

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 3/14/2019.

The meeting was held in the Grantsville City Council Chambers at 429 East Main Street in Grantsville, Utah. Those present were Commission Chairman Jaime Topham, Commission Member Gary Pinkham, Commission Member Erik Stromberg, and Alternate Commission Member Shane Watson. Absent was Commission Member Jacob Linares. Also present were Zoning Administrator Kristy Clark, Attorney Brett Coombs, Shay Stark with Aqua Engineering, Fire Marshal Brad Clayton, Dan Shusta, Vickie Kluge, Randy Kluge, Amelia Rowley, Chance Rowley, Dean & Jaime Warr, Ryan Orgill, Norma Fox, Guy M Haskell, Angela Jensen, Denise Marsing, Chris Reed, Mark Watson and Chris and Laurie Seals.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARINGS:

- a. Proposed Sportsman's Permit for Chance and Amelia Rowley located at 350 West Durfee Street to be able to keep up to five (5) dogs.**

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

Vicki Kluge stated to the Commission: I live at 346 West Durfee. We're the neighbors adjacent to the Rowley's. We actually gave them a paper saying we were okay with the five dogs they currently have, but what we're not okay with is that they do have dogs escaping all the time. I think part of it is their dogs are not neutered. They had puppies last year, I think probably up to ten. And they ended up keeping one, and that's how they ended up with five. So, for my concern, I asked if they were going to neuter their animals. They said no, they were going to watch their animals. Which, we know what happens. So, my concern is they're going to end up with more than five very shortly. So, it's keeping the animals in and not having breeding programs next to us that then adds more to the backyard.

Dan Shusta stated to the Commission: Good evening. My name is Dan Shusta. I live at 332 Belair Circle here in Grantsville. At the beginning of this month, I received a letter from the Grantsville Zoning Administrator informing me of an application for an animal use sportsman permit. Upon reading the letter, I discovered that a request had been made by two individuals to keep up to five dogs at their residence at 350 West Durfee Street here in Grantsville. My wife conferred with one of the applicant's neighbors and found out that five large German Shepherd dogs were being housed in the backyard of the Rowley's. This neighbor also revealed to my wife that twelve citations were issued to requesting individuals during the month of February of this year. My wife was also told that last year, this couple's dog produced ten puppies. Nine of them were sold. This led me to believe that a breeding operation is actually taking place. If so, I believe this would indicate that a business was actually being run,

which would probably require a business license and perhaps a different kind of permit other than a sportsman's permit. On this last Sunday, March 10th, on my way home from church, I stopped my car in front of the applicant's residence and carefully looked for the kennel area. It appeared to me that the entire backyard was actually the kennel area since I didn't notice any separately fenced off area. I noticed that part of the fencing was weak, and had to be reinforced with long, steel rods driven into the ground next to the fence. I also noticed that there was no lock on the fence, nor was there any kind of chain around the kennel, which to me, meant that the gate could possibly be opened by an inquisitive young child and the dogs could possibly escape. As I further looked over the property, I noticed how small the house was, and I also noticed many small toys used by the children. This caused me great concern when I learned later through internet searches that the average fully grown German Shepherd dog has a strong family pack mentality, with an average bite force of 238 pounds per square inch. My wife also learned that both of the applicants worked three 12 hour shifts simultaneously, and that one of the parents would come by and let the dogs out for a while. That same evening, I talked with this neighbor's husband. He told me that he was convinced that the applicants were actually operating a puppy mill. He told me that the oldest dog was very smart and had learned how to escape many times by pushing a box up to the gate and then simply jumping over the fence. In February, when this same dog escaped again, someone called Animal Control. The dog was captured, returned, and the owners were then given the 12 citations I mentioned earlier, all at one time. Also, my suspicions of a weak fence were confirmed by this neighbor. He informed me that in his opinion, their fence was entirely too low to keep the dog in, hence the numerous escapes. He also told me that the dogs had ripped down the blinds covering the large front window. It's unknown to me as to what the inside of that home actually looks like. My neighbor expressed his worst fear to me, and that was that the number of dogs will increase due to unsold puppies. Also, according to the same neighbor, his impression is that this couple has no regard about following anyone's rules and that even if this council turns down their application, they will simply continue operating their perceived puppy mill and endangering the neighborhood by failing to properly contain their dogs. After all, it appears that they have been doing this since last year without any kind of permit. Two houses to the east of the applicants is a young family with a baby and a four to five-year-old little daughter. There are also small children who live directly across the street from the applicants. This neighbor also informed me that there are more small children who live down the street. To me, and I cannot stress this strongly enough, this is a safety issue. No matter how safe the owners may think their dogs are, even dogs known for their docile nature can attack others. I personally was attacked by a very friendly, docile Saint Bernard when I was around fifteen years old. This dog knew me. I was no stranger to this dog. One day, when he was chained to a tree, for some unknown reason he lunged at me when I was around 60 to 75 feet away. His force was so strong that he actually broke the chain, continued to charge towards me and bit me on my right thigh. I am quite sure that German Shepherds are not known to be docile dogs. I submit to this council that this application for a sportsman permit not only be denied, but also that their dogs be removed from their premises for the following reasons. Number one, to me these dogs present a clear and obvious danger to the immediate community due to their weak structural integrity of their kennel, which makes it easy for them to escape. And number two, due to the perceived falsification of the actual

purpose of their application, since the letter from the zoning administrator simply stated, "The keeping of up to five dogs," with no mention of a breeding operation taking place. Thank you for listening.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:10 p.m.

b. Proposed Commercial Conditional Use Permit Application for Chris Reed to have a business located at 822 East Main Street, Building #2, Suite D, in the CD zone.

Chairman Jaime Topham opened the public hearing at 7:10 p.m. and called for comments.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:10 p.m.

c. Proposed Amended Concept Plan for Guy Haskell on the Deseret Highlands Subdivision located at 700 North HWY 138 to change the design and location of the storm drain detention basins.

Chairman Jaime Topham opened the public hearing at 7:11 p.m. and called for comments.

Cal Sexton stated to the Commission: Where is the water going to go at that point? Where are they directing it to?

Jaime stated: There were drawings submitted and I think that's something that's going to be worked out and the developer will address that when it's his turn to be up here.

Mr. Sexton stated: So, there's a storm drain that comes through right from where their entry is, and it goes right into our yards. And it's flooded before. I came in and tried to talk to somebody about fixing that waterway between the houses, and they said that's the homeowner's responsibility. So I ended up trying to fix it, but it still floods.

Jaime reminded Mr. Sexton that this was something that the developer would be addressing shortly.

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:12 p.m.

d. Proposed Preliminary Plans for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of 3 building lots for professional buildings in the CD zone.

Chairman Jaime Topham opened the public hearing at 7:12 p.m. and called for comments.

Jaime stated to the Commission and Public: We received a letter - it doesn't actually have the person's name - but it's a residence on Highway 112. It was received late, so it's not a part of our packet.

Dear Planning and Zoning,

This letter is to give you direction, feelings of suggestion about Professional Park, which is located at 163 South SR 112 for professional buildings. Their solo reasons our neighborhood, which includes all members on Highway 112, disagree and hope and pray that this Professional Park will not be located on Highway 112. Here are some of the reasons we all disagree with this proposal.

One, there is already on the corner of Main and Highway 112, that is not fully occupied, but could be used for other services. Two, most of the people surrounding Highway 112 live here because they desire country surroundings and not businesses. Three, there are several buildings in the middle of Main Street that could be upgraded, used and take the placement of the professional buildings suggested. A, noted Skyline Café. B, the William's Store that is now for sale. C, the old drugstore. Four, please consider our disagreement and suggestions we have given, we are sure that there are many other locations that would be much more acceptable.

Sincerely, Residents on Highway 112.

Dated March 4th, 2019.

Chris Seals stated to the Commission: I just have a concern with the traffic and stuff there. The road there is already pretty heavily used and now you're going to have another access onto that road. Are there any plans to improve the highway there or make it wider or make it so that there is more access? There is no center lane there, so how are you going to get off and on to get into these businesses? That was a concern I had. I don't live on that road, but I am concerned about the highway and the traffic there.

Norma Fox stated to the Commission: I've talked to several people in our community. We are not on Highway 112, or even part of Highway 112 in any way, but we would just like to keep the small-town rural America feel. We would like this community to seriously consider that not only this possible reconstruction, but all new construction, be designed in such a way as to fit into a small-town design. Many companies have branded appearances, you all know, like when you see a McDonald's or a Maverick. But most of these companies also have a design that better fits communities. We want to keep the western small-town feeling. I know that when we built the Maverick here, we could have requested that they build a Maverick that had that kind of feeling. McDonald's also. They will do things for small communities to make them not be the standout that they are in a lot of larger communities. I have been in a lot of small rural communities that have done it right. I'm sure that each of you can name one place that you have visited that you could say this town has obviously grown, but still has that wonderful feeling of rural America. A lot of cities waited too long to require design to be considered before building. They now have a hodgepodge of architecture that does not fit. It seems to me that we are making these same mistakes, but we can fix them. Please consider developing guidelines that ensure new buildings and landscape promotes the rural small-town feeling. This is the design that we're talking about today. That doesn't promote a rural town feel. We can ask them now while they're in

this design process to actually maybe make some changes to the facade of their building, to create that and to also create entrances from the highway or wherever they're going to put down, that those also have a feeling. Businesses want to be here, but let's not compromise our standards and desires to have them be here. We want to make them make the effort to be here. Companies that will make the effort are companies that will plan to stay. And don't we all want sustainability? My hope is that we don't become a hodgepodge of buildings like Tooele. They have lost any hometown feeling they might have had. With this request, with the Grantsville one we're looking at, being in the beginning stages, we have the perfect opportunity to start here by requiring that the redesign of the facade of the building have a western rural America impression, and ensure that the landscape and entrance to the loft also develop to carry that same feeling. I beg you, let's not ruin the great feeling of our community by forgetting the importance of design of buildings and the properties that surround them. Let's demand the developer's plans fit who we are and who we want to be. And now I also just have some research I did on other city guidelines and how they made this possible in their city. Do I just hand it off to you? I'd just like to hand it off, and thank you for your time.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:17 p.m.

CHAIRMAN JAIME TOPHAM OFFICIALLY CALLED THE MEETING TO ORDER AT 7:17 P.M.

1. Consideration to approve the Sportsman's Permit for Chance and Amelia Rowley located at 350 West Durfee Street to be able to keep up to five (5) dogs.

Chance and Amelia Rowley were present for this item. Jaime stated: So you heard what your neighbors had to say. Can you address the dogs being at large? Chance stated: The dogs being at large was one of our younger puppies. It's actually a husky. I put in the fence when we first bought the house, and the initial escape was because I put the pole a little bit too far away from our house, so he was able to fit between it. So I moved the fence up against the house and we reinforced it so he can't get out of there. The one that we got the twelve hits on got out during the last snow storm. I had to put a garbage can up next to the fence, and it filled up with water and the water froze. He just jumped up on top of the garbage can and jumped out. Amelia stated that he was also jumping off our back porch over the fence because we didn't consider the fact that our back porch comes out. Since the citation, he hasn't gotten out. Also, the reason we kept one of the puppies is because he has heart problems and is expected to live only a few more months, so we couldn't get rid of him. Jaime asked: Attorney Coombs, could you look up and see what the resolution was for what they were charged with? Amelia stated: We're in the process of court. We have that on

Tuesday. Chance stated: They gave me five citations for the proof of rabies vaccinations. But I have proof. I took off her collar to try and show it, but it showed it expired in December, but I have a rabies certificate that shows an expiration of April on that specific dog that got out. They gave me five hits for not registering animals. Because I have five, I can't register them. And also no kennel permit and dog at large. So that's our twelve total misdemeanors. That's why we're here today. We didn't know we had to have all of this, and it was eye-opening. Attorney Coombs stated: That is accurate. There are a couple of legal things I would like to point out for the commission in regards to the sportsman permit. In the code, the Sportsman Permit is for three to five dogs, and states that no dog shall be kept penned or raised within a hundred feet of an adjoining residence or dwelling. The application doesn't outline how close the neighbors are, so that would be something to keep in mind. And there is also something else that may need to be addressed by this commission if it's an issue, but under the definitions of our code, a sportsman's permit is, and this is Chapter 2 sub 297, keeping up to five purebred dogs by their owners in a residential area pursuing to a conditional use permit and license issued by the City Council. I don't know why purebred dogs were specifically identified, but that is the definition of a sportsman permit. Amelia stated: I have previously talked to someone who recently got a sportsman's permit, and I asked her about the kennel stuff. She said they had a little kennel set up, but they were never outside. As far as she knew that wasn't a big concern. But, if it is, we're more than willing to put up a kennel. Jaime stated: I think the concern I have is that the dogs can't be getting out. You have to secure the dogs and you can't come before us with active citations relating to the dogs. I want to know exactly what you're doing to ensure that the dogs are never going to escape. So, the dog you're saying, it was one dog that was escaping, has only been out on two occasions? Chance stated: He's been out a couple of times and there's the one time he's been caught. The first time he got out was because of the hole, and I sent him out to try and watch him again. I went inside and he got out again. Then we started tying him up, just when we let him outside to go to the bathroom. And he would slip out of his collar, so we had to tighten his collar down, so that was another third time. And then he'd gotten out this last time when we had fixed all of these other issues. We set up the fence, and he jumped up over the frozen barrier, which I have since knocked down. We are looking into an electrical fence, particularly for him. Just to be two feet away from the inside of our fence, so he can't even get near the fence to get out anymore. I think it's just the excitement of all of our farm animals and everything around - he just wants to get out and explore. Jaime asked how close the neighbor was. Chance answered: The Kluge's are our closest neighbor and they are 66 feet away from one of the edges of our fences, so they are within the hundred feet. This is why we had gone to them to get a

letter saying we were to keep that as our barrier, asking if they were okay with that being within the hundred feet, and if not, we have looked into steps to take out forty feet of our backyard to cut it off so we're far enough away, and we still would have plenty of room to have the 85 square feet required for each of the dogs. Jaime stated: We heard from them earlier and she had said that she was fine with it, but she has concerns about having extra dogs. So what active steps are you taking to not have extra dogs? Chance stated: We usually separate them, or send them over to one of the grandma's houses to stay. We just want to keep our dogs. So if we have to, we can fix them. It's not a big deal. That's all we're here for. Gary Pinkham stated: I can see two problems just at a glance. These are larger dogs, and I can see these dogs getting out of the fence, and it appears that they've been possibly trying to dig under it. Are these bricks and stuff laid along the base of the fence to prevent them from digging under? Did you say you have put in an electric fence to keep them in? Chance answered: Not yet, but that's the plan. And as far as the bricks, those were put in when we had the puppies, to keep them in. Because of some of those little holes in the fence, they could crawl under them. As far as the electrical fence, there are two different options. We have one where we can put a perimeter and it makes zone. That one's a little bit more expensive. Jaime stated: Attorney Coombs, so my feeling is that the application is not complete, that we need to table this and have them complete the application with all of the required elements. But, I am wondering what that means for them, in terms of the criminal perspective. Because we're talking about at least a month before they can come back. Attorney Coombs stated: I will pass on to the courts that they're working on it and that the Planning and Zoning is considering it. I'll also let our police officers know not to issue a new citation for it. Chance stated that he understood that they were at fault. Jaime said: If we do choose to table this and give you the opportunity to fix this, and your dogs get out again, it's going to be a pretty short conversation. Amelia answered: Absolutely. Jaime stated: that's what I'm leaning towards. If your neighbor truly doesn't have a problem with the hundred feet, I would expect a written agreement to that effect, because our code does require that the dogs not live within a hundred feet of a neighboring residence.

Jaime made the motion to table the Sportsman's Permit for Chance and Amelia Rowley located at 350 West Durfee Street to be able to keep up to five (5) dogs. She stated: The permit needs to be complete according to our guidelines of boarding them. The guideline is that your site map needs to include how far it is from other people's residences. Also, provide us your plan of how you are going to secure your dogs. Gary seconded the motion. All voted in favor and the motion carried unanimously.

2. Consideration to recommend approval of the Commercial Conditional Use Permit Application for Chris Reed to have a business located at 822 East Main Street, Building #2, Suite D, in the CD zone.

Chris Reed was present for this item. Gary asked if these two units had been used for food service before. Chris Reed answered: I don't know the complete history. I know the previous business was a CrossFit training. Gary asked: Have you talked to anyone about what you're wanting to do to comply with things, like grease traps and fire code and routine hazards? Chris Reed stated: Yes, we're talking about that right now. We're discussing with the contractors who will be performing the build out, as well as the health department. Jaime asked: Are you going to have a gluten-free menu? Chris Reed answered: We're working with the health department and they'll have a good say on that. Neil Critchlow commented: Whatever gluten is, it sure tastes good. Jaime stated: I don't see any issues with it. It seems like it's appropriate for the space.

Erik made the motion to recommend approval of the Commercial Conditional Use Permit Application for Chris Reed to have a business located at 822 East Main Street, Building #2, Suite D, in the CD zone. Jacob seconded the motion. All voted in favor and the motion carried unanimously.

3. Consideration to recommend approval to Amend the Concept Plan for Guy Haskell on the Deseret Highlands Subdivision located at 700 North HWY 138 to change the design and location of the storm-drain detention basins.

Guy Haskell was present and stated to the Commission: So we're not going to change the amount of storm drains. It's just the location of the storm drains. In building the project and seeing where the basins are going to be in placement of the houses, it's problematic so we're trying to find a way to solve that problem. These three areas right here are where we're proposing the storm drain holding ponds. They are currently on the back of these four lots right here. But, as we're building those homes, the back of the home is going to be right next to two of these retention basins. So when you walk down your backyard, you're in the retention basin. So your entire yard is sloped. You couldn't put a shed, a dog house, or anything anywhere except at the bottom of the retention basin, which is obviously problematic for a shed or anything you need to have a flat area for, even a swing set or something. So, what we're trying to do is eliminate this and put it in the side yards of these corner lots. If I remember right, the original design of this did have the storm retention on some bigger areas. As I remember, the planning commission did approve it that way, and it was the city council that wanted it

done the other way, so there were more people handling the retention ponds and just a few bigger ones. And so I have talked to the mayor about that and the city engineer to see if they're okay. The engineer actually likes this. Craig said that he was on board with this plan and liked it. And I've even had some discussions with the mayor today about some things that they could do. He was concerned about people filling them in so they don't work and that could cause a problem. I think that by putting them on the corners of the lots, rather than in someone's backyard that can be fenced in, that's going to be less likely for it to happen. Especially if someone has a backyard that they have no flat area other than at the bottom where the water's going to be. That person's more likely to fill it in than someone who doesn't have that and has a flat area in their backyard. I do think that could be a deed restriction put on these lots or even something put on the plat that could be helpful to do that to make sure they don't get filled. Because I don't want them filled in either, then they're going to have flooding problems. Shay asked if he saw his memo. Jaime stated: Yes, I was actually going to address your memo to maybe save us all some time. Shay stated: That's what I wanted to address. Since that memo, we've been working with the developer to look at this again. As I've stated in the memo, the city engineer would prefer these larger detention ponds over having the detention across those backyards. The city engineer has gone back and forth with them on this. We had them make some changes to the piping. I do want to address the issue of the ponds and the overflow and the run-off from those ponds. Several years ago, the city asked us to look at that west side and look at and try to quantify the types of flows that were coming down from the drainage and where this water was coming from. We put together a study based on that, that we now use whenever we look at projects over on that west side. The runoff rate that they're allowed to use here is .15 cubic feet per second per acre, which is quite a bit less than the natural runoff rate in the drainages and in that area. The idea is that as development comes in and they create these basins, and as we work our way up there, we get to a point that hopefully we're catching all that runoff up on the hill. And then what does carry down is coming down at a much slower rate and in much smaller volumes. Our biggest concern has been with this phase one, because phase one is already under construction. It was approved. So the first question we had with this was how does this affect the storm drain line that's already in there? Are there going to be changes in lines? So, even though this is a concept amendment, we've asked them for additional engineering and calculations to try and understand that and make sure that with phase one, we've covered the bases with making sure we've taken care of the same volume and quantity of water that was originally approved. So, I think a couple points with this that may be helpful to understand is that this is an amendment to the concept, which also means that there's going to need to be an amendment to the final plat, because obviously the basin configurations have changed. And we absolutely want on that

final plat for those basins to be called out so that it is clear that these are storm water basins and they're not to be filled in. That also allows the city to go in and clean it out if they need to, for instance, if a property owner doesn't maintain the basin and it's plugged up with debris or something else. At this point, I'd like to say we tried to work with the developer to understand the engineering on this first phase because it was under construction, and as the final plat comes in with each one of these phases, they'll be required to provide a full storm water report for that phase and provide us the full engineering on how that will occur. And again, there'll be an amendment to this preliminary plat, or this final plat for the phase one. So, there'll be another round of consideration with this. Jaime mentioned to Shay: Your memo had asked us to consider tabling this because you didn't have sufficient information. Do you have that sufficient information now? Shay stated: At this time, we feel comfortable with the conceptual amendment. Gary stated: What's got me confused is the concept plan that we have shows that the original differs significantly from this new plan with the phasing, to the road, to the lot layout, to property, to everything. Guy stated: You must have an earlier version or something. We didn't change any of the lot layouts. The only thing we changed was the location of some storm detentions. I take that back, there might be some minor changes on the lots for the storm drains. But we didn't change any of the phases. Kristy stated: This is the concept plan that was approved. The final plat did change from the concept to the final. So this was just what was approved for the concept when they first initially brought it in. Jaime mentioned: When they first brought it in, they didn't own this property. They've now acquired that property and phase two shifted into this area. Guy stated that the change was approved in preliminary. Erik asked: Just so I'm clear, we are approving the concept to say, "We're okay with the idea of moving them to a different location," he's still going to come back, and that'll give us a chance to have accurate and most recent documents in front of us to make sure lots all line up. We're just approving the change to the detention ponds. Am I clear? Jaime stated: That's what I was going to ask. So, Shay, we're not approving the exact design and everything in this. They're amending the concept of where they're going to put the storm basins. They still have to come back on preliminary and final. Shay answered: Correct, we just want to make sure, especially with phase one under construction, that this will work and that it is right. When you look at the final plat, the engineering and staff will make sure that the construction drawings reflect the change.

Jaime made the motion to recommend approval to amend the Concept Plan for Guy Haskell on the Deseret Highlands Subdivision located at 700 North HWY 138 to change the design and location of the storm-drain detention basins. Erik seconded the motion. All voted in favor and the motion carried unanimously.

4. Consideration to recommend approval of the Preliminary Plans for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of 3 building lots for professional buildings in the CD zone.

Scot Hazard was present for this item. Jaime stated: I think one of the biggest concerns is dealing with the open space. Attorney Coombs, has the open space been addressed by the city council yet? Attorney Coombs answered that it had not been. He stated: It has been discussed, but there's not been a formal change to it. But, if I were to gander a guess, I'd say that there's probably going to be a change. But Councilman Critchlow would probably be able to speak to that better than I could. Neil Critchlow answered: We're pretty confident there's going to be a change. Jaime asked: Have you started on a development agreement yet in this project? Scot answered: We don't plan to do a development agreement for the project. Jaime stated: It's my understanding from city council that it will be required. Scot answered: I was told by staff that it would not be necessary, but we can get started on that. Jaime stated: I think that would be wise. Attorney Coombs, would it be appropriate to table this until City Council has addressed that? I'm looking at the memo from Aqua Engineering, and there are a lot of questions it's asking us to consider, several of which are dependent upon the passing of the changes to the PUD ordinance. My concern is that if we considered recommending approval at this time, we're going to have to recommend approval with lots of conditions and one of the issues that we've had is that those conditions don't always make it to city council as we intended. But now, obviously a development agreement's going to be helpful with that, but it sounds like that hasn't started yet. Attorney Coombs stated: I think that it's completely up to you as a commission how you want to address that. You certainly have the right to table that if you'd like to get further information or further guidance from the city council on the actual ordinance itself, if you anticipated that would have an effect. You can have conditions on a PUD, but I think it's completely up to the commission. Again, Councilman Critchlow can help answer possibly some of the questions for the city council's perspective. Neil Critchlow stated: The council has been really concerned about the fifty percent. I think it's on our next agenda. Jaime stated to Scot: I know that's not necessarily what you want to hear as far as tabling. Scot answered: Well, it's just a little confusing. We had a DRC meeting back in January. We addressed the fifty percent issue. The option of a development agreement was addressed, but the recommendation from staff was to process it through the council so we would wait to go through the public process and allow that to take place. I understood at this meeting there would be a conditional approval, conditioned upon the city council approving that change for that fifty percent open space for PUD and commercial. And we haven't even started on a development agreement, which will take a significant amount of time bouncing back and forth between my attorney and yours. So, we would have started that in January, had we known. So this is the first I've heard that a development agreement may be necessary. Can you help shed some light on what terms need to

be contemplated in the development agreement that would require that document? Jaime answered: Unfortunately, I cannot. I don't have any information on that at this time. The directive that we're getting is that the city is preferring for development agreements to take place because there have been issues with information not leaving here and not making it to city council or changing between the time that it is here and at city council. That's my understanding. Maybe city council may have a different view point on that, and the city attorney may have a different viewpoint on that, but my understanding is that we need to have development agreements in place so that everyone's understanding of what is taking place and what is going to take place is firm. I also want to make sure that there's not later discussion that changes it or later discussion that says, "Oh, well we never considered that." I mean, that's the understanding that I've gotten. That about sums it up. And I understand what your position is, that now you're looking at even more time. Scot mentioned: I'm trying to work on a pretty sensitive timeline. What I hear you telling me is that because of the breakdown in an internal process, my application is now affected when I move forward in faith. Neil Critchlow asked if he had fifty percent open space. Scot stated: No, we were told to design it at the lower amount, and we designed at that standard. We've got a lot of money into design to get it to that standard. But, that's based off our feedback from staff. Scott said: I received the staff memo that Kristy sent me. I think we've addressed all of the items on the memo, with the exception of pressures and flows from the fire chief. We have given Brad the required flows for the building and the type of occupancy for the building, and it's in his hands to open up a couple hydrants and do some testing and get back to me. Brad stated: We have done some testing and the highest we got was 750. Jaime asked: Can you explain that to me? Brad stated: 750 GPM. I can't remember what he said your requirement was. It was considerably higher than that. Scot answered that it was about four thousand. Jaime stated: So if we were going to condition anything, we have to condition it on this entire memo, rather than us trying to lay out each and every one of Aqua's comments. Scot said: I'm comfortable with that. We don't object to anything in the memo. Gary asked: Is UDOT going to require a center turn lane into the project on the southbound and or right lane and merge lanes on the northbound side? Scot answered: No, it doesn't meet the threshold. We did a traffic impact study to do a project ad for an average of daily trips. Our average daily trips generation for the whole project was under five hundred trips per day, which is under their threshold to even require the next tier of traffic impact study, which, does not require center turn lanes or acceleration or deceleration lanes. Gary asked: So these dash lines must be site distance, not widenings? Scot answered: Yes, we open up the radius and focus into the highway, and some of those are probably showing a clear vision triangle.

Jaime made the motion to recommend approval of the Preliminary Plans for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of 3

building lots for professional buildings in the CD zone with the condition that all the items in the 6-page memo from Aqua Engineering dated March 8th, 2019 be reviewed and complied with in this process. Jacob seconded the motion. All voted in favor and the motion carried unanimously.

5. Consideration to approve the meeting minutes for the previous P&Z Meeting held February 21, 2019.

Erik made the motion to approve the meeting minutes for the previous P&Z Meeting that was held February 21, 2019. Gary seconded the motion. Jacob abstained and the motion carried.

6. Report from Council Liaison Member, Neil Critchlow. Neil Critchlow stated to the Commission: I passed on the thing to the council as far as drainage being considered as you're getting away from your developments, engineering needs to be further away, and taking care of those. We also need to address making sure that we are more specific in our motions. I've got one email from somebody up in North Star. They were supposed to put a fence all the way around to keep the cows out, and it's not been done yet. That's where the development agreements would have come into play. We could've said that you agreed, and that should've been written down. I talked to Rick Johnson and went up and took some pictures. I can understand his frustration through the whole thing. He's been waiting for three years to get that taken care of, and he's flustered with that. We've sent the pictures to Monte Kingston so he can work on it and he said he would look at it. Rick was also promised privacy fences along the south side of their property line. The first lot has the privacy fence. It's two lots out and then they just quit doing it. So we need to make sure we follow up on those kinds of things and the requirements to have a development agreement. Is that something that the City Council comes up with? Attorney Coombs stated: If you're going to put it in as an ordinance, whether in our code or in the land use and development, which is probably where it would belong, it would have to start here. Kristy Clark mentioned: It probably needs to go on to the subdivision checklist so it's something that we know that we talked about. The checklist is my guide and I make sure that we go over every single item on it. If it's not on the checklist, it'll probably get forgotten. Neil Critchlow requested that it be put on the checklist. Kristy Clark stated: The checklist is part of the chapter 2. It's an ordinance and we would need to amend it. Gary asked: Can we put that on the next agenda? Kristy Clark stated that yes, it will be on there. Erik asked Kristy Clark: Can we also add the amendment to the definition to the Sportsman Permit on next month's agenda? Kristy Clark stated: Yes, I will make sure to put it on there.

7. Adjourn: Jaime made the motion to adjourn the meeting at 8:46 pm. Erik seconded the motion. All voted in favor and the motion carried.

Kristy Clark
Zoning Administrator