

Action Summary:

Agenda Item	Item Description	Action
#1	Consideration of a proposed Conditional Use Permit for Spencer Ostler to own and operate Spence Rents, an equipment rental business located at 40 E Main Street in the CS zone.	Tabled
#2	Consideration of the appeal by Enrich Christley regarding the Planning and Zoning Administrator's decision to deny the request to build a garage that encroaches into the Public Utility & Drainage Easement (PU&DE), located at approximately 58 N Barbed Wire Circle, in the RM-7 (Residential Multi-Family) zone.	Approved
#3	Approval of Planning Commission Minutes a. August 7, 2025 Regular Meeting b. August 21, 2025 Regular Meeting	Approved

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION, HELD ON September 4, 2025 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH AND ON ZOOM. THE MEETING BEGAN AT 7:00 P.M.

Commission Members Present: Vice-Chair Derek Dalton, Sarah Moore, DebraDwyer

On Zoom:

Commission Members Absent: Jason Hill, Trent Stirling

Appointed Officers and Employees Present: Zoning Administrator Shelby Moore, City Attorney Tysen Barker, City Council Member Rhett Butler, Community and Development Director Bob Cobabe, Planning and Zoning Administrative Assistant Nicole Ackman.

On Zoom: Aqua Consultant Shay Stark

Citizens and Guests Present:

Citizens and Guests Present on Zoom:

Commission Vice-Chairman Derek Dalton called the meeting to order at 7:00 PM.

PUBLIC NOTICE

The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, September 4, 2025 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- a) Consideration of a proposed Conditional Use Permit for Spencer Ostler to own and operate Spence Rents, an equipment rental business located at 40 E Main Street in the CS zone**

No Comment

AGENDA

- 1. Consideration of a proposed Conditional Use Permit for Spencer Ostler to own and operate Spence Rents, an equipment rental business located at 40 E Main Street in the CS zone.**

Linsey Ostler was present to answer questions on this item. Planning and Zoning Administrator Shelby Moore provided background information on the item. She explained that the current code lacked clarity: while equipment rental was permitted, heavy equipment rental was not. As a result, based on guidance from Attorney Jay Springer, it was determined that the matter required a decision by the Planning Commission.

Shelby noted the property was a legally nonconforming 9,583-square-foot lot, smaller than the 60,000 square feet required in CS. Chapter 5 allows continuation of nonconforming lots but prohibits new structures or intensifying uses. The applicant proposed constructing a garage, which would not be permitted. Secondary access onto Main Street would require UDOT approval and was unlikely due to spacing concerns. She also highlighted that front-yard structures were prohibited under Sections 4.8 and 4.9 and reminded the Commission that Chapter 6 requires two parking spaces per 1,000 square feet of floor area.

Linsey Ostler explained that they intended to store and rent “mini” equipment such as mini excavators and skid steers. They hoped to build a garage at the back of the property and possibly use the existing home as office space once the current tenants moved out. Linsey emphasized their goal was to clean up the property and put it to productive use.

Vice Chair Dalton asked if the home would remain rented. Linsey confirmed the tenants were nearing the end of their lease and the home could be converted to office space. Vice Chair Dalton

noted that even mini equipment would be classified as heavy equipment under city interpretation, making the use prohibited in the CS zoning designation. He also expressed concerns about parking, traffic, and loading equipment on McMichael Street, which serves nearby businesses and the high school.

Linsey argued the street was wide enough to accommodate loading and unloading and suggested some flexibility in parking requirements, noting the business would operate primarily online with no customer traffic. She also said trees could be removed if they impeded visibility. She expressed frustration with the nonconforming zoning, explaining they had hoped to expand the house as part of property improvements but were restricted.

Commissioner Dwyer appreciated their intent to improve the lot but did not see a legal path forward under current zoning. She cited multiple conflicts, including setbacks, parking, and front-yard restrictions. She also noted parking would be problematic if both renters and equipment occupied the site simultaneously and said she could not support the request without rezoning.

Commissioner Dwyer asked for input from City Attorney Tysen Barker. Attorney Barker clarified that a variance may be considered when regulations create unnecessary hardship due to unique property conditions, provided public safety is not compromised. However, variances cannot waive safety-related regulations.

Linsey pointed out the property was between existing businesses and noted a nearby Sinclair station uses heavy equipment, suggesting precedent. Vice Chair Dalton replied that zoning, not location, determines permitted uses, and emphasized that loading equipment could obstruct McMichael Street traffic.

Commissioner Dwyer reiterated she would not support additional parking on Main Street. Linsey explained they planned to clean up trees, install a fence, and build a garage for equipment, preferring two access points on McMichael Street instead of Main Street. Vice Chair Dalton questioned whether such secondary access would meet spacing or safety requirements. Commissioner Dwyer expressed slight comfort that parking demand would be minimal, but Shelby clarified that, per Chapter 6, parking is required regardless of customer visits.

Shelby also explained that, under Chapter 5, the nonconforming lot could not be expanded and recommended pursuing rezoning. Linsey asked which zone would be appropriate. Shelby reviewed options, noting CN, CG, and CD zones allow broader commercial uses. Vice Chair Dalton added that CD (Commercial District) is the only designation allowing heavy equipment rental and suggested pursuing a rezone. He recommended collaborating with neighboring businesses to share access points, which could help address traffic concerns.

Commissioner Sarah Moore noted that the proposal involved multiple code conflicts, including setbacks under Sections 4.8 and 4.9, parking requirements under Chapter 6, and safety considerations associated with front-yard structures and equipment storage. She emphasized that while addressing a single issue, such as parking or secondary access, might be manageable, the combination of challenges made the proposal complicated. She explained that each of these requirements exists to protect public safety, maintain neighborhood character, and ensure adequate circulation for emergency vehicles. She also highlighted that allowing exceptions in one area could create precedents that complicate future code enforcement and planning decisions. Commissioner Sarah Moore stressed that even though she sympathized with the applicant's goal of improving the property, the number of overlapping restrictions meant that careful consideration of all regulations was necessary before any approval could be considered.

Linsey asked if classifying equipment as personal property would change the rules. Vice Chair Dalton clarified that once used for business, zoning regulations apply regardless of ownership. Personal ownership does not exempt compliance. Vice Chair Dalton concluded by recommending Linsey explore alternative zoning or locations better suited for the intended use

Debra Dwyer made a motion to table the approval of the consideration of a proposed Conditional Use Permit for Spencer Ostler to own and operate Spence Rents, an equipment rental business located at 40 E Main Street in the CS zone. Sarah Moore seconded the motion. The vote was as follows: Debra Dwyer "Aye," Sarah Moore "Aye," Derek Dalton "Aye." The motion was carried unanimously.

2. Consideration of the appeal by Enrich Christley regarding the Planning and Zoning Administrator's decision to deny the request to build a garage that encroaches into the Public Utility & Drainage Easement (PU&DE), located at approximately 58 N Barbed Wire Circle, in the RM-7 (Residential Multi-Family) zone.

Erich Christley was present to answer questions on this item. Zoning Administrator Shelby Moore provided background information explaining the reasons for her denial. She explained that the property was in the RM-7 zone and subject to restrictive CC&Rs, though no HOA had ever been established and the CC&Rs had not been enforced. She provided the CC&Rs for review and summarized relevant zoning requirements: rear yards for accessory buildings must be one foot or match the easement width, whichever is greater (the easement here is seven and a half feet), and side yards must meet minimum distances or match the easement. She noted that the applicant had obtained utility encroachment letters, but Grantsville Public Works denied encroachment into the public utility easement. She reviewed the property layout, noting the proposed 24 by 20-foot garage would sit three feet from the north property line, five feet six inches from the southeast line, and five feet from the home, and that no utilities ran through the easement on the lot. Because Public Works did not approve the encroachment, a requirement for approval, she denied the request.

Commissioner Sarah Moore acknowledged that while property use should not be unduly restricted, the rear yard setback and the city's need to retain easement access were primary concerns. She confirmed with Shelby Moore that the three-foot north setback counted as the rear yard, which required seven and a half feet, and Shelby affirmed. Commissioner Sarah Moore then asked Erich Christley to explain the proposed garage's placement and whether he had considered reducing its size to meet setbacks.

Erich Christley explained that the garage would face south and that reducing the garage to 10 by 12 feet would meet setbacks but was undesirable, as his preferred 24 by 20-foot garage complied with city ordinance requirements. He noted there were no sewer or water lines within 100 feet and requested a letter of encroachment to vacate the unused easement, which had been idle for 26 years. He further explained that the CC&Rs required a 20-foot rear setback, but his and neighboring homes did not meet that standard, and the city had historically not enforced the CC&Rs. Commissioner Sarah Moore confirmed that enforcing CC&Rs was not the City's responsibility and asked whether a functioning HOA existed, which Erich stated had never been established.

Commissioner Sarah Moore noted that utility letters generally allowed construction but might require relocation at the owner's cost if access was needed. Erich acknowledged this, but stated it was possible but unlikely. When asked about construction, he explained the garage would have footings with precast concrete walls bolted in place, a standard roof, and no concrete floor. He noted that some past buildings had full foundations when additional height was needed, but his work, primarily garages and warehouses, usually did not.

Commissioner Dwyer suggested a reduced 22 by 15.5-foot garage to avoid encroachment but noted it would not accommodate a truck. She emphasized that CC&Rs were not a concern due to lack of enforcement and that future utility needs could require modifications at a homeowner's expense, which Erich acknowledged. Commissioner Dwyer stressed the importance of disclosing this possibility to future buyers. Erich confirmed he understood the risks and noted the lack of an HOA minimized them. Commissioner Sarah Moore agreed the plan was reasonable given the circumstances.

Vice Chair Dalton asked if anyone from Public Works was present, and upon learning no one was on the call, noted that he did not have a significant issue with the request. He observed that there was no water or sewer running through the easement and that the neighborhood was established, making future utility use unlikely. He reminded Erich that if the city or a utility ever needed to use the easement, any costs or required modifications would fall on him, emphasizing the importance of understanding that risk.

Erich acknowledged this and added that he was aware of another potential risk: while there was currently no HOA, if the subdivision established one, or even a smaller version with a three-

person committee, they could potentially prevent him from proceeding with the project, leaving him without recourse.

Debra Dwyer made a motion to overturn the Planning and Zoning Administrator's decision and approve the request by Eric Chrisley to build a garage encroaching into the P&U and D&E at 58 North Barbed Wire Circle, finding the applicant has demonstrated sufficient grounds that the denial was made in error. Sarah Moore seconded the motion. The vote was as follows: Debra Dwyer "Aye," Sarah Moore "Aye," Derek Dalton "Aye." The motion was carried unanimously.

3. Approval of minutes from the August 7, 2025, and the August 21, 2025 Planning Commission Regular Meetings.

Derek Dalton made a motion to recommend the approval of the minutes from the August 7, 2025 Planning Commission Regular Meetings. Sarah Moore seconded the motion. The vote was as follows: Debra Dwyer "Aye," Derek Dalton "Aye," Sarah Moore "Aye." The motion was carried unanimously.

Derek Dalton made a motion to recommend the approval of the minutes from the August 21, 2025 Planning Commission Regular Meetings. Sarah Moore seconded the motion. The vote was as follows: Debra Dwyer "Aye," Derek Dalton "Aye," Sarah Moore "Aye." The motion was carried unanimously.

4. Election of the Planning Commission Officers.

Commissioner Debra Dwyer made a motion to nominate Derek Dalton for Chair, which he accepted. The Commission voted, and all members were in favor.

Commissioner Debra Dwyer made a motion to nominate Sarah Moore for Vice Chair, which she accepted. The Commission voted, and all members were in favor.

5. Report from Zoning Administrator

Zoning Administrator Shelby Moore provided an update on recent chapter approvals, noting that Chapter 15 had been approved with setback deviations, Chapter 21 maintained a 30-foot front setback, and amendments to CN zoning were also approved. She then introduced Bill Cobabe, the newly hired Community Development Director.

Bill Cobabe introduced himself as the city's new Community Development Director and noted that he would be working closely with the Commission. He shared that he held a master's degree in Planning and had nearly 20 years of experience in small-town planning and management, most recently serving as city manager in Tremonton. Bill expressed enthusiasm for working in

Grantsville, explained that he had begun drafting potential sign ordinance amendments, and invited Commission members to visit his office with questions or suggestions.

6. Open Forum for Planning Commissioners.

Commissioner Sarah Moore suggested scheduling a work meeting in coordination with City Council. City Council Member Rhett Butler noted a fifth Wednesday meeting could be scheduled on October 29 and highlighted the usefulness of such meetings.

Commissioner Sarah Moore inquired about attending the Utah League of Cities conference. Zoning Administrator Shelby Moore stated that attendance decisions were pending the arrival of the new Community Development Director, Bill Cobabe. Bill recommended that commissioners attend the APA conference in early October at the Gateway in Salt Lake City, which offered sessions for planning commissioners. City Council Member Butler offered to allow Commissioner Sarah Moore to attend in his place.

Vice Chair Dalton inquired about the status of moving regular Planning Commission meetings to another day of the week. Bill Cobabe stated that the option was still under consideration.

7. Report from City Council

City Council Member Rhett Butler updated the Commission on recent City Council actions. He reported that the city contracted Johnson & DeMill to update the Master Transportation Plan, expected within six months. He noted that Kenneth Fawson's minor subdivision plat had been approved. He also summarized recent amendments, including maintaining the R-1-21 front setback at 30 feet and approval of changes to the CN zoning electronic messaging board.

Rhett provided an overview of the President's Park PUD. He stated that the applicant had previously presented townhome changes, which were initially rejected by the Planning Commission but approved by City Council after a third review. The revised plan added 12 single-family homes and 16 townhomes, allowed smaller 25-foot-wide townhomes, and incorporated amenities governed by NHQA standards. Fourteen of the 16 newly added townhomes would meet the city's moderate-income housing affordability goal. Rhett confirmed the units would be sold rather than rented, with a price point of approximately \$290,000. He noted that while adjustments to PUDs are generally avoided, in this case the changes were deemed appropriate.

8. Adjourn.

Derek Dalton made a motion to adjourn. Debra Dwyer seconded the motion. The vote was as follows: Sarah Moore "Aye," Deborah Dwyer "Aye," Derek Dalton "Aye." The motion was carried unanimously. The meeting adjourned at 8:16 p.m.