Source: Figure 10 from 2022 Grantsville CFP, IFFP, and IFA by Ensign Engineering and Land Surveying*

**Fire:** A Satellite Fire Station is proposed in the West Bank area, see figure below. It may not be constructed with this development but needs to be considered as developments come in.




*Source: Figure 9 from 2022 Grantsville CFP, IFFP, and IFA by Ensign Engineering and Land Surveying*

## PLANNING COMMISSION CONSIDERATIONS & CONDITIONS

Worksheet for Planning Commission in considering this application**.**

**Project Benefits to the City and the Project Residents:**

- The project tis proposed to provide a small commercial node at the intersection of Mack Canyon road and SR-138 which will very likely include businesses that serve the local residents.
- In the City Planning Documents Mack Canyon Road is proposed as a major corridor not only for vehicle traffic but also for water and sewer trunk lines, tanks and other utility facilities to serve the west bank area as well as provide access to trails leading into the foothills and mountains. The proposed project is doing its part to help address these issues.
- A City Park is proposed that will not only benefit the residents of the subdivision but will also be available for use by other City residents.
- The project meets the intent of the General Plan for the area and the zoning.

**Mitigation Efforts:**

- A central loop road moves a great deal fo the traffic onto Mack Canyon Road which will allow for efficient movement onto SR-138.
- The City Park and landscaped amenity rich private open space will be constructed around the multi-family residential so that those residents will have outdoor space to utilize.
- Mack Canyon Road will be designed with major utility trunk lines that will serve not only the Highlands PUD but the future surrounding development and will improve efficiency of operation and maintenance for the City.

**Conditions of Approval:**

- An MDA to be submitted with or before the first preliminary application is submitted will contain specific phasing requirements for the improvement of the City Park and completion of major infrastructure.
- This approval is based upon continued good faith efforts to work with surrounding developers and the City to provide adequate sized trunk line infrastructure in Mack Canyon Road to jointly address the necessary infrastructure to serve the properties of those who choose to participate and front Mack Canyon Road.
-

# AGENDA ITEM #5

Discussion of the proposed Master Development Agreement for The Highlands PUD, located on SR138.

**Planning and Zoning**
336 W. Main Street • Grantsville, UT 84029
Phone: (435) 884-1674 • Fax: (435) 884-0426

**File# HIGHLANDS ARMDA**

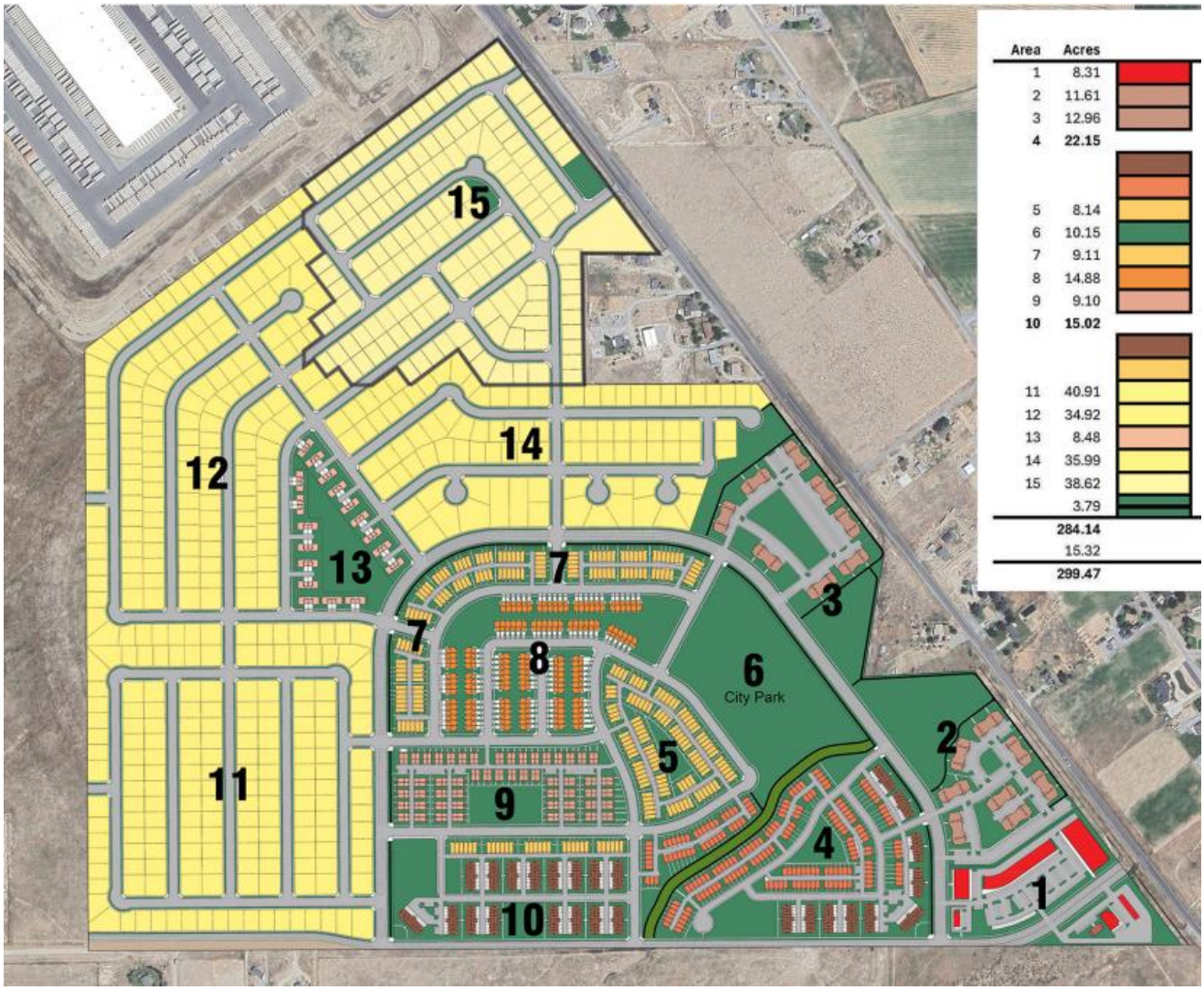
# Highlands Subdivision Master Development Agreement Summary and Recommendation

| | | | |
|---|---|---|---|
| **Parcel ID:** | 01-062-0-0100, 01-062-0-0111<br>01-062-0-0110, 01-062-0-0100 | **Meeting Date:** | **May 2, 2024** |
| **Property Address:** | 700 N Hwy 138 | **Current Zone/Proposed Zone:** | RM-7 |

**Applicant Name:** Guy M. Haskell
**Request:** Master Development Agreement Approval
**Prepared by:** Cavett Eaton

## SITE & VICINITY DESCRIPTION






## NEIGHBORHOOD RESPONSE

It was discovered 3/14/2024 that Public Notice was never sent for The Highlands Master Development Agreement. To be compliant with State and City noticing requirements we must schedule a Public Hearing and send Public Notices out 10 days before the meeting for this item.
New plans were received for the PUD, so this process was halted. Notices have not been sent yet. This will need to have a Public Hearing 5/16/2024. Notices will be sent by 5/6/2024, after mailing supplies is received from the applicant.
Once notices are sent and feedback is received, this staff report will be updated.

# PLANNING STAFF ANALYSIS

**HIGHLANDS MASTER DEVELOPMENT AGREEMENT**

Highlands is finishing up the 7'000 sf lots next to the Walmart DC (40 Ac) and is looking to develop the 260 Ac South from their existing project to Mack Canyon Rd.

30 Ac of open space. There will be a fully improved 10 Ac of park and trail about 0.75 miles long that will be publicly maintained. It is unclear what the rest of the open space will be. The agreement states -- The other open space will include "privately opened" and maintained open spaces, parks and common areas. This should be defined. Some impervious surfaces areas are being included as open space, such as sports courts, pavilions, walking paths, trails, parking areas. Parking areas may be included only if it is directly created for the park.
Park impact fees will be reduced by the cost of land or amenities provided for parks, unless paid for by a PID.

Commercial area is limited by the agreement. The agreement has been reduced the area from 8.8 Ac of commercial at the intersection of Mack Canyon and SD138 to 12,000 sf size commercial buildings. The number of buildings is not noted. The agreement also will allow other types of buildings.

The property is currently Zones RM-7. The old code is still shown on line and states RM-7 has a max Density of 7 d.u./acre. The code also states that – only existing roads do not need to be included when determining units per acre. In the agreement the developer calculated the number of dwelling units allowed to fit on the property to be 1,878 units.
And the new code removed the max number of units per acre and uses min lot sizes of 7,000 sf and corner lots at 10,000 sf. After subtracting the open space and roads that would need to be designed around (30% of the area) the max number of 7,000 sf lots would be 1,077 dwellings. This is a difference of over 800 lots that are being added to the development.

Things that could be added to the agreement
- allowing the city to require upsizing of the utilities or building their share of the utilities that would be needed per the West Bank Draft Study
- HOA to maintain the trails and open space less than 5 ac in size

# PLANNING STAFF RECOMMENDATION

The City's Land Use Attorney has provided initial comments and has some concerns in terms of clarity, sequencing, and utilities. He stated that this agreement is not ready for approval yet, as there are many things to be discussed. Planning Staff recommends that the Planning Commission provide their feedback, then the developer and City Staff work together to refine the current draft before moving to Consideration.

# LAND USE ATTORNEY'S COMMENTS

The main issue is the lack of clarity on exactly what is being approved and far too broad discretion on the part of the developer. The ARMDA states that "Planned Community" substantially complies with the applicable law, but does not require the developer to proceed with any or all of the Planned Community. In short, most of the ARMDA appears to be drafted on the assumption that the entire Planned Community will be built out, but there is no such requirement and the City is taking on far too much risk that things will not go "as intended." This presents a number of potentially major problems. First, because there is no obligation on the part of the developer to build any portion of the Planned Community, they can pick and choose what is most beneficial to them and just elect not to build the portions that include any concessions to that the City wants. This is unfortunately a common problem with MDAs and we want to avoid that outcome, where the developer gets what they want up front and later renegs on what they promised the City in exchange. Additionally, this draft does not appear to require each individual Development Application to comply with specific requirements in terms of dedications for public use, etc. Allowing the developer full discretion to build effectively negates all mandatory requirements for the Planned Community and the only effective provisions of the ARMDA are those that apply uniformly to all subdivisions and Development Applications.

- References to Utah Code by year (i.e. "Utah Code Ann. § 10-9a-509 (**2019**)). These year references should be omitted, or their purpose clarified. By default, the MDA will be subject to the Utah Code in effect as of the date it is signed. In some circumstances the parties could agree to variations, but we would need to be specific and purposeful. If the intent is just to indicate the last time that provision was modified, those references are incorrect. Our recommendation is to omit those dates unless there is a specific legal reason that has been vetted by counsel as not conflicting with existing law.
- Deseret Highlands Investments LLC. as stated in the preamble should be corrected to Deseret Highlands Investments LLC, a Utah limited liability company (not corporation).
- The "When Recorded" line should be updated to reflect either the new City Attorney or the generic "City Attorney" instead of a specific named individual.
- Definitions:
    - City, Master Developer, and Agreement are each defined twice, once in the preamble and then again in the Definitions section. The first instance can be deleted and all definitions can be kept in the Definitions section.
- We need to include language specifying that the prior agreement is entirely replaced by this ARMDA to avoid any unintended consequences.
- Section 2.3. Maximum Residential Units – Our understanding was that the City wants to move away from identifying specific maximum unit counts. Section 2.2 could be modified to clarify that it is a maximum and not a guarantee (the use of the term "maximum" in the definition does not have a clear legal effect in that sense). The proposed omission .
- Section 2.5 should be deleted or revised to require that if Developer begins any portion of the Planned Community they must either (i) build all public spaces first or (ii) build all phases in their entirety and in full compliance with the ARMDA.
- Section 3.2 – It appears this list should be inclusive, so the "; or," in 3.2.4 should be changed to a ";", and 3.2.7 should end with "; and"
- Section 4 – The reference to default and cure should be more clearly spelled out, including something to the effect that whether it is in the process of being cured is determined by the City in its reasonable discretion.
- Section 6.6 – Guarantor is not defined or specified – if this is incorporating a provision of GLUDMC, it should specify that.
- Section 8 – We should discuss upsizing revisions.

- Section 14, assignability. Revisions to this section appear to be necessary.
- Section "1" - Dispute Resolution – Numbering issues affecting remainder of document"

Recommended additions:

- Further Assurances. Each party shall execute and deliver such additional documents and take such further actions as may reasonably be necessary to effectuate the transactions contemplated by this Agreement.
- No Boycott. The undersigned certifies that it is not currently engaged in a boycott of the State of Israel and agrees not to engage in a boycott of the State of Israel during the term of this Agreement. The undersigned further acknowledges that its engagement in a boycott of the State of Israel would be in violation of Utah Code Section 63G-27-201 and could result in termination of this Agreement.

**WHEN RECORDED, RETURN TO:**

**Brett Coombs, Esq.**
**Grantsville City Attorney**
**429 East Main Street**
**Grantsville City, Utah 84029**

# GRANTSVILLE CITY
# AMENDED AND RESTATED
# MASTER DEVELOPMENT AGREEMENT
# FOR
# THE HIGHLANDS
# A MASTER PLANNED COMMUNITY

THIS AMENDED AND RESTATED MASTER DEVELOPMENT Agreement ("**ARMDA**") is made and entered as of the ___ day of _____, 2024, by and between Grantsville City, a municipal corporation of the State of Utah ("**City**"), and Deseret Highlands Investments LLC, a Utah corporation. ("**Master Developer**").

## RECITALS

A. The capitalized terms used in this ARMDA and these Recitals are defined in Section 1 below.

B. The Parties entered into the Prior Agreement on May 20, 2020.

C. The Parties now desire to amend the Prior Agreement.

D. Developer owns and is developing the Property as a mixed commercial and residential subdivision.

E. The Parties desire to enter into this ARMDA to specify the rights and responsibilities of the Developer to develop the Property as expressed in this ARMDA and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this ARMDA. Development of the Project as a master planned community pursuant to this ARMDA is acknowledged by the Parties to be consistent with LUDMA and to operate for the benefit of the City, Owners, Master Developer and the general public.

F. The City and the Master Developer agree the Master Plan included as Exhibit "A" is a conceptual plan and is subject to revision in the course of preparing, filing and approving Development Applications except as otherwise specified in this Agreement

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G. The Planning Commission reviewed and made a recommendation of this ARMDA on _____, 2024.

H. The City Council has reviewed this ARMDA and determined that it is consistent with LUDMA.

I. The Parties acknowledge that development of the Property pursuant to this ARMDA will result in planning and economic benefits to the Owner and Developer(s) by providing assurances to Master Developer.

J. Owners, Master Developer, and the City have cooperated in the preparation of this ARMDA.

K. The Parties desire to enter into this ARMDA to specify the rights and responsibilities of Owners and Master Developer to develop the Property as parts of the Project as expressed in this ARMDA and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this ARMDA.

L. The parties understand and intend that this ARMDA is a "development agreement" within the meaning of, and entered pursuant to the terms of Utah Code Ann. §10-9a-102 and 532 (20232024)

M. The City's entry into this ARMDA is authorized by the adoption of Resolution _____ on _____, 2024.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Master Developer hereby agree to the following:

**Definitions**

1. **Definitions.** As used in this ARMDA, the words and phrases specified below shall have the following meanings:

1.1. **Agreement** means this Master Development Agreement including all of its Exhibits and Addendums.

1.2. **Applicant** means a person or entity submitting a Development Application for a portion of the Planned Community.

1.3. **Building Permit** means a permit issued by the City to allow the construction or alteration of a building, structure, private or public infrastructure within the City's jurisdiction.

1.4. **Buildout** means the completion of all Subdivisions permitted within the Planned Community in accordance with this ARMDA.

1.5. **City** means Grantsville City, a political subdivision of the State of Utah.

1.6. **City's Future Laws** means the Zoning, policies, standards, and procedures which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Subdivision, and which may or may not be applicable to the Development Application depending upon the provisions of this ARMDA.

1.7. **Council** means the elected City Council of the City.

1.8. **Default** means a material breach of this ARMDA as specified herein.

1.9. **Development** means the development of a portion of the Property pursuant to an approved Development Application.

1.10. **Development Application** means any application to the City for final approval of a Subdivision, including a subdivision plan, preliminary or final plat, commercial site plan, Building Permit or any other permit, approval, certificate or other authorization from the City required for a Development within the Planned Community.

1.11. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603 (2024), and approved by the City, subdividing any portion of the Planned Community.

1.12. **General Plan** means the General Plan of Grantsville City adopted pursuant to LUDMA and GLUDMC Chapter 3 Section 10.

1.13. **GLUDMC** means the Grantsville Land Use Development and Management Code.

1.14. **LUDMA** means the Land Use, Development, and Management Act, Utah Code Ann. § 10-9a-101 (2024), *et seq*.

1.15. **Master Developer** means Deseret Highlands Investments LLC, a Utah limited liability corporation, and their successors, assignees, transferees, and related subsidiary entities as permitted by this ARMDA.

1.16. **Master Plan Area** means a specified portion of the Planned Community, which shall be developed in logical sequence as determined by the Master Developer and the City as identified in the Master Plan by land use.

1.17. **Master Plan** means *The Highlands Master Plan* which is included as Exhibit A, and is a conceptual plan and provides for the general locations of land density, roads, and open space applicable to Development within the Planned Community.

1.18. **Maximum Residential Units** means the development on the Property of one thousand eight hundred eighty-seven (1,878) Residential Dwelling Units.

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1.19. **Notice** means any notice to or from any party to this ARMDA that is either required or permitted to be given to another party.

1.20. **Party/Parties** means, in the singular, Master Developer or the City; in the plural Master Developer and the City.

1.21. **Planned Community** means the master planned community, composed of multiple Subdivisions and any other development to be constructed on the Property pursuant to this ARMDA.

1.22. **Preliminary Plat** means those plans which may be important for evaluating a proposed Subdivision for compliance with City Laws and may be submitted to the City for review and approval.

1.23. **Project** means the collective commercial and residential subdivisions to be constructed on the Property as part of the Planned Community pursuant to this ARMDA with the associated Public Infrastructure and private facilities, and all the other aspects approved as part of this ARMDA.

1.24. **Property** means that real property containing approximately 298.12 acres, more particularly described in Exhibit "B".

1.25. **Public Infrastructure** means those elements of infrastructure that are planned to be dedicated to the City or other public entities as a condition of the approval of a Development Application.

1.26. **Residential Dwelling Unit** means a structure or portion thereof, designed and intended for use as an attached or detached residence.

1.27. **Subdeveloper** means a person or entity who is acting to develop a portion of the Property, who is not the Master Developer.

1.28. **Subdivision** means a portion of the Property which is divided or proposed to be divided into two or more lots, units or other division of land for the purpose of sale or lease.

1.29. **Zoning** means the Multiple Residential District RM-7 zoning in effect as of the date of this ARMDA.

2. **Development of the Planned Community**.

2.1. **Planned Community Compliance.** The City has reviewed the applicable law, including GLUDMC, LUDMA and has determined that the Planned Community substantially complies with the provisions thereof. The City hereby finds that the Planned Community is consistent with the Zoning and the purpose and intent of the General Plan.

2.2. **Subdivision Compliance.** Development of a Subdivision within the Planned

Community shall be in accordance with LUDMA, GLUDMC, the City's Future Laws (to the extent they are applicable as specified in this ARMDA), and this ARMDA. The terms of this ARMDA shall bind all Subdevelopers.

2.3. **Maximum Residential Units.** At Buildout, Master Developer shall be entitled to develop the Maximum Residential Units, with a gross density of seven (7) units per acre of the type and in the general location as shown on the Master Plan consistent with the RM-7 zoning and the final plat for each phase, so long as (1) the Maximum Residential Units within the Project is not exceeded.

2.4. **Non-Residential Units**. In addition to the Maximum Residential Units, Master Developer shall construct commercial buildings with a minimum square footage 12,500 square feet within the 8.31 acre Commercial Area as identified in the Master Plan, provided the City approves the rezone of the parcel on which such building is constructed. The City may also permit the construction of additional buildings and structures for non-residential use, as may be necessary or desirable for the public benefit.

2.5. **Master Developers' Discretion.** This ARMDA shall not obligate the Master Developer to construct the Planned Community or any Subdivision therein. The Master Developer shall have business discretion whether or not to construct a Development. However, once construction of a Development has begun in accordance with the Final Plat, the Master Developer or Subdeveloper shall be required to complete the Development within time required by LUDMA and GLUDMC, or a time as specified by the City prior to approval of a Development Application.

3. **Vested Rights.**

3.1. **Vested Rights Granted by Approval of this ARMDA.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the Parties intend that this ARMDA grant to Master Developer all rights to develop the Planned Community in fulfillment of this ARMDA, LUDMA, and GLUDMC, except as specifically provided herein. The Parties specifically intend that this ARMDA grant to Master Developer the "vested rights" identified herein as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2024).

3.2. **Exceptions.** The vested rights and the restrictions on the applicability of the City's Future Laws to the Subdivision as specified in Section 3.1 are subject to the following exceptions:

3.2.1. ARMDA. The City's Future Laws or other regulations to which the Master Developer agrees in writing;

3.2.2. State and Federal Compliance. The City's Future Laws or other regulations which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Planned Community;

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3.2.3. Codes. Any City's Future Laws that are updates or amendments to existing building, fire, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

3.2.4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated; or,

3.2.5. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

3.2.6. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, and imposed by the City pursuant to Utah Code Ann. § 11-36a-101 (2011) *et seq*.

3.2.7. Planning and Zoning Modification. Changes by the City to its planning principles and design standards as permitted by Local, State or Federal law which do not conflict with this ARMDA.

3.2.8. Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds on the record are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2024).

4. **Term of ARMDA.** Unless earlier terminated as provided for herein, the term of this ARMDA shall be until January 1, 2045. If, as of that date, Master Developer has not been declared to be currently in default pursuant to this ARMDA, then this ARMDA shall be automatically extended until January 1, 2050. If upon the expiration of the automatic extension, Master Developer has not been declared to be currently in default pursuant to this ARMDA and there are unfinished Developments on the Property, the City has the option to extend this ARMDA for a time reasonably necessary to complete such Developments, not to exceed ten (10) years. This ARMDA shall also terminate automatically upon Buildout of all property within the Planned Community or if no building permit or preliminary plats is approved within the Project in any five (5) year period.

5. **Building Permits**. The City shall reasonably accept complete Building Permit applications for all buildings and structures identified in an approved Final Plat. The City shall issue all required Building Permits after construction by Developer of all necessary public infrastructure, within such Final Plat including public safety access in accordance with Grantsville Municipal Code section 5-1-11 is provided and approved by the City, and adequate fire protection is in place as certified by the fire marshal and in accordance LUDMA. The City will promptly issue a certificate

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of occupancy for each building or structure that satisfies the State and applicable City requirements to obtain a certificate of occupancy.

6. **Planned Community and Subdivision Development**

6.1. **Preliminary Plats.** The Master Developer and/or Subdeveloper(s) shall prepare and submit to the City for its review, Preliminary Plats for each Subdivision. There shall be no limit on the number Preliminary Plats within the Property which may be submitted to the City for review. Preliminary plat approval shall be valid for an initial period of six months, and may be extended subject to the limitations of GLUDMC.

6.2. **Combined Public Infrastructure.** It is intended that the Planned Community share Public Infrastructure and other items (such as public parks, trails and utilities) between Subdivisions. Master Developer may provide design drawings for each Master Plan Area depicting the Public Infrastructure or any other items necessary for the Planned Community. Such drawings must be incorporated into the Final Plat for any Subdivision or Development in that Master Plan Area. Public Infrastructure requirements for each Subdivision shall be calculated based only on the Public Infrastructure identified on the Final Plat for that Subdivision.

6.3. **Mack Canyon Road.** Master Developer agrees to dedicate to the City, a portion of the Property representing a half-width of the Mack Canyon Road right-of-way along the southerly border of the Project as depicted in Exhibit "A" (which exact width and location ma vary) as necessary to complete the upsizing of the portion of Mack Canyon consistent with the traffic needs as supported by a traffic study and in compliance with City and State requirements. If the City requires additional property for the expansion of Mack Canyon Road beyond what is supported by the traffic study or beyond a half-width, the City shall compensate Master Developer or Subdeveloper the fair market of the additional property. Master Developer shall grant a permanent easement across the narrow section of the Project to any property owner that currently accesses Mack Canyon Road.

6.4. **Open Space.** The Planned Community shall contain a minimum of 10% Open Spaces, totaling approximately 29.95 acres ("Required Open Space").

6.4.1. Open Space Uses. Public and private open space shall be counted toward the Required Open Space, and include impervious surfaces as permitted by GLUDMC section 21.1.15, such as sports courts, pavilions, walking paths, trails, parking areas, and other recreational facilities and any other area as approved by the City, excluding streets. Unless otherwise paid for by a Public Infrastructure District bond, if the Master Developer or a Subdeveloper dedicate a portion of the Property as described in this section to the City for public use, such Master Developer or Subdeveloper shall be credited for the cost of improvements toward a reduction in park impact fees subject to the City's capital facilities plan.

6.4.2. Required Uses. The Master Plan illustrates a unique network of open spaces, parks and trails that include both publicly and privately owned and maintained land.

No publicly available open space shall be privately owned or maintained. In addition to privately owned and maintained open spaces, parks and common areas, the Planned Community shall include a fully improved public park, with a minimum of ten (10) acres of contiguous space ("Public Park") and a trail system not less than 0.75 miles in length.

6.4.3. **Subdivision Open Space Exemption.** Because the Planned Community shall share Required Open Space, individual Subdivisions shall be exempt from the Open Space requirements established in GLUDMC.

6.4.4. The Open Space shall be dedicated to the City prior to the recordation of Phase as shown on the Master Plan for use by the City as a park or other open space as the City deems appropriate.

6.5. **Water Retention Areas.** Portions of the Public Park and Community Trail may also serve as stormwater detention areas for the benefit of the Planned Community, and the depth and capacity of such areas are subject to review and approval by the City.

6.6. **Approval of Final Plats.** The Planned Community and each Master Plan Area may contain multiple Subdivisions, each of which may be eligible for Final Plat approval subject to GLUMDC and applicable State Law.

7. **Public Infrastructure.**

7.1. **Construction of Public Infrastructure.** The Master Developer or Subdeveloper responsible for each Subdivision**,** shall construct and install all Public Infrastructure lawfully required as a condition of approval of a Development Application pursuant to GLUDMC. Such construction must meet all applicable standards and requirements that do not conflict with Master Developer's vested rights and applicable law and approved by the City's engineer, and comply with shared infrastructure drawings for the Planned Community as established in Section 6.2.

7.2. **Responsibility Before Acceptance.** The Master Developer or Subdeveloper who has commenced construction of any Public Infrastructure within the Planned Community shall be responsible for all Public Infrastructure within that Subdivision covered by this ARMDA until final inspection of the same has been performed by the City, and a final acceptance and release has been issued by the City Council. The City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage happening or occurring to the Public Infrastructure, nor shall any officer or employee thereof, be liable for any persons or property injured by reason of said Public Infrastructure; all of such liabilities shall be assumed by the Master Developer.

7.3. **Warranty.** The Master Developer or Subdeveloper of each project shall repair any defect in the design, workmanship or materials in all Public Infrastructure which becomes evident during a period of one year following the acceptance of the improvements by the City Council or its designee (Durability Testing Period). If during the Durability Testing

Period, any Public Infrastructure shows unusual depreciation, or if it becomes evident that required work was not done, or that the material or workmanship used does not comply with accepted standards, said condition shall, within a reasonable time, be corrected.

7.4. **Timing of Completion of Public Infrastructure.** In accordance with the diligence requirements for the various types of approvals as described in the GLUDMC, construction of the required Public Infrastructure within a Subdivision shall be completed within one (1) year following Final Plat approval for that phase and prior to recordation of the mylar for that phase, subject to the terms of the subdivision improvement ARMDA between the Master Developer or Subdeveloper and the City. Upon a showing of good and sufficient cause by Developer the City shall, in accordance with the provisions of GLUDMC, extend the time of performance if requested prior to expiration of the completion date.

7.5. **Bonding.** In connection with any Development Application, Master Developer shall provide bonds or other development security, including warranty bonds, to the extent required by GLUDMC, unless otherwise provided by Utah Code § 10-9a-101, *et seq*. (2005), as amended. The Applicant shall provide such bonds or security in a form acceptable to the City or as specified in GLUDMC. Partial releases of any such required security shall be made as work progresses based on GLUDMC.

7.6. **City Completion.** The Master Developer or Subdeveloper shall agree that in the event they do not: (a) complete all improvements on a Subdivision within the time period specified under paragraph four above, or secure an extension of said completion date, (b) construct said improvements in accordance with City standards and as set forth in Paragraph one above, and (c) pay all legitimate claims for material and labor used in the construction of said improvements, the City shall be entitled to declare the Subdivision in default, request and receive the funds held by the guarantor as surety and utilize the monies obtained to install or cause to be installed any uncompleted improvements and/or to pay any outstanding claims, as applicable. Provided however, that the City shall not be responsible for any work beyond the amount of funds so provided. Any funds remaining after completion of the improvements shall be returned to the Guarantor.

7.7. **Culinary Water**. Master Developer shall be responsible for providing adequate culinary water rights as required by GLUMDC to service the Project.

8. **Upsizing/Reimbursements to Master Developer.**

8.1. **Upsizing.** Except as otherwise described herein, the City shall not require "upsizing"" of any future Public Infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Subdivision) unless financial arrangements reasonably acceptable to Master Developer or Subdeveloper of that Subdivision are made to compensate the Master Developer or Subdeveloper for the incremental or additive costs of such upsizing to the extent required by law.

9. **Default.**

9.1. **Notice.** If Master Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a default has occurred shall provide Notice to the other Party.

9.2. **Contents of the Notice of Default**. The Notice of Default shall:

9.2.1. Specific Claim. Specify the claimed event of Default;

9.2.2. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this ARMDA that is claimed to be in Default; and

9.2.3. Optional Cure. If the City chooses, in its discretion, it may propose a method and time for curing the Default which shall be of no less than sixty (60) days duration, if weather conditions permit.

9.3. **Remedies.** Upon the occurrence of any Default, and after notice as required above, then the parties may have the following remedies:

9.3.1. Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief and/or specific performance.

9.3.2. Security. The right to draw on any security posted or provided in connection with the Subdivision and relating to remedying of the particular Default.

9.4. **Public Meeting.** Before any remedy in Section 8.3 may be imposed by the City the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the claimed Default.

9.5. **Default of Assignee.** A default of any obligations expressly assumed by an assignee shall not be deemed a default of Master Developer.

9.6. **Limitation on Recovery for Default – No Damages against the City.** Anything in this ARMDA notwithstanding Master Developer shall not be entitled to any claim for any monetary damages as a result of any breach of this ARMDA and Master Developer, except for claims sounding in fraud, waives any claims thereto. The sole remedy available to Master Developer and any assignee shall be that of specific performance.

10. **Notices.** All notices required or permitted under this ARMDA shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

**To the Master Developer:**

Deseret Highlands Investments LLC
Attn: Guy Haskell

890 Heritage Park Blvd
Suite 104
Layton, UT 84041

**To the City:**

Grantsville City
Attn: Mayor
429 East Main Street
Grantsville, Utah 84029

1. **Dispute Resolution.**

1.1. **Meet and Confer.** The City and Master Developer shall meet within fifteen (15) business days of any dispute under this ARMDA to resolve the dispute.

1.2. **Mediation.**

1.2.1. Mediation Process. If the City and Master Developer are unable to resolve a disagreement the Parties shall be subject to mediation. The Parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the Parties are unable to agree on a single acceptable mediator they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Parties shall split the fees of the chosen mediator. The chosen mediator shall, within fifteen (15) business days from selection, or such other time as is reasonable under the circumstances, review the positions of the Parties regarding the mediation issue and promptly attempt to mediate the issue between the Parties. If the Parties are unable to reach an agreement, the Parties shall request that the mediator notify the Parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the Parties.

11. **Incorporation of Recitals and Exhibits.** The Recitals and Exhibits "A" - "E"" are hereby incorporated into this ARMDA.

12. **Headings.** The captions used in this ARMDA are for convenience only and a not intended to be substantive provisions or evidences of intent.

13. **No Third-Party Rights/No Joint Venture.** This ARMDA does not create a joint venture relationship, partnership or agency relationship between the City, or Master Developer. Except as specifically set forth herein, the parties do not intend this ARMDA to create any third-party beneficiary rights.

14. **Assignability.** The rights and responsibilities of Master Developer under this ARMDA may be assigned in whole or in part, respectively, by Master Developer with the consent of the City as provided herein, which cannot be unreasonably withheld.

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14.1. **Sale of Lots.** Master Developer's selling or conveying any Site within the Property shall not be deemed to be an assignment.

14.2. **Related Entity.** Master Developer's transfer of all or any part of the Property to any entity "related" to Master Developer (as defined by regulations of the Internal Revenue Service in Section 165), Master Developer's entry into a joint venture for the development of the Subdivision or Master Developer's pledging of part or all of the Subdivision as security for financing shall also not be deemed to be an assignment. Master Developer shall give the City Notice of any event specified in this sub-section within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party.

14.3. **Process for Assignment.** Master Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee. Unless the City objects in writing within twenty (20) business days of notice, the City shall be deemed to have approved of and consented to the assignment. The City shall not unreasonably withhold consent.

14.4. **Partial Assignment.** If any proposed assignment is for less than all of Master Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such approved partial assignment Master Developer shall not be released from any future obligations as to those obligations which are assigned but shall remain jointly and severally liable with assignee(s) to perform all obligations under the terms of this ARMDA which are specified to be performed by Master Developer.

14.5. **Complete Assignment.** Master Developer may request the written consent of the City of an assignment of Master Developer's complete interest in this ARMDA. In such cases, the proposed assignee shall have the qualifications and financial responsibility necessary and adequate, as required by the City, to fulfill all obligations undertaken in this ARMDA by Master Developer. The City shall be entitled to review and consider the ability of the proposed assignee to perform, including financial ability, past performance and experience. After review, if the City gives its written consent to the assignment, Master Developer shall be released from its obligations under this ARMDA for that portion of the Property for which such assignment is approved.

15. **No Waiver.** Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

16. **Severability.** If any provision of this ARMDA is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this ARMDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this ARMDA shall remain in full force and affect.



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17. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this ARMDA which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the Party obligated to perform hereunder shall excuse performance of the obligation by that Party for a period equal to the duration of that prevention, delay or stoppage.

18. **Time is of the Essence.** Time is of the essence to this ARMDA and every right or responsibility shall be performed within the times specified.

19. **Appointment of Representatives.** To further the commitment of the Parties to cooperate in the implementation of this ARMDA, the City and Master Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and the Master Developer. The initial representative for the City shall be the City Manager. The initial representative for Master Developer shall be Guy M. Haskell. The Parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this ARMDA and the development of the Subdivision.

20. **Applicable Law.** This ARMDA is entered into in Tooele County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

21. **Venue.** Any action to enforce this ARMDA shall be brought only in the Third District Court for the State of Utah.

22. **Entire Agreement.** This ARMDA, and all Exhibits thereto, documents referenced herein, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all Parties.

23. **Mutual Drafting.** Each Party has participated in negotiating and drafting this ARMDA and therefore no provision of this ARMDA shall be construed for or against any Party based on which Party drafted any particular portion of this ARMDA.

24. **No Relationship.** Nothing in this ARMDA shall be construed to create any partnership, joint venture or fiduciary relationship between the parties.

25. **Amendment.** This ARMDA may be amended only in writing signed by the parties hereto.

26. **Recordation and Running with the Land.** This ARMDA shall be recorded in the chain of title for the Property. This ARMDA shall be deemed to run with the land.

27. **Priority.** This ARMDA shall be recorded against the Property senior to any respective covenants and any debt security instruments encumbering the Property.

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28. **Authority.** The Parties to this ARMDA each warrant that they have all of the necessary authority to execute this ARMDA. Specifically, on behalf of the City, the signature of the City Manager is affixed to this ARMDA lawfully binding the City pursuant to Resolution No. ___ adopted by the City on _____, 2024.

*[Signatures and Authorizations to follow]*

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IN WITNESS WHEREOF, the parties hereto have executed this ARMDA by and through their respective, duly authorized representatives as of the day and year first herein above written.

MASTER DEVELOPER
Deseret Highlands Investments LLC

_____
By: _____,
Its:_____

GRANTSVILLE CITY

_____
By: _____,
Its: Mayor

Approved as to form and legality:

_____
City Attorney

Attest:

_____
City Recorder

**CITY ACKNOWLEDGMENT**

STATE OF UTAH )
:ss.
COUNTY OF TOOELE )

On the _____ day of_____, 202_ personally appeared before me _____who being by me duly sworn, did say that he is the City Manager of Grantsville City, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same

_____
NOTARY PUBLIC

My Commission Expires: _____

Residing at: _____

DRAFT

**MASTER DEVELOPER ACKNOWLEDGMENT**

STATE OF UTAH )
:ss.
COUNTY OF _____ )

On the _____ day of _____, 20__, personally appeared before me Guy M. Haskell, who being by me duly sworn, did say that he/she is the Managing Member of Deseret Highlands Investments LLC, a Utah limited liability company and is duly authorized by said company sign on its behalf.

_____
NOTARY PUBLIC

My Commission Expires: _____

Residing at: _____

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**TABLE OF EXHIBITS**


| | |
|---|---|
| Exhibit “A” | The Highlands Master Plan |
| Exhibit “B” | Legal Description of Property |


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Exhibit “A”
The Highlands Master Plan

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Exhibit “B”
**Legal Description of Property**

Beginning at a point on the south line of the Grantsville LLC, Subdivision that is North 00°18'28" West 934.25 feet along the Section line to said south line of from the West Quarter Corner of Section 26, Township 2 South, Range 6 West, Salt Lake Base and Meridian, Tooele County, Utah, as monumented by a brass cap on a steel post set in 1992, and running thence North 53°08’20” East 1135.94 feet along said south line to the westerly line of Highway 138 and to the most northerly corner of Deseret Highlands Subdivision Phase 1; thence South 37°02'16” East 915.73 feet along said westerly Highway line to a corner The Highlands Subdivision Phase 2; thence along the easterly lines of said Phase 2 subdivision and the easterly lines of The Highlands Phase 5 subdivision the following four (4) courses:
(1) South 53°08'20" West 199.89 feet; (2) South 00°41'00" East 294.33 feet; (3) South 02°28'53" East 55.25 feet; (4) South 00°40'20" East 411.91 feet to a Hathcock rebar and cap at an ancient fence corner described as being South 89°41'53" West 1351.742 feet and North 00°00'00" East 2631.749 feet from the South Quarter Corner of said Section 26, said ancient fence corner accepted as marking the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section 26; thence North 89°37'34” East 810.24 feet along said fence to a Hathcock rebar and cap on said westerly Highway line; thence South 37°02'16” East 982.27 feet along said westerly line to the extension of a cedar-post fence; thence South 09°16'49” West 593.00 feet along said fence and its extension to a corner; thence North 86°52'49” East 516.79 feet along a fence to said westerly Highway line; thence South 37°02'16” East 1603.97 feet along said westerly line to the South Section line of said Section 26; thence South 89°41'23” West 1435.53 feet along the Section Line to the South Quarter Corner of said Section 26, as monumented by a brass cap in a concrete collar at ground level set in 1982; thence South 89°40'26” West 2643.34 feet along the Section line to the Southwest Corner of said Section 26, as monumented by a brass cap in a concrete collar at ground level set in 1982; thence South 89°42'11” West 1023.00 feet along the section line; thence North 00°20'39” West 100.00 feet along a line parallel to and 1023.00 feet westerly distant from the East line of Section 27, Township 2 South, Range 6 West, Salt Lake Base and Meridian, as monumented by a brass cap in a concrete collar at ground level set in 1982; thence South 89°42'11” West 1023.00 feet along the section line; thence North 00°20'39” West 2635.21 feet along a line parallel to and 1023.00 feet westerly distant from the east line of said Section 27; thence North 00°18'28” East 176.12 feet along said parallel line to the south line of said Grantsville LLC, Subdivision; thence North 53°08'20” East 1269.43 feet along said subdivision line to the northwest corner of Lot 306 and to the point of beginning.

Highlands Development contains 298.119 acres

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# AGENDA ITEM #6

Approval of minutes from the April 18, 2024 Planning Commission Regular Meeting.

**Action Summary:**

| | |
|---|---|
| #1 CUP/ Sportsman Permit for Jose Jara- Consideration | Approved with conditions. |
| #2 MDA for Twenty Wells- Consideration | Tabled. |
| #3 Sun Sage Terrace Ph. 4-9 PUD- Consideration | Denied. |
| #4 MDA for Sun Sage Terrace Ph. 4-9 PUD- Discussion | Void due to the PUD being denied. No discussion took place. |
| #5 Minutes from 4/4/2024 Regular meeting- Consideration | Approved. |

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION, HELD ON APRIL 18, 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:** Chair: Rick Barchers, Vice-Chair: Derek Dalton, Kevin Hall, Rob Jaterka, Jeff Downward

**Appointed Officers and Employees Present:** Public Works Deputy Director Christy Montierth, Zoning Administrator Cavett Eaton, Community and Economic Development Administrative Assistant Jaina Bassett, Planning Advisor Gary Pinkham, Aqua Consultant Shay Stark

On Zoom: City Engineer Robert Rousselle, City Attorney Dallin Littlefield, Public Works Director James Waltz, City Council Liaison Rhett Butler

**Citizens and Guests Present:** Laura Imlay, Dawn Pentico, Jeremey Yetter, MaryLou Muhlestein, Robert Muhlestein, Debbie Reid, Bradley Reid, Rusty Spencer, Brittney Webb, Tom Webb, Nancy Kunz, Ron Kunz, Jacob Clegg, Janette & Daniel Toone, Debbie Evans, Ryan & Katelyn Butler, Bryan G., Cami Barton, Stephanie Anderson, Shelley Beusey, Greg Copeland, Jacob Worthington, Lori Thompson, Jose & Janora Jara, Elisabeth Allen, Mike Colson, Ben Hunt, Chad Palmer, MaraLee Judd, Ken Judd, Spencer Querry, Larry Perkin, Tren Williams, Kari Hawkes, Tina Hermansen, Bryan Hermansen, Several Unknowns

On Zoom: Several Unknowns

**Commission Chairman Rick Barchers called the meeting to order at 7:00 PM.**

**PUBLIC NOTICE:**
**The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, April 18, 2024 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

a) **PROPOSED MASTER DEVELOPMENT AGREEMENT FOR SUN SAGE TERRACE PH. 4-9 PUD.**

**Email 1 Received 4/18/2024 at 11:01am**

To Jaina Bassett:

I have submitted emails against the Sun Sage Terrace development since its infancy. I am against changing the Master Plan and current zoning of ½ acre lots. Land cannot be replaced, we are running out of the larger lots in this once-quiet farming community.

PUD developments belong in MU zoning areas.

The citizens of Grantsville have a right to trust that the Master Plan will be followed as closely as possible.

I am concerned that this development agreement is not clearly defined and we will end up with 89 acres of townhomes instead of 89 acres of ½ acre lots. I am concerned that this development seems to change names, move boundaries, and swap out land with neighboring developments to maximize the number of homes and minimize the completion of open spaces and parks.

The area directly behind my property was drawn as open space or a park in the first 1-3 phases, now it's not even in this phase #4-9 of the development because it has been transferred to the development on Mack Canyon.

Please deny the approval for the PUD development for Sun Sage Terrace as presented and revert to the approved plan of ½ acre lots and larger, as per the current zoning and the Master Plan.

Thank you,
Julie Mackley

**Email 2 Received 4/18/2024 at 11:49am**

I am very deeply concerned about the proposed development going in. I know there are a lot of people that want more parks. The way this development has come up with no notice until everything was set is very undemocratic. I feed that the needs of the citizens that live here are being ignored to allow wealthy developers to make more money. We as the people of Grantsville need more say in what happens and this is a strong example of why. I would recommend that any change like this to the zoning be done as a ballot measure so the developers will be forces to sell it to the people and not to the officials. This way they we at least have the people in mind. There

are so many townhouses and very small lots going just to help the rich people richer. There is a lot of land around Grantsville that can be developed to give places for people to build homes. The job of planning is to plan for what we want the city to look like. Townhomes near town homes, small lots near small lots, and so on. This looks like there is no planning and in a few years there will be this patchwork of development and the developers will have their money and we will be struggling to make it work.

When I buy something that they offer something free to entice me to buy it never is as good as they make it sound. If I want something I should go and find what I want and not just get a free bee because it will always be a disappointment. If we need more parks we shouldn't have the developers skimp by with the cheapest solution to get what they want. We should buy the land and get the kind of parks the city wants. It will be cheaper and better in the long run. Please give the city back to the people.

Joseph Kempe
217 Hwy 138
Grantsville, Ut

**Gary Pinkham**- Gary Pinkham was present to speak on this item. He noted that there are two different tables in the packet for this item. He stated that the listed items in the tables address different code issues. He noted that a City attorney made specific comments regarding the Twenty Wells Master Development Agreement, and that those should apply to this Master Development Agreement as well. He stated that the current document does not reflect the legal counsel's corrections, nor is it complete.

**Ben Hunt-** Ben Hunt was present to speak on this item. He noted that there are areas in the project zoned for ½ acre lots, but that this project does not consist of ½ acre lots. He expressed concerns regarding City Staff asking developers to build in the City. He stated that every PUD that has come before the Planning Commission since January was recommended by City Staff. He stated that if the City Staff is recommending to approve every PUD, that a conversation should be had with those City Staff members and they should be removed. He said he has lived in Grantsville his whole life and loves it here. He stated that Grantsville is great because of the space, so when it is traded for buildings, it gets rid of everything he loves about Grantsville. He stated that there are 2,000 houses in this area and not one of them is on a ½ acre lot. He asks that the areas zoned for ½ acre lots be built as such. He stated that there is a Future Land Use Master Plan which has been designed to define how land should be developed, and that it should be followed.

**Greg Copeland-** Greg Copeland was present to speak on this item. He noted that he is a property owner in Sun Sage 1, and has comments related to specific sections of the Development Agreement. He stated that in section 6.4 the date for the document expires January 31, 2025, but

that the infrastructure date expires April 5, 2025. He also discussed Addendum No. 1, stating that this addendum does not appear in the public packet that was available for the public to view. He noted the same of the exhibits referenced. He stated that this information should be available for the public to view if it is being referenced. In section 8.2.3 he questioned the timeframe changing from 30 days to 60 days. He stated that the reason for this should be noted somewhere in the agreement. He stated that it is not clear in the public documents what the HOA fees are for, and who is ultimately responsible for the maintenance and upkeep of the public areas such as the pickleball courts, green space, park, etc. He stated that if the HOA fees are being used for this maintenance, those residents should be allowed to use the amenities. He stated that either way, it should be clearly stated in the Development Agreement.

**AGENDA**

**1. Consideration of the proposed Sportsman Permit/ Conditional Use Permit for Jose Jara, located at 531 S. Hale St.**

Jose and Jenora Jara were present to speak on this item. They stated that they have three dogs at their home, which is why they applied for this permit. They stated that they understand their neighbors' concerns, and want to assure them that they only want to have their three dogs at their home, and will not be running a large kennel. Ms. Jara noted that they have taken measures to assure that all sanitation and noise concerns are addressed. She also stated that all of their dogs are inside dogs. The Commissioners stated that they feel comfortable approving this, with the added condition that they do not have more than three dogs at one time.

> **Derek Dalton made a motion to approve the proposed Sportsman Permit/ Conditional Use Permit for Jose Jara, located at 531 S. Hale St. with the conditions stated in the staff report and that no more than three dogs are at the home at one time. Rob Jaterka seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously.**

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

Shay Stark was present to speak on this item. He noted that this PUD was approved, with conditions including that the MDA needed to be completed. He noted that there is an Addendum No. 3 in the Development Agreement, which is the purpose of this table. He stated that the goal is to leave the meeting tonight with the requested variances clearly defined. He noted that there are different areas with different zoning designations, and that the variances requested are in reference to one or more of the noted zoning designations rather than a specific zone. The specific requests listed in the table were discussed and explained.

Jake Clegg with Ensign Engineering was also present to answer questions on this agenda item. He provided clarification on the table and listed items. It was requested that the variances on the table be clarified as rear-loaded or not rear-loaded. Commission Chair Rick Barchers noted that there was a verbal agreement about the street widths with the rear-loaded dwellings, and would like to see it included in the Agreement. Mr. Stark referenced the section in the Development Agreement that addresses alleys, and asked if this section adequately addresses this issue. It was noted that the proposed road size is 26 feet, which is the minimum road width allowed by fire code. The Commissioners agreed that the minimum of 26 feet is acceptable, and they would like it to be explicitly stated in the Development Agreement.

Commission Chair Barchers noted that there are no specifics as to the timing of the parks and infrastructure improvements. He stated that these things need to be clearly defined in the Agreement. Commissioner Derek Dalton stated that he would like to see the timing of these improvements laid out in phases.

Scott Yermish was present to answer questions on this agenda item, and noted that it is sometimes difficult to identify exactly when things will be complete, but that the most updated version of the Master Development Agreement does address some of the timing concerns. He noted that he can give a better timeline of these improvements once he knows which variances are approved and he knows exactly what he is working with.

Commissioner Kevin Hall noted that there are some conditions noted in the Planning Staff Analysis of the Staff Report, which need to be addressed. Mr. Stark and Mr. Clegg noted that many of these have been addressed but the comments on the Staff Report were not updated, and that others are being addressed in the Master Development Agreement.

Mr. Yermish noted that the Development Agreement is not ready to be voted on yet, but that he is simply seeking approval of the variances as listed on the table. City Attorney Dallin Littlefield was present on Zoom and noted that the Commission cannot vote on only parts of this, but that this must be voted on as a whole. The Commissioners noted that they cannot make a formal approval of the variance table during this meeting with a vote, but that they all feel comfortable with the variances as listed and offered an informal verbal approval.

> **Rob Jaterka 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. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously.**

**3. Consideration of the proposed Sun Sage Terrace Ph. 4-9 PUD.**

Shay Stark was present to speak on this agenda item. He noted that there was a town hall for this project last week, and one last month. He noted that the townhomes in the Southeast corner have been removed.

Jake Clegg with Ensign Engineering was also present to speak on this agenda item. He noted that they were previously asked to move the townhomes to the middle of the project, and they did so. It was noted that both the pink and purple areas on the concept plan are townhomes, and the color difference is due to different sizes. He noted that the light blue area consists of 12,000 square foot lots.

Commissioner Hall noted that they are requiring The Estates at Twenty Wells to provide the timing of park improvements in phases and to be clearly addressed. Mr. Clegg stated that this can be made a condition included in the Master Development Agreement. He noted that the developer suggested this. Mr. Clegg noted that similar language is used in the variance table for this project, as was used in the Twenty Wells project. He noted that they will make the appropriate modifications. It was also noted that the setbacks will be included in the Master Development Agreement.

Commissioner Hall asked how the town hall meeting the previous week went, and how things were received. Larry Jacobson was present to answer questions on this project. He noted that the residents expressed their appreciation for the developer's efforts in implementing their suggestions and addressing their concerns. Mr. Hall commended Mr. Jacobson and Mr. Clegg for their efforts in creating a project with mixed housing types. Commissioner Dalton asked if any of the proposed dwellings would meet the Moderate Income State Requirements. Mr. Jacobson stated that he was unsure, but that if it is in the code they would need to meet those requirements. He believes that some of the townhomes should be able to meet this requirement.

> **Derek Dalton made a motion to deny the proposed Sun Sage Terrace Ph. 4-9 PUD. Rob Jaterka seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Nay," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Nay." The motion carried.**

**4. Discussion of the proposed Master Development Agreement for Sun Sage Terrace Ph. 4-9 PUD.**

Because the PUD was denied for this project as agenda item number three, this agenda item was void. No discussion took place.

**5. Approval of minutes from the April 4, 2024 Planning Commission Regular Meeting.**

> **Rick Barchers made a motion to approve the minutes from the April 4, 2024 Planning Commission Regular Meeting. Kevin Hall seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously.**

**6. Report from City Council liaison Rhett Butler.**

Rhett Butler was present on Zoom for this item. He noted that the noticing changes to the City Code were approved and adopted by the City Council, and can now go into effect. He expressed his appreciation for the cooperation between the Planning Commission, Staff, and City Council to get this change approved.
Commissioner Hall noted that this may be Zoning Administrator Cavett Eaton's last Planning Commission meeting. He stated for the public record that he appreciates all that Cavett has done, and wishes him the best in retirement and his future endeavors.

**7. Adjourn.**

> **Kevin Hall made a motion to adjourn. Derek Dalton seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." Motion carried unanimously. The meeting ended at 8:37PM.**

# AGENDA ITEM #7

Approval of minutes from the January 18, 2024 Planning Commission Regular Meeting.

**Public Hearing for the following:**

| |
|---|
| a) PUD for Sun Sage Terrace Phases 4-9 |
| b) Rezone 1042 N. Old Lincoln Hwy from PUD to RR-1 |

**Action Summary:**

| | |
|---|---|
| #1 PUD for Sun Sage Terrace Phases 4-9 (Consideration) | Tabled. |
| #2 Rezone 1042 N. Old Lincoln Hwy from PUD to RR-1 (Consideration) | Recommended for approval. |
| #3 Wagstaff Rezone (Discussion) | Discussed, received favorably. |
| #4 City Center 2 (Concept) | Discussed, received favorably. |
| #5 Durfee Development (Concept) | Presented, feedback given. |
| #6 Minutes from 12/21/2023 | Approved. |

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION, HELD ON FEBRUARY 1, 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-Chair: Rick Barchers, Kevin Hall, Derek Dalton, Rob Jaterka

Commission Members Absent: Commission Chair John Limburg

**Appointed Officers and Employees Present:** Public Works Deputy Director Christy Montierth, Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Jaina Bassett. Planning Advisor Gary Pinkham, City Manager Jesse Wilson, City Council Liaison Rhett Butler, City Council Member Heidi Hammond, Fire Marshal Brad Deleeuw

On Zoom: Aqua Consultant Shay Stark, Ensign Consultant Robert Rousselle, City Attorney Brett Coombs.

**Citizens and Guests Present:** Nichole Carter, Chad Palmer, Larry Jacobson, Sandra S., Luke S., Brent Neel, Tina Hermansen, Bryan Hermansen, Mohd Alqaaydeh

**Commission Vice-Chair Rick Barchers called the meeting to order at 7:05PM.**

**PUBLIC NOTICE:** The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, January 18, 2024 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PUBLIC HEARING**

**a) PROPOSED PUD FOR SUN SAGE TERRACE PHASES 4-9 LOCATED AT APPROXIMATELY 1000 W MAIN ST**

**Email 1:**

I do not like the idea of dense housing. All that housing would be right behind my house and would cause even more obstruction of the wonderful view of the mountains as well as an increase in traffic in a now very quiet neighborhood. I understand that we should build homes back there and obstruction and increased traffic are unavoidable, but it doesn't need to be more than necessary. The lots should be kept to .5 acre or larger lots of single family homes.

Isaac Rae

**Email 2:**

I'd like to oppose the proposition for the high density rezoning for Sun Sage Terrace which would be located at 1000 W Main Street. I live in the development just east of the proposed area and moved here for the calm atmosphere and beautiful views. Adding that many townhomes in that area will cause higher traffic on the few streets leading that way and overpopulate the quiet streets of the neighborhood. It would also obstruct views of the mountains. We'd propose keeping the lots to half an acre or more and to single family homes only.

Sincerely, Ariana Rae

**Email 3:** To Grantsville City Planning and Zoning: RE: Agenda Item # 1. Consideration to recommend approval of Proposed PUD For Sun Sage Terrace Phases 4-9, located at approximately 1000 W. Main St Agenda Item #5: Concept Plan Presentation of Durfee Development, located at approximately 1350 W. Main St. I do not agree with granting any changes that deviate from our General Plan. Sun Sage Pud is in an area that the General Plan shows as ½ acre lots. Durfee Development is in an area for 1 acre lots. I do not agree with approving developments without the infrastructure in place that can serve new citizens. According to meeting minutes about the Sun Sage PUD, there is no water pressure past a certain “line” and this developer doesn’t have enough water to maintain the parks, so they want the city to maintain them. I do not agree with approving developments if it alters the quality of life of the citizens that are already here. Water wells are drying up, costing our current citizens time and money to drill deeper, water pressure is decreasing in areas of the city, water lines are breaking, and roads are decaying. While I believe that property owners have a right to make money and develop their land. I also believe that citizens have a right to trust that a General or Master Plan for a city will be followed when approving future developments. I appreciate all the time and

effort that was spent to create a General Plan. While I didn't love everything on the General Plan, I stand behind the process and the outcome. I know a lot of developers say it's the "not in my backyard" mentality. I like developments like these in certain areas. The General Plan has areas for such a development. I want to see the children of Grantsville residents be able to purchase a home in the place they grew up. I want to see the retired couple who wants to downsize, stay in the place they raised their families. However, I do not want them if we cannot provide the same standard of services that we have all enjoyed. I do not want them if it costs our current citizens money or the services that they rely on day to day to survive. Water rights do not equal water. Landowner rights do not equal approving developments that cannot be sustained. Developments asking for changes to the Master Plan, should plan to develop in the areas set aside for those developments - and only be approved if the resources are available to support it.

Thank you for your time,

Julie Mackley

**Email 4:**

Hi, this is Toby Vaughan at 93N Maraschino LN in Grantsville, UT. I would like to respectfully decline the proposal for the PUD at Sun Sage Terrace. It would destroy the small town atmosphere in my neighborhood and the illusion of space that I moved out here to gain. There is also a concern of traffic coming through our quiet neighborhood that would no longer be so quiet if the bill were to pass. I would propose to keep the lots at half acre residential lots.

Thank you for your time and consideration,

Toby Vaughan

**Email 5:**

Grantsville Planning Commission I am writing this email in regards to the proposed PUD for Sage Terrace Please 4-9. Please deny the proposal and please keep lot sizes to 1/3 acre and higher. Please stop the insanity of high density housing which our infrastructure not only as a community, but state cannot support. I lived in Eagle Mountain when it was a very similar community to Grantsville and over a short period of time saw Eagle Mountain ruined. A small family oriented community quickly became a place where no one knew their neighbors and quit caring about each other. Grantsville has long been a small tight knit community. If you approve more of this high density housing everything that our community stands for will quickly be lost. We need to slow the growth of our State and that starts with Grantsville. If you allow this development and others similar we will soon see people from California, and other states who will bring with them their same policies which have led to the decline of their state. I have seen firsthand a wonderful community destroyed by growth. Please make this decision based on what the community wants and is communicating to you and not what will line pocket books. I know growth is inevitable but please limit that growth to again the lot size of at least 1/3 acre or even ½ acre and single family housing. I am a Police Officer and have seen this type of growth bring in undesirable people and higher crime. Also our roadways cannot handle this growth. Please driver to Saratoga Springs or Eagle Mountain during rush hour, or any other time of the day and ask yourself if that is what you want your community to be. Thanks you

Sincerely

Kyle Gleue

**Joseph Kempe-** Joseph Kempe was present on Zoom to speak on this item. He stated that he went through this several years ago with another developer. He stated that there is a master plan that shows ½ acre lots or larger in this area, and he believes the City needs to stick to that plan. He stated that there is a place for high density housing and a place for non-high density housing. He asked that the Planning Commission please not approve this proposed plan.

**b) PROPOSED REZONE OF 1042 N OLD LINCOLN HWY TO GO FROM PUD TO RR-1 ZONE DESIGNATION**

No comments received through email or in person/ on zoom.

**AGENDA:**

**1. Consideration to recommend approval of Proposed PUD For Sun Sage Terrace Phases 4-9, located at approximately 1000 W. Main St.**

Jake Clegg with Ensign Engineering and Larry Jacobson as the developer, were present to answer questions on this agenda item. They presented a slideshow depicting what their project will look like. It was noted that the original density previously passed was 135 units. Mr. Jacobson stated that after speaking with City Staff and some residents, they were told that soccer fields, pickleball courts, pavilions, and trails were desired amenities.

He noted that at the previous Planning Commission meeting they attended, they received feedback asking them to remove some of the townhomes on Clark St., provide driveways at least 25 feet deep, adjust side yards to meet current zoning requirements, and to provide additional parking stalls. He explained that they removed some townhomes and replaced them with additional parking, then provided 25 foot deep driveways for the other townhomes. He indicated they also modified their concept plan so larger lots are along the outside of the project area, with the smaller lots in the middle of the project, in addition to changing setbacks for front and side yards to meet the City code requirements.

Mr. Jacobson stated that they are offering some of the desirable traits requested in municode for PUDs, including community amenities, trails, open space, and varied housing options to cater to diverse family needs. He noted that they plan to implement water wise landscaping wherever possible, and would require builders to have front yards put in before the Certificate of Occupancy is permitted. He stated they are proposing wider roads than required, at 66 feet wide. He explained that they are trying to mitigate parking issues by putting RV parking in the Northwest corner for residents, and not allowing any RV parking on their streets. He noted the parking regulations would be enforced by the HOA.

He stated that benefits to the City and its residents include approximately 27 acres of open space consisting of 2 youth soccer fields, 2 adult soccer fields, 6 pickleball courts, 2 pavilions, an

interconnecting trail system, additional parking, open space for a future fire station if needed, and RV parking.

Commissioner Derek Dalton questioned the change from the previously approved ½ acre lots to what is proposed now. Mr. Clegg noted that they had a discussion with the Mayor, where they were told that he would like to see soccer fields and other amenities proposed here, which comes at a cost.

Commissioner Dalton expressed concerns about the amount of proposed high density projects before them, and the frequency of deviations to the City's plan. Commissioner Kevin Hall echoed this concern, and added that he worries about the effects of these projects on those living in Grantsville.

City Staff advised that the purpose of a PUD is to negotiate terms that differ from the City code, and that it is a give and take between the developer and the City. The deviations being requested were discussed. Commissioner Hall stated that he would like to see a better mixture of housing types in this project. Commissioner Dalton and Commissioner Rob Jaterka stated that they would like to see ½ acre lots, as previously zoned and approved.

Mr. Jacobson and Mr. Clegg requested that this item be tabled.

> **Kevin Hall made a motion to table the consideration to recommend approval of Proposed PUD For Sun Sage Terrace Phases 4-9, located at approximately 1000 W. Main St. Derek Dalton seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously.**

**2. Consideration to recommend approval of Proposed Rezone of 1042 N Old Lincoln Hwy to go from PUD to RR-1 Zone Designation.**

> **Derek Dalton made a motion to approve the proposed rezone of 1042 N. Old Lincoln Hwy to go from PUD to RR-1 Zone Designation. Kevin Hall seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously.**

**3. Discussion regarding Wagstaff Developments Rezone, located at approximately 112 S. Hwy 112.**

Brent Neel with Wagstaff Investments was present to answer questions on this agenda item. He noted that the purpose of this rezone is to match the zoning designation of the adjacent parcels that they own. This property is currently zoned R-1-21, and they wish to rezone it to C-G to match.The Planning Commission received this favorably.

This item will be scheduled for a Public Hearing and Consideration at the next meeting.

**4. Concept Plan Presentation of City Center 2, located at approximately 242 E. Main St.**

Mohd was present to answer questions on this agenda item. He noted that he plans to put office and retail spaces here, and that a rezone would not be required for this plan. He clarified that the 50 foot street is not meant for large commercial trucks, but is meant for use by smaller vehicles going to medical places and smaller businesses there.

This concept plan was received favorably by the Planning Commission. The Commissioners stated that they have no issues with this proposal as long as it meets the requirements in the city code, specifically for parking, setbacks, and drainage.

**5. Concept Plan Presentation of Durfee Development, located at approximately 1350 W. Main St.**

Lance Ford and another representative were present to answer questions on this agenda item. Mr. Ford noted that they are interested in a mixed use area to help accommodate potential growth and the needs of the community. They noted that they have three different variations of concept plans, and would like feedback on what is wanted by the Planning Commission. One idea presented was microflex areas.

It was stated that the previous feedback was that a downtown area and businesses are needed. Commissioner Hall stated that while this is true, he has concerns about the downtown area beginning in this area.

Vice-Chair Rick Barchers mentioned concerns for townhomes in this area, as it is not zoned for it. He noted that none of the plans closely resemble the zoning of the Master Plan, but that commercial is always needed. Commissioner Jaterka echoed the concerns for townhomes in this area, and expressed interest in commercial development there instead.

Mr. Ford asked what type of commercial is desired, and Vice-Chair Barchers suggested ½ acre lots there instead. The Commissioners stated that they would like to know what the neighbors' opinions of this project are.

He asked about the possibility of doing all commercial development, and asked what kind of commercial is desired. Commissioner Hall mentioned that fast food is a desire in the community. Interest was expressed in the idea of the flexspace that Mr. Ford proposed. Commissioner Hall stated that he would like to see a variety of whatever is there, and noted that he is not opposed to ½ acre lots. Aqua Consultant Shay Stark noted that the new PUD ordinance will make buffers very important.

It was suggested to shrink microflex areas, eliminate the townhomes, and adjust buildings 1, 2, and 3 to see what conceptually works here.

**6. Approval of minutes from December 21, 2023 Planning Commission regular meeting.**

**Kevin Hall made a motion to approve the minutes from the December 21, 2023 Planning Commission regular meeting. Rick Barchers seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously.**

**7. Report from City Council liaison Rhett Butler.**

Rhett Butler noted that there were numerous considerations on the City Council agenda the previous night. He reported that all considerations were passed except the Utah Motorsports Campus final plat, due to the number of water meters present and the possibility of them moving to one master meter.

He noted that there will be a Joint Work Meeting on January 31, 2024 at 6pm, to discuss and gain a better understanding of the master plan.

Vice-Chair Barchers requested that Council Member Butler bring the concerns received for the active projects, back to the City Council.

City Council Member Heidi Hammond was also present and noted that she wants to take a closer look at the roads, specifically what the County has, what is being proposed here, and make sure everyone is on the same page.

**8. Adjourn**

**Derek Dalton made a motion to adjourn. Rob Jaterka seconded the motion. The vote is as follows: Derek Dalton "Aye," Kevin Hall "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously. The meeting ended at 9:59PM.**

# AGENDA ITEM #8

Report from City Council.

# AGENDA ITEM #9

Adjourn.