



December 5, 2024
Planning Commission
Regular Meeting
Information Packet

AMENDED

PUBLIC NOTICE

The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, December 5, 2024 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:

ROLL CALL

PUBLIC HEARING

- a) Proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, located at approximately 1379 N. Warm Springs Rd.
- b) Proposed Rezone of Warm Springs Ranches from zoning designation RR-5 to RR-2.5, located at approximately 1379 N. Warm Springs Rd.
- c) Proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone.
- d) Proposed conditional use permit for Kaidon Elmer to own and operate Elmer Automotive LLC, a general automotive repair and maintenance business, on 0.32 acre at 23 W. Clark St. in the RM-7 zone.
- e) Proposed conditional use permit for AGX Automotive to own and operate an automobile wholesale dealer business, on 1.80 acre at 292 N. Hwy 138 in the M-D zone.
- f) Proposed amendments to the Grantsville City Land Use and Management Code to remove the Planned Unit Development (PUD) including modifications to Chapter 2, 3.6, 4.5, 4.12, 6.15, 8.9, 9.3, 9.5, 14.6, 15.7, 16.2, 16.4, 16.8, 17.3, 19.5, 19a.1, 21.1.15, 21.2.11, 21.6.2, and 21.6.12, and repealing Chapter 12 and 21.5.

AGENDA

1. Concept plan presentation for a possible PUD at 279 E. Main St., in the RM-7 zone.
2. Discussion of the proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, located at approximately 1379 N. Warm Springs Rd.
3. Discussion of the proposed Rezone of Warm Springs Ranches from zoning designation RR-5 to RR-2.5, located at approximately 1379 N. Warm Springs Rd.
4. Discussion of the proposed amendment to the Grantsville City General Plan and Future Land Use Map to go from a Rural Residential 1 (RR-1) designation to a Low Density Residential designation, for the property located at approximately 799 N. 600 W.
5. Discussion of the proposed Rezone to go from zoning designation A-10 to R-1-21, for the property located at approximately 799 N. 600 W.
6. Consideration of the proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone.
7. Consideration of the proposed conditional use permit for Kaidon Elmer to own and operate Elmer Automotive LLC, a general automotive repair and maintenance business, on 0.32 acre at 23 W. Clark St. in the RM-7 zone.
8. Consideration of the proposed conditional use permit for AGX Automotive to own and operate an automobile wholesale dealer business, on 1.80 acre at 292 N. Hwy 138 in the M-D zone.

AMENDED

9. Discussion of the proposed amendment to the Grantsville City Land Use and Management Code to remove the Planned Unit Development (PUD) including modifications to Chapter 2, 3.6, 4.5, 4.12, 6.15, 8.9, 9.3, 9.5, 14.6, 15.7, 16.2, 16.4, 16.8, 17.3, 19.5, 19a.1, 21.1.15, 21.2.11, 21.6.2, and 21.6.12, and repealing Chapter 12 and 21.5.
10. Consideration of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 3 (Decision Making Bodies, And Officials).
11. Consideration of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 21 (Subdivision Regulations), to implement modifications from SB174/ HB0476.
12. Report from Zoning Administrator
13. Open Forum for Planning Commissioners.
14. Report from City Council.
15. Adjourn.

Shelby Moore
Zoning Administrator
Grantsville City Community & Economic Development



**Scan QR code
to join Zoom
meeting.**

Join Zoom Meeting

<https://us02web.zoom.us/j/82901459288>

Meeting ID: 829 0145 9288

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.



Grantsville City Planning Commission

December 5, 2024

Public Hearing

Proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, along with the Rezone from zoning designation RR-5 to zoning designation RR-2.5, located at approximately 1379 N. Warm Springs Rd.

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 **December 5, 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 of the proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, along with the Rezone from zoning designation RR-5 to zoning designation RR-2.5, located at approximately 1379 N. Warm Springs Rd.** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 29, 2024 at the link below:

https://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 December 5, 2024.

Dated this 25th day of November, 2024



**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**

Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

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Meeting ID: 829 0145 9288



Grantsville City Planning Commission

December 5, 2024

Public Hearing

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Grantsville City Planning Commission

December 5, 2024

Public Hearing

Proposed conditional use permit for AGX Automotive to own and operate an automobile wholesale dealer business, on 1.80 acre at 292 N. Hwy 138 in the M-D zone.

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Proposed amendments to the Grantsville City Land Use and Management Code to remove the Planned Unit Development (PUD) including modifications to Chapter 2, 3.6, 4.5, 4.12, 6.15, 8.9, 9.3, 9.5, 14.6, 15.7, 16.2, 16.4, 16.8, 17.3, 19.5, 19a.1, 21.1.15, 21.2.11, 21.6.2, and 21.6.12, and repealing Chapter 12 and 21.5.

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Zoning Administrator

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AGENDA ITEM #1

Concept plan presentation for a possible PUD
at 279 E. Main St., in the RM-7 zone.

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



Permit # 2024107

**Staff Report Summary for
Concept plan presentation for a possible PUD
at 279 E. Main St., in the RM-7 zone.**

Parcel ID(s): 01-048-0-0011

Property Address: 279 E. Main St.

Applicant Name: Lieu Tran

Request: Concept Discussion

Prepared By: Shelby Moore

Meeting Date: 12/05/2024

Public Hearing Date:

Current Zone: RM-7

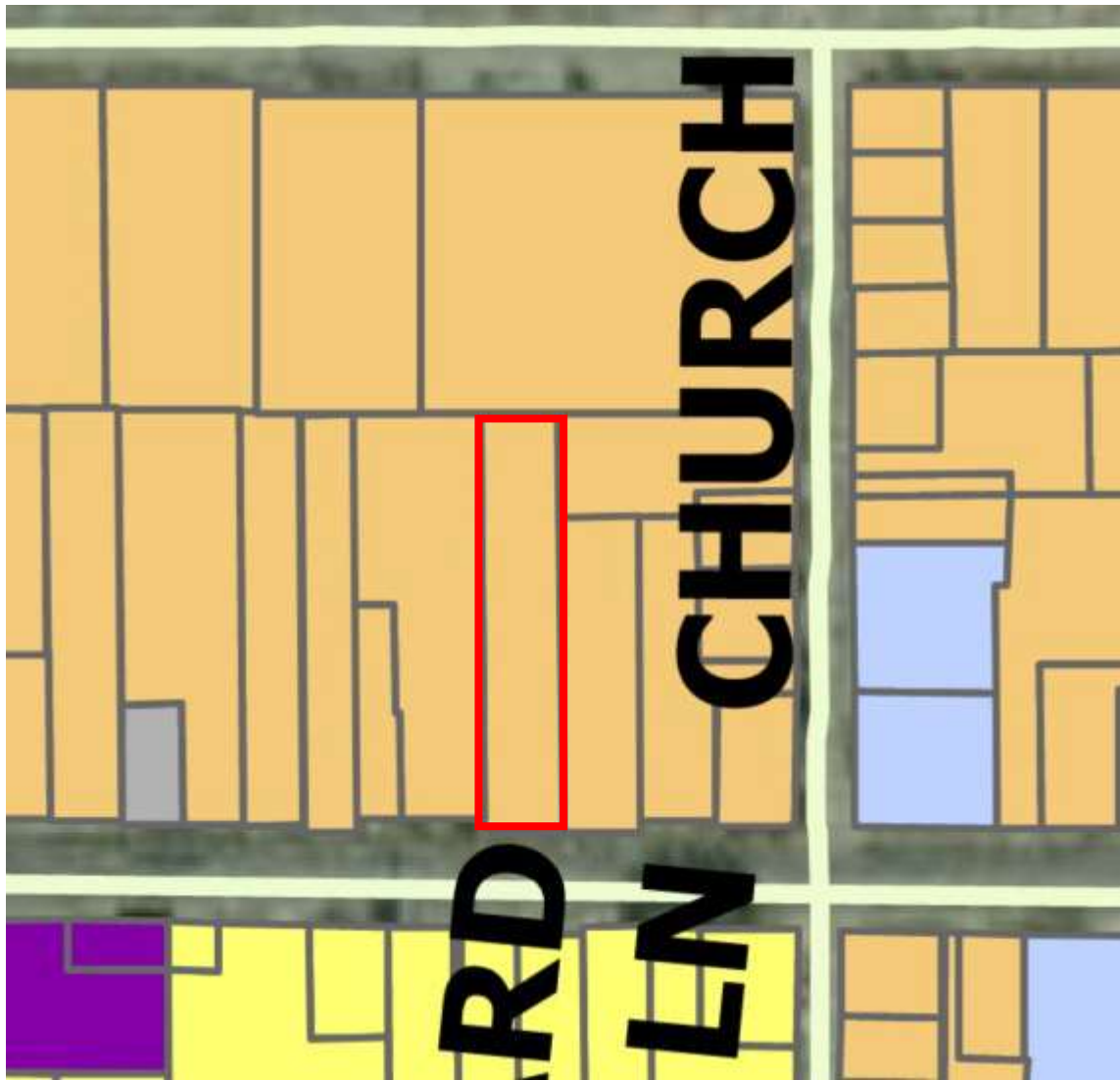
Acres: 0.87

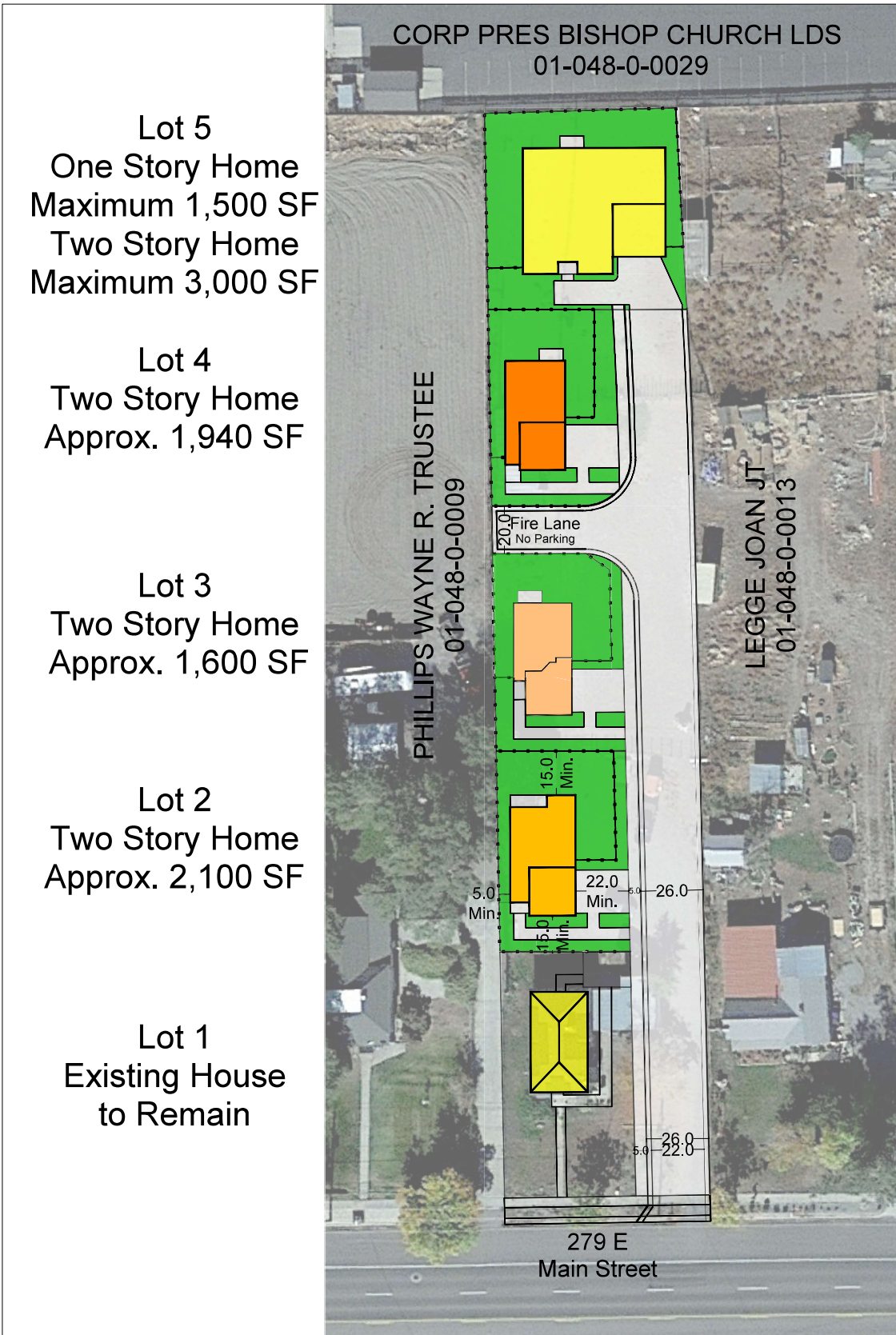
Planning Staff Explanation and Recommendation: Concept plan presentation for a possible PUD at 279 E. Main St., in the RM-7 zone.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.



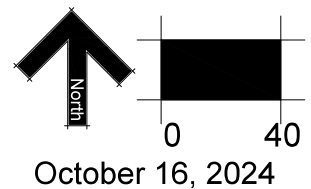


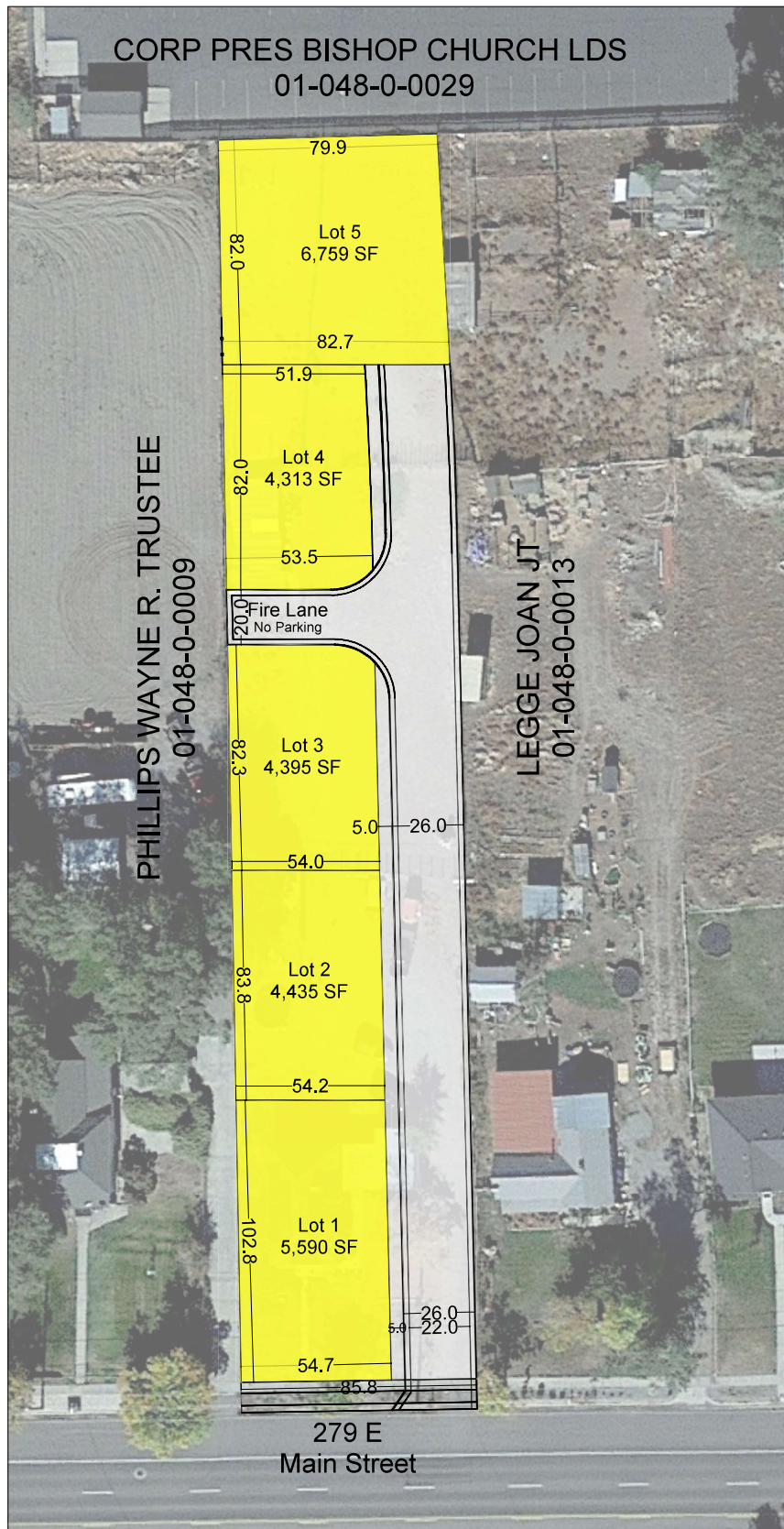


Conceptual Site Plan

APN: 01-048-0-0011
Acres/Sq.Ft.: 0.87 / 37,897
Existing/Proposed Zoning: RM-7
Max. No. of Units Allowed: 5
No. of Units Proposed: 5

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

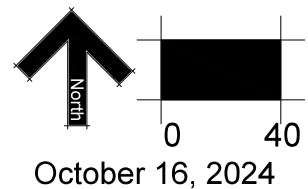




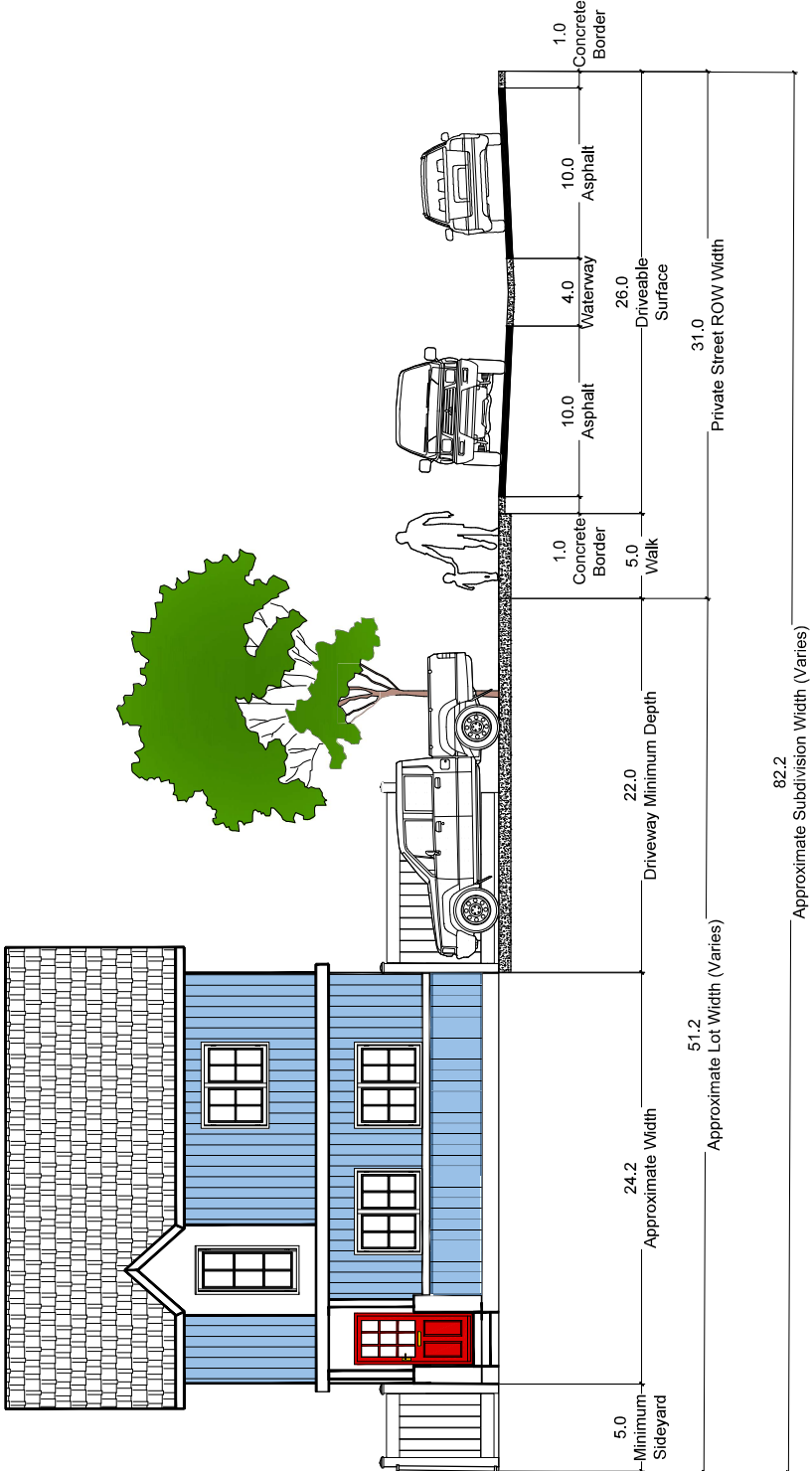
Conceptual Platting

APN: 01-048-0-0011
 Acres/Sq.Ft.: 0.87 / 37,897
 Existing/Proposed Zoning: RM-7
 Max. No. of Units Allowed: 5
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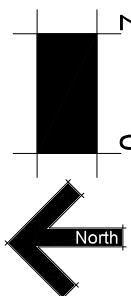


279 E Main Street PUD
Property Cross Section



House, fencing and landscaping is conceptual and subject to revision.

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stevemplan@gmail.com



October 17, 2024

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	279 E MAIN STREET PLANNED UNIT DEVELOPMENT
Applicant	-LIEU TRAN
Project Location	-279 E MAIN STREET
Project Acreage	0.87
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

279 E Main Street, like many of the lots in Central Grantsville, is a narrow and deep lot likely created close to a century ago for individual families to raise crops and farm animals. Agriculture no longer occurs on the property, and the rear two-thirds of the property is vacant and undeveloped. The PUD would permit the subdivision of the property into five lots where four new homes would be constructed. The new homes would likely be more affordable than most new homes in Grantsville because they would be on smaller lots.

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 property is 0.87 Acres, or approximately 37,897 square feet. 10% open space is 0.087 Acres or 3,790 square feet, a parcel roughly 62 feet by 62 feet. We suggest that the 3,790 square feet is better served as a part of the private open space of the five lots.

Objective (c):

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

Response

None of the buildings on the property are architecturally or historically significant. However, it is the property owner's intent to preserve and sell the existing house.

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

A five (5) foot sidewalk leading from the five (5) lots to Main Street is planned.

Objective (e):

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

Response

There are no blighted structures or incompatible uses on the property. As said, the existing house will be retained and sold on one of the lots.

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 of 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 PUD proposes to subdivide into five (5) lots and build four (4) new homes. All access will be from an internal private street. An access point to Main Street will be used.

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 PUD will add to the variety of housing opportunities available in Grantsville.

Standard (d):

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

Response

While the PUD will allow new development that is different from neighboring uses, it is a development that the RM-7 Zone contemplates. Neighboring properties may choose to develop in a similar manner.

Standard (e):

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

Response

No nuisances are expected.

Standard (f):

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

Response

It is likely that the PUD would increase neighborhood property values and four (4) families would add to the tax base and frequent Grantsville businesses.

Standard (g):

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

Response

The PUD is in compliance with the current comprehensive 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

A private street is proposed with a turnaround for emergency services.

Standard (k):

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

Response

The PUD proposes new development in keeping with future land use and zoning.

Standard (l):

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

Response

Appropriate lighting placed on the homes that are built will not be allowed to shine directly onto adjacent properties.

Standard (m):

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

Response

Building materials required by the Uniform Building Code will be used.

Standard (n):

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

Response

Individual yards will be landscaped by either the developer or the home owner.

Standard (o):

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

Response

There are no significant historical, architectural, or environmental features on the property. The existing house will be retained.

Standard (p):

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

Response

The development will build single family homes.

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.

The requested variances are listed on separate sheets, which includes the requested explanations.

279 E Main Street Planned Unit Development

Requested Ordinance Variances

Cite Reference to Regulation and Describe Specific Requirement in Regulation That Requested Deviation Would Affect.

15.4 Multiple Residential District RM-7

(1) The RM-7 Zoning District is intended to provide areas for medium density single family and multi-family residential with the opportunity for varied housing styles and character.

Minimum Lot Size (Lot Area): 7,000 sq. feet
Minimum Lot Size for Corner Lots 10,000 sq. feet

Describe Requested Deviation to Regulation.

We are requesting single-family detached lots sizes that are less than 7,000 square feet and 10,000 square feet for corner lots. Specifically, we are requesting a minimum lot size of 4,000 square feet for single-family detached homes.

Describe How Requested Deviation Benefits the Project and the Community.

The property is a narrow, deep lot located along Main Street. Many of Utah's cities and towns have narrow, deep lots that were created early in the 20th Century as individual family farm parcels. The home was built on the front one-third, and the rear two-thirds were for crops and animal keeping. Today, few families still cultivate the rear of the lots. While not the case with 279 E Main Street, sometimes property owners allow the rear two-thirds of lots to fall into disrepair, storing dilapidated vehicles or not fixing old sheds. In some cases, the disrepair may become nesting grounds for vermin, which may affect neighbors.

As an example, Pleasant Grove City adopted an ordinance that specifically addressed the subdividing of narrow, deep lots through the use of flag lots. The Pleasant Grove ordinance's purpose, City Code Section 10-15-14, states the following:

"A. Purpose: To facilitate the best use of interior areas of existing parcels which are no longer used for agriculture, the city may allow the use of flag lots in all residential zones. The use of flag lots is intended to be restricted to the interior of narrow, deep parcels or other properties not otherwise accessible using residential street standards, and/or where there exists unique

topographical or geographical features on the property, such as waterways, steep slopes, etc., which are planned to be preserved by easement. It is not the intent or purpose of this section to encourage odd shaped lots or the inclusion of flag lots in proposed new residential subdivisions merely to maximize the number of lots within the subdivision. Flag lots may be allowed when it can be shown that there will be no negative impacts to the health, safety and welfare of the community in regards to providing sufficient street connections and accessibility for emergency vehicles, and without creating landlocked situations for neighboring properties."

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))

We are not proposing that Grantsville City permit flag lots but propose a private street. However, the principle is the same – by allowing the development of narrow, deep lots that cannot meet many of the City's zoning and subdivision ordinance requirements, blight that may plague neighborhoods can be removed.

Cite Reference to Regulation and Describe Specific Requirement in Regulation That Requested Deviation Would Affect.

15.4 Multiple Residential District RM-7

Minimum Frontage (along curb face on a public street or an approved private street) 60 feet.

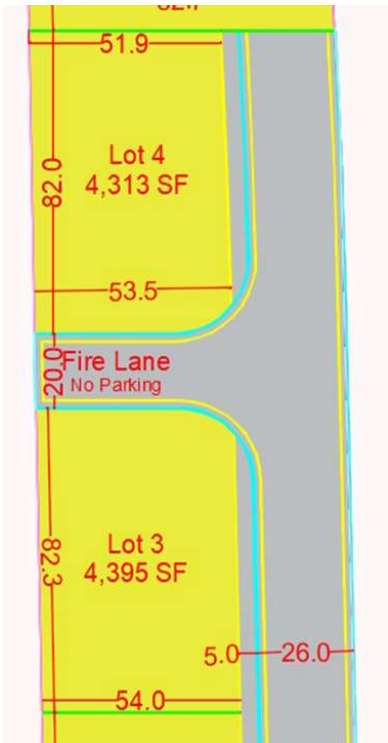
Describe Requested Deviation to Regulation.

We are requesting a minimum width of 50 feet.

Describe How Requested Deviation Benefits the Project and the Community.

The overall lot width varies between roughly 85.8 feet at Main Street and 79.9 feet along the rear property line. The City has requested a private street that is 26 feet in width (rolled back of curb to rolled back of curb) and a five (5) foot sidewalk on one side. The private street right-of-way is 31 feet. The proposed lots can only be a maximum of roughly 54.8 feet along Main Street and 51.9 feet in the rear of proposed Lot 4.

The purpose of the request for the 50 feet minimum is that the property has not been surveyed. The width of roughly 79.9 feet in the rear is based upon scaling the lot from the Tooele County Recorder/Surveyor's parcel web page and observing fence lines on Google Earth. Fifty (50) feet is requested as a buffer against a property survey finding the lot is actually narrower than estimated.



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))

The deviation will benefit the community by, first, allowing the development of narrow, long lots and the possible removal of blight from some lots, and second, providing more affordable housing on smaller lots that benefit young professional families.

Cite Reference to Regulation and Describe Specific Requirement in Regulation That Requested Deviation Would Affect.

15.4 Multiple Residential District RM-7

- Minimum Yard Setback Requirements: (Amended 2000, 9/01)** Front Yard.....25 feet
Rear Yard for Main Buildings 20 feet
Side Yard for Main Building, Each Side 5*/15 feet

Describe Requested Deviation to Regulation.

We are requesting the following yard setbacks:

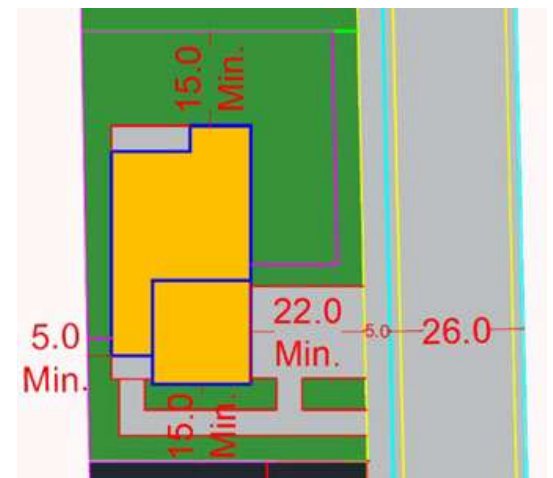
Lot No.	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards
1 (Existing Residence)	25 Feet	15 Feet	12 Feet / 18 Feet
2	15 Feet	15 Feet	5 Feet / 22 Feet
3	15 Feet	15 Feet	5 Feet / 22 Feet
4	15 Feet	15 Feet	5 Feet / 22 Feet
5	15 Feet to Porch or Living Space / 22 Feet to Garage	15 Feet	5 Feet / 20 Feet

Describe How Requested Deviation Benefits the Project and the Community.

The typical net yard dimensions vary from Lot 1 through 4 and Lot 5. Lots 1 through 4 are adjacent to the private street right of way, which is 31 feet in width. Lot 5 is not affected by the private street.

The 15 foot front yard setback is requested because Lots 1 through 4 will not have typical front yards with a street-facing garage. The new homes on Lots 2 through 4 will have side-loaded garages with a minimum 22 foot setback from the back of the private street sidewalk.

The depth of Lots 2 through 5 is constrained by the depth needed for the existing residence on Lot 1 and the overall depth of the property. Lot 1 is 102 feet in depth, and the other four lots are 82 to 83 feet in depth. For this reason, we are asking for front and rear yard setbacks of 15 Feet for Lots 2 through 5 and a 15 Foot rear yard setback from the existing house on Lot 1.



As said, on Lots 2 through 4, we are requesting side yard setbacks of 5 feet on and 22 feet on. The 22 feet is the depth from the back of the sidewalk to the side entry garage.

The deviation will benefit the community by, first, allowing the development of narrow, long lots and the possible removal of blight from some lots, and second, providing more affordable housing on smaller lots that benefit young professional families.

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 mitigation is needed.

Cite Reference to Regulation and Describe Specific Requirement in Regulation That Requested Deviation Would Affect.

Chapter 2 Definitions

(247) PRIVATE STREET. (Amended 5/97, 2/00, 9/07, 2/09) A privately owned way or lane which affords the principal means of access to property. A private street which serves up to two (2) dwelling units shall have a right of way width of not less than 30 feet and shall be constructed and maintained with an all weather dustless surface that meets the specifications of the City for a standard residential street section, except that the base course need only be 20 feet wide with a slope or crown of 2 to 4%, no bituminous surface course need be applied and said street shall have a shoulder v-ditch with a slope of 6 to 8%. Private streets that serve more than two dwelling units or any business activity shall be constructed and maintained according to the City standards and specifications for a “standard residential street.” Any private street that is longer than 150 feet shall have a cul-de-sac or hammerhead at the end thereof. The dimensions or layout of any required cul-de-sac or hammerhead shall comply with City’s standards and specifications for public cul-de-sac or the minimum specifications of the current International Fire Code for hammerheads. The developer or owner(s) of a private street shall place a street sign at the intersection of the private street and all public streets, indicating the name of the private street, the north or east coordinate and that the street is a “private street”. The location and specifications for the private street sign shall be determined by the City Public Works Director.

Describe Requested Deviation to Regulation.

We are requesting a 26 foot wide private street – 22 feet of asphalt, and two (2) foot rolled curbs on either side --, and a five (5) foot sidewalk – overall right-of-way of 31 feet --, to serve the five (5) lots proposed.

Describe How Requested Deviation Benefits the Project and the Community.

Currently, the City's definition of private streets limits the lots served to two (2). It also requires a 30 foot width but makes no mention of a sidewalk. We are requesting a 26 foot wide private street with two (2) rolled curbs and a five (5) foot sidewalk for a total width of 31 feet. We are also requesting that the private street serve all proposed five (5) lots.

To improve emergency services access and fire fighting capability, we have proposed a "T" turnaround between Lots 3 and 4. The proposed turnaround is shown as twenty feet in width, and the turnaround would be stripped and signed as a "Fire Lane - No Parking" area.

The community benefit comes from clarification of the City's private street definition, establishes a standard for future private streets and permits the use of private streets where the Planning Commission and City Council believe it benefits the community.

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))

The mitigation is the clarification of the definition of a private street, the establishment of a private street standard, and the ability to use private streets where the City believes it benefits the community.

Cite Reference to Regulation and Describe Specific Requirement in Regulation That Requested Deviation Would Affect.

21.1.15 Open Space Requirements

(1) Each subdivision or site plan shall provide a minimum of 10% of its total parcel acreage as open space. The open space shall be designated on the preliminary plan or site plan and recorded on the final plat. The minimum restricted open space shall comprise at least 10% of the total parcel acreage. The open space shall be held and maintained in a private protective trust. In limited cases such as the provision of a minimum of ten-acre public park the City Council at its discretion may, by finding of a beneficial public purpose, choose to accept the dedication of such parcels and improvements.

Describe Requested Deviation to Regulation.

We are requesting that the property not be required to have an open space parcel.

Describe How Requested Deviation Benefits the Project and the Community.

The property is 0.87 Acres, or approximately 37,897 square feet. 10% open space is 0.087 Acres or 3,790 square feet, a parcel roughly 62 feet by 62 feet.

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))

We suggest that the 3,790 square feet will better serve the families who will move into the PUD as a part of the private open space of the five lots.



Jaina Bassett <jbassett@grantsvilleut.gov>

279 E. Main St. PUD

11 messages

Jaina Bassett <jbassett@grantsvilleut.gov>

Thu, Oct 17, 2024 at 2:07 PM

To: Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>, Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Robert Rousselle [REDACTED]

Cc: Shelby Moore <smoore@grantsvilleut.gov>

Good afternoon,

We received a PUD application for the lot at 279 E. Main St. The attached document shows their proposal for the private street, sidewalk, and lot development. Can you please review and determine if this will satisfy the IFC, and provide any other concerns you may have? I also attached their concept and site plans for your reference.

Thank you and have a great day!

Jaina Bassett

Community Development Administrative Assistant

Grantsville City Corporation

Phone: (435) 884-1674

Email: jbassett@grantsvilleut.gov

3 attachments

 **2024107 Lot Cross Section Layout 10-17-2024.pdf**
307K

 **2024107 Updated Concept Plan 10-16-2024.pdf**
2321K

 **2024107 Updated Site Plan 10-16-2024.pdf**
2674K

Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Thu, Oct 17, 2024 at 6:31 PM

To: Jaina Bassett <jbassett@grantsvilleut.gov>

Jaina,

I will need to go and look at this as I can't tell where the nearest hydrant is, so I don't know if the last house will be within 500 feet of a hydrant. I will get back to you on this.

Jason E. Smith

Fire Chief/Fire Marshal

Grantsville Fire Department



Cell: (801) 598-7049

firemarshal@grantsvilleut.gov

[Quoted text hidden]

Jaina Bassett <jbassett@grantsvilleut.gov>
To: Shelby Moore <smoore@grantsvilleut.gov>

Mon, Nov 4, 2024 at 3:01 PM

Shelby,

Are these all items we can require/ ask for with the PUD? Do you have the answers to these, or should I forward them on to Steve, the engineer?

On Mon, Oct 28, 2024 at 8:01 AM Robert Rousselle <rrousselle@ensignutah.com> wrote:

[Quoted text hidden]

Jaina Bassett <jbassett@grantsvilleut.gov>
To: Shelby Moore <smoore@grantsvilleut.gov>

Mon, Nov 4, 2024 at 3:03 PM

Sorry, this is scheduled for 11/21 PC to present a concept, so we are not yet at the point where we would move forward with these points, right? But if they receive favorable feedback and choose to move forward with the PUD... Can we require those items?

[Quoted text hidden]

Shelby Moore <smoore@grantsvilleut.gov>
To: Jaina Bassett <jbassett@grantsvilleut.gov>

Tue, Nov 5, 2024 at 9:28 AM

Correct, they are just presenting a concept to receive feedback from the PC. If they move forward with their PUD we can send these to Steve, the engineer.



SHELBY MOORE
Planning & Zoning Administrator
Department of Public Works
Office: (435) 884-4604
Email: smoore@grantsvilleut.gov

This e-mail may contain privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please immediately notify sender by telephone or reply e-mail, do not use or disclose the contents to others, and delete the message and all attachments from your computer, system, &/or network.

[Quoted text hidden]

Jaina Bassett <jbassett@grantsvilleut.gov>
To: Shelby Moore <smoore@grantsvilleut.gov>

Tue, Nov 5, 2024 at 4:01 PM

Perfect, thanks.

[Quoted text hidden]

Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Thu, Nov 7, 2024 at 10:50 AM

To: Jaina Bassett <jbassett@grantsvilleut.gov>

Cc: Robert Rousselle [REDACTED], Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>

Jaina,

Here are my concerns with this projects the nearest fire hydrant is over 500 feet away at about 600 feet from what would be the last house to the north, the biggest concern with this is that it is on the opposite side of Main Street. The closest hydrant on the same side of the road to the east is down past American Burger and the one to the west is the hydrant on the corner of main and Kearl street.

The distance between the hydrants on the same side of Main Street is probably well over a 1,000 feet and this is almost right in the middle of them. I measured from the sidewalk in front of the property to the back of the property and it's 464 feet.

Jason E. Smith
Fire Chief/Fire Marshal
Grantsville Fire Department



Cell: (801) 598-7049
firemarshal@grantsvilleut.gov

[Quoted text hidden]

Jaina Bassett <jbassett@grantsvilleut.gov>

Thu, Nov 14, 2024 at 9:13 AM

To: Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Cc: Robert Rousselle [REDACTED], Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>

Jason,

Thank you!

[Quoted text hidden]

AGENDA ITEM #2

Proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Low Density Residential, located at approximately 1379 N. Warm Springs Rd.



Grantsville City Planning Commission

December 5, 2024

Public Hearing

Proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, along with the Rezone from zoning designation RR-5 to zoning designation RR-2.5, located at approximately 1379 N. Warm Springs Rd.

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 **December 5, 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 of the proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, along with the Rezone from zoning designation RR-5 to zoning designation RR-2.5, located at approximately 1379 N. Warm Springs Rd.** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 29, 2024 at the link below:

https://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 December 5, 2024.

Dated this 25th day of November, 2024



**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**

Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

<https://us02web.zoom.us/j/82901459288>

Meeting ID: 829 0145 9288

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



Permit # 2024118

**Staff Report Summary for A
rezone from RR-2 to Low
Density Residential**

Parcel ID(s): 20-023-0-0001

Property Address: 1379 N Warm Springs Road

Applicant Name: Manjinder Singh

Request: Rezone from RR-2 to Low Density
Residential

Prepared By: Shelby Moore

Meeting Date: 12/05/2024 Public

Hearing Date: 12/05/2024

Current Zone: RR-2

Acres: 9.55

Planning Staff Explanation and Recommendation: Discussion of the Warm Springs Road
General Plan Amendment from RR-2 to Low Density Residential.

PLANNING STAFF ANALYSIS AND COMMENTS

The owner wants to rezone from RR-2 to Low Density Residential. Low Density Residential allow a maximum of 2 dwelling units per acre.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

14.4 RR-2.5 Development Restrictions

The development restrictions in the RR-2.5 zoning districts are as follows:

(1) Minimum Lot Size 2.5 acres

(2) Minimum Width at Front and Rear Setback 165 feet

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

(4) Minimum Yard Setback Requirements:

Front Yard 40 feet Rear Yard for Main Structures 30 feet Rear Yard for Accessory Bldg 7.5 feet Side Yard 15 feet Total Width of Both Side Yards 40 feet On corner lots, 2 front yards and 2 rear yards are required.

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

(6) Maximum Bldg Coverage 20 %

(7) Required Improvements:

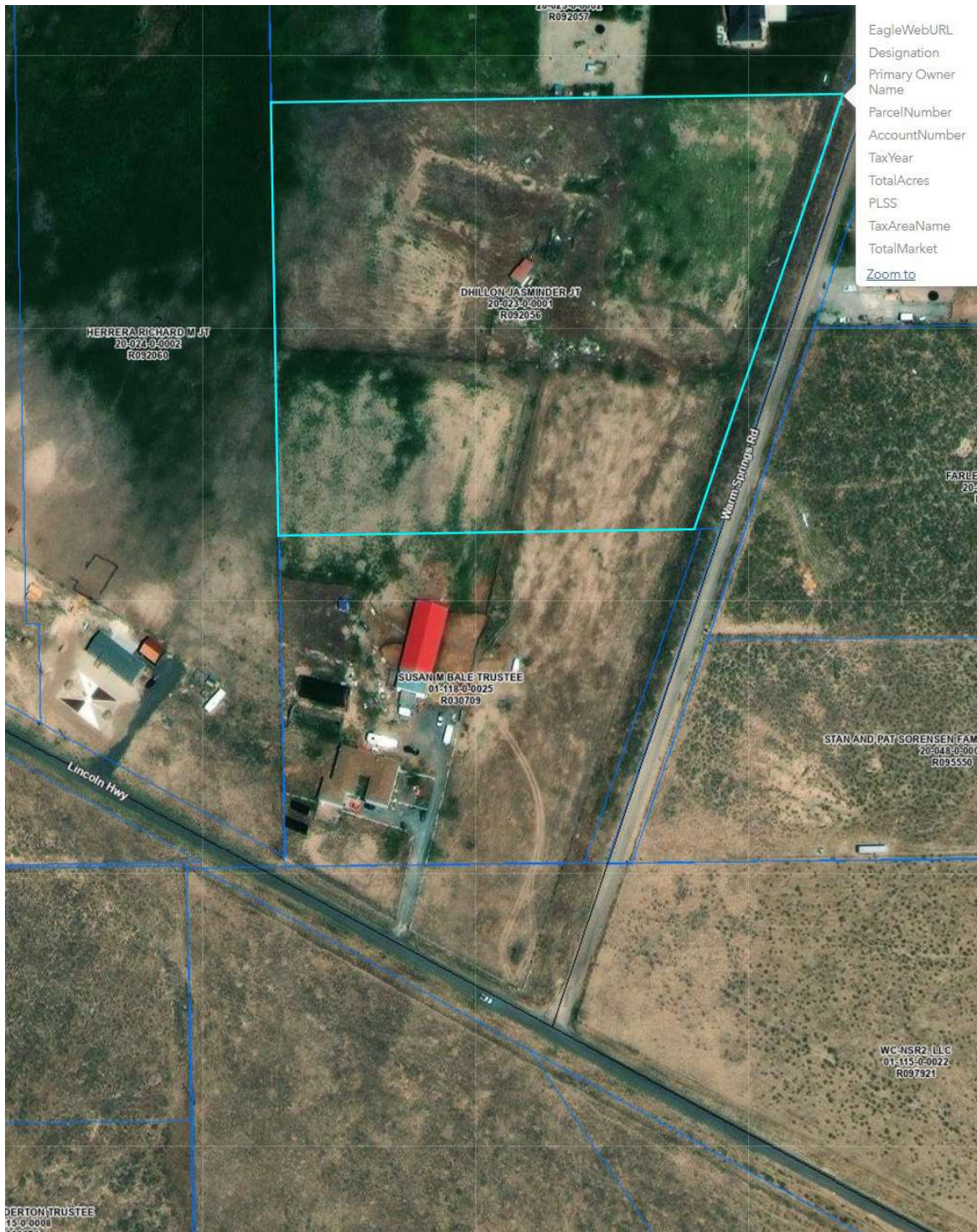
Street grading Street base

Street Pavement to centerline or minimum paved width (per GLUMDC 21.6.3), whichever is greater

Surface drainage facilities Waste water disposal Culinary water facilities Street name signs Four hydrants Street monuments



Low Density Residential
 (Residential use, allowing a maximum of 2
 dwelling units per acre)



AGENDA ITEM #3

Proposed Rezone of Warm Springs Ranches from zoning designation RR-5 to RR-2.5, located at approximately 1379 N. Warm Springs Rd.



Grantsville City Planning Commission

December 5, 2024

Public Hearing

Proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, along with the Rezone from zoning designation RR-5 to zoning designation RR-2.5, located at approximately 1379 N. Warm Springs Rd.

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 **December 5, 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 of the proposed amendment to the Grantsville City General Plan and Future Land Use Map for Warm Springs Ranches to go from a Rural Residential 2 designation to a Medium Density designation, along with the Rezone from zoning designation RR-5 to zoning designation RR-2.5, located at approximately 1379 N. Warm Springs Rd.** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 29, 2024 at the link below:

https://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 December 5, 2024.

Dated this 25th day of November, 2024



**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**

Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

<https://us02web.zoom.us/j/82901459288>

Meeting ID: 829 0145 9288

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



Permit # 2024118

**Staff Report Summary for
A rezone from RR-5 to RR-2.5**

Parcel ID(s): 20-023-0-0001

Property Address: 1379 N Warm Springs Road

Applicant Name: Manjinder Singh

Request: Rezone from RR-5 to RR-2.5

Prepared By: Shelby Moore

Meeting Date: 12/05/2024

Public Hearing Date: 12/05/2024

Current Zone: RR-5

Acres: 9.55

Proposed Zone: RR-2.5

Planning Staff Explanation and Recommendation: Discussion of the Warm Springs Road rezone from RR-5 to RR-2.5.

PLANNING STAFF ANALYSIS AND COMMENTS

The owner wants to rezone from RR-5 to RR-2.5.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

14.4 RR-2.5 Development Restrictions

The development restrictions in the RR-2.5 zoning districts are as follows:

(1) Minimum Lot Size 2.5 acres

(2) Minimum Width at Front and Rear Setback 165 feet

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

(4) Minimum Yard Setback Requirements:

Front Yard 40 feet Rear Yard for Main Structures 30 feet Rear Yard for Accessory Bldg 7.5 feet Side Yard 15 feet Total Width of Both Side Yards 40 feet On corner lots, 2 front yards and 2 rear yards are required.

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

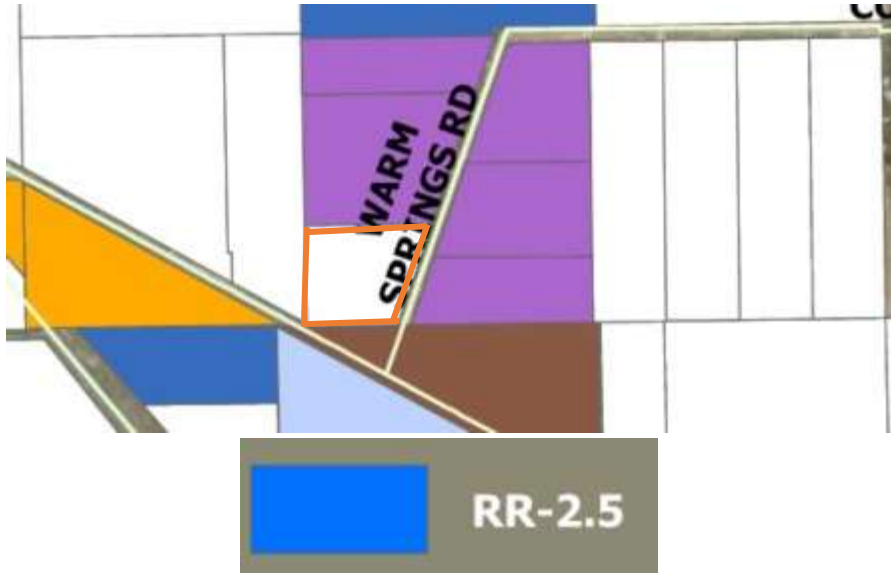
(6) Maximum Bldg Coverage 20 %

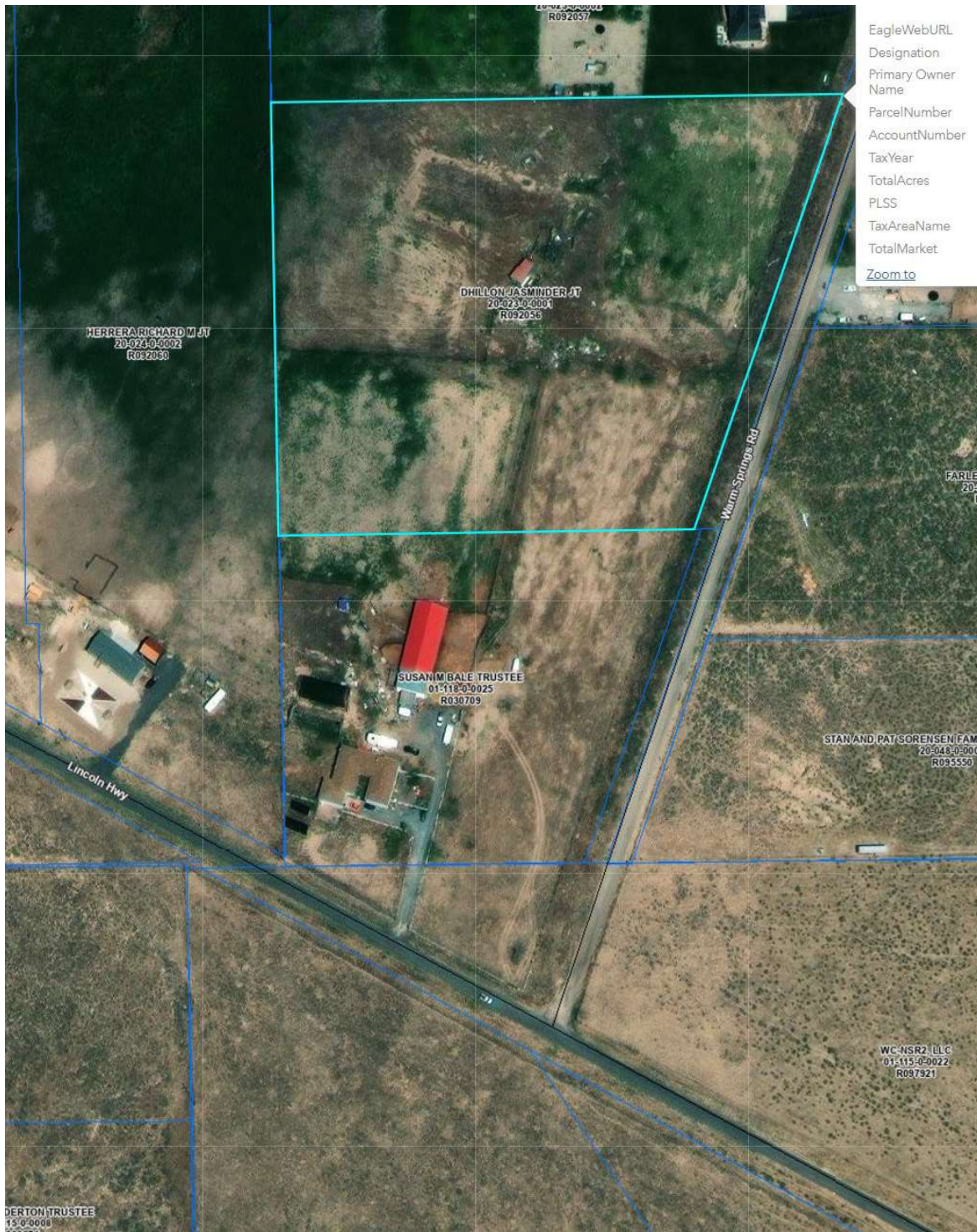
(7) Required Improvements:

Street grading Street base

Street Pavement to centerline or minimum paved width (per GLUMDC 21.6.3), whichever is greater

Surface drainage facilities Waste water disposal Culinary water facilities Street name signs Four hydrants Street monuments

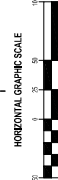
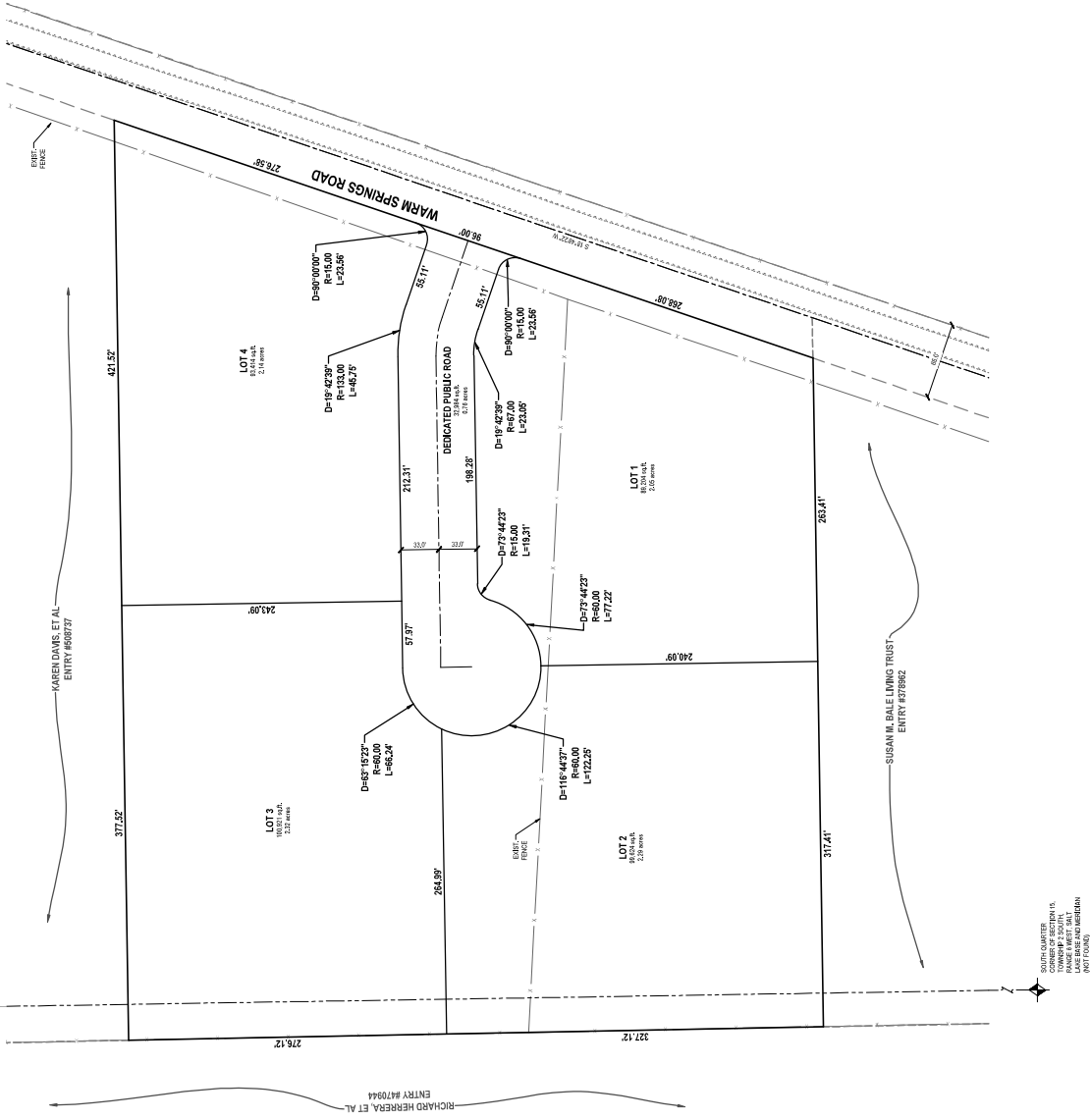






ALL UTILITIES
SHOWN ARE BASED ON
RECORD DRAWINGS
AND FIELD SURVEY.
CONSTRUCTION
SHOULD BE BASED ON
FIELD SURVEY.

CENTER OF SECTION IS
LOCATED IN THE
TOWNSHIP 3 SOUTH,
RANGE 6 WEST, SALT
LAKE BASE AND MERIDIAN



LOCATED IN THE SOUTHEAST QUARTER
OF SECTION 15,
TOWNSHIP 3 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN
GRANTSVILLE CITY, UTAH

PROJECT NUMBER
80038
DATE
2024-11-27
DRAWN BY
D. WILSON
CHECKED BY
D. WILSON

10F1

CONCEPT



1379 NORTH WARM SPRINGS ROAD
GRANTSVILLE CITY, UTAH 84029

CONCEPT 4

ENSIGN
THE STANDARD IN ENGINEERING

TODDLE
105 N. WILSON BLVD. UNIT 1
TODDLE, UT 84074
Phone: 435.943.3690

SANDY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEGAR CITY
Phone: 435.865.1453

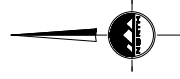
RICHFIELD
Phone: 435.865.2883

WWW.ENSIGNENGINEERING.COM

ALL UTILITIES
SHOWN ARE BASED ON
RECORD DRAWINGS
AND FIELD SURVEY.
CONSTRUCTION
SHOULD BE BASED ON
FIELD SURVEY.



CALL BLUESTAINES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.



(FEET)

50 0 25 50 75

HORIZ. 1 inch = 50 ft.

SOUTH QUARTER
CORNER OF SECTION 15,
TOWNSHIP 2 SOUTH
RANGE 6 WEST, SALT
LAKE BASIN AND MERRICK
(NOT FOUND)

1 OF 1

[illegible]

1379 NORTH WARM SPRINGS ROAD
GRANTSVILLE CITY, UTAH 84029



TOOELE
189 N. Main St., Unit 1
Tooele, UT 84074
Phone: 435.843.3550

SANDY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.866.2683

FOR:
SINGH MANINDER
3443 WEST 10305 SOUTH
SOUTH JORDAN, UTAH 84095

CONTACT:
SINGH MANINDER
PHONE: 616-431-3434

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



Permit # 2024110

**Staff Report Summary for
799 N. 600 W.
General Plan Amendment & Rezone**

Parcel ID: 01-062-0-0085

Property Address: 799 N. 600 W.

Applicant Name: Shelby Moore

Request: Amend General Plan from RR-1 to R-1-21 &
Rezone from A-10 to R-1-21

Prepared By: Jaina Bassett

Meeting Date: 12/5/2024

Public Hearing Date: 11/7/2024 (to
MU), 12/19/2024 (to R-1-21)

Current Zone: A-10

Future Land Use Zone: RR-1

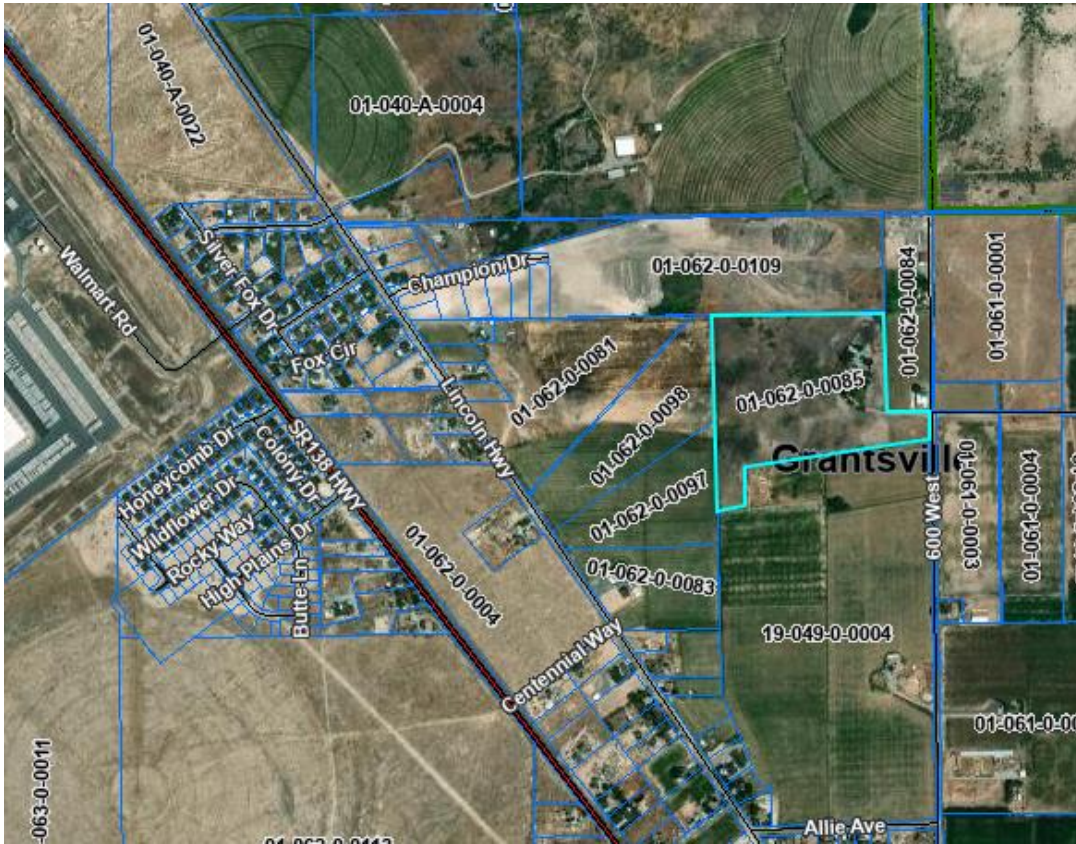
Proposed Zone: R-1-21

Planning Staff Explanation and Recommendation: Consideration of the proposed amendment to the Grantsville City General Plan and Future Land Use Map to go from a Rural Residential 1 (RR-1) designation to a Low Density Residential designation, and to Rezone from A-10 to R-1-21.

Staff recommends that if the Planning Commission and applicant can come to reasonable agreements in the development agreement, Planning Commission take favorable action on the General Plan Amendment and Rezone. This recommendation is based upon the fact that the amendment to General Plan and Future Land Use Map will then allow for the Rezone of the property to R-1-21.

The applicant has stated that she is open to feedback from the Planning Commission, and would like to bring forward a development agreement that would place some protections upon the future development of this property. The original proposal was to rezone to the MU zone, but was changed to R-1-21 after receiving negative feedback from the Planning Commission and public. Because of this change the items are only for discussion at this meeting, after which new public notices will be mailed and a new public hearing held.

VICINITY MAP



PLANNING STAFF ANALYSIS AND COMMENTS

Staff recommends that if the Planning Commission and applicant can come to reasonable agreements in the development agreement, Planning Commission take favorable action on the General Plan Amendment and Rezone. This recommendation is based upon the fact that the amendment to General Plan and Future Land Use Map will then allow for the Rezone of the property to R-1-21.

The applicant has stated that she is open to feedback from the Planning Commission, and would like to bring forward a development agreement that would place some protections upon the future development of this property. The original proposal was to rezone to the MU zone, but was changed to R-1-21 after receiving negative feedback from the Planning Commission and public. Because of this change the items are only for discussion at this meeting, after which new public notices will be mailed and a new public hearing held.

Current Zoning: This 25.98 parcel is currently zoned A-10. Properties directly adjacent to this one are currently zoned A-10 and RR-1, with nearby properties in a variety of zoning designations including RR-1, R-1-21, PUD, MU, RM-7, RR-5, and MD.

14.1 Agricultural Districts - A

The purposes of providing an agriculture district are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

- (1) Minimum Lot Size: 10 acres.
- (2) Minimum Width at Front and Rear Setback 165 feet.
- (3) Minimum Frontage (at the property line on a public street or an approved private street) 100 feet.
- (4) Minimum Yard Setback Requirements: (Amended 9/01)

Front Yard 40 feet. Rear Yard 60 feet Side Yard 20 feet Rear Yard for Accessory Buildings 7.5 feet On corner lots, 2 front yards and 2 rear yards are required.

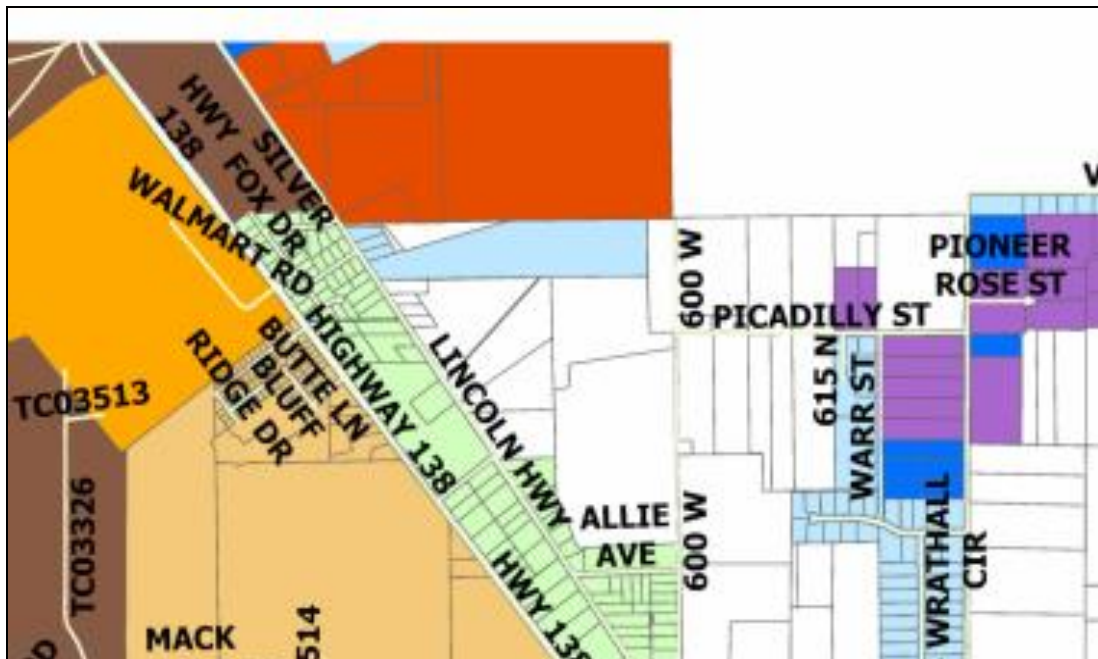
- (5) Maximum Building Height 45 feet

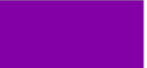
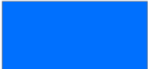
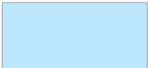
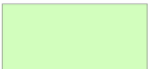
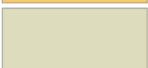
- (6) Required Improvements:

Street grading Street base

Street Pavement to center line or minimum paved width (per GLUMDC 21.6.3), whichever is greater

Surface drainage facilities Waste water disposal Culinary water facilities Street name signs



ZONING DISTRICTS			
	A-10		CN
	RR-5		CS
	RR-2.5		CG
	RR-1		CD
	R-1-21		MD
	R-1-12		MG
	R-1-8		MG-EX
	RM-7		PUD
	RM-15		MU

Future Land Use Zoning: This parcel is zoned RR-1 on the Future Land Use Map. Properties directly adjacent to this one are zoned RR-1, with nearby properties mostly in the RR-1 and MU zoning designations.

14.5 RR-1 Development Restrictions

The development restrictions in the RR-1 zoning districts are as follows:

- (1) Minimum Lot size 1 acre
- (2) Minimum Width at Front and Rear Setback 125 feet
- (3) Minimum Frontage (at the property line on public street or an approved private street) 70 feet
- (4) Minimum yard Setbacks Requirements

Front Yard 40 feet Rear Yard for Main Structures 30 feet Rear Yard for Accessory Bldg 2 feet* Side Yard for Accessory Buildings 4 feet* Side Yard for Main Structures 15 feet Total width of both Side Yards 40 feet 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

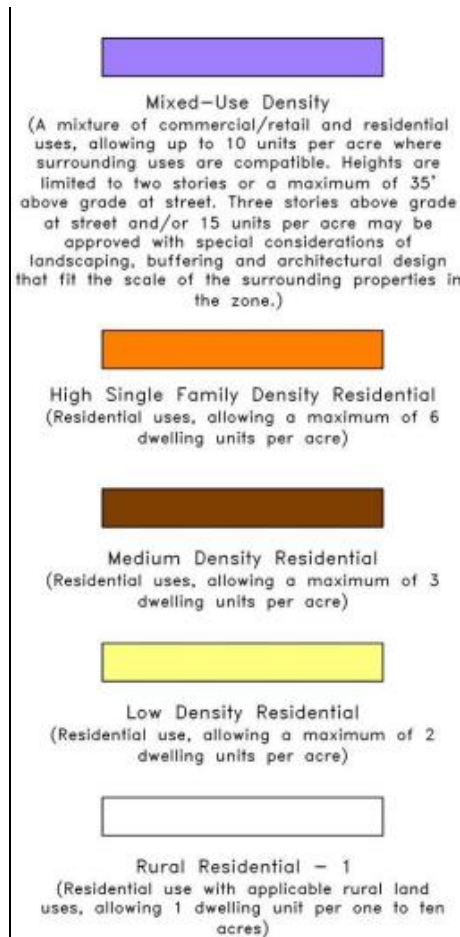
- (5) Maximum Bldg Height 35 feet, or a basement and two (2) floors, whichever is less
- (6) Maximum Bldg Coverage 20 %
- (7) Required Improvements:

Street grading Street base

Street Pavement to centerline or minimum paved width (per GLUMDC 21.6.3), whichever is greater

Surface drainage facilities Waste water disposal Culinary water facilities Street name signs Fire hydrants
Street monuments





Proposed Zoning: The Proposed zoning is R-1-21.

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 30 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%
Required Improvements:	
Street grading	
Street base	
Street Pavement to centerline or minimum paved width (per GLUMDC 21.6.3), whichever is greater	
Surface drainage facilities	
Curb and Gutter	
Sidewalk	
Culinary water facilities	
Waste water disposal	
Street name signs	
Fire hydrants	
Street monuments	
Shade trees (along public streets)	
Street lights	

NEIGHBORHOOD RESPONSE

Public notice letters for the public hearing on November 7, 2024, of both the General Plan Amendment (to Mixed-Use Density) and the Rezone (to MU), were sent October 28, 2024. The following comments were received via email during that time period:

Email Received 11/4/2024:

FOR AGENDA ITEM 5 THE MU ZONE WILL OPEN THE AREA UP TO MULTI-UNIT HOUSING. DOES THE CITY WANT HIGH DENSITY MULTI-UNIT HOUSING IN THIS AREA? ALL OF THE SUROUNDING PROPERTIES ARE EITHER RR-1 OF A-10.

IN THE PLANNING STAFF ANNALYSIS AND COMMENTS FOR AGENDA ITEM 5 THERE IS A NOTE THAT INCLUDES A STATEMENT THAT A PORTION OF THE SURROUNDING AREA IS ZONED PUD. NOTE THERRE IS NO PUD ZONE IN GRANTSVILLE CITY, SEE CHAPTER 13 OF THE CODE.

ANY PROPERTY IN THE CITY THAT IS SHOWN AS PUD ON THE FUTURE USE, ZONING, OR MASTER PLAN MAPS FOR THE CITY SHOULD BE RECLASSIFIED TO THE PROPER ZONE. IF A ZONE HAS NOT BEEN SET FOR THE PARCEL, A ZONE SHOULD BE CHOSEN AND ASSIGNED TO IT.

Gary Pinkham

Email Received 11/5/2024:

Grantsville City Planning Commission

November 5, 2024

RE: Zoning Request to MU

799 N. 600 W.

Grantsville, UT 84029

Planning Commission:

My name is Martin Anderson, representing myself and my wife Suzanne; we are immediately adjacent land owners and oppose the request for rezoning at the above address. Please read this letter at the November 7, 2024 planning meeting. Our reasons for opposition are cited below.

As mentioned, our farm is immediately adjacent to the subject property bordering its east boundary. In fact, the subject property was once part of our family farm until a few years ago when my uncle sold and moved. Our ground is currently used for farming and grazing and has been so used for over 100 years. In addition to our property, let's explore ALL of the immediately adjacent property: The property to the north and east is currently used for grazing and farming coupled with one single family home, and has been so used for 100 years plus. Property (farm) to the south has been farmed for as long as I can remember (I am crowding 70). One step removed from the immediately adjacent property also consists of grazing and farm land. NONE of the property in the area is zoned MU. MU zoning is simply inconsistent with the character and land use of the entire area. Designating this property MU would represent a classic case of spot zoning.

In addition, there are insufficient public facilities to accommodate any major development. Finally, there is no solid plan provided by the requester to warrant the need or desire by Grantsville City to make a zoning change.

Please vote to deny this zoning change request. Thank you for considering these comments.

Yours Truly,

Martin Anderson

Email Received 11/6/2024:

I am emailing regarding the zone change request of Wilbert Moore- Parcel 01-620-0-0085. They request to change the land to MU zone should be denied by the Planning and Zoning Committee. That allows the potential to allow 10 residents per acre. If you take a look at the current residents and sizes of lots in and near the area, you will see that changing the zoning to put more than 2 residents per acre does not fit the type area we currently live in. Grantsville City is growing and change is inevitable, but it is your and our duty to make sure that new growth and development fits in specific areas. We want to keep Grantsville a nice place to live and we can do that without making it look like a cookie cutter town by piling houses in between other larger acre lots. The other residents in this area along with myself ask that you take the sizes of lots around and near this parcel of land and make the zoning for this fit what we currently have.

Feel free to reach out to me directly.

Thank you,

Hailey Richeson

Email Received 11/7/2024:

I am a resident of Grantsville and I am opposed to The Place rezoning @ 799 N 600 W. That area of town needs to stay rural. There is no infrastructure in that area for that at all. I live in that area and I do not want more development. I live here for the open spaces. Please be against this rezoning and development.

Jamie Fitzgerald

Several comments were also made in person during the public hearing at the November 7th meeting, in opposition of this proposal, which have not been included in this staff report but have been included in minutes and forward to the Planning Commission.

AGENDA ITEM #6

Consideration of the proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone.



Grantsville City Planning Commission

December 5, 2024

Public Hearing

Proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone.

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 **December 5, 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 of the proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 29, 2024 at the link below:

https://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 December 5, 2024.

Dated this 25th day of November, 2024

**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**



Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

<https://us02web.zoom.us/j/82901459288>

Meeting ID: 829 0145 9288



Conditional Use Permit – Commercial Application

Date: 10/29/2024

Applicant / Owner

Applicant Name: Stephen Richardson
Address: 148 S West St
City, State, Zip: Grantsville
Phone: [REDACTED]
Email: [REDACTED]
Own Property: Yes

Owner Name: Stephen Richardson
Address: [REDACTED]
City, State, Zip: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]

Location Information

Permit Type: Conditional Use Permit – Commercial
Site Address: 148 S. West St.
Site Parcel: 10-052-0-0003

Development: Richardson's Tires
of Acres: .44
Current Zoning: RM-7

Complete Description: I have been a mechanic for over 10 years working on a wide variety of vehicles from exoctic cars to military equipment. I'm asking for a permit to be granted for my business proposition. My business plan is to conduct tire repair and replacement services on my property within my detached garage. I have the required equipment within my garage currently and am looking to provide my skillset to the community. The location of my property is something I believe would be ideal especially considering how many new houses are being built within the area.

I (We) understand that the Planning Commission shall not authorize a CUP / PUD unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Grantsville City zoning ordinance for such use.

Stephen Richardson
Name

10/29/2024
Date

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



Permit # 2024122

Staff Report Summary for Proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone.

Parcel ID(s): 10-052-0-0003

Property Address: 148 S. West St.

Applicant Name: Richard Stephen

Request: CUP

Prepared By: Shelby Moore

Meeting Date: 12/05/2024

Public Hearing Date: 12/05/2024

Current Zone: RM-7

Acres: 0.44

Planning Staff Explanation and Recommendation: Consideration of the proposed conditional use permit for Stephen Richardson to own and operate Richardson's Tires, a tire repair and replacement business, on 0.44 acre at 148 S. West St. in the RM-7 zone.

PLANNING STAFF ANALYSIS AND COMMENTS

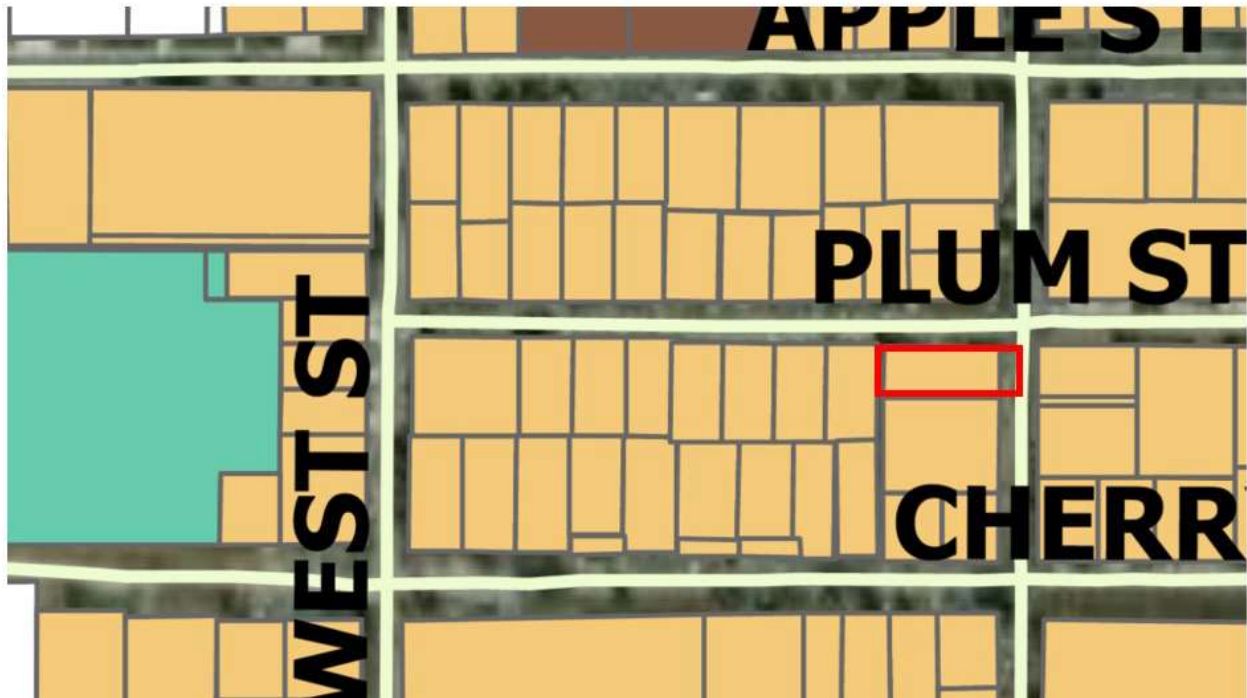
This use is not allowed in this zone, but similar uses have been approved in the RM-7 and R-1-21 zoning. Staff does not see an issue with this use as long as customers are by appointment only to reduce parking issues and the storage of new tires are kept to a minimum and used tires are disposed of on a monthly basis.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

Business Description

I have been a mechanic for over 10 years working on a wide variety of vehicles from exotic cars to military equipment. I'm asking for a permit to be granted for my business proposition. My business plan is to conduct tire repair and replacement services on my property within my detached garage. I have the required equipment within my garage currently and am looking to provide my skillset to the community. The location of my property is something I believe would be ideal especially considering how many new houses are being built within the area.



2024122 Richardson's Tires CUP

Applicant: Stephen Richardson

Address: 148 S. West St.

Zoning: RM-7

Lot Size: 0.44 acre

Business Description:

- Conduct tire repair and replacement services on my property within my detached garage. I have the required equipment within my garage currently and am looking to provide my skillset to the community. The location of my property is something I believe would be ideal especially considering how many new houses are being built within the area.
- The detached garage existing structure will be where the services will take place. The equipment to perform offered services will be housed in the detached garage as well.

Employees

- Stephen Richardson will be the only employee.

Hours of Operation

- Starting out I would offer my services by appointment only catering to both weekday and weekends. Depending on demand for services in the future I would aspire to offer a set normal weekday schedule oriented towards a normal 40 hour week. I would ensure any noise and operations would end promptly at 1800 on any given working day.

Customers

- I would anticipate building my clientele around 1-2 customers per week. This would allow me to build my reputation as a local trusted name.

Equipment

- I have a Tire machine along with dual air compressors, floor jacks, various hand tools, and safety equipment. All of the equipment required will be stored and used in the detached garage. The noise from this equipment is barely audible outside of the garage.

Chemicals

- All chemicals would be stored on a metal shelf in the detached garage/shop area. The amount of the vulcanizing cement, water soap spray mix, and the non-flammable brake cleaner would be replenished as needed.
- I would be using Dawn dish soap and water spray bottle mix to help identify flat repairs in addition to sealing rims on tire beads. At a Given time there would be less than 100 Ounces of soap/water mix at a given time.
- Two hazardous chemicals I would be using...

- Two 8 Ounce bottles of Tire vulcanizing cement on property at a given time.
 - MSDS-[SDS EU \(Reach Annex II\)](#)
- One Gallon of Non-Flammable Brake cleaner dispensed from a refillable pressurized spray can.
- MSDS-[C:\Program Files \(x86\)\3E\archives\sds_us\default\00301001.pdf](#)



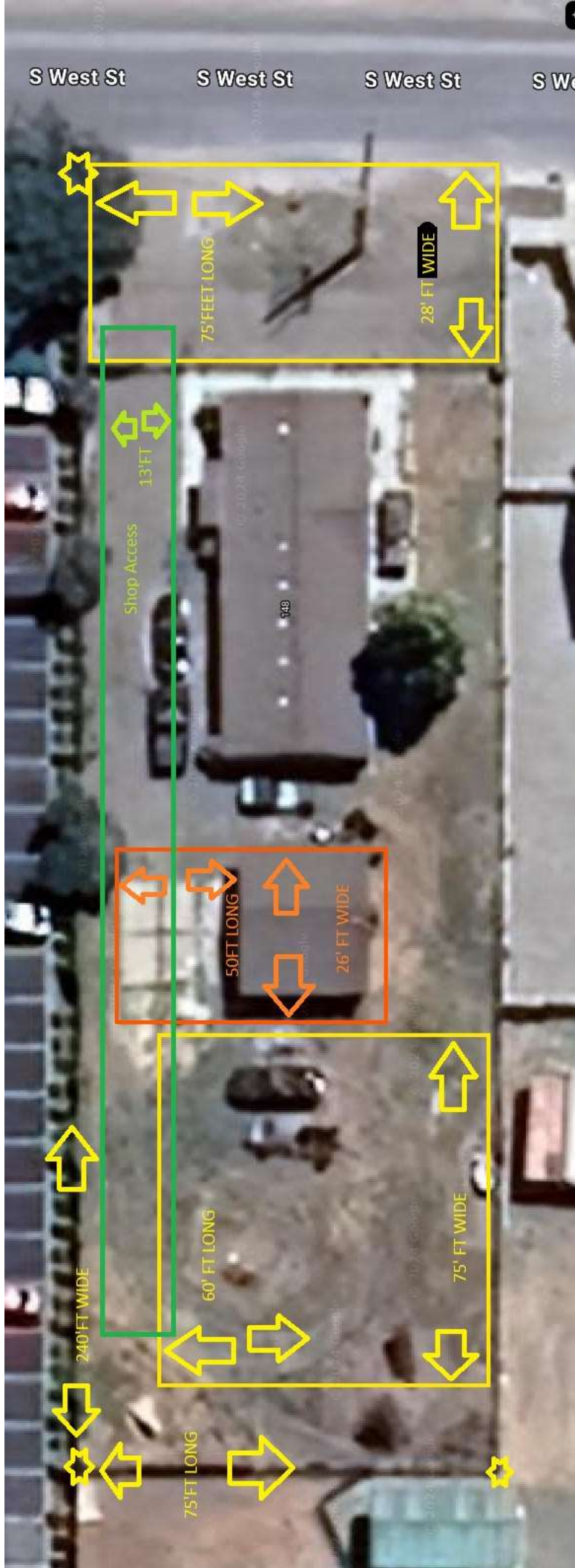
S West St

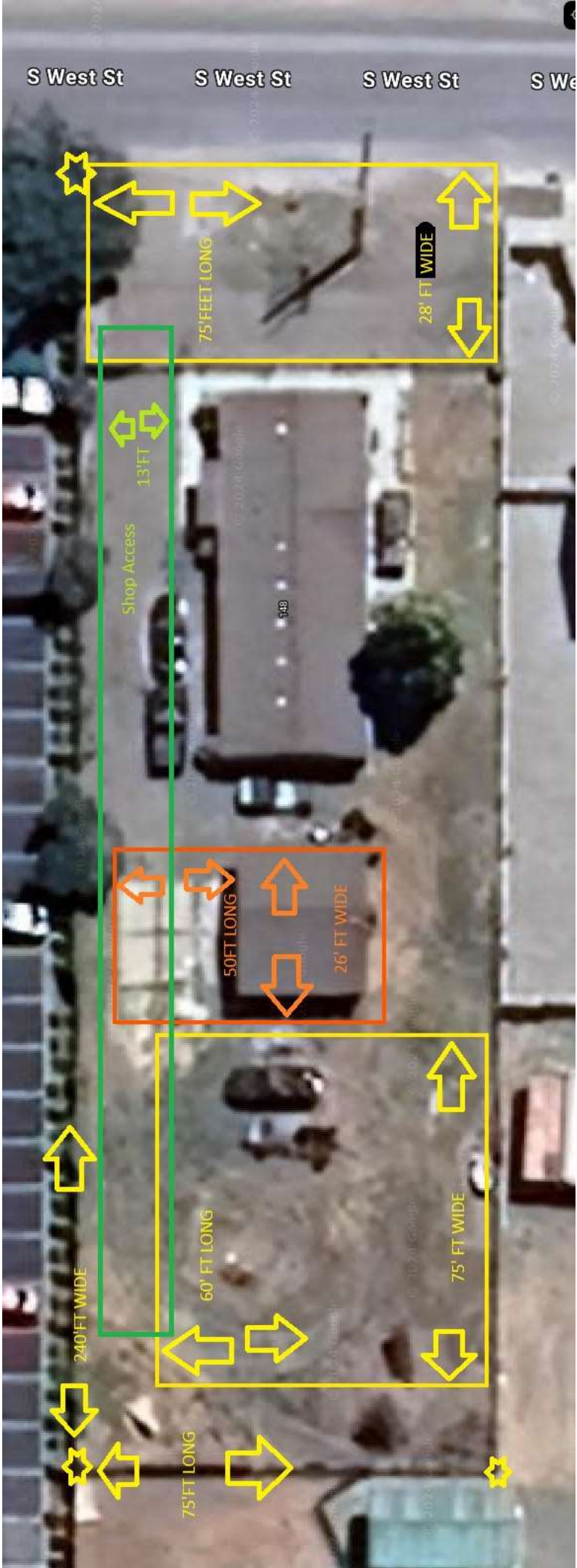
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AGENDA ITEM #7

Proposed conditional use permit for Kaidon Elmer to own and operate Elmer Automotive LLC, a general automotive repair and maintenance business, on 0.32 acre at 23 W. Clark St. in the RM-7 zone.



Conditional Use Permit – Commercial Application

Date: 08/27/2024

Applicant / Owner

Applicant Name: Kaidon Elmer
Address: 23 W Clark St
City, State, Zip: Grantsville, UT 84029
Phone: [REDACTED]
Email: [REDACTED]
Own Property: Yes

Owner Name: Kaidon Elmer
Address: [REDACTED]
City, State, Zip: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]

Location Information

Permit Type: Conditional Use Permit – Commercial
Site Address: 23 W Clark St.
Site Parcel: 01-051-0-0018

Development: Elmer Automotive LLC
of Acres: .32
Current Zoning: RM-7

Complete Description: General Automotive Repair and maintenance

I (We) understand that the Planning Commission shall not authorize a CUP / PUD unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Grantsville City zoning ordinance for such use.

Kaidon Elmer
Name

08/27/2024
Date

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



Permit # 2024094

Staff Report Summary for the Proposed conditional use permit for Kaidon Elmer to own and operate Elmer Automotive LLC, a general automotive repair and maintenance business, on 0.32 acre at 23 W. Clark St. in the RM-7 zone.

Parcel ID(s): 01-051-0-0018
Property Address: 23 W Clark St.
Applicant Name: Kaidon Elmer
Request: CUP
Prepared By: Shelby Moore

Meeting Date: 12/05/2024
Public Hearing Date: 12/05/2024
Current Zone: RM-7
Acres: 0.32

Planning Staff Explanation and Recommendation: Consideration of the Proposed conditional use permit for Kaidon Elmer to own and operate Elmer Automotive LLC, a general automotive repair and maintenance business, on 0.32 acre at 23 W. Clark St. in the RM-7 zone.

PLANNING STAFF ANALYSIS AND COMMENTS

This use is not allowed in this zone, but similar uses have been approved in the RM-7 and R-1-21 zoning. Staff does not see an issue with this use as long as customers are by appointment only to reduce parking issues and the storage of chemicals are kept to a minimum and used oils are properly disposed of on a weekly basis.

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The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

Elmer Automotive L.L.C.

Section 1: Kaidon Elmer, 23 W Clark St, [REDACTED], Owner of business/property

Section 2: See section one.

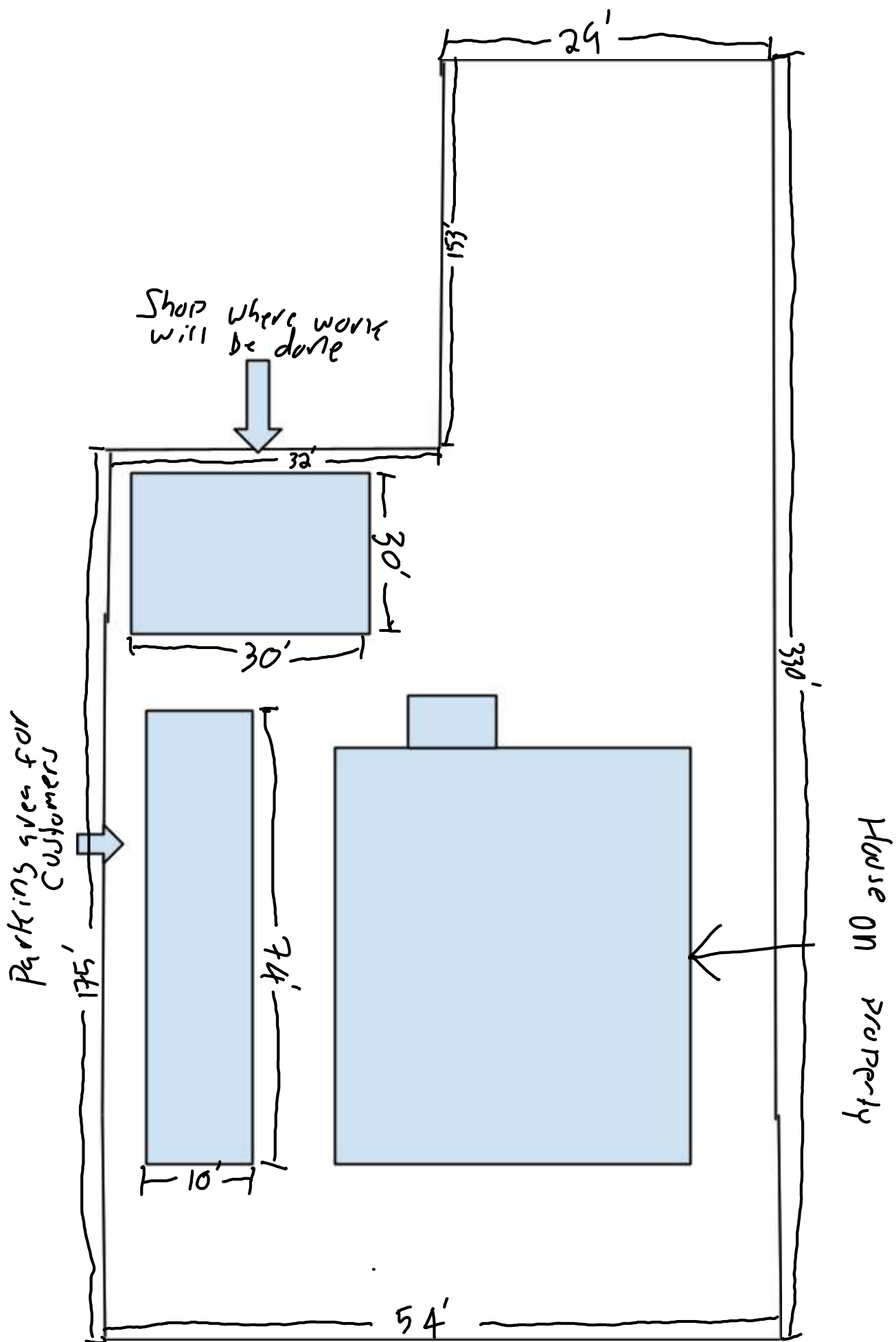
Section 3: 23 West Clark Street Grantsville UTAH, 84029

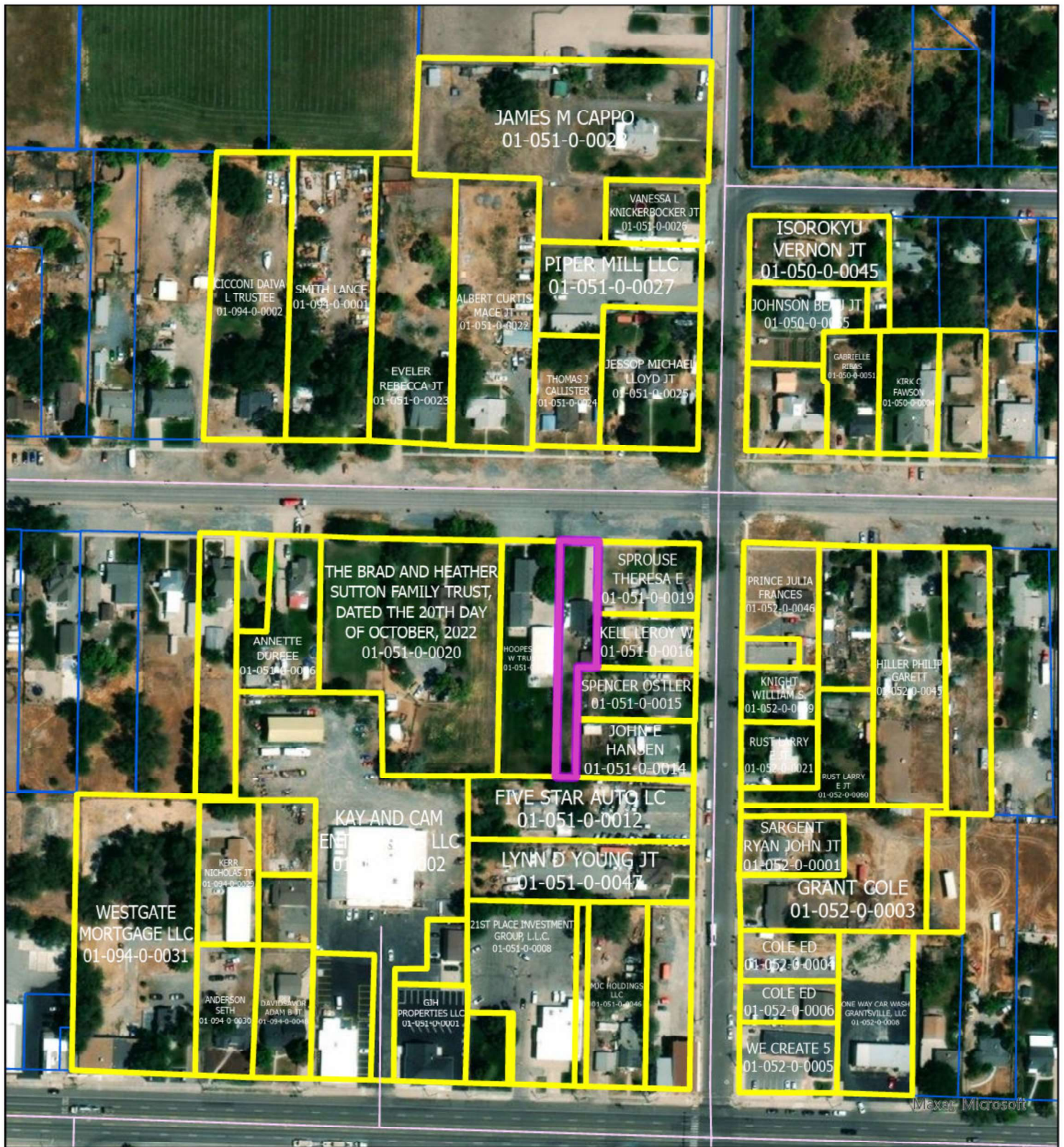
Section 4:

1. Business will be conducted on the preexisting detached garage on the property (See drawing for reference).
2. Kaidon Elmer will be conducting the day to day operations.
3. Our hours are from 07:00-19:00 hours for only 14 days a month (which are different every week) that include weekdays and weekends.
4. Max Customers in a single day would be 3.
5. Equipment used is standard shop tools (wrenches, ratchets, drills, impacts, jacks, etc), we have no lifts or tire equipment.
6. Chemicals to be used would consist of penetrating fluid (WD40), and Brake clean in an aerosol can (4-8 cans of each at one time) All of these will be stored in the southwest corner of the garage on a storage shelf. Will also have automotive fluids on sight as well on an as needed basis.

Section 5:

Please see attached drawing for this.





RADIUS REPORT

KAIDON ELMER
01-051-0-0018



GIS Map Disclaimer: **TOOELE COUNTY**

This is not an official map but for reference use only. The data was compiled from the best sources available, but various errors from the sources may be inherent on the map. All boundaries and features therein should be treated as such. For boundary information, the pertinent County Departments or Municipalities should be contacted. This map is a representation of ground features and is not a legal document of their locations. The scale represented is approximate, so this is NOT a Survey or Engineering grade map and should by no means be used as such. This map is not intended for all uses. Tooele County is not responsible or liable for any derivative or misuse of this map.

0 100 200 400 US Feet



Jaina Bassett <jbassett@grantsvilleut.gov>

CUP Application 2024094- Elmer

6 messages

Jaina Bassett <jbassett@grantsvilleut.gov>

Wed, Nov 20, 2024 at 12:18 PM

To: Shelby Moore <smoore@grantsvilleut.gov>, Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Andy Jensen <ajensen@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Good afternoon,

Attached is an application for a CUP, to operate a general automotive repair and maintenance business on the residential property. This permit was initially denied by staff because automobile service is not a permitted use in the RM-7 zone. However, the applicant has requested to appeal this decision to the Planning Commission. Please review and provide any feedback or concerns.

Thank you and have a great day!

Jaina Bassett

Community Development Administrative Assistant

Grantsville City Corporation

Phone: (435) 884-1674

Email: jbassett@grantsvilleut.gov



2024094 Combined Application Documents.pdf
1053K

Andy Jensen <ajensen@grantsvilleut.gov>

Wed, Nov 20, 2024 at 1:41 PM

To: Jaina Bassett <jbassett@grantsvilleut.gov>

Cc: Shelby Moore <smoore@grantsvilleut.gov>, Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

The 900 square feet of building is well under any building code triggers for additional code requirements to be needed. So no concerns.

Andy Jensen
Grantsville Building Official
ajensen@grantsvilleut.gov
435-884-4617

[Quoted text hidden]

Christy Montierth <cmontierth@grantsvilleut.gov>

Wed, Nov 20, 2024 at 2:08 PM

To: Andy Jensen <ajensen@grantsvilleut.gov>

Cc: Jaina Bassett <jbassett@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

If parking is off the street as shown, no concern for public works.

[Quoted text hidden]

--

Christy Montierth

Grantsville City
Public Works Director
336 West Main Street

Grantsville, UT 84029
cmontierth@grantsvilleut.gov
Office: (435) 884-0627
Cell: (435) 830-6540

Jaina Bassett <jbassett@grantsvilleut.gov>

Wed, Nov 20, 2024 at 3:06 PM

To: Christy Montierth <cmontierth@grantsvilleut.gov>

Cc: Andy Jensen <ajensen@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Thanks Andy and Christy!

[Quoted text hidden]

Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Fri, Nov 22, 2024 at 7:32 PM

To: Jaina Bassett <jbassett@grantsvilleut.gov>

Cc: Christy Montierth <cmontierth@grantsvilleut.gov>, Andy Jensen <ajensen@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>

Jaina,

No concerns for fire.

Jason E. Smith
Fire Chief/Fire Marshal
Grantsville Fire Department



Cell: (801) 598-7049
firemarshal@grantsvilleut.gov

[Quoted text hidden]

Jaina Bassett <jbassett@grantsvilleut.gov>

Mon, Nov 25, 2024 at 12:47 PM

To: Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Cc: Christy Montierth <cmontierth@grantsvilleut.gov>, Andy Jensen <ajensen@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>

Thanks Jason!

[Quoted text hidden]

AGENDA ITEM #8

Consideration of the proposed conditional use permit for AGX Automotive to own and operate an automobile wholesale dealer business, on 1.80 acre at 292 N. Hwy 138 in the M-D zone.



Conditional Use Permit – Commercial Application

Date: 11/13/2024

Applicant / Owner

Applicant Name: WYATT LABURM
Address: 750 W LAFAYETTE ST
City, State, Zip: STANSBURY PARK, UT 84074
Phone: [REDACTED]
Email: [REDACTED]
Own Property: No

Owner Name: South Rim Holdings LLC
Address:
City, State,
Zip:
Phone: [REDACTED]
Email: [REDACTED]

Location Information

Permit Type: Conditional Use Permit – Commercial
Site Address: 292 N HIGHWAY 138, GRANTSVILLE UT 84029
Site Parcel: 22-047-0-0009

Development: AGX AUTOMOTIVE LLC
of Acres: 1.80
Current Zoning: M-D

Complete Description: WE ARE AN AUTO WHOLESALE DEALER STRICKTLY USING THIS LAND TO HAVE A PRINCIPAL PLACE OF BUSINESS IN THE STATE OF UTAH, WE HAVE A STORAGE CONTAINER OFFICE ON THE LAND, AND WILL KEEP ALL OF OUR VEHICLES AND OPERATIONS AT MANHEIM AUTO AUCTIONS.

I (We) understand that the Planning Commission shall not authorize a CUP / PUD unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Grantsville City zoning ordinance for such use.

WYATT LABURM
Name

11/13/2024
Date

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



Permit # 2024130

Staff Report Summary for the proposed conditional use permit for AGX Automotive to own and operate an automobile wholesale dealer business, on 1.80 acre at 292 N. Hwy 138 in the M-D zone.

Parcel ID(s): 22-047-0-0009
Property Address: 292 N SR-138.
Applicant Name: Wyatt Laburm
Request: CUP
Prepared By: Shelby Moore

Meeting Date: 12/05/2024
Public Hearing Date: 12/05/2024
Current Zone: M-D
Acres: 1.80

Planning Staff Explanation and Recommendation: Consideration of the proposed conditional use permit for AGX Automotive to own and operate an automobile wholesale dealer business, on 1.80 acre at 292 N. Hwy 138 in the M-D zone.

PLANNING STAFF ANALYSIS AND COMMENTS

This use is not allowed in this zone and the applicant is appealing the Zoning Administrators decision. Based on the zoning and location staff does not see an issue with having auto sales in this location.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

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2024130 AGX Automotive LLC

Property Owner: South Rim Holdings LLC

Location: 200 N. Hwy 138

Business Details:

- We plan to use this land to Facilitate our Physical Presence in the State of Utah to obtain a Motor Vehicle Dealers License. The Utah Dealer License requires that all businesses have a Physical presence in the State. We have operated as a Wholesale Auto Dealer in the past in Salt Lake County but we have sold out Location there. We plan to keep less than 3 Vehicles on site, and there will be no Staff there on a Regular basis; everything is operated out of Manheim Auto Auctions. If there is any business conducted at our location in Grantsville it will be Appointment only.

Employees:

- Wyatt Labrum will be the only employee onsite, but no staff will be there on a regular basis.

Hours of Operation:

- Sunday-Saturday 9:00am-5:00pm by appointment only.

Customers:

- Estimated 1 customer per week.



Customer
Parking

Container
Office

Vehicle
Inventory

SOUTH RIM HOLDINGS LLC
22-047-0-0009
R100948
0.651 Acres
292 N STATE ROUTE 138

SOUTH RIM HOLDINGS LLC
22-047-0-0008
R100947
0.571 Acres
696 W PROVIDENT ST





CCEU
3057070
2261

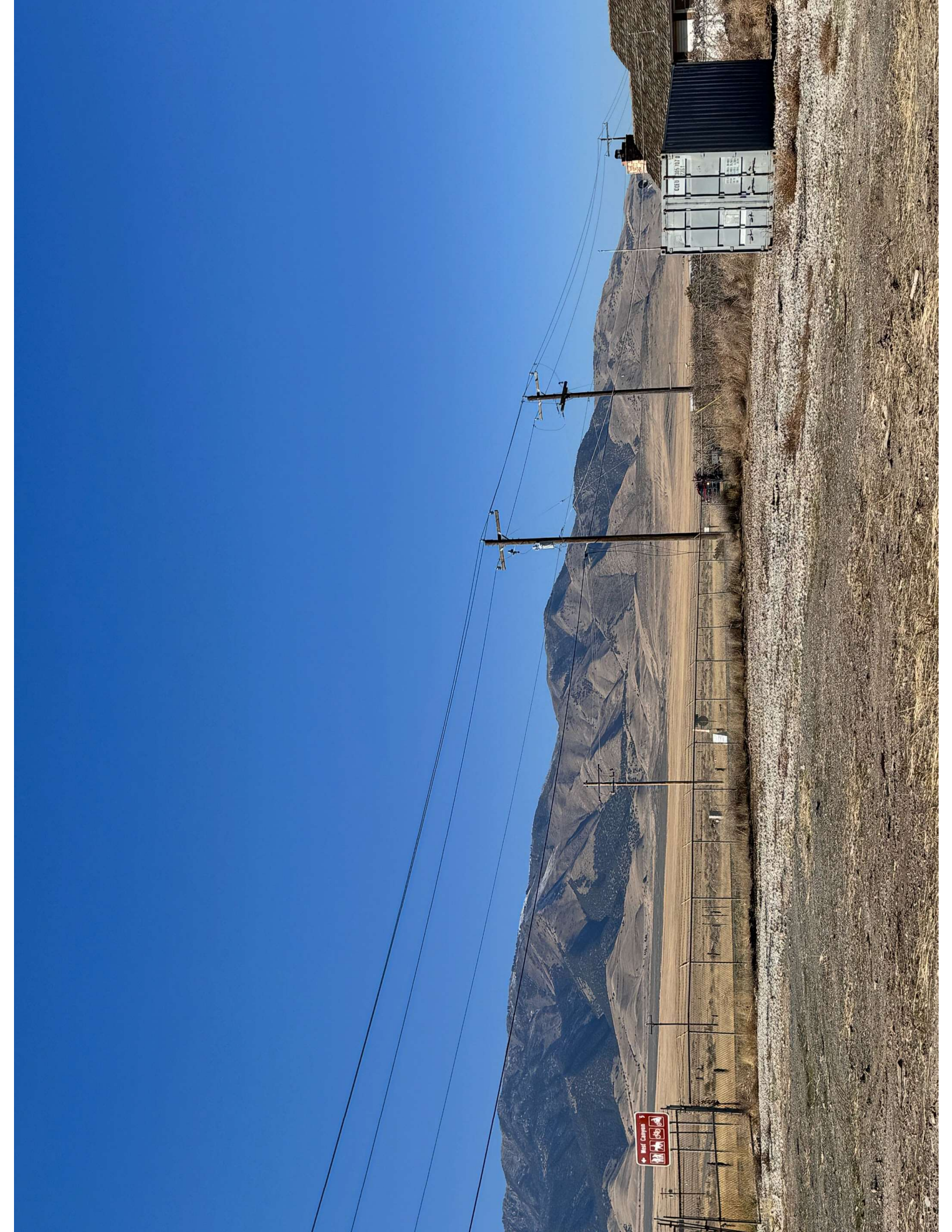
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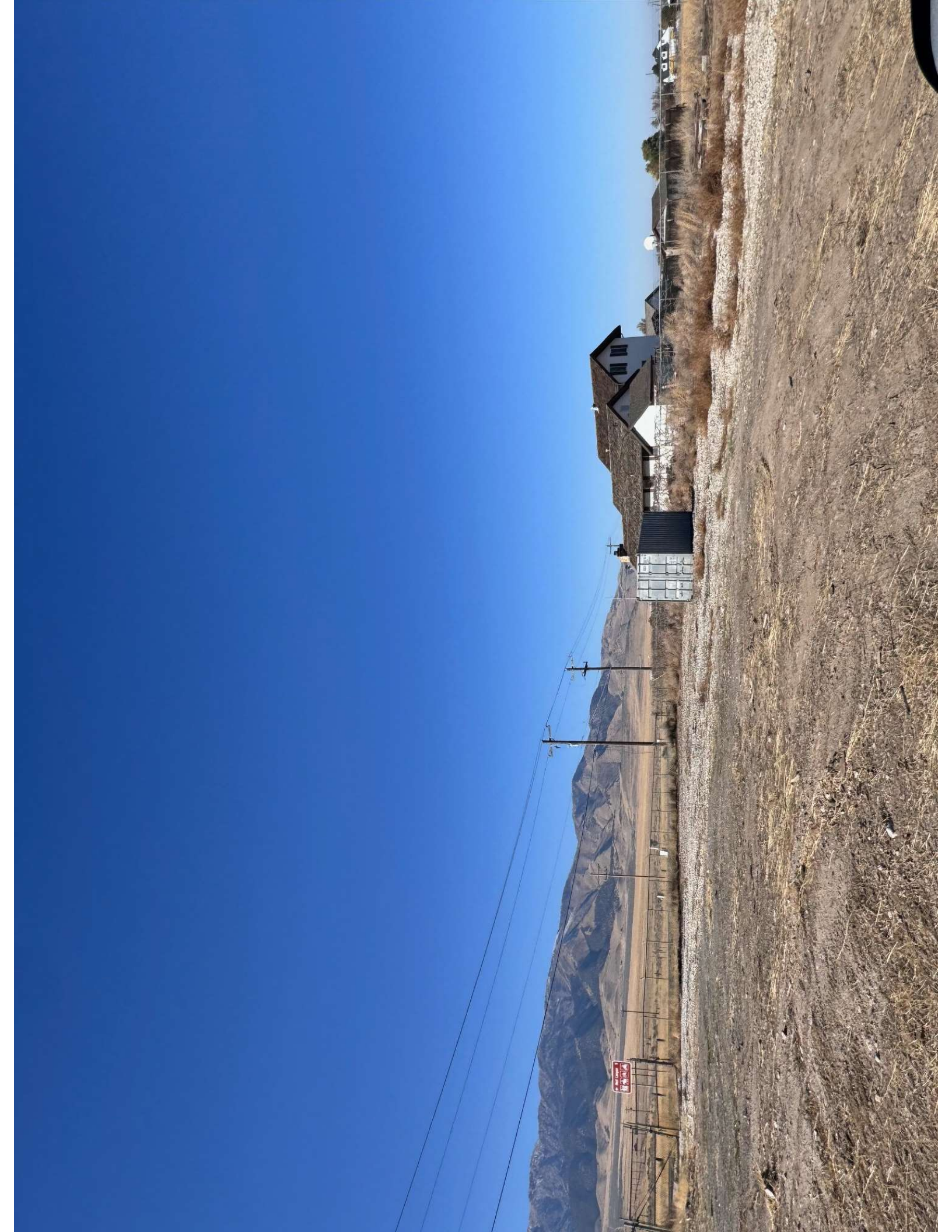
26m
86"

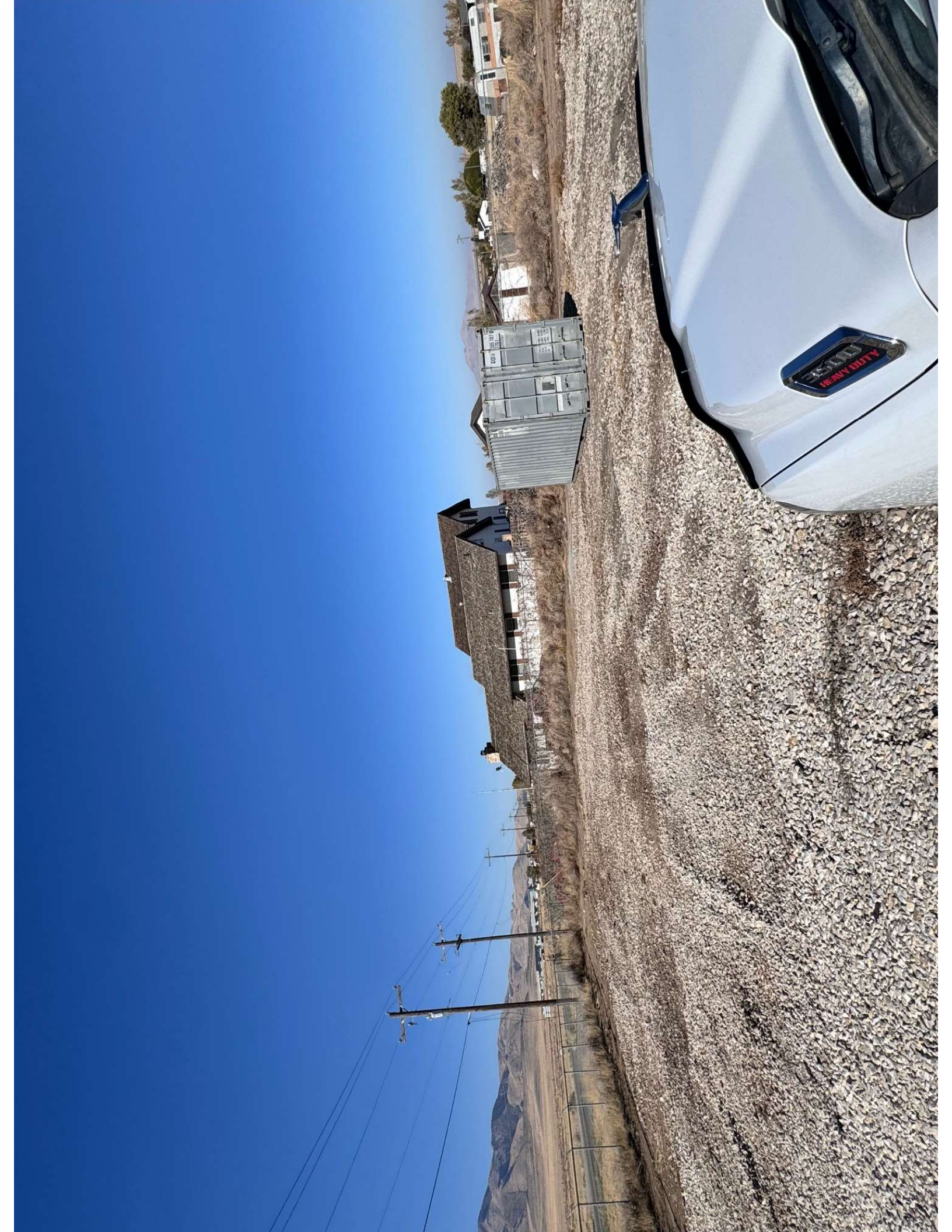
DLR 9128

AGX AUTOMOTIVE

AGX AUTOMOTIVE (801) 388-3692

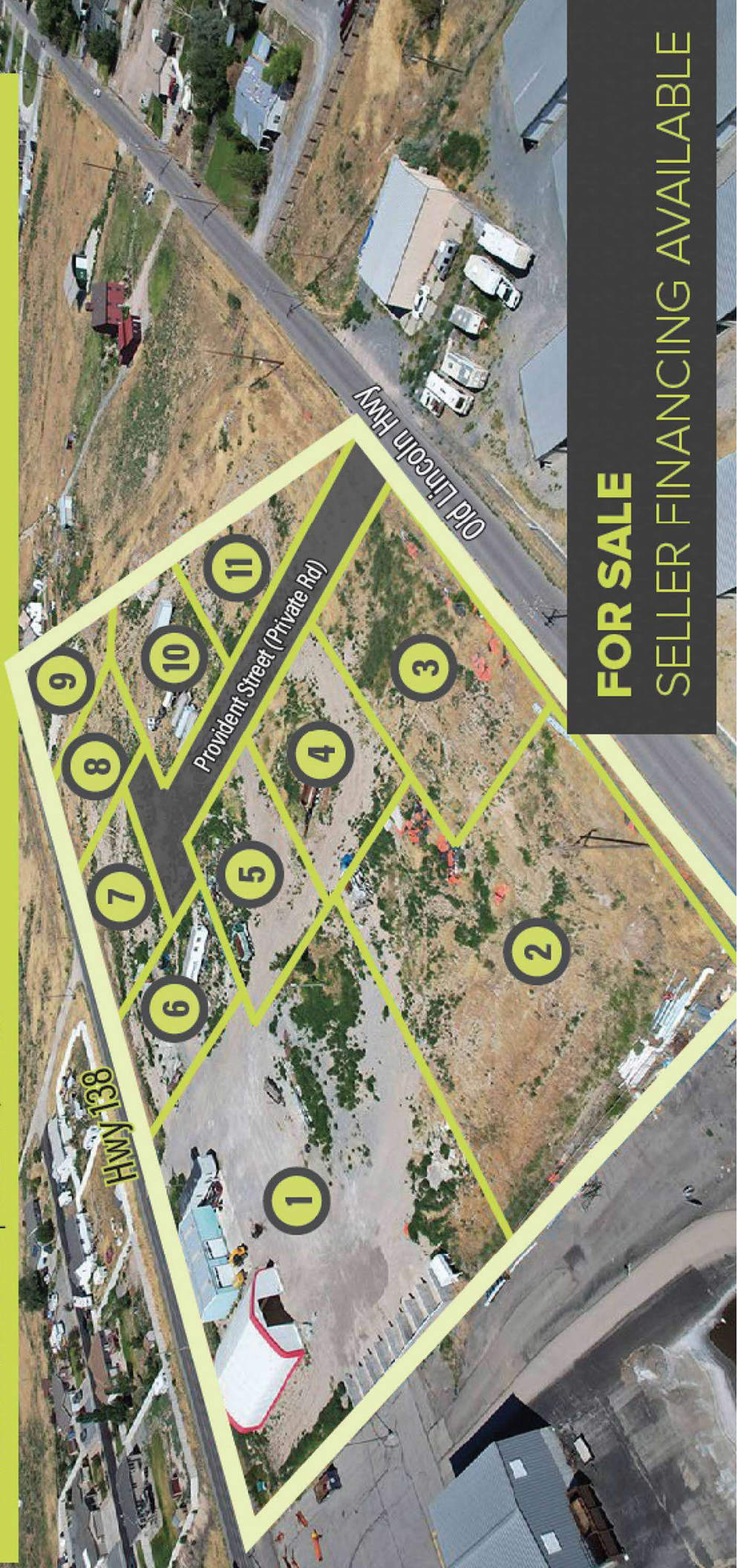






PROVIDENT BUSINESS PARK INDUSTRIAL LAND

684 West Provident Street | Grantsville, UT 84029



FOR SALE
SELLER FINANCING AVAILABLE



Jaina Bassett <jbassett@grantsvilleut.gov>

CUP Application 2024130- AGX

6 messages

Jaina Bassett <jbassett@grantsvilleut.gov>

Wed, Nov 20, 2024 at 12:10 PM

To: Shelby Moore <smoore@grantsvilleut.gov>, Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Andy Jensen <ajensen@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Good afternoon,

Attached is an application for a CUP, to operate an automobile wholesale dealer business on the residential property. This permit was initially denied by staff because automobile rental/ sales/ service is not a permitted use in the M-D zone. However, the applicant has requested to appeal this decision to the Planning Commission. Please review and provide any feedback or concerns.

Thank you and have a great day!

Jaina Bassett

Community Development Administrative Assistant

Grantsville City Corporation

Phone: (435) 884-1674

Email: jbassett@grantsvilleut.gov



2024130 Combined Application Documents.pdf
4784K

Andy Jensen <ajensen@grantsvilleut.gov>

Wed, Nov 20, 2024 at 1:33 PM

To: Jaina Bassett <jbassett@grantsvilleut.gov>

Cc: Shelby Moore <smoore@grantsvilleut.gov>, Christy Montierth <cmontierth@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

The only thing I can govern is if they want to have power to the office/container, and what are they doing for a restroom. If it is being powered, then it needs to be anchored or on a foundation. If there is no power or plumbing, then the code allows a container that is less than 350 square feet to be installed/set on a property without a permit.

Andy Jensen

Grantsville Building Official

ajensen@grantsvilleut.gov

435-884-4617

[Quoted text hidden]

Christy Montierth <cmontierth@grantsvilleut.gov>

Wed, Nov 20, 2024 at 2:13 PM

To: Andy Jensen <ajensen@grantsvilleut.gov>

Cc: Jaina Bassett <jbassett@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

No concerns for public works.

[Quoted text hidden]

--

Christy Montierth

Grantsville City

Public Works Director

336 West Main Street
Grantsville, UT 84029
cmontierth@grantsvilleut.gov
Office: (435) 884-0627
Cell: (435) 830-6540

Jaina Bassett <jbassett@grantsvilleut.gov>

Wed, Nov 20, 2024 at 3:10 PM

To: Christy Montierth <cmontierth@grantsvilleut.gov>

Cc: Andy Jensen <ajensen@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>, Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Thanks Andy and Christy! I will make that note.

[Quoted text hidden]

Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Fri, Nov 22, 2024 at 7:28 PM

To: Jaina Bassett <jbassett@grantsvilleut.gov>

Cc: Christy Montierth <cmontierth@grantsvilleut.gov>, Andy Jensen <ajensen@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>

Jaina,

No concerns for fire.

Jason E. Smith

Fire Chief/Fire Marshal

Grantsville Fire Department



Cell: (801) 598-7049

firemarshal@grantsvilleut.gov

[Quoted text hidden]

Jaina Bassett <jbassett@grantsvilleut.gov>

Mon, Nov 25, 2024 at 12:50 PM

To: Grantsville Fire Marshal <firemarshal@grantsvilleut.gov>

Cc: Christy Montierth <cmontierth@grantsvilleut.gov>, Andy Jensen <ajensen@grantsvilleut.gov>, Shelby Moore <smoore@grantsvilleut.gov>, Markus Seat <mseat@grantsvilleut.gov>

Thanks Jason!

[Quoted text hidden]

AGENDA ITEM #9

Discussion of removing PUD's from the GLUMDC.



Grantsville City Planning Commission

December 5, 2024

Public Hearing

Proposed amendments to the Grantsville City Land Use and Management Code to remove the Planned Unit Development (PUD) including modifications to Chapter 2, 3.6, 4.5, 4.12, 6.15, 8.9, 9.3, 9.5, 14.6, 15.7, 16.2, 16.4, 16.8, 17.3, 19.5, 19a.1, 21.1.15, 21.2.11, 21.6.2, and 21.6.12, and repealing Chapter 12 and 21.5.

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 **December 5, 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 of the proposed amendments to the Grantsville City Land Use and Management Code to remove the Planned Unit Development (PUD) including modifications to Chapter 2, 3.6, 4.5, 4.12, 6.15, 8.9, 9.3, 9.5, 14.6, 15.7, 16.2, 16.4, 16.8, 17.3, 19.5, 19a.1, 21.1.15, 21.2.11, 21.6.2, and 21.6.12, and repealing Chapter 12 and 21.5** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 29, 2024 at the link below:

https://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 December 5, 2024.

Dated this 25th day of November, 2024



**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**

Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

<https://us02web.zoom.us/j/82901459288>

Meeting ID: 829 0145 9288

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



**Staff Report Summary for
Chapter 12 (Planned Unit
Developments), to remove
PUD's from the GLUMDC**

Parcel ID(s):
Property Address:
Applicant Name:
Request:
Prepared By: Shelby Moore

Meeting Date: 11/7/2024
Public Hearing Date: 11/7/2024
Current Zone:
Acres:

Planning Staff Explanation and Recommendation: Discussion of Chapter 12
(Planned Unit Developments), to remove PUD's from the GLUMDC.

PLANNING STAFF ANALYSIS AND COMMENTS

1) Proposed amendments to the Grantsville City Land Use and Management Code to remove the Planned Unit Development (PUD) including modifications to Chapter 2, 3.6, 4.5, 4.12, 6.15, 8.9, 9.3, 9.5, 14.6, 15.7, 16.2, 16.4, 16.8, 17.3, 19.5, 19a.1, 21.1.15, 21.2.11, 21.6.2, and 21.6.12, and repealing Chapter 12 and 21.5.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

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Chapter 12 Planned Unit Developments

Amended 02/09 by Ordinance 2009-05, 09/18 by Ordinance 2018-16

12.1 Repeal as Use Type. Purpose

Notwithstanding anything to the contrary in this Title, including its charts and/or appendices, planned unit development uses are prohibited in all zones in Grantsville by Ordinance

Commented [A1]: This has been left blank until an ordinance number has been assigned by Braydee.

(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. Through the flexibility of the planned unit development technique, the City and developer will seek to achieve the following specific objectives:

(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;

(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 4 dwelling units defined as a level Level 4 and level 5 subdivisions in Chapter 21 of this code at least 10% of the total parcel acreage shall be improved, fully landscaped, amenity rich, active 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;

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

(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

(e) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation; and

(f) Provide residential housing that conforms with the State moderate income requirements.

HISTORY

Amended by Ord. 2019-08 on 4/17/2019

Amended by Ord. 2019-18 on 8/7/2019

Amended by Ord. 2024-05 on 1/31/2024

12.2 Authority To Modify Regulations

(1) The Planning Commission shall have the authority to recommend to the City Council reasonable and appropriate conditions in any planned development including recommendations to change, alter, modify or waive of the land use Code as they apply applies to the proposed planned development. Public health and safety issued issues including but not limited to; line of sitesight, public utilities and associated easements, secondary and emergency access, and quantity of required parking are outside of the Planning Commission authority to recommend for modification or waive waiver. No such change, alteration, modification or waiver shall may be approved unless the City Council shall find that the proposed planned unit development:

(a) Will achieve all of the applicable purposes for which a planned development may be approved pursuant to Section 12.1. It is recognized that not all properties include historic or blighted structures, nor will all purposes specifically apply to non-residential uses and thus may be considered "Not Applicable". Residential projects that do not seek to increase the overall density allowed within the applicable district shall may not be required to provide a moderate income housing element unless the applicant otherwise desires to provide moderate income or affordable housing. For residential projects requesting density, at least 50% of the requested increased density shall meet state moderate income standards.; and

(b) Will not violate the general purposes, goals and objectives of this Code, or and of any plans adopted by the Planning Commission or the City Council.

HISTORY

12.4 Application Procedure

- ~~1. If required by code or the applicant is seeking proposed deviations variations to a Grantsville City Ordinance, a PUD application shall be submitted and approved prior to the submittal of a development application such as, but not limited to, Preliminary Plan and Final Plat applications as detailed in Chapter 21.~~
2. In addition to the application requirements for subdivisions, an applicant for a planned unit development shall submit the following information: with the Preliminary Plat application:
 - ~~1. (a) The applicant shall submit a concept plan, that is drawn to scale and is legible if printed on an 11 x 17 sheet. At a minimum, the concept plan shall include:~~
 - ~~1. Site plan contents from chapter 11~~
 2. 1. The proposed configuration of lots and types of uses proposed for the property.
 3. 2. Streets rights of way, open spaces and other proposed common area or public use spaces shall be shown.
 4. 3. Information shall be provided detailing minimum lot sizes, number of proposed lots for each type of use and calculations for over all areas for each type of use.
 4. 4. Where proposed uses do not match uses on adjoining properties, a continuation of the adjoining use shall be implemented for lots against the lot boundary, or a passive use landscaped buffer of at least 50' feet wide containing trees and privacy fencing shall be included. No lighting shall may be allowed to reside in the 50 foot buffer and no light shall escape onto adjacent properties. Landscaped buffer areas may be counted as open space if the open space complies with the requirements found in GLUDMC Section 21.1. For commercial properties that are not in use at night, parking may encroach into the buffer area but trees and fencing are still required between the parking and the property boundary. Properties smaller than three acres or containing narrow areas of less than 200 feet may be granted modifications to the buffer width in those narrow areas if applicants and Planning Commission agree on an acceptable alternative such as transitions in architectural design that complement the neighboring issues.
- ~~2. The applicant shall submit a written statement addressing each of the standards set forth in GLUDMC Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 of this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective;.~~
- ~~3. 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. The proposed deviations variations shall include specific~~

references to the affected ordinances and a comparison of the requirements and proposed deviations/ variations. The applicant shall also provide an explanation of how the proposed deviations/ variations benefits the development and the surrounding community and explain the steps that are proposed to mitigate the effects of the proposed deviations/ variations on the ordinance.

4. ~~The approval of the PUD application applicaiton final plan or final plat (if required) shall include approval of all special conditions applicable to the planned unit development. All special conditions and approved variations to the GLUDMC shall be included in a Development Agreement which shall be approved by Planning Commission and City Council.~~
5. ~~Any party aggrieved by the final decision of the Planning Commission, regarding a planned unit development, with respect to changes, alterations, modifications or waivers either granted or denied, may appeal such decision to the City Council, whose decision shall then be final. All appeals to the City Council must be in writing and filed with the Zoning Administrator within thirty (30) days of the date of the decision appealed from and prior to any further consideration by the Planning Commission of a subsequent step in the planned unit development approval process. Only the final decision of the City Council with respect to the Final Plan or plat, Development Plan or changes, alterations, modifications or waivers either granted or denied may be appealed to the District Court, provided such appeal is filed within thirty (30) days of the decision of the City Council. Said appeal shall be filed with the City Recorder and with the Clerk of the District Court.~~
6. ~~No planned unit development approval (that does not include a subdivision) shall may be valid for a period longer than one year unless a building permit has been issued, construction has actually begun within that period and construction has been diligently pursued. Upon written request of the applicant, the one-year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further hearing.~~

HISTORY

Amended by Ord. 2024-05 on 1/31/2024

12.5 Adjustments To Development Plan

~~(1) No major alteration or amendment to a development plan that would alter or expand the intent of the provisions in the approved PUD PDO shall may be made without a new application being filed and processed pursuant to the provisions of this Chapter. Minor alterations to a development plan that do not include a subdivision of land, may be made subject to written approval of the Planning Commission when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:~~

~~(a) Adjusting the distance as shown on the approved plan between any one structure or group of structures; and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;~~

~~(b) Adjusting the location of any open space. The size or amount of open space that was approved shall may not be compromised;~~

~~(c) Adjusting any final grade, ; and~~

~~(d) Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.~~

~~(2) Such minor adjustments shall be consistent with the intent and purpose of the Code and the PUD provisions as approved, and shall be the minimum necessary to overcome the particular difficulty and shall may not be approved if such adjustments would result in a violation of any standard or requirement of this Code.~~

~~(3) Any adjustment to the Development Plan that would alter or expand the intent of the provisions in the approved PUD PDO and is not authorized by this Section, shall be considered to be a major adjustment. The Planning Commission, following notice to at least all adjoining property owners, may approve an application for a major adjustment of the Final Development Plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the final Development Plan. If the Planning Commission determines that a major adjustment is not in substantial conformity with the provisions of the approved PUD as approved, then the Planning Commission shall review the request in accordance with the procedures set forth in Section 12.4.~~

~~HISTORY~~

~~Amended by Ord. 2024-05 on 1/31/2024~~

AGENDA ITEM #10

Consideration of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 3 (Decision Making Bodies, And Officials).



Grantsville City Planning Commission

November 7, 2024

Public Hearing

Proposed amendment to the Grantsville City Land Use and Management Code Chapter 3 (Decision Making Bodies, And Officials).

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 **November 7, 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 of the Proposed amendment to the Grantsville City Land Use and Management Code Chapter 3 (Decision Making Bodies, And Officials)** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 1, 2024 at the link below:

https://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 November 7, 2024.

Dated this 28th day of October, 2024



**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**

Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

<https://us02web.zoom.us/j/83837749384>

Meeting ID: 838 3774 9384

GRANTSVILLE CITY PLANNING COMMISSION MEETING - STAFF REPORT

Meeting Date: November 7, 2024
Applicant: Grantsville City Council
Planner/staff: Jay L. Springer, Attorney
Shelby Moore, Planning and Zoning Administrator
Project Type: Subdivision Ordinance and Related Text Amendments
Areas Affected: All of the City of Grantsville

SUBJECT: Proposed amendments to the Grantsville Land Use Development Management and Use Code, Chapters 3, 12, 15, and 21 to comply with review timeframes, review cycle limits, land use authority designations and other amendments mandated by Senate Bill 174 (2023) and House Bill 476 (2024), including a Public Hearing.

RECOMMENDATION: Recommend approval of the redlined amendments to Grantsville Land Use Development Management and Use Code, Chapters 3, 12, 15, and 21, including any direct changes to text from the Planning Commission, broad concepts the Planning Commission would like the Council to consider in more depth, and subject to technical and nonsubstantive review from staff and legal counsel.

SUMMARY & BACKGROUND

In 2023 and 2024, the Utah State Legislature adopted S.B. 174 and H.B. 476, which amend and establish various land use and development requirements for municipalities and counties, including subdivision application review procedures. S.B. 174 includes sweeping changes and definitional changes that previously were not imposed on municipalities. H.B. 476 includes both practical and definitional changes, with clarifying language about subdivision improvement plans and review cycles. The City previously adopted certain changes aimed at providing compliance with S.B. 174. Additional revisions are necessary and appropriate based on clarifications with H.B. 476 and subsequent legal review.

Legislative Mandate:

The primary effects of Senate Bill 174:

- Requires cities and counties to identify an administrative land use authority for subdivision review and preliminary subdivision application approval for single-family dwellings, two-family dwellings, and townhomes;
- Prohibits city and county councils (legislative bodies) from acting as an administrative land use authority for subdivision plats or plat amendments—except for plat amendments or vacations that seek to reduce or remove dedicated public rights-of-way;

- Establishes subdivision review procedures for cities and counties, including defining review cycles and permitted requests, and establishes timelines and noticing requirements. Appeal procedures are also provided for both reviews;
- Requires that a pre-application meeting be made available to any interested applicant; and
- Requires certain administrative and processing standards be made publicly available on the municipal website.

The primary effects of House Bill 476:

- Establishes that a subdivision improvement plan may be required to be submitted with either a preliminary or final subdivision application but may not be required for both;
- Clarifies that a municipality may not require more than four review cycles for a subdivision improvement plan review and this applies to either the preliminary or final stage of the process, depending on when the municipality requires a subdivision improvement plan be submitted;
- Establishes that a municipality may not engage in a substantive review outside the review cycle; and
- Adjusts the timelines for application review to include additional days for municipalities with a population of 5,000 or less.

Planning Commission Review Procedure and Criteria:

The Grantsville City Council is the legislative authority for the subdivision and related ordinances text amendments. The Council cannot amend the ordinances without first submitting the amendments to the Grantsville City Planning Commission for the Planning Commission's recommendation. The Planning Commission must hold a public hearing, review the proposed revisions, and recommend an action to the Council. The Council must then hold a public meeting after which it may adopt, adopt with revisions, or reject the proposed text amendments recommended by the Planning Commission.

A text amendment can be approved if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision. Similarly, a text amendment can be denied if it is reasonably debatable that the decision could detrimentally impact the public welfare.

Planning Commission Task:

The Planning Commission will review the proposed amendments and make a recommendation to the City Council to either approve, deny, or modify the proposed subdivision ordinance. If any changes are proposed and inserted by the planner and attorney, the City Council will then vote on the final version of the subdivision ordinance.

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



**Staff Report Summary for
Chapter 3 Decision Making Bodies and Officials**

Parcel ID(s):
Property Address:
Applicant Name:
Request:
Prepared By: Shelby Moore

Meeting Date: 11/7/2024
Public Hearing Date: 11/7/2024
Current Zone:
Acres:

Planning Staff Explanation and Recommendation: Discussion of Chapter 3 Decision Making Bodies and Officials amendment.

PLANNING STAFF ANALYSIS AND COMMENTS

- 1) The amendment to Chapter 3 is to clarify verbiage and clean up spelling errors.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

Chapter 3 Decision Making Bodies And Officials

Amended 10/99, 04/02

3.1 City Council

(1) The City Council has the following powers and duties in connection with the implementation of this Ordinance:

- (a) to adopt, amend, or reject a proposed General Plan for all or part of the area within the City;
- (b) to consider and adopt, reject or modify amendments to the text of this Ordinance and to the Zoning Map pursuant to the provisions of this chapter;
- (c) to establish a Fee Schedule for applications for zoning amendments, special approvals and any other type of approval required by the provisions of this Ordinance; ~~duek~~
- (d) to take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this Ordinance; and

(2) The City Council may, by making a finding to this effect, consider the Planning Commission's inaction or failure to make a recommendation within 4 meetings, whenever such recommendation required by Utah Code or this Ordinance as a negative recommendation for public meetings or a specific individual land use application, in which the land use application is on the agenda for discussion or consideration.

3.2 Planning Commission, Number Of Members, Appointment, Term Of Office

- (1) **General Provisions:** The provisions of chapter 3 of this Code shall apply to the Planning Commission except as otherwise set forth in the By-laws.
- (2) The Grantsville City Planning Commission is hereby designated as a land use authority for Grantsville City for all land use actions not delegated to other bodies or persons, to act in its individual jurisdiction.
- (3) The Planning Commission shall consist of six members, five voting members who do not hold a public office and one non-voting member from the City Council. All members shall be appointed by the mayor with the advice and consent of the City Council. All members shall be residents and owners of real property with Grantsville City. Members shall hold no other public office or position with Grantsville City.
- (4) The terms of the appointed members of the Planning Commission, with the exception of the ex-officio member, shall be three years, and until their respective successors have been appointed, except that the terms of appointment shall be such that the terms of two members shall expire each year. The ex-officio member shall serve at the pleasure of the City Council. The Planning Commission existing at the time of passage of this Code shall continue to serve, and the terms of its members shall be fixed by the City Council in such a manner as to comply with the above provisions for staggering terms of service.

Amended 10/05 by Ordinance 2005-18

3.3 Compensation

The members of the Planning Commission shall serve as such without compensation, except that the City Council may fix per diem compensation for the members of the Planning Commission based on necessary and reasonable expenses and on meetings actually attended. The actual expenses incurred shall be based upon presentation of proper receipts and vouchers.

3.4 Vacancies And Removals For Cause

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term. The City Council shall have the right to remove any member of the Planning Commission for misconduct and may remove any member for non-performance of duty.

Unexcused absences from 3 consecutive regular scheduled meetings of the **Planning Commission** may be considered by the **City Council** as non-performance of duty.

3.5 The Chair

The **Planning Commission** shall elect from its members a Chair and Vice Chair during the month of January of each year, whose term of office shall be for twelve (12) months or until a successor is elected.

3.6 Ex Parte Contact

(1) Ex parte contact between **Planning Commission** members and opposing parties involved in litigation with Grantsville **City** involving land use issues shall be prohibited. **Planning Commission** members shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Grantsville **City** involving land use issues. This prohibition shall include plaintiffs who have filed suit against Grantsville **City**, claimants who have served a Notice of Claim on Grantsville **City**, and defendants in actions filed by Grantsville **City**, such as those in violation of provisions of the Grantsville **City** Ordinance or the Grantsville Land Use Management and Development Code.

(2) **Planning Commission** members shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for a conditional use permit, planned unit development, a request for approval of a subdivision, or for an exception to the Grantsville Land Use Management and Development Code. Interaction between applicants and those in opposition to an application shall only occur at a legally scheduled meetings where the public has received legal notice. This restriction on ex parte contact applies to all conditional use permit approval requests, planned unit development or subdivision requests, after an application for such is filed with the Grantsville **City**, while the application is under review by the **Planning Commission**, after a decision or recommendation on the application has been made by the **Planning Commission**, while the application is under review by the Grantsville **City** Council, or while the application is under appeal, if an appeal is filed. **Planning Commissioners** shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a conditional use permit, planned unit development or a subdivision approval, or an exception to the Grantsville Land Use Management and Development Code.

(3) If ex parte contact as described in Subsections (1) or (2) occurs, it shall be disclosed at the next meeting of the **Planning Commission** and the **Planning Commission** member who had such contact shall neither participate in the discussion nor vote on the matter.

(4) Receipt of written information regarding an active request for a conditional use permit, planned unit development or a subdivision, or an exception to the Grantsville Land Use Management and Development Code shall be ~~permitted~~ reviewed, provided such written information is disclosed at the next meeting of the **Planning Commission** and submitted as a part of the record of that meeting.

3.7 Rules And Regulations

The **Planning Commission** may adopt such rules and regulations governing its procedures as it may consider necessary or advisable, and shall keep record of its proceedings, which record shall be open to inspection by the public at all times. The adopted rules and regulations shall be presented to the **City Council** for their approval or disapproval. Only after the formal approval of the **City Council** shall the rules and regulations be enforceable.

3.8 Document Submission And Review Procedures

(1) Pre-Submission Procedures. To facilitate the handling of applications, the **Planning Commission** may adopt pre-submission procedures to allow for adequate investigations and staff review and may require compliance with such pre-submission review procedures as a prerequisite to formal receipt and action by

the **Planning Commission**. Pre-submission review shall in no way be interpreted to review by the **Planning Commission**.

(2) Submission and Docketing for Review. Upon receipt of all required fees and information for any specific step of the review procedure, the Zoning Administrator and other members of the ~~Technical Development~~ Review Committee if established, shall review the application for completeness and compliance with the provisions of this Code and other pertinent municipal regulations. When the Zoning Administrator determines that the application is ready for **Planning Commission** review, the Zoning Administrator will docket the application for review at the next regular public meeting of the **Planning Commission**. Incomplete applications shall not be docketed for **Planning Commission** review.

(3) Applications and concept plans are required for all land uses.

3.9 Planning Commission Powers And Duties

The **Planning Commission** shall:

- (a) prepare and recommend a General Plan and subsequent amendments to the General Plan to the **City Council**;
- (b) recommend zoning ordinances, subdivision ordinances, development codes and maps, and subsequent amendments to zoning ordinances, subdivision ordinances, development codes and maps to the **City Council**;
- (c) administer provisions of the zoning ordinance, where specifically provided in this Code;
- (d) recommend approval or denial of subdivision applications as provided in this Code;
- (e) hear or decide the approval or denial of, or recommendations to approve or deny, conditional use permits;
- (f) advise the **City Council** on matters as the **City Council** directs;
- (g) exercise any other powers that are necessary to enable it to perform its function delegated to it by the **City Council**.
- (h) the **Planning Commission** shall limit its substantive review of applications to no more than four meetings. For purposes of this requirement, substantive review includes any meeting for which a particular land use application is on the agenda for discussion or consideration by the **Planning Commission**.

3.10 General Plan

(1) Grantsville **City** shall prepare and adopt a comprehensive, long range, general plan for the growth and development of the land within Grantsville **City** considering the present and future needs of the **City** and growth and development of the land.

(2) The plan may provide for:

- (a) Health, general welfare, safety energy conservation, transportation, prosperity, civic activities, aesthetics and recreational, educational and cultural opportunities.
- (b) the reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water, and

- (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources; ~~duek~~
- (e) the protection of urban development.
- (f) the protection or promotion of moderate-income housing;
- (g) the protection and promotion of air quality;
- (h) preservation;
- (i) identifying future uses of the land that are likely to require and expansion or significant modification of services or facilities provided by each affected entity;
- (j) an official map;
- (3)

(a) The **Planning Commission** shall provide notice as provided in Section 1.18(1), of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the **Planning Commission** initiates the process of preparing its recommendation.

(b) The **Planning Commission** shall make and recommend to the legislative body a proposed general plan for the area within the **City**.

(c) The plan may include areas outside the boundaries of the **City** if, in the **Planning Commission's** judgment, those areas are related to the planning of the **City's** territory.

(d) Except as otherwise provided by or with respect to a **City's** power of eminent domain, when the plan of a **City** involves territory outside the boundaries of the **City** if, the **City** may not take action affecting the territory without the concurrence of the county or other municipalities affected.

(4)

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the **Planning Commission's** recommendation for the following plan elements:

(i) a land use element that;

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate, and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the **Planning Commission** considers appropriate, all correlated with the population projections and the proposed land use element of the general plan, and

(iii) an estimate of the need for the development of additional moderate income housing within the **City**, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

(b) In drafting the moderate-income housing element, the **Planning Commission**:

(i) shall consider the State legislature's determination that cities should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; ~~duek~~

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; ~~duek~~

(ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate-income housing within the planning horizon, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate-income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate-income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate-income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; ~~duek~~

(G) Consider utilization of affordable housing programs administered by the Department of Community and Economic Development.

(5) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; ~~duek~~

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) preservation; ~~duek~~

(ii) the diminution or elimination of blight; ~~duek~~

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures,

revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) any other element the City Council considers appropriate.

3.11 Public hearing by Planning Commission on proposed general plan of amendment notice revisions to general plan or amendment adoption/rejection by legislative body

(1)

(a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the Planning Commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The Planning Commission shall provide notice of the public hearing, as required by Section 1.18(1).

(c) After the public hearing, the Planning Commission may modify the proposed general plan or amendment.

(2) The Planning Commission shall forward the proposed general plan or amendment to the legislative body.

(3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.

(4)

(a) The municipal legislative body may adopt or reject the proposed general plan or amendment either as proposed by the Planning Commission or after making any revision that the municipal legislative body considers appropriate.

(b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the Planning Commission for its consideration.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 3.10(3)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 3.10(3)(a)(ii); ~~duek~~

(c) for all cities, after considering the factors included in Subsection 3.10(3)(b)(ii), a plan to provide a realistic opportunity to meet estimated needs for additional moderate-income housing if long-term projections for land use and development occur.

(6) No application for an amendment to the general plan shall be considered by the City Council or the Planning Commission within two years of the final decision of the City Council upon a prior application covering substantially the same subject or substantially the same property. This determination shall be made by the Zoning Administrator upon receipt of an application. This provision shall not restrict the Mayor, a City Council member or a Planning Commissioner from proposing any future land use map category of the City at any time. The decision of the Zoning Administrator may be appealed to the City Council, provided a written appeal is filed with the City Recorder within 15 days of the Zoning Administrator's final decision.

Amended 08/08 by Ordinance 2008-35

3.12 Effect Of General Plan

Except as provided in Utah Code Annotated Section §10-9a-406, the general plan is an advisory guide for land use decisions.

3.13 Public Uses To Conform To General Plan

After the legislative body has adopted a general plan no street, park or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

3.14 Biennial Review Of Moderate Income Housing Element Of General Plan

(1) The legislative body of each City shall biennially:

(a) review the moderate-income housing plan element of its general plan and its implementation; ~~duek~~

(b) prepare a report setting forth the findings of the review.

(2) Each report under Subsection (1) shall include a description of:

(a) efforts made by the City to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;

(b) actions taken by the City to encourage preservation of existing moderate income housing and development of new moderate income housing;

(c) progress made within the City to provide moderate income housing, as measured by permits issued for new units of moderate-income housing; ~~duek~~

(d) efforts made by the City to coordinate moderate income housing plans and actions with neighboring municipalities.

(3) The City council of each City shall send a copy of the report under Subsection (a) to the Department of Community Development and the association of governments in which the City is located.

(4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 3.10(3)(b), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Amended 04/04 by Ordinance 2004-11

3.15 Preparation And Adoption Of Land Use Ordinance Or Zoning Map

(1) The Planning Commission shall:

(a) provide notice as required by Subsection 1.18(1)(a);

(b) hold a public hearing on a proposed land use ordinance or zoning map;

(c) prepare and recommend to the legislative body a proposed land use ordinance or ordinance and zoning map, represent the Planning Commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.

(2) The City council shall consider each proposed land use ordinance and zoning map recommended to it by the Planning Commission, and after providing notice as required by Subsection 1.18(2)(c) and holding a public meeting, the City Council may adopt or reject the ordinance or map either as proposed by the Planning Commission or after making any revision the municipal legislative body considers appropriate.

3.16 Zoning Districts

(1)

(a) The City council may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the City council may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(2) The City council shall ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.

(3)

(a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

3.17 Temporary Land Use Regulations.

(1)

(a) The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

(i) the City Council makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The City council shall establish a period of limited effect for the ordinance not to exceed six months.

(3)

(a) The City council may, without prior Planning Commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed six months in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

3.18 Amendments And Rezoning

(1) The City Council may amend;

(a) The number, shape, boundaries, or area of any zoning district;

(b) any regulation of or within the zoning district, or

(c) any other provision of a land use ordinance.

(2) The City council may not make any amendment authorized by this subsection unless the amendment was proposed by the Planning Commission or was first submitted to the Planning Commission for its recommendation.

(3) The City council shall comply with the procedure specified in Section 3.15 for land use regulations and 3.16 for zoning maps in preparing and adopting any amendment.

(4) No application for an amendment to the land use regulations or zoning map designations shall be reconsidered by the City Council or the Planning Commission within two years of the final decision of the City Council upon the prior application, if the new application proposes the same amendment to the land use regulations or includes the same zoning map designation and includes any of the same property that was described in the previous application. The restrictions contained in this subsection shall not apply to a requested zoning map amendment, if the previous application included a proposed zone and a specific proposed use in that zone and the new application includes the same zoning district, but the proposed use has been changed by the applicant. Any application for a zoning map amendment that includes a specific proposed use as a part of the application, shall only be approved on condition that the actual use of the property is limited to the proposed use specified in the application. The Zoning Administrator shall make an initial determination as to whether or not an application should be considered pursuant to this subsection. If the application is denied by the Zoning Administrator as being in violation of this subsection, the applicant may appeal that decision to the Planning Commission, by filing a written notice of appeal with the Zoning Administrator within seven (7) days of receipt of the Zoning Administrator's decision. If the application is accepted by the Zoning Administrator and an affected party does not agree with said decision, that party may file a written appeal with the Planning Commission, provided that the appeal is filed with the Zoning Administrator at least seven (7) days prior to the time the Planning Commission is scheduled to make its final recommendation on the application. Any party aggrieved by the decision of the Planning Commission with respect to this subsection, may file a written appeal with the City Council, provided that the appeal is filed with the City Recorder within seven (7) days of the decision of the Planning Commission. If the City Council overturns the decision of the Planning Commission that terminates consideration of an application because it was deemed to be in violation of the provisions of this subsection, the City Council shall remand the matter back to the Planning Commission for a recommendation on the application. The Planning Commission and City Council may also terminate consideration of an application at any time, if it determines that the application is prohibited by this subsection. The Decision of the City Council on a determination of whether or not an application is in conformity with the provisions of this subsection shall be final.

Amended 08/08 by Ordinance 2008-35, 01/11 by Ordinance 2010-24

3.19 Appeal Authority

1. **Creation:** The position of an Appeals Hearing Officer (or "Hearing Officer") is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, Section 10-9a-701 of the Utah Code.
2. 1) The Grantsville City Hearing Officer ~~Board of Adjustment~~ is hereby designated as a land use appeal authority for Grantsville City for all land use actions not delegated to other bodies or persons, to act in its individual jurisdiction.
3. (2) In order to provide for just and fair treatment in the administration of local land use ordinances, and to ~~insure~~ ensure that substantial justice is done, Grantsville City Council shall appoint a Hearing Officer ~~Board of Adjustment~~ to exercise the powers and duties provided in this part.
4. (3) The Hearing Officer ~~Board of Adjustment shall consist of~~ is the Planning and Zoning Administrator. ~~five members and whatever alternate members that the mayor, with the advice and consent of the city council, considers appropriate. The mayor shall appoint the members and alternate members, with the advice and consent of the city council, for a term of five years. The~~

~~mayor shall appoint members of the first board of adjustment to terms so that the term of one member expires each year.~~

- ~~5. (4) No more than two alternate members may sit at any meeting of the board of adjustment at one time. The city council shall make rules establishing a procedure for alternate members to serve in the absence of members of the board of adjustment.~~
- ~~6. (5) The mayor may remove any member of the board of adjustment for cause if written charges are filed against the member with the mayor. The mayor shall provide the member with a public hearing if he requests one.~~
- ~~7. (6) The mayor, with the advice and consent of the city council, shall fill any vacancy. The person appointed shall serve for the unexpired term of the member or alternate member whose office is vacant.~~

3.20 Organization And Procedures

(1) The ~~Hearing Officer~~ ~~Board of Adjustment~~ shall:

~~(a) organize and elect a chairperson; and~~

(b) adopt rules that comply with any ordinance adopted by the City Council.

~~(2) The board of adjustment shall meet at the call of the chairperson and at any other times that the Board of Adjustment determines.~~

~~(3) The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses.~~

(2) All meetings held by the ~~Hearing Officer~~ ~~of the Board of Adjustment~~ shall be open to the public in compliance with Title 52, Chapter 4, Open and public meetings, Utah Code Annotated. The Hearing Officer Shall:

~~(a) keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;~~

(b) keep records of its examinations and other official actions;

~~(5) The Board of Adjustment may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder;~~

~~(6) The Board of Adjustment shall file its records in the office of the Zoning Administrator.~~

~~(7) The concurring vote of three members of the board of adjustment is necessary to reverse any order, requirement, decision, or determination of any administrative official or agency to decide in favor of the appellant.~~

~~(8) Decisions of the board of adjustment become effective at the meeting in which the decision is made, unless a different time is designated in the board's rules or at the time the decision is made.~~

~~(9) The City Council may fix per diem compensation for the members as the Hearing Officer Board of Adjustment based on necessary and reasonable expenses and on meetings actually attended.~~

3.21 Powers And Duties

(1) Except as otherwise and more specifically stated elsewhere in GLUDMC, the ~~Hearing Officer~~ ~~Board of Adjustment~~ shall:

(a) hear and decide appeals from decisions applying the land use ordinance;

- (b) hear and decide special exceptions to the terms of the land use ordinance; ~~duck~~
 - (c) hear and decide variances from the terms of the land use ordinance.
- (2) The ~~Hearing Officer Board of Adjustment~~ may make determinations regarding the existence, expansion, or modification of non-conforming uses.

3.22 Appeals

- (1) The applicant or any other person or entity adversely affected by a decision administering or interpreting a land use ordinance may appeal that decision applying the land use ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration, interpretation, or enforcement of the land use ordinance within 30 days of the decision.
- (2) Any officer, department, board, or bureau of Grantsville ~~City~~ affected by the grant, or refusal of a building permit or by any other decisions of the ~~Zoning Administrator~~ in the enforcement and administration of the land use ordinance may appeal any decision to the ~~Hearing Officer Board of Adjustment~~. The appellant has the burden of proving that the land use authority erred.
- (3) Only decisions applying the ordinance may be appealed to the ~~Hearing Officer Board of Adjustment~~.
- (4) A person may not appeal, and the ~~Hearing Officer Board of Adjustment~~ may not consider, any land use ordinance amendments.
- (5) Appeals may not be used to waive or modify the terms or requirements of the land use ordinance.
- (6) In making an appeal, an adversely affected party shall present to the ~~Appeal Authority~~ every theory of relief that it can raise in district court.
- (7) Appeals from subdivision improvement plans shall follow the required procedures of Utah Code 10-9a-604.2.

3.23 Hearing Officer

- (1) The Mayor, with the consent of the ~~City Council~~, may appoint a hearing officer to decide routine and uncontested matters before the ~~Hearing Officer Board of Adjustment~~.

The ~~City Council Board of Adjustment~~ shall:

- (a) specify which matters may be decided by the hearing officer; ~~duck~~
 - (b) establish guidelines for the hearing officer to comply with in making decisions.
- (2) Any ~~applicant person~~ affected by a decision of the hearing officer may appeal the decision to the ~~City Council~~ as provided in this part.
- (3) In making an appeal, an adversely affected party shall present to the ~~City Council~~ every theory of relief that it can raise in district court.

3.24 Due Process

- (1) Each appeal authority shall conduct each appeal and variance request as provided in local ordinance.
- (2) Each appeal authority shall respect the due process rights of each of the participants.

3.25 Variances

- (1) Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the ~~Hearing Officer Board of Adjustment~~ for a variance from the terms of the land use ordinance.
- (2) The ~~Hearing Officer Board of Adjustment~~ may grant a variance only if:

- (a) literal enforcement of the land use ordinance would cause a hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;
 - (b) there are special circumstances attached to the property that do not generally apply to other properties in the same district;
 - (c) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - (d) the variance will not substantially affect the general plan and will not be contrary to the public interest; ~~duek~~
 - (e) the spirit of the land use ordinance is observed and substantial justice done.
- (3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this subsection, the ~~Hearing Officer Board of Adjustment~~ may not find an unreasonable hardship unless:
- (a) the alleged hardship is located on or associated with property for which the variance is sought; ~~duek~~
 - (b) the alleged hardship comes from circumstances peculiar to the property, not from conditions that are general in the neighborhood.
- (4) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the ~~Hearing Officer Board of Adjustment~~ may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (5) In determining whether or not there are special circumstances attached to the property under Section 3.23(2)(b), ~~Hearing Officer Board of Adjustment~~ may find that special circumstances exist only if they:
- (a) relate to the hardship complained of, and
 - (b) deprive the property of privileges granted to other properties in the same district.
- (6) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (7) Variances shall run with the land.
- (8) The ~~Hearing Officer Board of Adjustment~~ and any other body may not grant use variances.
- (9) In granting a variance, the ~~Hearing Officer Board of Adjustment~~ may impose additional requirements on the applicant that will:
- (a) mitigate any harmful effects of the variance; alder
 - (b) serve the purpose of the standard or requirement that is waived or modified.

3.26 Appeal of ~~Hearing Officer Board of Adjustment~~ Decision to District Court

Any person adversely affected by any decision of ~~a the Hearing Officer Board of Adjustment~~ may petition the district court for a review of the decision, within 30 days after the decision is final. In the petition, the plaintiff may only allege that the board of adjustment's decision was arbitrary, capricious, or illegal.

3.27 Zoning Administrator Authority And Duties

1. Primary responsibility for administering and enforcing this title shall be delegated to the Zoning Administrator. Except as otherwise specifically provided in this title, the Zoning Administrator may designate a staff person or staff persons to carry out these responsibilities. Upon delegation, the designated staff member shall assume all duties, responsibilities, and authority of the zoning

administrator with respect to the delegated functions. This delegation shall be in writing and specify the scope of duties and duration of the delegation. The staff person(s) to whom such delegations are made shall be referred to in this title as the "Designated Zoning Administrator".

2. The Zoning Administrator is a land use authority and is authorized as an enforcing officer for all chapters of this land use ordinance. The Zoning Administrator shall be appointed by the Director with the advice and consent of the Mayor. Assistant Zoning Administrator may also be appointed in the same manner as the Administrator and shall have the same authority as the Zoning Administrator. The Zoning Administrator is hereby authorized to enforce this code and all provisions thereof, and shall do so by any legal means available to ~~them~~ ~~him~~, including but not limited to the following:
 - ~~a.~~ Advise the Building Official on the issuance of building permits. When the Zoning Administrator gives written notification to the Building Official and applicant that an intended use, ~~building, or structure~~ would be in violation of this code, such written notification shall be presumption of illegality and the Building Official shall not issue a building permit for such use, building, or structure. ~~(If the offices of building official and zoning administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification.)~~
 - b. Inspect the uses of buildings, structures or land to determine compliance with the Code. Such inspections shall be made at reasonable times.
 - c. Issue notices of violation wherever ~~buildings or~~ lands are being used contrary to the provisions of this code. (This shall be done by providing notice in writing on any person engaged in said use and posting such notice on the premises.)
 - d. Inform the Mayor or City Council of all code violations and recommend specific courses of action with regard to such violations which are not being resolved through established zoning procedures.
 - e. Maintain a file of code violations and action to be taken on such violations.
 - f. Upon authorization in the matrix of any zoning district, the Zoning Administrator, shall approve a conditional use permit if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances.

AGENDA ITEM #11

Consideration of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 21 (Subdivision Regulations), to implement modifications from SB174/ HB0476.



Grantsville City Planning Commission

November 7, 2024

Public Hearing

Proposed amendment to the Grantsville City Land Use and Management Code Chapter 21 (Subdivision Regulations), to implement modifications from SB174/HB0476.

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 **November 7, 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 of the Proposed amendment to the Grantsville City Land Use and Management Code Chapter 1 (Introductory Provisions)** and make a recommendation to the City Council.

You can view a copy of the agenda and packet online by 5:00pm on November 1, 2024 at the link below:

https://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 November 7, 2024.

Dated this 28th day of October, 2024



**BY ORDER OF THE GRANTSVILLE
PLANNING COMMISSION**

Shelby Moore
Zoning Administrator

Scan QR code above or use the link below to join Zoom meeting.

<https://us02web.zoom.us/j/83837749384>

Meeting ID: 838 3774 9384

GRANTSVILLE CITY PLANNING COMMISSION MEETING - STAFF REPORT

Meeting Date: November 7, 2024
Applicant: Grantsville City Council
Planner/staff: Jay L. Springer, Attorney
Shelby Moore, Planning and Zoning Administrator
Project Type: Subdivision Ordinance and Related Text Amendments
Areas Affected: All of the City of Grantsville

SUBJECT: Proposed amendments to the Grantsville Land Use Development Management and Use Code, Chapters 3, 12, 15, and 21 to comply with review timeframes, review cycle limits, land use authority designations and other amendments mandated by Senate Bill 174 (2023) and House Bill 476 (2024), including a Public Hearing.

RECOMMENDATION: Recommend approval of the redlined amendments to Grantsville Land Use Development Management and Use Code, Chapters 3, 12, 15, and 21, including any direct changes to text from the Planning Commission, broad concepts the Planning Commission would like the Council to consider in more depth, and subject to technical and nonsubstantive review from staff and legal counsel.

SUMMARY & BACKGROUND

In 2023 and 2024, the Utah State Legislature adopted S.B. 174 and H.B. 476, which amend and establish various land use and development requirements for municipalities and counties, including subdivision application review procedures. S.B. 174 includes sweeping changes and definitional changes that previously were not imposed on municipalities. H.B. 476 includes both practical and definitional changes, with clarifying language about subdivision improvement plans and review cycles. The City previously adopted certain changes aimed at providing compliance with S.B. 174. Additional revisions are necessary and appropriate based on clarifications with H.B. 476 and subsequent legal review.

Legislative Mandate:

The primary effects of Senate Bill 174:

- Requires cities and counties to identify an administrative land use authority for subdivision review and preliminary subdivision application approval for single-family dwellings, two-family dwellings, and townhomes;
- Prohibits city and county councils (legislative bodies) from acting as an administrative land use authority for subdivision plats or plat amendments—except for plat amendments or vacations that seek to reduce or remove dedicated public rights-of-way;

- Establishes subdivision review procedures for cities and counties, including defining review cycles and permitted requests, and establishes timelines and noticing requirements. Appeal procedures are also provided for both reviews;
- Requires that a pre-application meeting be made available to any interested applicant; and
- Requires certain administrative and processing standards be made publicly available on the municipal website.

The primary effects of House Bill 476:

- Establishes that a subdivision improvement plan may be required to be submitted with either a preliminary or final subdivision application but may not be required for both;
- Clarifies that a municipality may not require more than four review cycles for a subdivision improvement plan review and this applies to either the preliminary or final stage of the process, depending on when the municipality requires a subdivision improvement plan be submitted;
- Establishes that a municipality may not engage in a substantive review outside the review cycle; and
- Adjusts the timelines for application review to include additional days for municipalities with a population of 5,000 or less.

Planning Commission Review Procedure and Criteria:

The Grantsville City Council is the legislative authority for the subdivision and related ordinances text amendments. The Council cannot amend the ordinances without first submitting the amendments to the Grantsville City Planning Commission for the Planning Commission's recommendation. The Planning Commission must hold a public hearing, review the proposed revisions, and recommend an action to the Council. The Council must then hold a public meeting after which it may adopt, adopt with revisions, or reject the proposed text amendments recommended by the Planning Commission.

A text amendment can be approved if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision. Similarly, a text amendment can be denied if it is reasonably debatable that the decision could detrimentally impact the public welfare.

Planning Commission Task:

The Planning Commission will review the proposed amendments and make a recommendation to the City Council to either approve, deny, or modify the proposed subdivision ordinance. If any changes are proposed and inserted by the planner and attorney, the City Council will then vote on the final version of the subdivision ordinance.

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



**Staff Report Summary for
Chapter 21 (Subdivision
Regulations),
to implement modifications from**

Parcel ID(s):	SB174/ HB0476.	Meeting Date: 11/7/2024
Property Address:		Public Hearing Date: 11/7/2024
Applicant Name:		Current Zone:
Request:		Acres:
Prepared By:	Shelby Moore	

Planning Staff Explanation and Recommendation: Discussion of Chapter 21
(Subdivision Regulations), to implement modifications from SB174/HB0476.

PLANNING STAFF ANALYSIS AND COMMENTS

- 1) The amendment to Chapter 21 (Subdivision Regulations), to implement modifications from SB174/HB0476.

*** Disclaimer: Please be advised that at no point should the comments and conclusions made by The City staff or the conclusions drawn from them be quoted, misconstrued, or interpreted as recommendations. These inputs are intended solely for the legislative body to interpret as deemed appropriate.*

The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

Chapter 21 Subdivision Regulations

21.1.1 Short Title

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21.1.25 Conservation Subdivisions, Open Space, And Density

21.1.1 Short Title

This Chapter shall be known and may be cited as the Grantsville City Subdivision Ordinance.

21.1.2 Purpose

(1) This Chapter is established to promote the health, safety, and welfare of residents of Grantsville City and to provide for the orderly subdivision of land located within Grantsville City, Utah.

(2) The purpose of the Subdivision Ordinance is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all proposed subdivisions are consistent with the General Plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social and economic development of the area.

(3) It is the purpose and intent of Grantsville City to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

21.1.3 Authority

This Chapter is enacted and authorized under the provisions of Utah Code Ann. Title 9, Chapter 9a~~§10-9a, et seq. Utah Code Annotated, 1953,~~ as amended.

21.1.4 Definitions And Applicability

For the purposes of this Chapter all terms shall have the same definition as provided by Utah Code Ann. §10-9a-103,~~(2018).~~

21.1.5 Jurisdictions And Penalties

(1)

(a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; ~~duek~~

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable city ordinances on land use and development.

(2)

(a) The city may bring an action against an owner to require the property to conform to the provisions of this chapter.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) The city need only establish the violation to obtain the injunction. (Utah Code Ann. §10-9a-611)~~(2016))~~

21.1.6 Creation Of Substandard Lots Prohibited

No lot ~~shall~~ may be created that does not conform to the requirements of this code and the zoning district in which it is located.

21.1.7 Agricultural, Industrial, And Mining Protection Areas

(1) For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Agriculture Protection Area This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. (Utah Code Ann. §17-41-403)~~(2009))~~

(2) For any subdivision located in whole or in part within 1000 feet of the boundary of an industrial protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Industrial Protection Area This property is located in the vicinity of an established industrial protection area, in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities. (Utah Code Ann. §17-41-403) ~~(2009)~~

(3) For any subdivision located in whole or in part within 1000 feet of the boundary of as mining protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Mining Protection Area This property is located in the vicinity of an established mining protection area, in which normal mining uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal mining uses and activities. (Utah Code Ann. §17-41-403) ~~(2009)~~

21.1.8 Notice Of Shooting Range Area

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

Shooting Range Area This property is located in the vicinity of an established shooting range or public shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities. (Utah Code Ann. §47-3-202-(4)) ~~(2013)~~

21.1.10 Location Required

(1) Unless exempt, under Utah Code Ann. Section §10-9a-605 ~~(2020)~~ or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; ~~duek~~

(b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2)

(a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The City shall approve the plat as provided in this code. Before final approval of a plat, the owner of the land shall provide the City with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept by the City until the owner of the land shall file and record it in the county recorder's office. (Utah Code Ann. §10-9a-603 ~~(2022)~~)

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.1.11 Agricultural Exemptions From Plat Requirements

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this code if the lot or parcel:

- (a) qualifies as land in agricultural use under Utah Code Ann. §59-2-5 (1987 - 2017), Farmland Assessment Act;
- (b) meets the minimum size requirement of applicable land use ordinances; ~~duck~~
- (c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this code, shall be recorded with the county recorder.

(3) If a lot or parcel exempted under Subsection (1) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this code. (Utah Code Ann. §10-9a-603 (2022))

(4) A plat is not required for a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use regulation. (Utah Code Ann. §10-9a-602 (2019))

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.1.12 Open Space Applicability Of Regulations

(1) In recognition that the residents of Grantsville highly value the open tracts of land that currently are characterized with recreational uses, agricultural uses, minimal development or remain in a natural state, Grantsville City desires to protect and preserve these characteristics while allowing for continued growth and improvement of the community by requiring each proposed development to consider and maintain some form of open space as described in the following regulations.

(2) All undeveloped parcels that come before the City as a residential subdivision of land greater than four total lots shall comply with the open space regulations found in this chapter. All development shall be in compliance with all applicable Grantsville City ordinances, regulations, or resolutions and when in conflict, the provisions of this chapter shall prevail.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.1.13 Site Analysis Map

(1) Concurrent with the submission of a preliminary plat, or site plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this chapter.

(2) The site analysis map shall include:

- (a) Location of natural drainages depicting flowline and top edge of channel; ~~duck~~
- (b) Springs, ponds, riparian zones, marsh and wetlands boundaries; ~~duck~~
- (c) Active agricultural, pasture areas; ~~duck~~

- (d) Rock outcroppings and slopes greater than 30%; ~~duek~~
- (e) Known archeological or historical resources; ~~duek~~
- (f) Wooded areas; ~~duek~~
- (g) Existing walking, equestrian, off-highway vehicle or bicycle trails; ~~duek~~
- (h) Existing streets, structures, and utility infrastructure.
- (i) Other unique site features that may hold value if incorporated in open space areas.

21.1.14 Use Of Open Space

(1) Open space is the portion of a subdivision or site that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) Open space areas shall be protected in perpetuity from further development or unauthorized use by permanent restrictive covenant. Grantsville City reserves the right to enforce all restrictive covenants and conservation easements, per Utah Code Ann. §57-1, 8-6 ~~(1985)~~. Uses of open space may include the following:

- (a) conservation of natural, archeological or historical resources;
- (b) meadows, woodlands, wetlands, riparian zones, raptor nesting sites, wildlife corridors, game preserves, habitat for endangered or threatened species, critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources, or similar conservation-oriented areas;
- (c) cemeteries, archaeological sites and burial grounds and other historic and/or archaeological sites as identified by the Grantsville City Historical Preservation Committee and Utah Division of State History, Utah State Historical Society;
- (d) walking, equestrian, off-highway vehicle or bicycle trails;
- (e) passive recreation areas, public and private, including pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
- (f) active recreation areas, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total open space such as streets and parking lots shall be excluded;
- (g) agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (h) the 100-year floodplain as identified by (FEMA Flood Map);
- (i) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps;
- (j) other conservation-oriented uses compatible with the purposes of this chapter.

(3) As open space contributes to the overall character of the community, three underlying principles shall guide the siting and use of open space areas:

- (a) Open space shall be accessible to the public where practicable. Open space shall be accessible internally, connected to public streets and trails, and generally available to public use and enjoyment with the

understanding that some uses may necessitate limited public access such as but not limited to: active agricultural uses, historic structures, and equestrian facilities.

(b) Open space shall be visible. Open space shall be located and configured so that a portion of the open space bounds or intersects with public right-of-way or other publicly accessed parcels.

(c) Open space shall preserve the community's character. Open space shall preserve existing features in the community and/or create new amenities that are in harmony with the existing characteristics of the overall community.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

21.1.15 Open Space Requirements

(1) Each subdivision or site plan shall provide a minimum of 10% of its total parcel acreage as open space. The open space shall be designated on the preliminary plan or site plan and recorded on the final plat. The minimum restricted open space shall comprise at least 10% of the total parcel acreage. The open space shall be held and maintained in a private protective trust. In limited cases, such as the provision of a minimum of ten-acre public park, the City Council at its discretion may, by finding of a beneficial public purpose, choose to accept the dedication of such parcels and improvements.

(2) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 10% minimum area requirement except that historic structures and existing trails with public access may be counted. Areas greater than 10% of the total open space area that is covered with any impervious surface shall be excluded from the open space calculation.

(3) At least 75% of the open space shall be in a contiguous or interconnecting tract. The open space shall be designed in such a way that it adjoins any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. If there is no defined or identified open space on adjoining land, then the open space shall provide areas for the eventual connection with future development as practicable.

(4) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. The type of open space shall be taken into consideration when making the determination of direct accessibility. Open space parcels that are preserved as active agriculture or pasture land may have limited direct accessibility as the use requires restricted access, but it is expected that such uses shall be located along the sides of public streets or trails so that the open space will provide for the benefit and enjoyment of residents as it reserves the open rural atmosphere desired by the residents. Historic features or other unique natural features due to the nature of their location, characteristics and configuration may also limit direct accessibility but shall be showcased in such a way that it may provide for the benefit and enjoyment of residents as it preserves the open rural atmosphere desired by the residents. Non-adjoining lots shall be provided with safe, convenient access to the open space. Trails are encouraged in the subdivision to access both natural open space areas within the subdivision and those that may be located nearby. Just as with streets, trail connections for connectivity and access with future subdivisions and the City-wide trails system shall be considered.

(5) For developments which are not Planned Unit Developments, and the total aggregated development acreage ~~acreage~~ is less than 20 acres, ~~developers can may pay~~ in lieu of, or in a proportional combination with, the provision of 10% of the total parcel acreage as open space., ~~the developer may, through agreement with the Planning Commission and City Council apply~~ The amount of the ~~Fee~~ fee-in-lieu is determined by 10% of the predeveloped value of the total parcel acreage, as determined through a current ~~owner~~ owner-provided appraisal by a certified real estate appraiser. ~~, to purchase another parcel that would be designated as park or open space, construct amenities in existing public parks and open space located~~ The fees collected shall be used within 1 1/2 mile of the proposed development, ~~or the nearest park and extend off-site trails~~

~~from the proposed development with sidewalk and trail connections between both parcels~~ to benefit the residents of the development.

(6) Land dedicated for use as a public park ~~shall~~may be no smaller than ten acres and ~~shall~~may not be located any closer than three quarters of a mile from another public park. The City Council may make exceptions to the minimum distance if walkability and other accessibility issues limit the residents of the proposed subdivision from safely or conveniently accessing the nearest public park. Requiring improvements that remove the accessibility barriers may be considered proportionally not exceeding the appraised value of the predeveloped value of the total parcel acreage as detailed in 21.1.15(5).6

HISTORY

Amended by Ord. [2019-18](#) on 8/7/2019

Amended by Ord. [2024-05](#) on 1/31/2024

21.1.16 Open Space Networks Configuration

The minimum standards for open space networks are as follows:

- (1) The minimum width of any open space area is 25 feet.
- (2) All paths shall be a minimum of 20 feet from any property line except where inter parcel access may be provided.
- (3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.
- (4) Paths located in primary conservation areas shall be constructed of pervious materials.
- (5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the city engineer.
- (6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the city engineer.

21.1.17 Open Space And Conservation Areas

21.1.17 was removed with the adoption of Ordinance 2018-16.

21.1.18 Primary Conservation Areas

21.1.18 was removed with the adoption of Ordinance 2018-16.

21.1.19 Value Of Primary Conservation Areas

21.1.19 was removed with the adoption of Ordinance 2018-16.

21.1.20 Secondary Conservation Areas

21.1.20 was removed with the adoption of Ordinance 2018-16.

21.1.21 Ownership And Management Of Open Space

21.1.21 was removed with the adoption of Ordinance 2018-16.

21.1.22 Prohibited Uses Of Open Space

- (1) Uses of open space shall not include the following:
 - (a) roads;
 - (b) parking lots that occupy more than 15% of the open space;
 - (c) dwellings;
 - (d) commercial uses; or
 - (e) land set aside for use that solely benefits any one person or entity.

(2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the applicant or City chooses to place on the use of the open space.

21.1.23 Requirements Of Conservation Easements

21.1.23 was removed with the adoption of Ordinance 2018-16.

21.1.24 Notice Of Disclosure

21.1.24 was removed with the adoption of Ordinance 2018-16.

21.1.25 Conservation Subdivisions, Open Space, And Density

21.1.25 was removed with the adoption of Ordinance 2018-16.

21.2 Subdivision Application Procedure

21.2.1 Diligence

21.2.2 Application Procedure

21.2.3 Zoning Administrator To Determine A Complete Application

21.2.4 Lack Of Development Application Information - A Determination Of An Incomplete Application

21.2.5 Appeal Of Zoning Administrator's Determination Of Completeness

21.2.6 Concept Plan Requirements

21.2.7 Preliminary Plan Requirements

21.2.8 Final Plat Infrastructure Design And Engineering Drawings Requirements

21.2.9 Final Plat Requirements

21.2.10 Development Review Committee

21.2.11 Determination Of Appropriate Process

21.2.1 Diligence

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this chapter will be deemed null and void and all vested rights are waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete any stage or they fail to make a progress report to the planning commission within 365 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development.

21.2.2 Application Procedure

(1) Each application for a subdivision shall have all required documents ~~submittals~~ before it is accepted as a complete application. No application for the next stage of the subdivision process ~~shall~~ may be accepted until such time as the City has approved the application for the previous stage of the development.

(2) There ~~shall~~ may be no presumption of approval of any aspect of the process.

(3) No application ~~shall~~ may be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The City may require additional information to ensure compliance with current ordinances, applicable standards and specifications, or do not contain complete information in a manner consistent with current Utah Code requirements. (Utah Code Ann. 10-9a-604.2) ~~(2023))~~.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of city service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the city and its residents.

(6) Appeals of the decision of a Planning Commission on any subdivision shall be made in writing to the ~~City Council~~ Hearing Officer within 30 days of the decision.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.3 Zoning Administrator To Determine A Complete Application

The Zoning Administrator shall determine if an application is complete and contains all required materials as required by this chapter.

21.2.4 Lack Of Development Application Information - A Determination Of An Incomplete Application

(1) The ~~lack-omission~~ of any information required by this ~~chapter~~ Chapter or the applicable checklists of the City for a complete application, or improper, illegible, or incomplete information supplied by the applicant, shall be cause for the Zoning Administrator to find the application incomplete.

(2) The City will not accept fees for an application until the Zoning Administrator determines the application to be complete. An application ~~shall~~ may not move forward for review and consideration until the application is complete and all application fees have been paid.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.5 Appeal Of Zoning Administrator's Determination Of Completeness

Any person aggrieved by a decision of the Zoning Administrator in a determination of a complete application may appeal the Zoning Administrator's decision in writing within 30 days of the Zoning Administrator's decision to the Planning Commission.

21.2.6 Concept Plan Requirements

~~The~~ Any concept plan shall show:

1. the general location of the subdivision, the property boundaries and adjoining properties with ownership;
2. and road layout indicating general scaled dimensions;
3. county, township, range, section, quarter section, blocks, the number of lots, principal meridian and true north;
4. vicinity map showing significant natural and man-made features off site with a scale of 1 inch = 2000 feet on the site;
5. acreage of the entire tract and the acreage of the portion to be developed;
6. area for which approval will be requested for the first phase of development except for minor, commercial and industrial subdivisions;
7. area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;
8. the sites, if any, for multi-family dwellings, shopping centers, community facilities, commercial, industrial, or other uses exclusive of single-family dwellings;
9. development area, the number of proposed dwelling units and the amount of open space;
10. and rights-of-way;
11. property boundaries;
12. all ponds, wetlands and other hydrologic features;
13. topographic contours;
14. all primary and secondary conservation areas labeled by type, as described in sections 21.1.18 and 21.1.110 of this chapter;
15. general vegetation characteristics;
16. general soil types;

17. the planned location of protected open space;
18. existing roads and structures;
19. connections with existing greenspace and trails; and
20. parcels of land that will have a conservation easement or are to be dedicated for schools, roads, parks, or other public purposes.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.7 Preliminary Plan Requirements

The requirements for a Preliminary Plan are detailed in the Preliminary Plan Checklist that is attached to the Preliminary Plan Application that shall be provided by the City upon request. The Preliminary Plan requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.8 Final Plat Infrastructure Design And Engineering Drawings Requirements

The requirements for a Final Plat Infrastructure Design and Engineering Drawings are detailed in the Final Plat Checklist that is attached to the Final Plat Application that shall be provided by the City upon request. The Final Plat Infrastructure Design and Engineering Drawings requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.9 Final Plat Requirements

The requirements for a Final Plat are detailed in the Final Plat Checklist that is attached to the Final Plat Application that shall be provided by the City upon request. The Final Plat requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.10 Development Review Committee

(1) Each application for a subdivision shall be reviewed by the Development Review Committee (DRC) prior to its consideration of approval.

(2) The purpose of the DRC is to provide an opportunity for the city staff to review the application package and provide guidance to the applicant concerning revisions to the design of the proposed development and application documents that may be required for city approval.

(3) The members of the DRC review the application for compliance with the General Plan, current ordinances, local, state and federal regulations, applicable standards and specifications as well as of the impacts of the proposed action in benefit and costs to the community.

(4) The Development Review Committee shall consist of a designated representative from all City departments and/or divisions involved in the development review/approval process, including, but not limited to, the Zoning Administrator, City Planner, City Inspector, the Public Works Director, the Fire Marshall, and the City Engineer.

~~(4) The DRC consists of the zoning administrator, city planner, city public works director, city engineer, fire marshal, a planning commission representative, and the city attorney.~~

(5) The DRC review process for all single-use residential development applications shall comply with current Utah Code requirements found in Utah Code Ann. 10-9a-604.2 ~~(2023)~~.

(6) For single use residential development applications as defined in GLUDMC Chapter 2, Definitions, the DRC shall ~~be given~~ provide written comments to the applicant within 15 business days of receipt of a complete application for Preliminary Plan approval.

~~(7) (Preliminary) and~~ Within 20 business days ~~(Final)~~ of receipt of a complete application for Final Plat approval for single use residential development, the DRC shall ~~to~~ review the application package and submit review comments to the applicant. The review comments shall identify each deficiency in the application, including engineering drawings and plans, and reference the code or standards which govern the requirements. Prior to the DRC advancing a Final Plat application for approval, all review comments shall be addressed by the Applicant in writing, including references to the codes, standards, and application components which satisfy those codes and standards.

(8) For all other development applications ~~applicaitons~~, the DRC shall be given 20 business days (Preliminary) and 20 business days (Final) to review the application package and submit review comments to the applicant. After receiving the review comments, the applicant may request a Development Review Conference with members of the DRC to discuss review comments and answer applicant questions.

~~(79)~~ Upon submittal of revised engineering drawings and documents as requested by the DRC, the review process outlined in paragraph ~~(67)~~ may occur up to three additional times, only as necessary, before moving forward for consideration.

~~(7) Only complete applications with the approval of the DRC will move forward for consideration~~

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

Amended by Ord. [2024-05](#) on 1/31/2024

21.2.11 Determination Of Appropriate Process

In recognition that not all land use actions are of the same magnitude and therefore may not require the same level of detail for consideration, Grantsville City has provided multiple application processes. For this purpose, the application processes have been organized as levels with each level requiring greater detail and additional steps for consideration and approval. The applicant shall choose the application process that best fits their proposed land use action:

Development process Levels 1 through 4 are only applicable for use with single use residential development applications as defined in GLUDMC Chapter 2, Definitions, and shall meet all requirements of Utah Code Ann. 10-9a-604.1 ~~(2023)~~ and Utah Code Ann. 10-9a-604.2 ~~(2023)~~. The

1. Level 1 – Single lot development.
2. Level 2 – Minor subdivision.
3. Level 3 – Subdivisions 4 lots or fewer.
4. Level 4 – Subdivision 5 lots or greater.
5. Level 5 – Subdivisions.

21.2.12 Purpose and Procedures for Level 1 - Single Lot Development:

-The purpose of this process is to convert an undeveloped parcel into a legal zoning lot. The applicant shall submit an application meeting the requirements for the Single Lot Development as described in Chapter 24

of ~~the Grantsville Land Use Development and Management Code~~ GLUDMC. The City staff is authorized by the City Council to approve the application.

21.2.13 Purpose and Procedures for Level 2 - Minor Subdivision

÷The purpose of this process is to divide property into up to 4 lots with all lots fronting an existing street containing the necessary utilities to serve the proposed lots. By utilizing this process, the applicant agrees to make the required improvements to bring the street frontage up to code and is not asking for any waivers or exceptions.

1. The applicant will not be required to complete improvements that are greater than the greatest level of improvements found on an adjacent parcel or lot unless:
 1. There is a compelling reason affecting the Health, Safety or Welfare of the public; or
 2. An adjacent property is currently in an application process which will increase the level of improvement to the street, or
 3. The City has a current project that is increasing the level of improvement to the street.
2. Level 2: Minor Subdivisions ~~shall~~ may not be required to provide open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.
3. The Application for a Level 2 Minor Subdivision shall include the information and documents found on the Minor Subdivision Checklist that is attached to the Minor Subdivision Application that shall be provided by the City upon request. The Minor Subdivision requirements found on the Minor Subdivisions Checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.
4. If no street improvements are required beyond additional utility service laterals, the only engineered drawings required will be:
 1. A record of survey; ~~and~~
 2. A plat; ~~D~~ D depicting the lots, together with individual metes and bounds legal descriptions for each lot, and the overall boundary description for the subdivision; ~~and~~
 3. A site drawing showing the proposed locations of proposed utility service laterals and any required surface improvements, with finish grade elevations as appropriate and specifically referencing each of the appropriate City standard details that are necessary for the work.
5. If upon review, the City staff finds:
 1. That application to be complete; ~~and~~
 2. Meets the intent of the General Plan; ~~and~~
 3. Fully complies with the City zoning and land use ordinances; ~~and~~
 4. The existing public infrastructure along with the proposed improvements are adequate to serve the project and protect the health, safety and welfare of the public.
6. Then, the City staff is authorized by the City Council to approve the application.
7. If the application is found deficient in meeting the requirements in ~~clause~~ subsections ~~5~~ 5 (~~a1-d4~~), the City staff shall inform the applicant of the discrepancies; and allows the applicant to choose to modify the application to bring the application into compliance, or to withdraw the application and submit a new application under the applicable level of process.

8. If the applicant chooses to withdraw the application due to an incorrect fit with the requirements of the Level 2 Minor Subdivision and submit a new application under the appropriate process level, the fees paid for the original application shall be credited toward the new application fees.
9. The Level 2 Minor Subdivision process may only be used once to divide a parcel. Subsequent applications to divide the property shall utilize the Level 3 or Level 4 process. If the lot to be divided is part of a platted subdivision, the subdivision amendment process found in Section 21.8 of this Chapter is the appropriate application.
10. The Minor Subdivision property owner may construct the required utility service connections with each building permit unless the required improvements include extension of pavement, curb and gutter, and/or sidewalk along the frontage of the properties. Where surface improvements are required and in order to keep the surface improvements consistent, all improvements to the property frontages of each lot shall be completed by the property owners under the first building permit issued for any lot in the Minor Subdivision.
11. After approval, and in accordance with Utah ~~State~~-Code ~~1910-919a~~-605(3)(a), documents dividing property by a metes and bounds description, including the required certificate of written approval from Grantsville City attached, shall be recorded in the County Recorder's office.

21.2.14 Purpose and Procedures for Level 3 - Subdivision 4 lots or ~~less~~fewer

÷The purpose of this process is to divide property into 4 lots or less where dedication of additional utilities or public improvements are required to serve the property. The applicant shall submit an application which meets the requirements for a final plat subdivision process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. A public hearing shall be held in a public Planning Commission meeting to fulfill the State requirements. Approval of the Level 3 application shall occur with Planning Commission.

1. Level 3 Subdivisions of four lots or less shall not be required to provide physical open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.

21.2.15 Purpose and Procedures for Level 4 - Subdivision 5 lots or greater

÷The purpose of this process is to divide property into 5 or more lots or any division of property that requires dedication of offsite utilities or public improvements. The applicant shall submit an application meeting the requirements for a preliminary plan as described in Section 21.2.7 and 21.4.5 of this Chapter. Once the Preliminary Application has been approved by the Planning Commission, the applicant can then move forward with submittal of an application for a Final Plat process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. The Final Plat shall be approved by the ~~Planning Commission~~DRC. The Applicant may be required to submit an application for a Planned Unit Development prior to submission of a Preliminary Application if the proposed project meets any of the criteria found in Section 21.5.

21.2.16 Purpose and Procedures for Level 5 — Subdivisions

÷The purpose of this process is to allow for the division of property as necessary for land uses other than those residential uses defined as single use residential development. These uses may include but are not limited to commercial, industrial, institutional, multifamily residential, residential projects with a mix of types of residential uses, and mixed-use projects. The applicant shall submit an application which meets the requirements for a preliminary plan as described in Section 21.2.7 and 21.4.5 of this Chapter. Once the

Preliminary Application has been approved by staff, Planning Commission and the City Council, in that order, the applicant can then move forward with submittal of an application for a final plat process as described in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter. The Final Plat shall be considered for recommendation by the Planning Commission and approved by the City Council.

1. Specific phases of a Level 5 Final Plat may qualify as, and be subject to Level 4 Final Plat requirements, if the specific phase application contains only residential uses that meet the definition of single use residential development as defined in GLUDMC Chapter 2 Definitions.

HISTORY

Adopted by Ord. [2024-05](#) on 1/31/2024

Amended by Ord. [2024-16](#) on 5/1/2024

21.3 Lot Line Adjustments

[21.3.3 Lot Line Adjustments](#)

Amended 04/08 by Ordinance 2008-15

21.3.3 Lot Line Adjustments

(1) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the Zoning Administrator in accordance with Subsection 21.3.3(2). The Zoning Administrator is designated as the land use authority for the purpose of reviewing and approving boundary line adjustments pursuant to the provisions of this subsection and Utah Code Ann. Section §10-9a-608(7) ~~-(2014)~~.

(2) The Zoning Administrator shall approve an exchange of title under Subsection 21.3.3(1) if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance.

(3) If an exchange of title is approved under Subsection 21.3.3(2):

(i) a notice of approval shall be recorded in the office of the county recorder which:

(A) is executed by each owner included in the exchange and by the Zoning Administrator;

(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Utah Code Ann. §57-2a ~~-(1988—2007)~~, Recognition of Acknowledgments Act;

(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and

(D) contains a certificate of approval by the City, signed by the Zoning Administrator and attested by the City Recorder.

(ii) a conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.

(iii) A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

21.4 Subdivisions

[21.4.1 Application](#)

[21.4.2 Approval Process](#)

[21.4.3 Phase Development](#)
[21.4.4 Pre-Application Meeting](#)
[21.4.5 Preliminary Plat And Infrastructure Design Application](#)
[21.4.6 Utility And Agency Response](#)
[21.4.7 Final Plat Stage Application](#)
[21.4.8 Appeals](#)

Amended 04/04 by Ordinance 2004-10, 09/04 by Ordinance 2004-18, 04/08 by Ordinance 2008-16, 07/09 by Ordinance 2009-16

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

21.4.1 Application

A subdivision is a division of land into two (2) or more lots. Infrastructure and public facilities shall be dedicated as a part of the subdivision process.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

21.4.2 Approval Process

(1) A subdivision shall be processed utilizing the following stages as appropriate to the type of application:

(a) The Pre-Application Meeting stage is an optional, recommended ~~non-mandatory~~ stage in which the developer may bring a development concept to the city for discussion with city staff. A developer may request to present a conceptual project to planning commission and/or city council for discussion. This stage is provided solely for the benefit of the developer and any discussion is non-binding.

(b) The preliminary plat includes but may not be limited to; submittal of a complete Preliminary Plat application to the city containing the required as detailed in Section 21.2.10 of this Chapter documents detailed in Section 21.2.7 and 21.4.5 of this Chapter, review of the application by the DRC, after which the application will be placed on the ~~planning~~ Planning ~~commission~~ Commission public meeting agenda for a public hearing, discussion, and consideration of approval if the application is a Level 3 or Level 4 action or for Planning Commission, ~~and recommendation to City Council, if~~ If the application is for a Level 5 action, rather than consideration of approval, the Planning Commission shall consider recommendation to City Council. In no event may the Planning Commission hold more than one public hearing on a Level 3 or Level 4 Preliminary Plat application. The Planning Commission may not hold more than four public meetings on the same application without taking a final action. If no action is taken at the fourth Planning Commission meeting which lists a particular application as an item for discussion or consideration, it shall be deemed a negative recommendation or denial, as applicable. Upon recommendation by the ~~planning~~ Planning ~~commission~~ Commission, a Level 5 preliminary plat application shall then be placed before City Council in a public meeting for their consideration.

(c) The Level 4 ~~and Level 5~~ final plat, infrastructure and design drawings, includes but may not be limited to; submittal of a complete Final Plat application to the ~~city~~ City containing the required documents detailed in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter, review of the application by the DRC, as detailed in Section 21.2.10 of this Chapter, ~~which will be placed on the Planning Commission public meeting for consideration~~ and consideration for final approval by the DRC. The City, including the DRC, may not engage in substantive review of the infrastructure and design drawings constituting subdivision improvement plans under UCA 10-9a-604.2 during the Preliminary Plan approval stage or at any other time prior to the beginning of the review cycles for subdivision improvement plans during final plat approval.

(d) The ~~Planning Commission~~ DRC shall review the Level 4 final plat, infrastructure and design drawings. If the Level 4 final plat complies with all requirements, the DRC shall approve the Level 4 final plat. ~~at a~~

~~public meeting where it may approve or deny the plat and design drawings.~~ If approved, the final plat shall be recorded within 365 days or it shall be void.

(e) The Planning Commission shall review the Level 5 final plat, infrastructure and design drawings at a public meeting where it may recommend approval ~~approve~~ or deny the plat and design drawings. If the Planning Commission recommends approval, the application shall move on to City Council for consideration. If approved, the final plat shall be recorded within 365 days or it shall be void.

(e) A Level 3 subdivision containing four (4) lots or less includes but may not be limited to: submittal of a complete Level 3 subdivision (Final Plat) application to the City containing the required documents in Section 21.2.8, 21.2.9 and 21.4.7 of this Chapter, review of the application by the DRC as detailed in Section 21.2.10 of this Chapter, after which the application will be placed on the Planning Commission public meeting agenda for a public hearing, discussion and consideration of approval process.

Amended 04-08, 06-09 Ordinance No. 2009-16

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

Amended by Ord. [2024-05](#) on 1/31/2024

21.4.3 Phase Development

(1) The final platting of subdivisions containing more than fifty (50) lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous, and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the city engineer, and the lots are 70 percent sold, the sub-divider may submit the next phase for final plat approval.

(3) The City may accept phases including more than fifty (50) lots, up to ten (10) lots greater per phase when the overall lot count of the subdivision contains fifteen or fewer lots beyond a number of lots divisible by fifty (50), or where street or utility improvements must extend past five or fewer additional lots to connect onto existing improvements. The City reserves the right to consider other situations that might provide a public benefit and still allow for the completion of infrastructure and sale of 70% of the subdivided lots within the two-year expiration period. Any agreements between the City and Developer concerning phasing that allow greater than fifty (50) lots per phase shall be included in the Development Agreement detailing the number of lots per each phase and a brief statement justifying the need for the additional lots in phases.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase.

HISTORY

Amended by Ord. [2019-22](#) on 10/2/2019

Amended by Ord. [2021-09](#) on 4/28/2021

21.4.4 Pre-Application Meeting

As the Pre-Application Meeting is not mandatory and the resulting discussion with city staff, planning commission and/or city council is advisory in nature and non-binding, there are no submission requirements. However, it is recommended that the information suggested in Section 21.2.6 of this Chapter be provided to the ~~city~~ City 15 business days prior to the developer's appointment to meet with city staff providing an opportunity for staff review. Additional information may be requested by staff in order to answer the developer's questions or to facilitate a discussion with planning commission and/or city council if requested by the developer.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.4.5 Preliminary Plat ~~And Infrastructure Design~~ Application

(1) The requirements for a Preliminary Plat ~~and Infrastructure Design~~ Application are detailed in the Preliminary Plat checklist that is attached to the Preliminary Plat Application that shall be provided by the City upon request. The preliminary Plat requirements found on the checklist and subsequent amendment to the checklist have been approved by the Grantsville City Council by resolution.

(2) After the applicant or authorized representative submits an application that has been determined by the zoning administrator to be complete per section 21.2.2, 21.2.3 and 21.2.4 of this Chapter, and all required fees have been paid by the applicant, a DRC review will commence following the requirements found in Section 21.2.10 of this Chapter. Once the Applicant has received the review comments, a development review conference may be scheduled at the request of the and with members of the DRC. Representatives of affected entities such as ~~the~~ ~~county~~ health department, ~~county~~ ~~County recorder~~ ~~Recorder~~, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision shall be allowed to review the application and provide comments within the required review period.

(3) After receiving the review comments, the applicant shall submit to the zoning administrator all corrected ~~drawings, design reports, and other~~ documents requested by the DRC, ~~meeting the requirements of Utah Code Ann. 10-9a-604.2 (2023). The review process outlined in 21.2.10(6) of this chapter may occur up to three additional times, only as necessary, before moving forward for consideration.~~ When the DRC determines that all of the corrections have been completed and necessary documentation has been submitted, the application shall move forward for consideration by the necessary body as outlined in 21.4.2.

(4) The preliminary plat approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.4.6 Utility And Agency Response

Failure of any utility or agency to respond to request for review and comments within the review period allowed in Utah Code Ann. 10-9a-604.2 ~~(2023)~~ shall be deemed an approval by such agency.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.4.7 Final Plat Stage Application

(1) Within six months of preliminary plat stage approval or within an approved six-month extension, a complete application for the final plat and engineering design stage of a major subdivision shall be submitted to the ~~Zoning~~ ~~Administrator~~ ~~Administrator~~. A final plat application may not be submitted if a Development Agreement or Amendment to a Development Agreement is deemed necessary as part of the preliminary plat process is still under consideration.

(2) The requirements for a Final Plat Application are detailed in the Final Plat Checklist that is attached to the Final Plat Application that shall be provided by the City upon request. The Final Plat requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

(3) After the applicant or authorized representative submits an application that has been determined by the ~~zoning~~ ~~Zoning~~ ~~administrator~~ ~~Administrator~~ to be complete per Section 21.2.2, 21.2.3 and 21.2.4 of this Chapter, and all required fees have been paid by the applicant, a DRC review will commence following the requirements found in Section 21.2.10 of this Chapter. Once the Applicant has received the review comments, a development review conference may be scheduled at the request of the and with members of

the DRC. Representatives of affected entities such as; county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision shall be allowed to review the application and provide comments within the required review period.

(4) After receiving the review comments the applicant shall submit to the zoning administrator all corrected drawings, design reports and other documents requested by the DRC, meeting the requirements of Utah Code Ann. 10-9a-604.2 ~~(2023)~~. If necessary, due to changes in design or estimates being more than 6 months old a new cost estimate of off-site infrastructure improvements shall also be submitted. The review process outlined in 21.2.10(6) of this chapter may occur up to three additional times, only as necessary, before moving forward for consideration. **The review comments shall identify each deficiency in the application, including the engineering drawings and plans, and reference the code or standards which govern the requirements. Prior to the DRC advancing a Final Plat application for approval, all review comments shall be addressed by the Applicant in writing, including references to the codes, standards, and application components which satisfy those codes and standards.** When the DRC determines that all of the corrections have been completed and necessary documentation has been submitted, the application shall move forward for consideration by the necessary body as outlined in 21.4.2.

(5) If approved, the plat shall be recorded within three hundred sixty-five days or it shall be void. A final plat shall not be recorded if a Development Agreement or Amendment to a Development Agreement is still under consideration. The city council shall authorize the mayor and city staff to review and approve the financial guarantee, the final conveyance of water rights and the title insurance for culinary water after approval of the final plat, but prior to the final plat being recorded. (Utah Code Ann. §10-9a-103 ~~(2023)~~, §10-9a-207 ~~(2009)~~, §10-9a-603 ~~(2022)~~, §10-9a-604 ~~(2021)~~)

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.4.8 Appeals

~~(1) (+)~~ The applicant or developer that has submitted a subdivision or development to the City under this Chapter, may appeal any decision made by the zoning administrator or planning commission regarding the proposed subdivision to the ~~city council~~ **Hearing Officer**, whose decision shall then be final. Any such decision appealed from shall be presented to the city recorder in writing within 30 days after the entry of the decision appealed from. The ~~city council~~ **Hearing Officer** shall consider the appeal within 60 days of receipt of the written appeal.

~~(+)(2)~~ **Appeals from the engineering drawings qualifying as subdivision improvement plans under Utah Code Ann. §10-9a-604.2 shall be appealed to an appropriate ad hoc committee in accordance with that Section.**

21.5 Planned Unit Development Subdivisions

21.5.1 Application

Amended 09/03 by Ordinance 2003-18, 11/05 by Ordinance 2005-22

21.5.1 ~~REPEALED~~ Application

~~1. If a Planned Unit Development is required due to:~~

- ~~1. zoning requirements,~~
- ~~2. proposes a mix of uses,~~
- ~~3. contains sensitive soils areas,~~
- ~~4. includes conditional uses, or~~
- ~~5. includes a non-compliant use that would require approval of exceptions or variations to zoning requirements or ordinances by Planning Commission,~~

~~then a PUD application shall be submitted and approved prior to submitting a development application, PUD application requirements are found in GLUDMC Chapter 12 Planned Unit Development.~~

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6 Design Standards

[21.6.1 Application](#)

[21.6.2 Lots](#)

[21.6.3 Streets](#)

[21.6.4 Frontage On Arterial And Collector Streets](#)

[21.6.5 Sidewalks, Curbs, And Gutters](#)

[21.6.6 Blocks](#)

[21.6.7 Monuments](#)

[21.6.8 Easements](#)

[21.6.9 Utilities To Be Underground](#)

[21.6.10 Sewer Systems](#)

[21.6.11 Sanitary Sewer Main, Laterals, And House Connections - Future](#)

[21.6.12 Water Supply](#)

[21.6.13 Storm Drainage And Flood Plains](#)

[21.6.14 Fugitive Dust Control](#)

[21.6.15 Essential Utilities And Infrastructure To Be Completed Prior To Issuance Of Building Permits](#)

HISTORY

Amended 09/03 by Ordinance 2003-18, 06/0 by Ordinance 2007-24, 08/07 by Ordinance 2007-26, 08/07 by Ordinance 2007-27, 10/07 by Ordinance 2007-37, 04/08 by Ordinance 2008-18, 05/08 by Ordinance 2008-22, 03/09 by Ordinance 2009-06

21.6.1 Application

(1) All developments shall be designed and constructed in full compliance with this Chapter and the Grantsville City Design and Construction Standards (hereinafter referred to as the City's Design Standards).

(2) The design and development of all developments shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply ~~shall~~ may not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.2 Lots

(1) No single lot ~~shall~~ may be divided by a municipal, or county boundary line.

(2) A lot ~~shall~~ may not be divided by a street or another lot.

(3) Side lot lines shall be at substantially right angles or radial to road lines.

(4) All lots shall front on a publicly dedicated street or private roads approved by the planning commission.

(5) Unless approved under the provisions of a planned unit development, all lots shall conform to area and dimensional minimum requirements of the existing zoning district.

(6) If the development is located in an area served by or to be served by fire hydrants, the fire hydrants shall be installed and at operational pressure before construction on a structure proceeds beyond footings and foundation.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.3 Streets

(1) Roads shall be designed in accordance with standards adopted by Grantsville City.

(2) Streets shall bear the names of existing aligned streets. There shall be no duplication of road names. All road names shall be approved by Grantsville City.

(3) The arrangement on new streets in a development shall provide for the continuation of existing streets in adjoining areas at widths as designated by the street classification as found in the Grantsville City Street Master Plan and the City's Design Standards. No street shall extend farther than 750 feet beyond its intersection with another street. (Amended 06/07)

(4) In addition to the City codes and standards, all developments shall be designed to meet the applicable requirements in the current adopted edition of the International Fire Code.

(5) Developments proposing one- or two-family dwellings comprising of greater than thirty (30) lots shall have at least two (2) access points to existing through streets outside of the proposed development. Streets within the proposed development shall be interconnected to the greatest extent possible. Developments utilizing multi-family dwelling units, commercial, or industrial areas shall meet the more stringent requirements of the current adopted edition of the International Fire Code or applicable City ordinances and standards.

(6) The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead end roads stubbed for future development must have approval by the Planning Commission and are only allowed where unusual conditions exist which cause interconnectivity of streets to be infeasible due to public safety, physical circumstance or ability to meet design standards.

(7) The maximum length of a cul-de-sac shall be 750 feet, as measured from the center line of the adjoining street to the center point of the turnaround, with no more than sixteen (16) single family dwelling units, or twenty four (24) multi-family dwelling units accessing the cul-de-sac.

(8) Each cul-de-sac shall be terminated with a turnaround or loop road of not less than 120' feet in diameter at the property line with minimum drivable surface (includes travel surface and gutter pans) of 96' feet in diameter. The City Engineer may require an increased diameter if design conditions necessitate increased diameter in order for large vehicles and emergency equipment to negotiate the turnaround or to meet the street design conditions such as park strip width and sidewalk width or additional widths due to center islands. In no case shall an exception be granted for a turnaround smaller than 120' foot minimum diameter.

(9) The design of streets in commercial and industrial zoning districts shall be determined by the Developer using the Institute of Transportation Engineers' Trip Generation, current edition for road load and design for the transportation system.

(10) Pedestrian access: All cul-de-sacs shall provide pedestrian connectivity to open space areas, public facilities, trails, or adjacent subdivisions.

(11) The Developer shall furnish and install all road and public safety signs.

(12) Temporary road signs shall be installed by the developer with the road names approved on the plat.

(13) Temporary road signs shall be maintained by the developer until permanent road signs are installed.

(14) Streets adjacent to a new subdivision or development shall be fully improved on the side of the street fronting the subdivision with a minimum paved travel surface width of 26 feet or half the pavement width per the street's classification, whichever is greater. All associated improvements such as sidewalk, curb, gutter, shoulders, ditches, and/or side slopes so as to assure proper drainage, bank stability, and traffic safety shall be construed to City's Design Standards ~~standards~~ on the side of the street fronting the development. The non-property line edge of street shall have installed a temporary ribbon-curb.

(15) No development shall be approved unless streets and associated infrastructure leading to the subdivision provide an adequate level of service for existing users while accommodating the new development. The developer shall be responsible to mitigate ~~off-off~~-site impacts. The traffic impact study shall be considered in the determination of any ~~off-site~~~~off-site~~ impact mitigation requirements. The level of mitigation of off-site impacts shall be determined by the planning commission upon recommendation by the city engineer in conformance with the City's general plan including associated plans and studies, adopted ordinances, specifications, standards, and considerations of public health and safety.

(16) All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to the standards for a "Public Road, Standard Street Section" as specified in Grantsville City's Design Standards.

(17) No building permit shall be issued until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of Chapter 21, Section 7 of this Code. The City Council shall require that the subdivision improvements be guaranteed for two ~~year~~~~years~~ after their installation, in a manner consistent with guarantees required for a standard subdivision.

(18) Commercial developments having thirty (30) or more separate commercial lots or proposed businesses shall be required to provide for more than one means of vehicular ingress and egress to the development. The timing of the installation of the alternate means of ingress and egress shall be determined by the City Council, after a recommendation from the Planning Commission.

(19) Improvement of Existing Boundary Streets: Existing streets fronting or bounding the development shall be improved to meet the classification and construction standards specified by the City for the street. These requirements shall include:

(a) Dedication of of-way width to meet the half ~~of~~ width (26 foot minimum) required for the particular street classification, per City Street Master Plan, as measured from the centerline of the existing street right-of-way.

(b) Developer shall provide as part of preliminary plat application a survey of existing street improvements on existing street rights-of-way or the minimum width required to provide a 26' foot minimum pavement width meeting the International Fire Code access requirements bounding the proposed development and an assessment by a licensed Geotech assessing the condition of the existing concrete and bituminous pavement, base and subgrade materials and certifying whether or not the existing right-of-way improvements meet the City's Design Standards. The survey shall include topography, location and elevations of street crowns, edge of pavement, curb and gutter, sidewalk, utility boxes, manholes and any other permanent objects within the street right-of-way or adjacent to the street right-of-way that may be associated with the existing improvements or have bearing on potential future improvements associated with the proposed development.

(c) In cases where the existing street improvements do not meet the City's Design Standards ~~standards~~, deficiencies shall be corrected to meet the City's Design Standards ~~standards~~. These corrections include any deficiencies in the right-of-way or edge of pavement beyond centerline to meet the minimum 26'-foot minimum pavement width requirement. Additional repair and replacement may be required beyond the right-of-way centerline if construction of improvements for the development such as trenching for utilities serving the development or construction activities for the development have damaged existing

improvements or the design of the proposed improvements requires additional reconstruction to provide smooth transitions, maintain appropriate drainage and maintain the safe operation of improvements.

(d) Improvements in the half width of the right-of-way as measured from the centerline of the existing street right-of-way shall meet the same construction finish standards required within the development. Existing pavement surfaces to remain shall be milled down and overlain with a minimum of 1-inch bituminous surface course providing a continuous surface from street centerline to edge of pavement at lip of curb or shoulder.

(e) If the existing boundary street right-of-way is not paved, improvements to bring the street in compliance with current City Design Standards shall include a paved surface width of a minimum of 26 feet for the full length of the development boundary frontage.

(f) Residential off-site parking shall include a minimum of two parking spaces per lot or unit per Utah Code Ann. 10-9a-533(c)(iii) (2021).

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.4 Frontage On Arterial And Collector Streets

No residential dwelling lots ~~shall~~may directly access arterial or major collector streets. The development design shall provide local access streets to lots along arterial and major collector streets.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.5 Sidewalks, Curbs, And Gutters

(1) Sidewalks, curbs and gutters shall be provided in accordance with the requirements of the City's Design Standards.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.6 Blocks

Block lengths shall be approved by the planning commission. They shall provide for convenient access and circulation for emergency vehicles.

21.6.7 Monuments

(1) Permanent reference monuments shall be installed in accordance with standards adopted by the City of Grantsville. They shall be set on the external boundary of the development, at all road centerline intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set within every development.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.8 Easements

(1) A ten-foot public utility easement shall be established along the front of each lot.

(2) A 7.5-foot public utility easement shall be established along the sides and back of each lot.

(3) Additional easement may be required for existing or future purposes such as but not limited to guying easements at corners may be required.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.9 Utilities To Be Underground

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all development. The developer shall establish final utility grades prior to utility lines being placed underground.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.10 Sewer Systems

(1) Except as otherwise provided in this section, the subdivider shall provide connection to the city's sanitary sewer system throughout the development and to a point 10-feet inside each lot. The sewer system shall meet the minimum standards and requirements of City's Standards.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the development. All on-site wastewater disposal systems shall be approved in writing by the county health department. Developers proposing to use on-site wastewater disposal systems shall submit a feasibility report to the county health department, per Tooele County Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located. The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the county health department.

(c) Land with unacceptable soil evaluations as determined by the county health department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of a septic system.

(e) An applicant desiring to install septic system in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet county health department standards and regulations. To be approved, the county health department must find that proposed corrective measures have overcome the severe soil limitations.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.11 Sanitary Sewer Main, Laterals, And House Connections - Future

Where city and regional general plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the planning commission may require the installation and capping of sanitary sewer mains and house connections by the developer in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the developer shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such development that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such

installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.12 Water Supply

(1) All development shall have a public water supply unless this requirement is waived by the city council.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number and approval of the system is granted through either the Tooele County Health Department or Utah State Drinking Water Board, as applicable. In the preliminary stage, the ~~s~~ developer shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system for the entire development to include a fire flow calculation. If the development is not being connected to the city public water supply, the county health department shall approve the location of the test wells prior to the developer drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the county health department. All drinking water systems shall meet the standards of Tooele Health County Department Regulation # for non-public systems, or the Utah State Drinking Water Board, Utah Administrative Code R-309 for systems ~~that~~ ~~that~~ fall under the requirements of a public water system.

(3) Each development shall provide the details on the type of water system proposed, documentation of existing or proposed water rights and sources, historic water use, the estimated number of gallons per day of water system requirements for indoor and outdoor use, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression. The developer is required to provide dedicated or perpetual water rights or sources to meet the indoor and outdoor use requirements of all of the property in the development and the rights shall be sufficient to meet the total volume of water used and a rate of flow sufficient to meet peak demand. Culinary water rights shall include a conveyance to the City of a type which is perpetual in character and readily capable of use by the City. Outdoor water from a secondary (non-City) source may be obtained and provided from a private well or private water or irrigation company. The general requirement for outdoor water shall be one acre foot of water per one-third acre of net irrigated area. Net irrigated acreage shall be considered to be 64 percent of the total area of a lot of up to one-half acre and 60 percent of the total acreage of lots over one-half acre in size. All open spaces within a development shall generally be considered as irrigated acreage and one acre foot of outdoor water per one-third acre or any portion thereof shall be required, unless a different plan is proposed by the developer and is approved by the City. The exact amount of indoor and outdoor water rights to be provided should be based on reasonable assumptions with respect to projected use and demand and as reflected in Grantsville City's Capital Facilities Plan and Water Rights Impact Fee Study, as amended. The conveyance of water rights to Grantsville City should also take into account the uncertainty and time lag often required in securing approval from the State Engineer for a change of use of non-municipal water rights for municipal purposes and potential reductions in the quantity of water available during periods of drought.

(4) Amendments to existing platted developments that require only up to a total of two acre feet of additional indoor water and only up to a total of eight acre feet of additional outdoor water for full development, may at the option of the owner or developer and in lieu of providing actual water rights to the City, pay at the time each building permit is issued for each lot, the applicable indoor and outdoor water rights acquisition impact fees as specified by Section 13-1-8 of the Grantsville City Code. Minor Subdivisions, small subdivisions and small planned unit developments which have a projected indoor and outdoor water usage comparable to four or fewer single-family dwellings are also exempt from the foregoing requirements to provide indoor and outdoor water. A water acquisition impact fee will be charged pursuant to the provisions

of Section 13-1-8 of the Grantsville City Code under such circumstances that the conveyance of water rights is waived.

(5) Notwithstanding anything to the contrary specified in this Chapter, property that is proposed for a development that was previously platted and developed, shall be required to convey culinary and secondary water rights to the city pursuant to subsection (3) above, even if the new proposed development has four or fewer lots. Any waiver of the requirement to provide secondary water rights to the city by this section, shall not apply to property that has had a secondary water right attached to it or has been irrigated with secondary water within the past five years, pursuant to Section 7-1-22 of the Grantsville City Code.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.13 Storm Drainage And Flood Plains

(1) A storm drainage system for the entire development shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the infrastructure design and engineering drawings with the preliminary plat for the first phase. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the development but also, where applicable, the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.6.14 Fugitive Dust Control

Any developer or person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques. A fugitive dust control plan shall be submitted to State of Utah DEQ, Division of Air Quality, within 30 days of the construction start-up. This section shall not apply to agricultural or horticultural activities.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

21.6.15 Essential Utilities And Infrastructure To Be Completed Prior To Issuance Of Building Permits

(1) All essential utilities and infrastructure as identified herein, shall be installed and completed in each phase of a development, prior to the issuance of any building permit in that development. Essential utilities shall include culinary water, sewer lines, paved streets, curb, gutter and drainage improvements (when required by the final design), permanent street signs and electricity service.

HISTORY

Amended by Ord. [2024-05](#) on 1/31/2024

21.7 Financial Assurance

21.7.1 Improvement Installation Guarantee

21.7.2 Default

21.7.3 Maintenance Guarantee

21.7.4 Acceptance And Release Of Guarantee

21.7.5 Engineering Review And Inspection Fee

Amended 04/04 by Ordinance 2004-07, 04/04 by Ordinance 2004-08, 04/04 by Ordinance 2004-09, 11/05 by Ordinance 2005-22, 08/08 by Ordinance 2008-34, 03/10 by Ordinance 2010-04

21.7.1 Improvement Installation Guarantee

(1) In lieu of actual installation of off-site and common open space improvements required by this chapter, before recording a plat, the subdivider shall guarantee the installation of such improvements by executing a subdivision improvements agreement and by filing one or a combination of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder or a letter of credit with a financial institution. The city council shall review the plat and may review the financial guarantee for the subdivision improvements at a public meeting where it can approve or deny the plat. If the financial guarantee and plat are approved, the plat shall be recorded within ninety days or it shall be void. The city council may authorize the Mayor and city staff to review and approve the financial guarantee, the final conveyance of water rights and the title insurance for the culinary water after approval of the final plat, but prior to the final plat being recorded.

(2) The guarantee shall be in an amount equal to 110% of the projected costs of required improvements as estimated by a licensed engineer retained by the subdivider and approved by the city engineer. The subdivision improvements agreement and the financial guarantee shall both assure the actual construction of such improvements within two years immediately following the approval of the final plat by the city council and shall include a maintenance guarantee as required by Section 21.7.3 herein.

(3) The guarantee shall be filed with the city recorder.

(4) The subdivision improvements agreement shall be executed by the developer and shall be accompanied by a financial guarantee issued by a company duly and regularly authorized to do a general surety business in the State of Utah and either (i) named in the current U.S. Treasury Department's list of approved sureties (Department Circular 570) (as amended), or (ii) with a current "A-" rating and a financial size category rating of at least a "VII" or better in A.M. Best Co., Inc.'s Best Insurance Reports, Property and Casualty Edition. The improvements agreement and the guarantee shall be approved as to method, institution and form by the city attorney.

HISTORY

Amended by Ord. [2019-15](#) on 8/7/2019

Amended by Ord. [2021-09](#) on 4/28/2021

21.7.2 Default

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from the date of approval of the final plat, the City Council may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the city to complete the required improvements in excess of the proceeds of the guarantee amount.

21.7.3 Maintenance Guarantee

(1) The subdivider shall guarantee all off-site improvements will remain in good condition for a period of one year after the date of final acceptance by the city. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the city. The City shall retain

up to 10% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined per state law, in an amount the lesser of the municipal engineers original estimated cost of completion, or the applications reasonable proven cost of completion, by the City Engineer.

The City may require that the improvement assurance warranty be in place for a period of two years following final acceptance by the City, if the City determines for good cause that a lesser period would be inadequate for the following reasons:

- (1) to protect the public health, safety and welfare,
- (2) has substantial evidence of prior poor performance of the sub-divider/,
- (3) developer; unstable soil conditions exist within the subdivision or development area,
- (4) or extreme fluctuations exist in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.

The guarantee shall extend to and include, but shall not be limited to necessary utilities, the entire street, subgrade, base and surface and all pipes, joints, valves, backfill and compacting, trails, as well as the working surface, curbs, gutters, sidewalks, landscaping and other accessories that are, or may be, affected by construction operations.

(3) Identifying necessary repairs and maintenance rests with the City Public Works Director, whose decision upon the matter shall be final and binding upon the subdivider/developer. The Public Works Director shall use City standards and specifications, the preliminary plat and engineering drawings and information from the City Engineer as the inspection's standards for final acceptance of the required improvements. Whenever, in the judgment of the city public works director, the improvements shall need repairs, maintenance, or re-building, the City Public Works Director shall cause a written notice to be mailed or given to the subdivider/developer. Upon receipt, the subdivider/developer shall undertake and complete such repairs, maintenance or re-building. If repairs are not completed within the specified time, the city shall have such repairs made and the cost of such repairs shall be paid by the subdivider/developer or by the City using the guarantee.

HISTORY

Amended by Ord. [2019-15](#) on 8/7/2019

Amended by Ord. [2021-09](#) on 4/28/2021

21.7.4 Acceptance And Release Of Guarantee

- (1) Upon completion of improvements, the subdivider/developer shall submit to the City a copy of the as-built construction drawings, along with a CAD file of said drawings and a GIS file containing at a minimum: address points, street centerlines, and parcel polygons in the current city coordinate system. Acceptance of all improvements shall be in writing from the public works director.
- (2) The subdivider/developer shall in writing request that the city accept or reject the installation of required subdivision improvements or performance of warranty work.
- (3) The city shall accept or reject the subdivision improvements within 45 days after receiving a written request from the subdivider/developer, or as soon as practicable after that 45-day period if inspection of the subdivision improvements is impeded by winter weather conditions.
- (4) At the end of the warranty period the city shall accept or reject the performance of warranty work within 45 days after receiving a subdivider/developer's written request or as soon as practicable after that 45-day period if inspection of the work is impeded by winter weather conditions.
- (5) If the city determines that the installation of required subdivision improvements or the performance of warranty work does not meet the City's adopted standards, the City shall comprehensively and with specificity list the reasons for its determination.

(6) Upon final completion of the performance warranty period and with the approval by the city public works director, the financial assurances may be released, at which time the subdivision will be deemed accepted.

(7) Nothing in this section and no action or inaction of the city relieves a subdivider/developer's duty to comply with all applicable substantive ordinances and regulations.

(8) There shall be no money damages remedy arising from a claim under this section.

HISTORY

Amended by Ord. [2019-15](#) on 8/7/2019

21.7.5 Engineering Review And Inspection Fee

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the city recorder a sum equal to the percentage of the cost of the improvements as noted on the current adopted City fee schedule to cover engineering review and public works inspection.

HISTORY

Amended by Ord. [2021-09](#) on 4/28/2021

21.8 Vacation, Alteration, and Amendment Of Subdivision Location

[21.8.1 Vacating Or Changing A Subdivision Plat](#)

[21.8.2 City Council Consideration Of Petition To Vacate Or Change A Plat](#)

[21.8.3 Vacating Or Altering A Street Or Alley](#)

Amended 08/03 by Ordinance 2003-15

21.8.1 Vacating Or Changing A Subdivision Plat

(1) Subject to Section 21.8.3, and provided that notice has been given pursuant to Section 1.18, the City Council may, with or without a petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a subdivision plat.

(2) If a petition is filed, the City Council shall hold a public hearing within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation under Subsection (3), if:

(a) any owner within the plat notifies the City of their objection in writing within ten days of mailed notification; or

(b) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(3) The planning commission shall consider and provide a recommendation for a proposed vacation, alteration, or amendment under Subsection (1) before the City Council takes final action. The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it, or as that time period is extended by agreement with the applicant.

(4) The public hearing requirement of Subsection (1) does not apply and the City Council may consider at a public meeting an owner's petition to alter a subdivision plat if the petition seeks to join two or more of the owner's contiguous, residential lots and notice has been given pursuant to local ordinance.

(5) Each request to vacate or alter a street or alley, contained in a petition to vacate, alter, or amend a subdivision plat, is also subject to Section 21.8.3.

(6) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section and Section 21.8.3.

(7) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; ~~duek~~

(c) the signature of each of these owners who consents to the petition.

(8) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the Zoning Administrator in accordance with this Subsection. The Zoning Administrator is designated as the land use authority for the purpose of reviewing and approving boundary line adjustments pursuant to the provisions of this subsection and Utah Code Ann. Section §10-9a-608(7) ~~(2014)~~. The Zoning Administrator shall approve an exchange of title under this Subsection if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance. If an exchange of title is approved under this Subsection, a notice of approval shall be recorded in the office of the county recorder which is executed by each owner included in the exchange and by the Zoning Administrator, contains an acknowledgment for each party executing the notice in accordance with the provisions of Utah Code Ann. §57-2a ~~(1988—2007)~~, Recognition of Acknowledgments Act, recites the descriptions of both the original parcels and the parcels created by the exchange of title and contains a certificate of approval by the City, signed by the Zoning Administrator and attested by the City Recorder. A conveyance of title reflecting the approved change shall be recorded in the office of the county recorder. A notice of approval recorded under this subsection does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

(9)

(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (9)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with Utah Code Ann. §58-22 ~~(1994—2017)~~, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Utah Code Ann. Section §17-23-17 ~~(2016)~~ and has verified all measurements; ~~duek~~

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

(d) Except as provided in Subsection (9)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is voidable. (Utah Code Ann. §10-9a-608 ~~(2014)~~)

21.8.2 City Council Consideration Of Petition To Vacate Or Change A Plat

(1) If the City Council is satisfied that the public interest will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment,

the land use authority may vacate, alter, or amend the plat or any portion of the plat, subject to Section 21.8.3.

(2) The City Council may approve the vacation, alteration, or amendment by signing an amended plat showing the vacation, alteration, or amendment.

(3) The City Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.

(4) If an entire subdivision is vacated, the City Council shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the county recorder's office. (Utah Code Ann. §10-9a-609 ~~(2014)~~)

21.8.3 Vacating Or Altering A Street Or Alley

(1) If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision:

(a) the City Council, after providing notice to each property owner that directly adjoins the street or alley that is proposed for vacation and after providing notice pursuant to Utah Code Ann. Section §10-9a-208 ~~(2010)~~, shall make a recommendation to the Mayor concerning the request to vacate or alter; ~~duek~~

(b) the Mayor shall conduct a public hearing in accordance with Utah Code Ann. Section §10-9a-208 (2010) and determine whether good cause exists for the vacation or alteration.

(2) If the Mayor vacates or alters any portion of a street or alley, the Mayor shall ensure that the plat is recorded in the office of the recorder of the county in which the land is located.

(3) The action of the Mayor vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the city's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Utah Code Ann. §10-9a-609.5 ~~(2010)~~)

AGENDA ITEM #12

Report from Zoning Administrator.

AGENDA ITEM #13

Open Forum for Planning Commissioners

AGENDA ITEM #14

Report from City Council.

AGENDA ITEM #15

Adjourn