

# **MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 9/19/2019.**

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 Commission Member Jacob Linares. Absent were Commission Alternate Shane Watson and Commission Member Robbie Palmer. Also present were Zoning Administrator Kristy Clark, Attorney Coombs, Shay Stark with Aqua Engineering, Fire Marshal Brad Clayton, Jason Grundvig, Braden Huefner, Greg Copeland, Tim Uhrík, Monica Miller, Lindsay and Cory Smith, Mike Colson, Wade Sandberg, Carol Addy, Ryan Doherty, Barry Bunderson, Scott Yermish, Jake Clegg, Haylie Hale, Roger Hale, Thomas Palmer, Paulette and Time Madsen, Guy M. Haskell, Don Bean, and Brandon Parr.

## **CALL TO ORDER**

### **THE WORK MEETING WILL OFFICIALLY BE CALLED TO ORDER BY CHAIRMAN, JAIME TOPHAM.**

- 1. Discussion with Andy Jensen, Grantsville City Building Official, to Amend the Accessory Building Requirements and definition for all zoning found in Chapters 2, 14 and 15 of the Grantsville City Land Use and Management Code.**

**Building Official Andy Jensen was present for this item and stated to the Commission:** I'm assuming you've got the print out of the synopsis of lot size, lot coverage, setback requirements, that we have on the current ordinance.

Jaime stated, Yes.

Andy stated, as you can see, they do vary a little bit try to remember the one off the top of my head where it doesn't even have requirements at all in regards to an accessory structure.

Jaime answered, the RR-5.

Andy stated, so part of the discussion I was wanting was to try and come up with a plan for how do we address accessory structures in the city overall. Part of this come about because of a building that was approved prior to me. But now is half built. Those are the pictures that were included for you to view. Because that's the type of structure that is legally allowed currently in the building code and in the Grantsville City ordinance. I would assume everybody would be under agreement that the accessory structure is supposed to look and be somewhat subordinate to the main structure that's on the property. Can that vary in Grantsville just because of the varying nature of what this town is. Where we do have agricultural areas down to relatively small lots. That was part of the reason for wanting a discussion. Because I feel that we can't come up with one ordinance so of speak to cover every zone. I feel like we have to vary that a little bit. Because in an agricultural zone, having an accessory structure but now dwarf's the house can be very common if it's a hay barn. But a hay barn is an accessory structure so making restrictions applicable to RM-7 or the R-1-21 zones aren't necessarily applicable to more agricultural zones so meeting with

Brett to start to go over this figured this would be a good starting point to discuss potential things that we need to do to bring the ordinance more in line with what the overall intent of an accessory structure is. In some of the research that I've done, I've got information from Draper City. Partly because that's the city I came here from also has some information from Murray. I personally like what Murray City does. Murray City requires all accessory structures to be behind the rear plane of the house so whatever would be the furthest projection, whether it's a bay window, if the back wall is a complete straight line, you know you just basically draw a line any accessory structure stays behind that in Murray if you want to come on the side of the front, that's allowed. But then they're required to comply with the setbacks for the zone that they're in, just like the house part of the reason I like that is obviously we do have bigger lots in Grantsville. Half acre is somewhat the norm. We do have some small, we do obviously have larger. But with the setback requirements for an R-1-21 zone, let's say that door is still open that somebody could have an accessory structure in the front or rear yard and meet the setback requirements for the home so if that's the case, I feel it's appropriate instead of the 35-foot maximum height that's allowed to restrict the accessories to 25. Just some thoughts in that regard. If we go off of guidelines from Draper City, they mandate everything is 10 foot from the property line, period. Regardless of the type of zone that it is. Draper's a different animal because we have multimillion dollar homes people are trying to build, we called them mini mansions in their garages. Seven car garage is not a norm in Grantsville, or in Draper so they were trying to maximize the property there as much as they could. Just some different things from different cities in regards to what they do there for accessory structures.

Jacob stated, I don't have a problem with people building bigger. There's a lot of lots that have garages that are bigger than their houses that are set back behind the property. I don't think we should restrict that. Yeah this one just does look out of place, I agree with that. I don't know if subordinate means always got to be smaller.

Andy added, this is an addition to the existing detached garage that was in the southwest corner of the property. So that back portion is the existing accessory structure that was there. And this is technically an addition to, and so he literally will have an accessory structure one foot from the rear property line. All the way to the front of the garage that you see. The whole wall plane is four feet from the property line.

Gary asked did you say, one foot from the back, one foot from the side.

Andy answered, no one foot from the rear, four foot from the side.

Gary stated, which actually encroaches on our utilities, put that foot some four some foot.

Andy stated, if there's a seven and a half foot easement there, then this should have never been approved.

Gary mentioned, well I don't know on that subdivision, that predates me. I don't know what the setbacks were at that time. Currently it would be in violation of the seven-and-a-half-foot easement. I would think.

Andy asked, any thoughts or direction that we should take the ordinance?

Jaime stated, well it does seem like they need to at least be consistent between the building

code and the land use ordinance. And what definitions are.

Andy stated, that's where this gets sticky. Because the building code is the most lenient. Building code will allow you to build right on the property line. If you do build right to the property line, then that has to be one of our fire rated wall with no openings. And so in order to build a single family home, let's say and there was no zoning, you can't have a wall right to the property line, because now you can't have a window. Well you have to have a window for bedrooms for egress, so that automatically pushes you away from the property line so that you could have a window for egress for code compliance. And so unfortunately we have to address it on an ordinance side just because we're never going to get the building code to change just because it's an international code that the state of Utah has adopted.

Jaime stated, I hear what you're saying. I think you said something about it's got to be a 10 foot separation so you don't have to do the one hour fire wall right?

Andy answered, right, that gets tricky because the building codes is looking at this distance. That as long as these two buildings are ten feet or greater apart, than a fire range is not required. As soon as you're less than that 10 feet, then it drives a one-hour wall. And so here again for the building code he's in compliance because that detached garage you can see between the garage and the house.

Gary mentioned, I think he left about a one inch gap.

Andy stated, and he's having to make the house fire rated. But he's making this fire rated as well, which means the building code because they're that close together. And where you got the quirk is if you're now like this, technically you could be inch away and neither one of those are required to be fire rated now. Because this wall is not perpendicular like this, because it's just past the wall plate where it's out of the realm. And so there's a lot of jurisdictions that will mandate a minimum distance that they're a part of each other. Murray and Draper were both consistent, that if this was done, they had to be at least six feet. And we don't have any verbiage in the ordinance that addresses anything like that. Whether the walls are parallel, or if we do end up with a kiddie corner situation. This kiddie corner to me is the most commonly done. Because they're trying to bring a concrete driveway to access that detached garage.

Erik asked, the height restrictions, where do these numbers come from? Why do we have different height restrictions? I know you weren't here when these were written, but I guess what's the purpose you think of the height restrictions?

Andy stated, Just to keep unusually tall buildings from coming into play. Residentially for whatever reason, being in Salt Lake County, Draper, and now here, 30 or 35 feet is a very common height restriction for single family homes. And so with Grantsville being 35 feet, I would have to assume that they just, well other cities that's the number they picked and so that's where it's at. But why there was an ultimate determination for that number, I don't know. But here again, that's more restrictive than the building code. The building code would allow forty feet and I've never been aware of a city having an ordinance that mirrored that 40 feet. Could there be a jurisdiction in Utah or somewhere in the country that has that? I don't believe there is. That ultimate where 35 feet came from, that I don't know. Going back to Salt Lake County, 35 feet on flat lot, 30 feet on slope lots. When we got it to the ski resorts, things like that so they have 30 or 35 feet depending on flat lot or sloped lot. And

accessory structures at Salt Lake County were 25 feet. And Draper, if it was under 200 square feet, limited it to 12 feet high. If it was over 200 square feet, then they limited it to 25 as well.

Gary stated, I think the 35 probably is a reasonable number. I think about my house. My front door is about five feet above ground level. It's got two levels, which puts us up probably 23, 24 feet. To the second floor ceiling and to the roof probably puts me at 32 or 33 feet. That house is not unlike a lot of homes in town, so 35 feet is not going to create an unusual pin code in the neighborhood. But it also gives people the ability to have a 16-foot shop with a pitched roof on it. I think 35 is about as far as I would want to go, but I think 35 is reasonable. My issue, my concern is we may need to put further restrictions on this and maybe conform those numbers within the various codes. To prevent people from using this to build a solid wall of the street. Like this one was here.

Andy stated, ell another potential discussion point is that building. That's a two-story accessory structure and is that something else to consider? The accessory structures are a one-story building.

Gary stated, well again, if someone puts up a 16-foot shop and he wants to put a loft over a portion of the shop. Then the loft above technically makes it's two-story. I don't know that the two-stories is an issue.

Jaime stated, our secondary conversation today is going to be about accessory dwellings, which could potentially be in these shops. I assume the reason Shay's coming in to have this conversation to see what, if we're going to be allowing that or not.

Erik asked, whether it's single-story, two-story, it's the height right? Whatever that is. I personally don't care. I mean if someone has the property and the room, you build a thousand square foot home and you moved into one and you want to go build a 2,000 square foot garage, I don't have a problem with that.

Gary stated, I don't either, but that's why I'm not worried about the size of building. Again, with regards to setback issues, you know we ought to be as a minimum complying with our lot setbacks for the utility easement.

Erik stated, the thing is not everyone has easements. Right, so I don't want to go and say, "Okay we're going to make everything seven and a half on the chance that you might have an easement." I think it's here's a setback and you need if there's an easement there, you need to comply with that easement.

Jaime stated, it makes sense to have different setbacks and for different size lots. I don't know why there wouldn't be any restrictions in the RR-5 zone. So it makes sense to clean that up. But if the issue is making this accessory building stay behind the front of the house, I don't know that we need to do. You know if people get creative and they build within the code, good on them. You know, I'm loathe to say, "Hey, shame on you for figuring out how you can fit within the code," so I get it. People are upset, it looks different. But it's not outside of our code.

## 2. Discussion with Shay Stark about Accessory Dwellings.

**Shay Stark with Aqua Engineering was present for this item and stated to the Commission:** I will keep this one really short. What I'd like to do just right now is just gage everybody's thoughts on this matter. The city is seeing a lot of requests for accessory dwellings. Rather than be an accessory apartment inside the home or rather that be a separate building. The latest one was a barn that they wanted to put a dwelling in the loft area. Then there's also people who would like to put a guesthouse on their property, something that they can allow a child to go into.

Gary mentioned, I've been asked about that where the city stands on mini housing. I've been asked a couple times by people who want to do it.

Brett stated, the city actually doesn't have anything in its code for it at this point.

Shay stated, we're trying to figure out right now if there is interest in pursuing looking at some of these options and putting together some code for these options. We just want to get your thoughts on it at this point.

Jaime stated, I think we should look at it and I think we should consider allowing more of that. Particularly where we have a whole bunch of young adult kids still living at home. There's nowhere for them to move in Tooele County because we don't have housing for them. We don't have affordable housing. Grantsville in particular is going to bigger lots and staying with the bigger lots. It's not affordable for a lot of people to buy a house. If we have the possibility of accessory dwellings, that's a way people can generate some income. They can have a place for their kids to live. There's so many different options, I think we should look at it.

Erik asked, the question I've had is what's the negative? Why not? Why wouldn't you? I don't know that you have the answer. I guess as we look at it, because I think from what I understand it seemed like it was quite the process for Tooele to go through and finally do it. There had to be some sort of downside that I don't understand.

Gary stated, I think the biggest deal is it is going to bring another couple cars into the parking area where do you put the cars. But all that can be addressed within the code. There's some lots that simply don't have the room for another building. I also think another issue could be that it would require separate utilities. You know if you're going to have a detached separated living quarter, I think it will require another sewer and water service for purposes of controlling that separate dwelling. There are issues that need to be addressed. All parcels in town aren't going to be eligible. Where it is possible I think we ought to look at the option and make it.

Andy stated, now you're touching on a building code requirement. The building code doesn't care how many buildings you have on a piece of property. Whether it's residential or commercial, each building is supposed to have separate utilities. Now when it gets into single family, then it gets real fuzzy. Because the code does not want to define what family is. And even Federally they refuse to go there to try and define what family is. And I think we can all think of situations why even the Feds don't want to go there. But the building code, as soon as it's separate family, now the fire separations that are required. I mean it is supposed to be separate meters. Because as you can imagine, well you used 100 gallons, I

only used one. I'm only paying for one, I mean that's a fight all the time. And you know same thing with power. Again, if it's something for family, I mean I'm just saying this just for information, the code is not going to go there. But if it's now for monetary gain, whether to help with income or pay the mortgage, or whatever it is, and it's even if that is family. Because it's now monetary, the code wants everything separated, fire separation. Just for information.

Neil asked, if somebody has a basement, they're older, they want to rent out the basement to their grandson or kids, they have to have separate meters, separate utilities?

Andy said, you totally made it fuzzy because you said rent to family.

Erik stated, that's what I'm saying, what's the negative. You bring up the additional parking. That doesn't mean that you have extended family that come, yeah you can sleep in my room, you can sleep in here. I've loaded up the street, but I didn't build an accessory building. That's why I'm just trying to understand why it's such a big deal. It just seems like a no brainer to me. You can put things in with accessory building, and if you want to build that to code, and you want to run sewer and water. Whether that's a separate building, with a separate meter that you're going to charge a renter. Or have a mother-in-law, a child, a grandchild lives there and you don't care, why do I care? Build it to standards, build it to whatever we have as far as accessory buildings. I guess I'm just trying to figure out what the con is.

Kristy mentioned, as of right now we don't, we just have a farm employee accessory building. And they technically have to be on 20 acres.

Shay stated, I helped another community a few years ago amend theirs. They decided just to go with accessory apartments. Versus allowing separate structures on their lots. Most of their lots were small. The big concern was if you're going to turn in it into rental units, we had a requirement that the property owner had to be living on the property. Parking we actually created an ordinance requiring that they have off-street, up to six off-street spaces available. That was for main and the accessory apartment. There's ways to work around those issues.

### **3. Discussion with Shay Stark and Attorney Coombs to Amend Chapter 21.4.3 Phase Development in the Grantsville City Land Use and Management Code.**

**Shay Stark was present for this item:** Jaime stated, I read through the phase development changes. Can you give us an idea of why we're looking at this?

Shay answered, well there's a few issues here. One of them that we've run into through this process. This whole phase development was based around the previous process. We had concept, we had preliminary and preliminary was the construction engineering drawings. And then we had final plat, it was purely the final plat. And so it was setup here that they could turn in for their next phase in the preliminary. And go through that preliminary process as soon as they finish the first phases approval. Then all they were waiting for was this 70%, and then they could go through the final plat process. Which still was you knowing probably a couple months long realistically to get through. You know developers aren't happy about that with it as long as it is. The concern being that if you're selling really

quickly and all of a sudden you're out of lots and you're waiting for months, you lose your momentum and it's hard to pick that back up or you may not pick that back up. Just looking at this, trying to figure out how to strike a balance and make it work with our current process. And so that portion of it is basically the idea is that they can turn in the preliminary (Shay meant to say Final Plat) on the next phase sometime after that approval. But they can't record the plat until 70% of the lots have been sold in the first phase. That was just one thought with it. The other issue that we keep running into is this whole issue of this 25 plots in a phase. And how do we deal with this. Because there's always an odd number of lots out there. And this basically gives the ability for a developer to wrap those into other phases if it's under 15. If it's over 15, then you're going to have to do that as another phase. Those are the two main things that you're seeing in here. The other question, which I'm not 100% sure how to deal with this is those out of the box issues that come up. And trying to figure out how to address this. You know we've had this, that they can submit an absorption study. You're going to see one of those tonight that is the simplest one. In fact, he sent this email out to me. He didn't send it with the intent being absorption study. I looked at it and said, "That's more accurate data than what I've seen in any absorption study. You ought to put this before them. And just say, "Hey, here's I think I'm going to be ready with this next phase well within that two-year period." And so there's just not a lot of definition of that absorption study. And it's also a real challenge because we don't have townhouses actively going in. Well we do now, if they, you know at what point they get built, but we haven't had that. We haven't had an active market for apartments, condominiums, some of these other types of housing, how can these guys give us accurate data on what's going on? And so they give us this very generic data and we go back and say, "No, we don't like this." And so trying to hopefully get away from that whole concept of the absorption study. And maybe find some things here that everybody looks at. And say, "This is reasonable, I can live with this." And yet keep that risk minimized for the city, that they get built out too far.

Jaime stated, remember the issue we had with one of the developments that the 25 wasn't working out and they needed it to be 29. So the way we worked through it is well first it went through the DRC. Then the recommendations came and when we looked at it, it was that was a legitimate variance. Allowing this made sense so they could finish out the road. Could we put in this language, that we always have the flexibility to say this is an unique situation, let's make an exception here.

Shay answered, yes, we just don't want to open it up to much. I have developers calling me saying, "You know I don't want to do four phases here. Can we do 35 lots in each phase? And do this in three phases?" You know we can only do 25 and so I don't want us making these exceptions that set a precedent. And continue to open this up and push the limit further and further out. Then pretty soon we're at a point we're approving single phases with 40 lots if we really feel like 25 is the amount that we need to be at.

Jaime stated, that was going to be my question is why extend past the 15? Why increase the number by 15? I'm assuming you mean that they would get 25 plus 15, why such a great number? Why not just have five extra lots?

Shay stated, they can only increase by five in a phase. So you'd see no more than 30 lots per phase.

Gary asked, the language that you have in parenthesis it says "The City reserves the right depending on the conditions". You know we've done that a couple times already.

Shay answered, exactly, that's one of those out of the box situations that we seem to run into on a fairly regular basis. I don't know I think it certainly makes sense. Brett is there anything you want to add?

Brett answered, no, I think my concern with the absorption study was just the fact that it was so nebulous and that it didn't provide any sort of direction on what we would require. If we had a developer bring in an absorption study and we approved, it and then turn around and deny it for another developer. We would get sued over it because we don't really describe what we're looking for.

Jaime asked, so this eliminates the absorption rate requirement.

Brett answered, yes, it does. This still provides some flexibility. But I think it provides more direction on how much more we're going to allow and what the process is for them to do it. That's my view on this one.

Shay stated, that's what I was hoping for with this, more clarity so you're not forced with an arbitrary decision. That's one of my goals with the language. You know the recording of the plat, if they've gone through that approval process and they have all their ducks in a row, they've got everything signed. They literally can do that within a matter of days. They hit 70%, they go in and record the plat, and they're off selling the next phases lot. They're not going to lose any sells or momentum in that. Hopefully the developers look at it and say, "Yeah, this is reasonable." And it doesn't put the city out any further. You know they could get that approved and they can go ahead and they can construct that phase without prior to recording. State law allows them to do that, so the city has a little bit of risk that yeah we could end up with another phase of 25 lots that's sitting out there at the time that you have some sorted downturn. Maybe there's a few hundred feet more utility that we might have to maintain with only one, two, or maybe no houses on it. But it's a minimal risk.

Jaime stated, that makes sense. Do we need further discussion on that? Okay, we're going to close the working meeting at this time. And we'll take a five-minute break and we'll start our regular meeting.

## **CALL TO ORDER AND PLEDGE OF ALLEGIANCE PUBLIC HEARINGS:**

### **a. Proposed Amendment to Chapter 21.4.3 Phase Development in the Grantsville City Land Use and Management Code.**

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

Monty Kingston:

I just want to thank you for putting this on the agenda. This is a helpful change to the



ordinance for developers. You'll see in our situations coming up here on the agenda later that they can put them way behind the eight ball, and if they're at least allowed to get the plat approved, the final plat approved for an upcoming phase, and having cities sit on it so when they hit that hurdle, they can get going right away. It helps tremendously. So, they're not sitting without inventory that they can sell for months at a time. So just that.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:15 p.m.

**b. Proposed Commercial Conditional Use Permit Application for Monica Miller located at 822 East Main Street, Building 2, Suite F in the CD zone.**

Chairman Jaime Topham opened the public hearing at 7:15 p.m. called for comments.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:15 p.m.

**c. Proposed Home Occupation for Braden Huefner to own and operate a firearm manufacturer and retail business out of his home located at 450 North Cooley in an A-10 zone.**

Chairman Jaime Topham opened the public hearing at 7:15 p.m. called for comments.

Janet Cook:

I just wanted to understand the process for getting a conditional use permit for that business. I'm sure that there must be federal approval and I'm wondering how far along in the process this is.

Jaime stated:

That would be something that we would address with the applicant after the public hearing, when it's his turn to come up and address that.

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

**d. Proposed Rezone of .72 acres for O'Reilly Auto Enterprises, LLC located at 124 East Main Street to go from a CS zone to an CG zone.**

Chairman Jaime Topham opened the public hearing at 7:18 p.m. called for comments.

Carol Addy:

Does that involve lot 1 of the Deseret Circle Subdivision?

Jaime stated:

I don't think I know the answer to that question.

Tim Uhrik:  
We'll be able to answer that later.

Ryan Doherty:  
I have more of a question rather than being heard, just want to understand what the difference in zoning change, and what is the need for the zoning change.

Jaime stated:  
So I'm going to direct that to Attorney Coombs. What's is the difference between the C-N and the C-S zone?

Ryan Doherty:  
Why is it important in this case to change it?

Attorney Coombs:  
So the main difference between zoning designations is just what can be built in those areas. In this instance, it's going from a C-S zone, which is like a commercial shopping zone to a C-G zone, which is more of a commercial generalized zone and in our code. The best way to describe it is, each zone requires certain setbacks, certain places that you must place the building or different restrictions upon the property. They want to go to a C-G zone because if it's a C-G zone, then they can build the building on that lot. If it's a C-S zone, then the setbacks I believe are such that they won't be able to build the building.

Gary:  
I think the square footage on the lot doesn't meet the C-S.

Shay:  
This one's the overall square footage is the issue. It doesn't meet the C-S zone.

Gary:  
The lot is too small for the current zoning. What we're doing is giving the zoning that's appropriate for the lot.

Shay:  
This use could be built in either one of those zones, so it doesn't change the ability for the use. The issue is the size of the lot; it doesn't fit the zone that it's in.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:21 p.m.

**e. Proposed Minor Subdivision for Tim and Paulette Madsen located at 247 N Taylor Rd dividing 2.235 acres of land from one (1) lot into two (2) lots in the R-1-21 zone.**

Chairman Jaime Topham opened the public hearing at 7:21 p.m. called for comments.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:22 p.m.

- f. **Proposed Preliminary Plan for Land Development, LLC Adam Nash for the creation of three (3) single family lots in the Ginny Lane Subdivision located at approx. 683 East Durfee Street in the R-1-12 zone.**

Chairman Jaime Topham opened the public hearing at 7:22 p.m. called for comments.

Lindsey Smith:

I'm here with my husband. We live on Worthington street we got the notice that was sent to us. So, we just would like more information and are here to find out what the planning is for the land behind our house make sure we're okay with what they're doing, since it's our view. So that's what we're here for. We just want to know what's going on.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:22 p.m.

## **CHAIRMAN JAIME TOPHAM OFFICIALLY CALLED THE MEETING TO ORDER AT 7:23 P.M.**

- 1. Presentation by Haylie Hale.**
- 2. Consideration to recommend approval to Amend Chapter 21.4.3 Phase Development in the Grantsville City Land Use and Management Code.**

**Shay Stark with Aqua Engineering was present to discuss this item:** The purpose of this is to update this chapter to meet our new process to allow Developers to move through the approval process with the next phase while they are constructing an approved phase. The City will hold onto the Mylar for that phase until 70% of the previous approved phase has been sold. Then also giving a clearer explanation of how we deal with subdivision's that don't have clean 25 lot increment's and how we address those extra lots. Jaime asked, do you intend to keep the parenthesis around, "the City reserves the right". Shay stated, I know that we like to make things as clear as we can and not leave room for an arbitrary decision. Jaime stated, I think that it captures the idea and allows for some flexibility.

**Jaime made the motion to recommend approval to Amend Chapter 21.4.3 Phase Development in the Grantsville City Land Use and Management Code as provided by Shay Stark with Aqua Engineering, leaving the sentence but removing the parentheses, remove the redlines text and adopting it as stated. Gary seconded the motion. All voted in favor and the motion carried unanimously.**

- 3. Consideration to recommend approval of the Absorption Study on the Wells Crossing Subdivision for Mountain Vista Development.**

**Monte Kingston was present and stated to the Commission:** Good evening. My name is Monte Kingston. I am here on behalf of Mountain Vista Homes. I have submitted a letter and the current absorption of phase 1 for Wells Crossing. If we must wait to submit

future phases until they hit that 70% sold mark, it's going to take us about eight months to get a phase approved. So, it's going to leave us without product to sell. We would like the ability to submitted future phases so we can start working through the process, knowing the city could hold the Mylar until we get 70% of the previous phase sold. Jaime asked, so you've already sold ten of your thirty lots. Monte answered, yes, they are selling one a week. They have set pricing aggressively. One of the things that has helped is they've got fiber installed into that community, which is an attractive sales feature for them. Gary asked, you've sold ten lots. How close are you to having people build on them? Monte answered, they're pulling permits now. Jaime asked, I'm not sure if this question should be directed to Shay with Aqua Engineering or to Attorney Coombs? Is this an acceptable absorption study under our current code? Attorney Coombs answered, that is for you as a commission to decide. Jaime stated, it tells us what we need to know. Monte stated, yes, it's the best kind of data for this subdivision. You know, it doesn't really reflect what other builders are doing, but it tells about what they're doing in this subdivision and what their sales rate is at. Jaime stated, it's my understanding that we hold things until it's 70% sold, based on a subdivision, not what the market around you is doing anyway, right? Monte stated, but before 70% is sold we can't even submit an application to the city, so you know, that sets them back so much further. We'd like to get in and start through the processes and get those approvals out of the way so that when we hit that 70%, we can record the plat and start selling. Jaime asked, so, for tonight's purpose, we're only looking at and considering whether this meets our absorption study requirements? Attorney Coombs answered, yes, only the absorption study requires consideration. Monte stated, if you accept this as an absorption study then basically, they'll be able to turn the application in for the next phase. But we won't be able to record the plat until we hit the 70%. Gary stated, I think it's gives them the opportunity to a jump on things instead of bringing their project to a halt. Jaime stated, it doesn't do Granville any good to have an entire development sitting there undeveloped, because you missed the market tide.

**Erik made the motion to recommend approval of the Absorption Study on the Wells Crossing Subdivision for Mountain Vista Development. Jacob seconded the motion. All voted in favor and the motion carried unanimously.**

**4. Consideration to approve the Home Occupation Conditional Use Permit Application for Thomas Palmer to own and operate a Wood Craft business located at 411 East Shelley Lane in the RR-1 zone.**

**Thomas Palmer was present for this item and stated to the Commission:**  
What I am proposing is just a hobby. I'll be making small wood projects like bunk beds for dolls, shelves.

**Gary made the motion to approve the Home Occupation Conditional Use Permit Application for Thomas Palmer to own and operate a Wood Craft business located at 411 East Shelley Lane in the RR-1 zone. Erik seconded the motion. All voted in favor and the motion carried unanimously.**

**5. Discussion of a Concept Plan with Allmendinger Holdings, Inc. Ensign Engineering for a proposed subdivision located south of Anderson Ranch Subdivision in the R-1-21 zone.**

**Scott Yermish and Jake Clegg were present for this item and stated to the Commission:** My name is Scott Yermish. I'm with Newman construction which Allmendinger Holdings is an apart of I'm Jake Clegg with Ensign Engineering. Jake Clegg stated, so, what we have here for the planning commission to review is our concept of a subdivision that is just south of Anderson Ranch, phase 7, this would be phase 9 of Anderson Ranch. We just want to know if there's any questions or concerns with the proposed concept? Jaime stated, this would be coming in under our new process which requires open space and I don't see any reflected here. Gary stated, that can be satisfied with providing open space or a fee in leu based on the assessed value of the area. That's at 10% of the square footage or 10% of the assessed value of the area. Jake asked, is this open space like a park? Or what is the intent? Gary stated, it would need to be something for public use. Jake stated, we're happy to look into that, and either provide the park or pay the fee for the open space. Gary stated, look at our current ordinance, we changed it just a little bit here a month or so ago. It went from 15 to 10, but all the other portions of that ordinance have stayed the same. Jake stated, we're going to keep what been done in Anderson Ranch already so it's just following that same footprint of the lot's layout and everything so it's just a continuation of that. Gary asked, is there any way you can lay it out to eliminate so many double-fronted lots? Jake Clegg stated, Well the projection of Nygreen Street that Grantsville has asked for is what's forced that in some ways. But we can look at that and see what we can do. Scott stated, they're going to want an in and out for fire obviously, so it's going to be hard to accommodate not having the double fronted lots. Jake stated, its my understanding that no homes will front Nygreen because its going to be a major road. Travis Daniels stated, if you're going to have a road longer than 150 feet, it must have a turnaround of some sort to allow for fire apparatus to turn around in. Jake asked, are you referring to lots 118, 117, and lots 104 and 126? Travis answered, yes. Jake stated, we can do a hammerhead there.

**6. Discussion of a Concept Plan with Mike Colson and Wade Sandberg for a proposed subdivision located on the corner of Nygreen and Worthington in the R-1-21 zone.**

**Mike Colson and Wade Sandberg was present for this item and stated to the Commission:** We appreciate the opportunity to be here. I like being on that side of the railing more than this side. What we're proposing here is a subdivision we're calling President's Park. It's neighbors to the one you just looked at. We're right across Nygreen from the third phase of Anderson Farms. South Willow is about 1400 feet to the west and Anderson Ranch is just to the east of us. So, this is a 200-acre planned unit development. This currently is zoned R-1-21 half-acre lots. Our density, we will stay underneath that zoning. We're proposing a single-family lot from a third to 1 acre. We have approximately 43 acres of open space which is about 20% of the total land. 92% of the homes will not have backyard neighbors the way this is laid out. The large open space behind the homes behind the green tracks, those are basically two football fields put end to end for space. The red border on east and south is the Grantsville conservation district. At the entrance for the subdivision is an 8 to 12-acre parcel that is for a possible new elementary school. We're talking to the school. They're very interested in this property. We don't have a contractor or anything, but it is in the discussions of a possible area for the new elementary school. Across from the school, we're proposing a mixed-use area for neighborhood commercial. If you drop down on

the west border, we are proposing a 55 and over secluded town home area. Those would be sold individually. All our streets will meet the ordinance of 43 feet of roadway width all our streets will be named after past US presidents, except for two that will be connecting to the South Willow Estates. Our plans are a little vague intentionally at this point because we want to work with the city on the open space with what the city wants. We don't know if the city wants a park. How they would want to use open space in this project. We are agreeable to do whatever our city leaders feel they need maybe that will come from the city council. This concept was originally brought in as half-acre lots, but we got involved, kind of accidentally, and thought we could do something much more than just another 300 half-acre lots in Grantsville. What we want to do is create a sustainable, efficient, walkable subdivision that conserves our natural resources. All the lots will have a 100-foot minimum frontage and a 40-foot setback. The entire subdivision is going to be required meet a 50% zero escape requirement to conserve our water. That means we'll use about half the water that a normal subdivision would use for watering. All our park strips are going to be landscaped and maintained by an HOA, so we'll have common landscaping with the trees. We're proposing shallow swells in the park strips for minor storm water a shallow detention area in those large green spaces for major water events. We have secondary water for the project. We won't be using culinary water to water our outside. We're also considering a solar requirement on the homes. We want to work with Grantsville City to create the next standard of what you should expect from subdivisions and from builders. We have many other ideas and concepts to make this subdivision as efficient as possible. The best thing is Wade and I live here. We raise our families here. We're not leaving. This isn't about making a quick buck and leaving town. We want to build the best community we can possibly build with this project. In the general plan meetings, that were here in the high school. I attended many of those what came out of those was some points that we tried to cover. The first one is more retail that the citizens are asking for. So, with that mixed-use area we want to have a low impact neighborhood commercial, such as a convenience store, maybe a small deli restaurant, and the whole driver for making this a PUD was to create a retirement facility in that area and possibly a daycare. I was excited when Carriage Crossing came in, maybe 7/8 years ago and they were going to that retirement community would phase from 55+ community and then you could move into their next building that would need a little more care, but that ended up turning into half-acre lots and that went away. It is a gigantic need we have and it's growing. The idea with that 55+ area was to have a place where our Grantsville citizens could downsize and then be able to move up into the retirement center that would be in that mixed-use area. The other things that came out of those meetings was that they want a secondary commercial note, again more retail. Our area above Anderson Ranch was located on the map of our future general plan where they thought they needed commercial note. So that worked right into our plan here. Also, what the citizens said was that they want schools that are accessible and that are surrounded by connecting sidewalks. You can see how that would make such a great area if an elementary school did go in there to serve this subdivision and then Anderson Farms, Anderson Ranch, and all the growth that we have there on our east side. The other thing that was mentioned was to limit small quarter-acre lots. The smallest would be a third acre, but they still have the same frontage and the same setback, so they would look identical to half-acre lots. It's going to have that same open feel is what we're trying to get. The other thing that was mentioned was ensure sustainable development and that was one of our goals with doing a zero scape, having a HOA control where we would come in and control the

landscaping and the park strips which I see as a major failure in some subdivisions. We want to come in and use our resources as practical as possible and that's where our zero scape and or using solar on the homes. We think we can do that with land development and on homes we build to be very energy efficient features instead of just trying to build the cheapest house we can build to sell to somebody. We've been building homes for about 24 years here in Granville. The other thing is that we have Senate Bill 34, I don't know if you guys discussed that at all. It's going to make the cities do somethings towards affordable housing. It's going to be about 23 items. I think you must pick at least three, I think, the first year and more the following year. But with the 55+ that means something that would fall in that category and maybe the third acre would fall under affordable also. It would also be agreeable if the city did want to do some more, some type of affordable housing or something. There's something we would talk about. The commercial that we want to do here would be similar to Park City. Stuff that would be very low impact, very low signage. It would impact the neighborhood, a very great convenience. Jaime stated, we've been talking in the general plan meetings and in the steering committee more about parks. I see a mini park, but are you open to having larger park instead of so much green space in between the lots. That would be an ideal place for a park in our community. Is that maybe something you would consider? Have more conversations about. Shay, what do you think? Shay stated, I was wondering that too when I first saw this. If the elementary school comes in, is there a possibility to team up with them and basically create a park parcel there that's jointly used. I realize that when they're in session their very concerned about keeping people off the property and of course the kids are utilizing it then anyway, but then off hours allowing that to be utilized by the public. The only reason I am saying that is because we talked to about this open space and just discussing this previously with Mr. Colson. That would be not just weeds sitting out there, it's landscaped open space, which is hard to come by. I can see some benefit to those people who are living there to have that landscaped open space around there. Mike stated, I think one thing we need to think about is what the end goal of all this open space is. Is it to give a rural feel, or is a land grab for the city to build a park to build something? Or is it going to be a mixture of both? Gary stated, this is a little different approach to the open space that we've seen. If you look around town, we've got all these pastures and hay fields situated in amongst housing. That is open space. This is something similar to that, granted it doesn't have swing sets or ball fields, but it is open space, of a rural type nature. Gazebos and swing sets isn't rural. So, as a city, do we want to make a metropolitan landscape, or do we want a rural landscape? This type of open space of this size fits into the rural category. You're offering about 20% of open space here, which goes way beyond what we're requiring. But again, it does create a kind of atmosphere and environment you hear all the residents, and everybody stating that is why they come to Grantsville.

**7. Consideration to recommend approval of a Commercial Conditional Use Permit Application for Monica Miller located at 822 East Main Street, Building 2, Suite F in the CD zone.**

**Monica Miller was present for this item and stated to the Commission:** Hi, Monica Miller, I am hoping to open a retail women's clothing store. Gary asked, are you taking in two or three of the units? Monica stated that she is going to only be in one unit.

**Erik made the motion to recommend approval of a Commercial Conditional Use Permit Application for Monica Miller located at 822 East Main Street, Building 2, Suite F in the CD zone. Jacob seconded the motion. All voted in favor and the motion carried unanimously.**

- 8. Consideration to recommend approval for Braden Huefner to own and operate a firearm manufacturer and retail business out of his home located at 450 North Cooley in an A-10 zone.**

**Braden Huefner was present for this item:** Jaime stated, so you heard the public comment, more specifically, a question. Braden stated, I'm looking to basically open a small gun shop out of my house, not really a retail space out of my house. It'd be more eCommerce but doing my precision rifles and platform builds. Sometimes meeting with people, or selling online to do the actual transactions, so not so many people at my place. I have all the forms filled in with the ATF. The ATF has approved them, they're just waiting to make sure that you approve me a business license before they come out and issue me my FFL license. So that's what we're sitting on that. Gary asked, this pump house, what kind of structure is it? Braden stated, It's a permanent structure on concrete foundation. It's about 14 by 14, all that's in there is the well pump, and storage space right now, but I can clean it out and use it as a build room.

**Jaime made the motion to approve for Braden Huefner to own and operate a firearm manufacturer and retail business out of his home located at 450 North Cooley in an A-10 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.**

- 9. Consideration to recommend approval to Rezone .72 acres for O'Reilly Auto Enterprises, LLC located at 124 East Main Street to go from a CS zone to an CG zone.**

**Tim Uhrik with Tate and Associates was present for this item and stated to the Commission:** We had a preliminary conference meeting with the planning commission back in April to discuss what would be the most appropriate zone. The current zone we do not meet the size requirements, which are a minimum lot size of 60,000 square feet so, by moving to the CG zone, we meet those requirements to be in only a 10,000 square foot lot size minimum, as well as the minimum lot frontage for reference, our lot is approximately 31,000 square feet. To address a question earlier from the public, we have been evaluating whether or not to obtain lot one of the Desert Circle subdivision, if that would be feasible. We did not receive any response back from the property owners within that subdivision, so we elected to leave that aside and just proceed with our current subject property. Gary asked, how close are you to build. Tim stated, we had to go through this process first. We do have preliminary plans going through, but first we had to relocate an easement with the Tooele School District. We also had to relocate our driveway from the west side of the property to the east side of the property to meet UDOT's requirement. We will still have to get a waiver from them for that, but with this approval, we'll be able to move forward with the rest of our construction documents and planning.



**Jaime made the motion to recommend approval to Rezone .72 acres for O'Reilly Auto Enterprises, LLC located at 124 East Main Street to go from a CS zone to an CG zone. Erik seconded the motion. All voted in favor and the motion carried unanimously.**

**10. Consideration to recommend approval of a Minor Subdivision for Tim and Paulette Madsen located at 247 North Taylor Rd dividing 2.235 acres of land from one (1) lot into two (2) lots in the R-1-21 zone.**

**Tim and Paulette Madsen were present for this item and stated to the Commission:** This is simple. My parents own that property, and they said if we subdivided that they would give us half the property to build on. Gary stated, the street issues we talked about last time. They're looking to give us the right of way in the future, if the city improves the street. It doesn't look like we really have a right of way on Mack Canyon, but we have a prescriptive easement we're working with. So, the answers that you've seen, I think we're clear on all that now. Shay stated, it was informative to find out from the land use ombudsman that they had produced this document several years ago. Trying to explain this, I've always been told that we can't add to, when you've got a prescriptive easement, those people who are using it over that time can continue to use it. But we can't create a situation that adds traffic or creates a situation where additional improvements must be provided. But, according to this, we can. If you look at the back of that document, there's a whole page of court cases that that's based out of here in Utah. So, we're basically fine as far as Mack Canyon road is concerned, with the existing subdivisions that are up there and allowing the construction to occur up there and dividing those lots. The issue becomes, if we go in and somebody wants to approve a large subdivision up there, then, at that point, the road must be improved any additional width that they would need would have to be dedicated. They can't just go in and widen it. Gary asked, did you talk to the City about a development agreement? Kristy answered, we did a little bit in the DRC. Shay stated, we will spell out that future dedication and a note in there that they are grandfathered in with the well and septic system.

**Erik made the motion to recommend approval of a Minor Subdivision for Tim and Paulette Madsen located at 247 North Taylor Rd dividing 2.235 acres of land from one (1) lot into two (2) lots in the R-1-21 zone. Jacob seconded the motion. All voted in favor and the motion carried unanimously.**

**11. Consideration to recommend approval of the Preliminary Plan for Land Development, LLC Adam Nash for the creation of three (3) single family lots in the Ginny Lane Subdivision located at approximately 683 East Durfee Street in the R-1-12 zone.**

**Adam Nash was present for this item and stated to the Commission:** This is a piece of property that we purchased from the Johnson family. At one time they were going to build a house on this lot, but they decided not to do that. This makes everything continuous from Main Street to Durfee. The open space we are looking at putting in a trail system that ties into Mustang Ridge or we can do a fee in lieu of or a

combination of both. While you are looking at that I would like to address the public comment. Everything to the west is a future phase of Mustang Ridge. Jacob asked, Ginny Lane that is the private lane? Adam answered, yes. Jacob stated that there is already a Ginny Lane in Grantsville. Adam asked where? Jacob stated that it is off Pear Street between Quirk and Willow. Kristy stated that the County approved the subdivision name, but the private lane will have to be renamed.

**Gary made the motion to recommend approval of the Preliminary Plan for Land Development, LLC Adam Nash for the creation of three (3) single family lots in the Ginny Lane Subdivision located at approximately 683 East Durfee Street in the R-1-12 zone with the condition that the street frontage conform with that of the Mustang Ridge for Durfee Street. Jaime seconded the motion. All voted in favor and the motion carried unanimously.**

**12. Consideration to recommend approval of a Final Plat for DRP and Shawn Holste on the Mustang Ridge Subdivision, Phase 2 for the creation of thirty-one (31) lots in the R-1-12 zone.**

**Brandon Parr was present for this item and stated to the Commission:** I am here representing DRP and Shawn Holste seeking final approval for the final plat. Gary stated, there is a two-lot gap between this phase and what we just talked about with Adam's Ginny Lane. That is showing somewhat being in a future phase of Mustang Ridge. Brandon stated that they were held out intentionally until the road project would install the sewer in Durfee. Gary asked if the sewer was getting stubbed in now with the construction of Durfee? Brandon stated he didn't know. Gary stated that they will want to check on that, so they aren't tearing up a new road to get it done. Could we grant a special circumstance and get these two lots added to this phase so they can get those services stubbed and get the shoulder work done so we aren't tearing up Durfee street. Shay stated, those two lots certainly fall under what we discussed earlier. Brandon stated I don't think that they would have an issue doing that. Jaime stated, could we say that we would recommend that they add 428 and 429 into this phase? Shay asked if the commission is okay with them redrawing the plans and submitting them to City Council without it coming back to them with the two lots added? Gary and Jaime both stated that they wouldn't have an issue with that.

**Gary made the motion to recommend approval of a Final Plat for DRP and Shawn Holste on the Mustang Ridge Subdivision, Phase 2 for the creation of what will now be thirty-three (33) lots in the R-1-12 zone with a new set of plans drawn up for City Council showing the addition of lots 428 and 429 that are fronting Durfee Street, East of lot 215 drawn into phase 2 and taken out of phase 4. Jaime seconded the motion. All voted in favor and the motion carried unanimously.**

**13. Consideration to approve the P&Z Meeting minutes that was held on August 8, 2019.**

**Erik made the motion to approve the P&Z Meeting minutes that was held on August 8, 2019. Gary seconded the motion. All voted in favor and the motion carried unanimously.**

#### **14. Report from Council Liaison Member, Neil Critchlow.**

**Neil Critchlow, City Council Liaison Member stated to the commission:** I had a conversation out in the hallway with the residents that were in here for the public hearing and their comments were that we really need to change how we run the meeting. They were under the assumption that they would hear from the applicants and then be able to comment on the items that concerned them. And then we would hear from the applicant again before we approved it. I did talk to the developer for O'Reilly about the lighting of the building and try keeping the lighting on their property. The accessory building that we discussed earlier. There was an ordinance that stated that the house had to be three times bigger than your accessory building but that got changed. On the accessory dwellings discussion, I know a guy, that redid his basement, he has an outside entrance, and he's going to rent it to another person. He's paying the water, he's paying the sewer, it's all part of the rent, so I'm not sure where that falls into our ordinance. Gary stated, according to what Andy said, if he's renting it to a non-family member, he's in a commercial situation. He needs to have that set up with duplicate services. Erik stated, no, we're all family. That's what he was saying. Gary stated, if it's non-family commercial, renting the basement to Johnny-come-lately, by law that constitutes a separate building. Shay stated, I just want to make a quick comment on that. You'll run into a really interesting problem with that, and that is, all of a sudden, separation issues inside the house. I'm not just talking about a doorway from one part of the house to the other, I'm talking about actual firewalls. So you've built this accessory apartment in your basement, and now you've somehow got to have fire separation between that and the floor up above, and it wasn't designed into the original home, it wasn't built into it. The community that I've worked with, we put together a code on accessory apartments. This very discussion came up, and the City basically said it's not our position to say who is in that home. They made a conscious decision to say we're staying out of who is living in that. The key was that the owner of the property lives in the main home, and this is an apartment in their home, and it's designed under that code that it's for family members. So, from the City's perspective, it's let's not worry about who's in it, let's just write our code so that when they build it, it meets the code, they're meeting the building code. The people who own it, living in there, and a family member in the other apartment or dwelling. If they choose to do something different, if they go in and change it at that point, well, that's now a commercial property. You've got to retrofit it. It's not the City's problem. Neil asked, what about the tiny houses or micro houses? I have had so many people ask me about those things. In fact, Mike Colson told me, he says, "The perfect place for those, put in those trailer courts". That we're trying to get away with. If we could figure out what the zoning is, and make sure that they could be in there, I think that's a great place for that kind of stuff. Jaime asked, couldn't they also be on other properties, where you have large acreage and you want to put in a micro-home for your mom to stay in when she comes, because you can't tolerate her in the house? Neil stated, those are good issues, but we're going to get to the end of this and do it before January. I like to be part of the conversation here.

#### **15. Gary made the motion to adjourn the meeting at 9:24. Erik seconded the motion. All voted in favor and the motion carried unanimously.**

Kristy Clark  
Zoning Administrator