

## **MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 10/07/2021. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.**

**Commission Members Present:** Commission Chair Brian Pattee, Commission Member Gary Pinkham and Commission Member John Limburg

**Commission Members that were present on Zoom:**

**Commission Members that were absent:** Commission Member Erik Stromberg and Commission Member Jaime Topham

**Appointed Officers and Employees Present:** City Attorney Brett Coombs; Planning and Zoning Administrator, Kristy Clark; City Engineer Dan England; City Council Liaison Darrin Rowberry

**Appointed Officers and Employees that were present on Zoom:**

**Citizens and Guests Present:** Craig Turner, Brett Lovell, Conner O' Leary, Susan Johnsen, Kenneth Hale, Corey Child, Sean Perkins and Monte Kingston

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY  
COMMISSION CHAIR, BRIAN PATTEE AT 7:00 P.M.**

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC HEARINGS:**

- a. Proposed P.U.D. for LO Capital, LLC, Brett Lovell, and Conner O'Leary on the creation of 38 lots in the Erickson Estates Subdivision located at 265 N Cooley Street in the RM-7 and the RR-1 zone.**

Chairman Brian Pattee opened the public hearing at 7:01 p.m. and called for comments.

**Chairman Brian Pattee read into the record an email from Joann Orr that stated to the Commission:** Why 38 homes. Can't we save our beloved Cooley Lane. We have subdivisions all over Grantsville. This is so sad. How can we stop our town from becoming Lehi and Herriman? Please try stop such high density.

**Chairman Brian Pattee read into the record an email from Theresa Critchlow that stated to the Commission:** I will attend the meeting via zoom tonight, the letter said to send you comments by email before 5:00 p.m. today. Can you please have my comments and questions read in the meeting? I would like to hear about and have a better understanding on a few things I did not see outlined in the application document that was emailed to us. I would like to hear

more about the developers plan in regard to a privacy fence on adjoining properties. We currently have a fence and an electric fence to keep our horses in, but I would like the developer to put up a privacy fence to keep people's hands, grass clippings, garbage etc. out of our property. Will the developer be required to have irrigation water for the development? Looking at the plans it looks like there is an outlet on the north end of the property where there is not currently a road. There are also existing houses adjoining that outlet. Can someone explain if there are plans to put a road through people's houses. What are the plans for sewer system or septic tanks for this subdivision now that there is a new developer? Thank you for taking time to hear our questions and help us to gain a better understanding of the plans. Thank you, Theresa and Neldon Critchlow

**Chairman Brian Pattee read into the record an email from Camille Curtis that stated to the Commission:** Hello, I live and have lived on Cooley Lane my entire life, it's a small beautiful lane that many people walk, ride horses, etc. I hate to see this lost, is there any way to preserve the feeling Cooley Lane has always had, I keep thinking at the very least, (especially where the backs of the homes in this development face Cooley, so it's a completely separate neighborhood), can there be a substantial, uniform fence around the entire development, and a walking path, so the community can continue to enjoy Cooley Lane the way they always have! I have heard of a term "non compatible use" Our neighborhood here on Cooley Lane has always been a place where people own animals, and livestock, several of my neighbors have very expensive horses, and I think where this proposed development is its own separate neighborhood it should be separated with substantial uniform fencing to keep our way of life (expensive livestock) separated, and more protected. Thank you for your consideration! Camille Curtis

**Chairman Brian Pattee read into the record an email from Mike and Sheri that stated to the Commission:** We own the property south and east of this purposed subdivision. Like our neighbors we would prefer one acre lots, however we are aware that the front part of this property was zoned 7000 square feet years ago. Our preference would be to do away with the 7000 square foot lots and go with the P U D. This would bring lot sizes to 12,000-14,000 square foot lots. Which would give approx. 38 lots. Sincerely, Mike and Sheri Johnson

**Chairman Brian Pattee read into the record an email from Makenzie McMahon that stated to the Commission:** To whom it may concern, Regarding the consideration of planned unit development at 265 North Cooley Street. There are many repercussions that would negatively affect the residents nearest to the property and the community. There are safety risks that could affect the area and residents if the property were to be developed. It is apparent what the repercussions could potentially be by looking at the houses and road near the property. Cooley Street had severe dips that were caused by sinkholes, which have since been filled. The sinkholes have also affected foundations of people's homes in the area. This is a large concern when proposing more traffic and homes. Some houses adjacent to the property have had to be re-leveled due to sinking. This is a concern for the new area as well, based on the map included by Tooele County it is clear that the natural underground water line that has been causing the issue goes directly though the property in question. The property proposed and the sinkhole in

the area should require an independent civil engineer to ensure the safety of the community before any development is considered. A new subdivision will bring families and children. There are also concerns with this because there is no infrastructure for it. A lack of sidewalks, gutters, poor street lighting, crosswalks and others could make it hazardous for children walking to school and back. The street is also very narrow and wouldn't be conducive to the sheer number of cars that would be introduced by such a large development. The infrastructure of the new buildings would require a sewer line to be placed down the street. The current residents have septic tanks and could be forced to connect to the new line at their own expense. Many people do not have the ability to come up with such a large sum of money. An independent environmental impact study would also be beneficial. The area is home to large herds of deer, a community of feral cats, and other wildlife that help maintain and balance the ecosystem. Developing would displace these animals and crowd them closer to residents. The community has chosen to live in this area for rural living. Other parts of town that have introduced new subdivisions or high density housing no longer have the hometown feel and diversity. Preserving the different parts of Grantsville that showcase country rural living is something I believe we can all enjoy. Cooley street provides a beautiful and quiet place for horseback riding, regular runs by the high school track team, and a calm and beautiful place to go for a walk. With Covid-19 I have seen such an amazing increase of the street being used in this way. I wish to preserve what everyone loves about this area and hope we can protect the places that make this a wonderful community. The amount of people that have rallied together to show their support for preserving this piece of property has astounded me. I can safely say this doesn't only interest my neighborhood but the community as well. When this property had a similar subdivision proposed last year people started their own petitions, went door to door, and posted information online, to help those who wanted to make sure their voice was heard, and interests protected when it came to developing the land. I hope that the efforts made by myself and others, now and previously, will be reflected in your decision. Sincerely, Makenzie McMahon

**Susan Johnsen stated to the Commission:** My name is Susan Johnsen. I live at 291 North Cooley Street. So, across the street and north from the property in question. We've been through this once before and I don't really have a lot to say that's different than what you've already read from my neighbors, but I'm going to say it anyway, because it's also my opinion. So, the new plan is different than the other plan. I don't know if it's better or not, but the effect on the existing neighborhood is not going to be any different. So, many of the concerns that we had previously have not been addressed by this new plan. I think the biggest worry for all of us is the safety of people who walk the neighborhood. The kids who walk or ride their bikes to school, those that don't live close enough to utilize the busing system. Those that have to walk to school if their parents are able taking them. It's a narrow street, adding an additional 38 homes with the potentially of 76 new vehicles accessing that narrow road is not going to be conducive to safety. I don't know if that's going to be addressed or not, but we haven't heard any plans for that. The increased traffic is also a problem because you cannot expect the people who move into the new subdivision to access I-80 by sending them south on Cooley Street. If they go North on Cooley Street there's a large chunk of it that isn't paved. People utilize this area for recreation. There are kids who have built a tree house up there, right on the side of the road. There are people who ride bikes, and ride horses, and walk up and down there constantly, that is going to completely

change the way that neighborhood is used. We've been informed that the developers will be required to put in the sewer line. And I echo what my neighbors have said about that. I know that the city has stated we won't be required to hook up to the new sewer line. All of us are in septic down there, there is a law about living next to a sewer line and having to hook into it, there's no guarantees that a future administration or a future group of people will not force the issue. I don't know of any of us who live along there who have thousands of dollars that we're not using anything else for. One of the of the questions I had is the plan shows Rafael Drive extending through the north of that property. That street doesn't currently exist except on the other side of the road. The road is shown going through other people's property, how is that going to affect the people who live there? How are you going to build a road through somebody's home, through somebody's land that doesn't want a road there? Eminent domain? It's just another nail in the coffin of this quiet historic neighborhood. People like us who live across the street from the proposed neighborhood, and some who are close by, we can at least go into our back yard and won't have to look at it. But there is a family, the Critchlow's who will not be able to go anywhere on their property and get away from the proposed neighborhood. They either have a big fence around their whole property or they have nowhere to go to get away from it. They also have expensive race horses. I know that they have great concerns, and I'm just wondering if the developers have spoken to them about it? If they've made plans to address those needs? And if they've communicated that to the family. And to the developers, no matter how much you may talk about wanting to add to the community, it all boils down to this. You'll walk away at the end of the day with the money you've made, and we will be left with a multitude of negative effects of the inappropriate development in a neighborhood that has large lots, and it'll be forever changed for the worse by your gain. There is nothing about this plan that I can see that will make our neighborhood better. Thank you.

With no additional comments offered, Chairman Brian Pattee closed the public hearing at 7:13 p.m.

**b. Proposed Preliminary Plat for Kenneth and Jennie Hale for the creation of twenty-three (23) lots in the Canyon View Subdivision located approximately at 400 E Nygreen Street in the R-1-21 zone.**

Chairman Brian Pattee opened the public hearing at 7:13 p.m. and called for comments.

With no comments offered, Chairman Brian Pattee closed the public hearing at 7:13 p.m.

**COMMISSION CHAIR BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO ORDER AT 7:14 P.M.**

**1. Consideration to recommend approval of the Preliminary Plat for Kenneth and Jennie Hale for the creation of twenty-three (23) lots in the Canyon View Subdivision located approximately at 400 E Nygreen Street in the R-1-21 zone.**

Ken Hale and Corey Child was present for this agenda item and stated to the Commission: I'm Kenneth Hale, just looking to get approval, so we can move forward with it. We feel like we've done more than we needed to do to get this project approved because Grantsville zoning comity didn't want acre lots nor were they willing to supply city sewer in that area. We've changed it to half acre lots, we're willing to put the sewer in. I feel like we've done everything that they've asked us to do, we'd just like for approval in order to move forward with this project.

Gary Pinkham Stated: In our last review session, there were a couple things that we brought up that I don't think have been fully addressed yet. One of the reviews being where's the power coming from? There were some discussions in some previous meetings about the potential of the new power line going down on the south property line of your place to go to the east for other parcels.

Kenneth Hale Stated: That, I don't know. All I know is we were given approval from the power company that they would service the proposed subdivision, but we have not received any plans as to where those lines will be running.

Corey Child Stated: So, when we submit the approved subdivision to Rocky Mountain Power, they come up with their own plan, they do their own engineering. Their engineers determine how much capacity is in the existing line and what they need to do in order to service the area. So, at this point preliminary approval has been given, that's all that Rocky Mountain Power will give us at this time, saying that they can service us.

Kenneth Hale Stated: Where are they bringing the power to service President's Park?

Corey Child Stated: Rocky Mountain Power's not given us any design, because usually they'll come to us and say, "We need the easement, this is where we need it." They have not mentioned any need of an easement at this time. I think from the staff review; the big question is just making sure the appropriate easement gets provided and the lots are large enough to accommodate those easements without creating unbillable lot. I know our concern is we just want to know for sure where that's going to be and how that gets tied down in this coming across here.

Dan England States: Today I put a call in to Rocky Mountain Power to try and follow-up with that question. They haven't got back in touch with me yet, but as soon as they do, I'll be able to provide you with that information to see if that impacts this at all. I don't know that it will or not.

Brian Pattee States: So, Shay, you mentioned here in your view comments, there's some property boundary issues to do with sidewalks, property line, and storm water basin sizing.

Corey Child States: So, we have some confusion on how wide Nygreen's Street is supposed to be, but it's 45 to 40. At one point we were told it was going to 40, now it's 45. That's the part where the property line is a little confusing where we headed at 45, we thought it was going to 40, and so we moved the plat back to 45, but we forgot to update the sidewalk. It's still in the location of where a 40 or an 80-foot cross section would be, so we just got to move it back.

Shay Stark: With the Minor Subdivision there was 45 feet of right-of-way. Part of the challenge from the city's end is, as we were going through the review, we didn't have good information on the other side. Neither understood everything that was going on there. Kristy has been pulling plats and



gathering up as much as she could for us for the last review we did, we finally got that together. We had a better picture of what we are dealing with overall and now I'm comfortable with it. If we're getting the 45 from the center line or if we're back at the boundary that was already created with Minor Subdivision, then that's not an issue. If you're comfortable with them adjusting those sidewalks as part of final that seems like that's about all that you really have to do with that. And then just change the cross section to a little wider part strip.

Gary Pinkham stated: Yeah. I think from the standpoint of what's required for preliminary, we've got everything we need. And I think it's pretty well cleaned up. We do have some engineering issues that need to be cleaned up prior to final.

**Gary made the motion to recommend approval of the Preliminary Plat for Kenneth and Jennie Hale for the creation of twenty-three (23) lots in the Canyon View Subdivision located approximately at 400 E Nygreen Street in the R-1-21 zone. John seconded the motion. All voted in favor. Motion carried unanimously.**

**2. Consideration to recommend approval of the Preliminary Plat for 359 Investors and Sean Perkins for the creation of twenty-six (26) lots in the Anderson Farms Phase 4 located at approximately 600 S Worthington Street in the R-1-21 zone.**

Sean Perkins was present for this agenda item and stated to the Commission: We're just looking to get approval to move forward with this subdivision. It's final phase, the Anderson Farm Subdivision.

Brian Pattee: Any commission comments?

Gary Pinkham: I think in our review here; we've got this pretty much where we want it. We have a few minor things that we would like to have corrected, some stuff that didn't get caught in last day or two. Prior to going to council. But if you guys will work with Dan and clean this up for them, then we'd be willing to move forward.

**Gary made the motion to approve of the Preliminary Plat for 359 Investors and Sean Perkins for the creation of twenty-six (26) lots in the Anderson Farms Phase 4 located at approximately 600 S Worthington Street in the R-1-21 zone. John seconded the motion. All voted in favor. Motion carried unanimously.**

**3. Consideration to recommend approval of the P.U.D. for LO Capital, LLC, Brett Lovell, and Conner O'Leary on the creation of 38 lots in the Erickson Estates Subdivision located at 265 N Cooley Street in the RM-7 and the RR-1 zone.**

Brett Lovell was present for this agenda item and stated to the Commission: We know this is a touchy subdivision going into it. The comments, I'm trying to get a best address. When we do development, it's a tough thing. Change and growth is hard. And one of the things that really set home to me on this is my wife grew up out here. She worked at Casa Del Rey to pay for her college and now she needs to support me when I'm a bad developer. When we

took this over and were able to talk to Sheryl Penny, I could tell that the family was struggling to get the approvals through the city, it was a tough thing. So, while we looked at the PUD, Sheryl Penny's family, just being completely candid, had a price and appraisal that was done on the property that they had hit for estate. And we knew that was based off unit count. The unit count has not changed. I hope I do not try to deceive anybody by saying the unit count had changed. What we looked at is 7,000 square foot lots are a small lot. We feel a better fit would be blending that density for lack of a better word and putting in nicer homes. Some of the reasons we put that in there is we want to make sure we hit standard widths, NCCNR's that would address a minimum of three car garage and certain square footage on a main, on a rambler, a two story, to hit a nicer product. That was the main thing that we really wanted to address in there. When I spoke to Mike Johnson he said, "Why don't you get your wife to come moves out here and you put one home on the center of it?" We love Grantsville, but the reality of it is, we want to do the best community we could, and we felt that by averaging the density instead of doing some 7,000s mixed up to acres, by doing that we felt it was a better outcome, and that's really what it comes down to. We want to... we do take pride in the subdivisions we've done. I can give you a list of many we have done, and I feel they've turned out great. And that's really what we want to do. If you guys have any questions, we're definitely back there and ready to answer them. And if I don't have the answer, we'll definitely get it for you. Thank you.

Kristy Clark states: this is just for the PUD? We can do more discussion for the subdivision. And if you guys don't approve the PUD, then you can't approve the subdivision.

Brett Lovell States: That is why we wanted to do a PUD. It's kind of an interesting thing I'm trying not to treat each item separately, but it's hard not to merge them. The main reason for our PUD was to blend density, and instead of having 7,000 square foot lots, have a nicer product on everything.

Gary Pinkham States: I think it does address a lot of the communities, or the neighbors' concerns from the original plan that was out there. I think it does create a little better fit. Other than that, I think it's probably the way to move forward with this parcel.

**Gary made the motion to recommend approval of the P.U.D. for LO Capital, LLC, Brett Lovell, and Conner O'Leary on the creation of 38 lots in the Erickson Estates Subdivision located at 265 N Cooley Street in the RM-7 and the RR-1 zone. John seconded the motion. All voted in favor. Motion carried unanimously.**

**4. Consideration to recommend approval of the Final Plat for LO Capital, LLC, Brett Lovell, and Conner O'Leary on the creation of 38 lots in the Erickson Estates P.U.D. Subdivision located at 265 N Cooley Street in the RM-7 and the RR-1 zone.**

Conner O' Leary and Brett Lovell were present for this agenda item and stated to the Commission: If you don't ask me Gary, I'm going to feel like I didn't get my say.

Gary Pinkham States: some of the other comments we had here, you guys are doing a really good job of cleaning this one up. We've got about three or four different trench zone issues that we're trying to work with, and they don't match any PWA standards, so we're having to try to doctor the standard. But it's something we can clean up going forward. We just need to make sure we get the right material in the ditch. It's probably not going to change the cost, you're still going to have to buy the product, you're still going to put it in, it's just a matter of whether we use a clean sand or a clean three-quarter grain rock material.

Kristy Clark States: Can you please address for the public and the neighbors, if you are going to do a fence? Have you talked to the Critchlow's and are you doing a fence, and what type of fence are you planning on doing? Or are you going to coordinate with them because they do have horses and you're going to coordinate with them before you put the fence in?

Brett Lovell States: Yeah, that's a great question. Truthfully, I apologize, we had not coordinated with people. We hated the 7,000 square foot layout. We didn't like it, we didn't want to put our stamp on it, and we were running so fast as some of the staff of the city can go to, we were trying to get that done. As far as fencing's concerned, we would work with the property owners to work with them and address it. Every city's different, and I don't mean to be vague like that, but it really depends on each city how they want us to handle it. So, sometimes it's the developer's obligation to make sure we put up a fence to keep the horses out, and sometimes it's somebody else's obligation to keep their horses in. Regardless, we want to have a nicer subdivision and have a good fill in there. So, the CCNR's would address on how we would do a fence. We like to see white vinyl, so a minimum of a white vinyl fence at the time those are installed. If the commission feels that we need a fence, we will put up a six-foot vinyl privacy solid fence.

John Limburg States: How about Parcel A?

Brett Lovell States: Parcel A, I don't know yet. We're using it right now as a detention basin.

Brian Pattee States: who will be maintaining that Parcel A?

Connor O'Leary States: Yeah, so we're talking to the adjacent property owner, Johnson. Mike Johnson, who's to the east. And he's going to take that.

Brett Lovell States: So, it's tough, right? Because traditionally we would want to put that and deed it to some other plot. Due to Rafael Drive, it makes that part of this layout. And the city's the one that again, is pushing Rafael Drive there, so we really can't put that detention basin or detention basin.

Attorney Coombs States: So, open spaces being done a little bit different on this one. The reason why is because the city, Rafael Drive that's in there, that's property that's owned by these gentlemen. But the city's requiring that that road be left for future development. So, in



exchange for the open space requirement, instead of the city needing to pay just compensation for that taking, the city's making an even trade between the two.

Gary Pinkham States: So, that will be addressed in the development?

Attorney Coombs States: It will be.

Gary Pinkham States: That resolves the open space issue?

Councilman Rowberry States: It does.

Dan England States: So, did we decide on the fencing or not?

Brett Lovell States: The only thing we don't know how to address is parcel A. And truthfully, we were most likely going to do a fence anyway. We found that... I take that back. We hated being in a development agreement because... That sounds horrible. We typically just put it in because we want the lots to look nice and look finished, and that gives it a great appeal.

Dan England States: If it's acceptable to you guys to go basically three sides with a six-foot fence, probably a gate to the east side so he can access it. And then a four-foot fence between the roadway and parcel A. Is that doable?

Brett Lovell States: Probably. I don't want to say yes right now, but that's something we can do for sure.

Dan England States: It's addressing the safety issue. It's a safety issue to keep people out of the basin. You have it on one side, but not the other. You still have a safety issue there.

Brett Lovell States: We'll work with Dan at the city.

Dan England States: I think we can word it to require fencing, and you'll provide Kristy with whatever type of fencing. We just leave that open-ended that way, and that way if parcel A needs something different because it's livestock versus vinyl that can be addressed.

**Gary made the motion to recommend approval of the Final Plat for LO Capital, LLC, Brett Lovell, and Conner O'Leary on the creation of 38 lots in the Erickson Estates P.U.D. Subdivision located at 265 N Cooley Street in the RM-7 and the RR-1 zone. With the addition of privacy fencing. John seconded the motion. All voted in favor. Motion carried unanimously.**

**5. Consideration to recommend approval of the Final Plat for Mountain Vista Development, Inc. and Monte Kingston on the Wells Crossing Subdivision Phase 7 located at Williams Lane and Mormon Trail for the creation of twenty-eight (28) lots in the R-1-21 zone.**

Monte Kingston was present for this agenda item and stated to the Commission: Good evening, I'm Monty Kingston, I'm here on behalf of Mountain Vista. This is phase seven, the last of seven phases there at Wells Crossing. So, we're here to get the final plat approved. We're currently under construction on phase five, just moving right through it.

Gary Pinkham: One question, where did we end up with this in regard to Nygreen and Hale.

Monty Kingston: had we agreed with the mayor, and based on your recommendations, I think City Council is all on board, so we were taking those funds and just basically giving them to city. I was out there today, I was surprised to see that Hale Street's already got fresh asphalt down along Hale Street, all the way from Bend to Williams Lane and south on there already. So, whether the city uses those funds to help pay for those improvements or they want to go ahead with the trail, it's up to you.

**Gary made the motion to recommend approval of the Final Plat for Mountain Vista Development, Inc. and Monte Kingston on the Wells Crossing Subdivision Phase 7 located at Williams Lane and Mormon Trail for the creation of twenty-eight (28) lots in the R-1-21 zone. John seconded the motion. All voted in favor. Motion carried unanimously.**

**6. Consideration to table the meeting minutes for the previous P&Z Meeting that was held September 16, 2021.**

**John made the motion to table the meeting minutes for the previous P&Z Meeting that was held September 16, 2021. Gary seconded the motion. All voted in favor and the motion carried unanimously.**

**7. Report from City Council Liaison Darrin Rowberry. There were no comments from Council Liaison.**

**8. Adjourn. Gary made the motion to adjourn the meeting. John seconded the motion. The meeting was adjourned at 8:00 pm.**

Kristy Clark  
Zoning Administrator