

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD
10/8/2015.**

The meeting was held in the Grantsville City Council Chambers at 429 E. Main Street in Grantsville, Utah. Those present were Commission Chairman Colleen Brunson, Commission Members Gary Pinkham, Erik Stromberg, and Drew Allen, Council Liaison Member Neil Critchlow, Attorney Joel K. Linares, and Zoning Administrator Jennifer Williams. Absent was Commission Member Robbie Palmer. Also present was Eugene Marshall, Kevin Kimber, Kellie Kimber, and Kent Liddiard with the Grantsville Fire Department.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARINGS:

- a. **Proposed minor subdivision for Kevin and Kellie Kimber dividing 4.4 acres of land from one (1) lot into two (2) lots at 107 East Durfee Street in the R-1-8 zone.** The public hearing was opened by Chairman Brunson at 7:03 p.m. and she called for comments. With no comments being offered, Chairman Brunson closed the public hearing at 7:03 p.m.

**THE MEETING WAS OFFICIALLY CALLED TO ORDER BY CHAIRMAN,
COLLEEN BRUNSON, AT 7:04 P.M.**

1. **Consideration of a minor subdivision for Kevin and Kellie Kimber dividing 4.4 acres of land from one (1) lot into two (2) lots at 107 East Durfee in the R-1-8 zone.** Kevin Kimber represented this item for himself and Kellie Kimber and he stated to the Commission:

They would like to subdivide a third of an acre next to their house that has frontage on Durfee Street. The depth of the lot would match other lots around them. It is a little less than a third of an acre.

Drew Allen moved to approve the minor subdivision for Kevin and Kellie Kimber dividing 4.4 acres of land from one (1) lot into two (2) lots at 107 East Durfee in the R-1-8 zone. Erik Stromberg seconded the motion. The voting was unanimous in the affirmative and the motion carried.

2. **Consideration of a minor subdivision for Eugene and Beth Marshall dividing 4.187 acres of land from one (1) lot into two (2) lots at approximately 384 South Quirk Street in the R-1-21 zone.** Eugene Marshall represented this item for himself and Beth Marshall.

Colleen Brunson stated this is coming forward as previously submitted. They have ordinances and requirements that they are required to acknowledge and recognize and ensure that they are met and followed.

Colleen Brunson moved to deny the minor subdivision for Eugene and Beth Marshall dividing 4.187 acres of land from one (1) lot into two (2) lots at approximately 384 South Quirk Street in the R-1-21 zone. Gary Pinkham seconded the motion. The voting was unanimous in the affirmative and the motion carried.

Eugene Marshall stated that is a travesty. They do not have regulations that require a road through his property. They do not own the property and they will never own the property. Pear Street to go through his property requires the City to own that property. He will never give an easement for Pear Street to go through there. Therefore, there is no requirement for him to give them Pear Street because they do not own the ground and they are not offering to buy the ground. He has never had an offer from the City to buy that ground. They have never had an easement ever. They have never owned the ground. When that ground was divided with his father-in-law/mother-in-law it was divided with the piece LaRue Soelberg owns and his piece. It was all one piece originally. The City never had a road through there and they are saying because they want to build a road through there someday they want to deny him to let his daughter build on there. Because they have jacked him around so much his daughter has bought another house. He just watched Kevin and Kellie come in and apply for a subdivision and they give it to them with no discussion because it faces a road. If his daughter built her house there her driveway would have come off the end of Pear Street where it ends. You have no regulations that require him to build a street and they don't own the ground. He will take this up with the City Council because what they want is to take his ground without paying for it and he is not going to do that.

Drew Allen stated a lot of the issue is the access of a private lane as discussed last time.

Eugene Marshall stated they do not need a private lane. They can take a driveway right off of the end of Pear Street. When his surveyor came down and talked to the City about how to put a private lane on the plat, he was told the only thing the City would accept was Pear Street.

Attorney Linares asked Jennifer Williams if that was true. She stated it was not true.

Eugene Marshall stated ever since they started this, the City has said they want Pear Street and they want him to give them an easement. He has had the Mayor trying to negotiate with him to give an easement promising him that they won't use the easement for ten years. How can you promise that? If next month, LaRue's family wants to develop that ground they are going to try to take his ground if he gives them an easement.

Colleen Brunson stated this is about more than an easement. This is about the commitment that they have made to follow the laws, ordinances, and requirements. They have to follow the street master plan also.

Eugene Marshall asked what laws are they following that require them to deny it. He has read them and it says he has to front a city street. Pear Street ends at his property line. They can run a driveway right off the end where Pear Street ends and they front a city street. The street master plan does not have Pear Street on it. The city abandoned Pear Street twice in City Council meetings. He should have never given an easement for a sewer line through his property. His understanding was that a buried sewer line is 14 feet deep. When they built it the city engineer required that they put the manholes three feet above grade. He is now stuck with manholes in his hayfield and corrals that are three feet above grade because somebody in the City decided they were going to put Pear Street on his property. He does not think there are any regulations that require them to deny it because he can attach to Pear Street right off the end of it. There is nothing that says he has to go to the side of the street.

Attorney Linares stated they have been provided with the codes that give them all that information.

Eugene Marshall stated he will meet with the City Council when the City Council meets.

Attorney Linares stated 21.3 clearly states he has those requirements. He is not being treated any different than anyone else. If they allow him to circumvent the rules then they would have issues with the people they make follow the rules. He is being treated fairly and along the same rules as everyone else.

Gary Pinkham stated they especially need to try and get Pear Street through because it is the route to school. They just upgraded a piece of Pear east of there a couple of years ago with sidewalks trying to get it cleaned up for the kids. As they develop more lots to the west that is going to be the route to school.

- 3. Approval of minutes of the previous business meeting in September:** Erik Stromberg moved to approve the minutes of the September meeting. Gary Pinkham seconded the motion. All voted in favor and the minutes stood approved.
- 4. Report from Council Liaison Member Neil Critchlow:** Councilman Critchlow thanked the Commission for all they do.
- 5. Adjourn:** Gary Pinkham moved to adjourn the meeting at 7:23 p.m. Drew Allen seconded the motion. All voted in favor and the meeting adjourned.

Jennifer Williams
Zoning Administrator