

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 11/14/2019.

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 Jacob Linares, and Commission Member Erik Stromberg. Absent tonight were Commission Member Robbie Palmer and Commission Member Alternate Shane Watson. Also present were Zoning Administrator Kristy Clark, Attorney Coombs, Shay Stark with Aqua Engineering, Travis Daniels (filled in for Fire Marshal Brad Clayton), Jewel and Drew Allen, Nicole Helsten, Jane See, Brent C. Lovell, Terry and Ginger Anderton, Scott White, Mike Johnson, Marlo Meno, Robert Hansen, Larry Howden, Mohd Alqaaydeh, Faye Hall, Reid Dickson, Greg DeHaan, Jamie Wilkerson, Debbie Spilman, Brandon Parr, Monte Kingston, Dave Webster, Butch Barton and Angela Jensen.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

a. Proposed Amended General Plan.

Chairman Jaime Topham opened the public hearing at 7:02 p.m. and called for comments.

Debbie Spilman stated to the Commission, I noticed a few minor changes that I think need to be changed before the plan gets approved. One being the Miller Motor Sports Park doesn't exist anymore. It is now the Utah Motor Sports Campus. On page 53, the employment graph is impossible to read. The map on page 12 shows problematic areas. It shows a couple of modern earthquake epicenters and I'd kind of be curious to know when they got these epicenters because in 20 years, I have yet to feel an earthquake right next to my house where one of those seems to be marked. When I look at the fault lines for Tooele County, the map covering the Tooele valley shows the fault movement that has occurred in the last 15,000 years, which is also the area most likely to generate the future earthquakes. That's the over fault zone that's on the East side of Tooele, there's a little bit of it down South of Stockton and a small area to the Northeast of Stockton, but I see nothing in the Grantsville area. We'll say for the sake of argument, the epicenter information is correct, why is the earthquake information not addressed in more detail in the master plan? If you look at the Tooele County Emergency Operations plan, the 2012 version, they talk about earthquake possibility and the potential of damage within Grantsville and they have references to the height of our buildings as well as the structure and the materials that our buildings are made of and that makes our building structures not quite as dangerous in the event of an earthquake. It also surprises me that when you're talking about the problematic areas, they talk about flooding in the North, but why did they leave out the liquefaction map, because if you look at the liquefaction map that's from the US Geological survey, it shows that a major portion of the north part of our city falls within the high and moderate liquefaction area. So those are issues that I think need to be addressed when we're looking at future development and the approval of how we're going to be building. Another area that seems to be

missing from the problematic areas is the area over by Mack Canyon road. In the last city council meeting, there was quite a bit of time spent discussing the problems over the Mack Canyon road area, where a lot of the current development has already disrupted the water flow during the spring runoff and storms, to where houses are being flooded. There was a lot of discussion about how things have to be modified further up before other development goes in to make sure we don't exacerbate the flooding problem as a result of that area. I'm not quite sure why that area seemed to be completely ignored in the plan as a problem area. The maps on page 14 and 15 had areas that show this diamond marking area, but there's nothing in the legend to tell me what is so special about those two areas. The Northstar planning area and the Deseret peak planning area. So are those two areas, have they been just left out of the master plan? Are there already plans that have been approved for both of those areas? If so, I'd like to see the whole plan. I suspect that Northstar planning area, where ultimately there's going to be 2,500 homes, I'd love to see what problems they perceive are going to happen up in that area. The transportation map on page 29, it would be nice if the future local road color was different from the Grantsville city boundary color. The legend shows the roads being a much narrower dashed line and the boundaries a much wider dash line. With black on black there's no way to easily tell if there are any projected, proposed local roads that are going to be right on the boundary line. Most specifically the Depot Boundary Road. I don't see any reference in there about Depot Boundary Road going in and I know I brought it up to the consultants and I know a couple other residents were with me at the time I brought it up. I really do believe that when that road gets paved, that road unfortunately going to become by major artery in and out of the city because it'll be a great way for people to go from 112 to the South end of the city and get over to the Mormon trail to get up to that new 2,500 home development. So that road, I think needs to be addressed in the plan. It could be a local road, but I really do think it's going to end up being a major artery. On page 44 it states that the city's capital improvement plans also anticipates the need to construct a new 8,700 square foot public works building. Weren't we talking about a 2,400 square foot public works meeting at the city council meeting?

Councilman Neil Critchlow stated that 2,400 square feet is for the offices and the rest of it is the other buildings.

Debbie Spilman continued, I was just wondering, because this plan has not been published yet, because of the recent fire, because of the rebuilding of the public's work office building. If that doesn't need to be updated in the master plan. The plan addresses a lot of major issues that are going to be impacting our city. Growth is going to happen and we can't stop the growth. I'm glad to see that we have a master plan that is going to be published shortly. I think we need to follow that master plan, but since we can't stop the growth and since we are growing so fast, just for the record, I want to state one more time, my opinion on the issue of the Mayor City Council, the Mayor-city manager position being combined together. I think it's time for to split those two out and we hire a fully qualified, fully trained City Manager, City Planner, to keep an eye on this master plan and to be ready to move forward with the modifications on this plan without us having to hire another consultant to do the work. Thank you.

Jeff Hays stated to the Commission, I own 76 acres, and also one of my business partners owns 20 acres right next to it off of highway 112. It's part of the Deseret Peak planning area. We've owned it for about 14 years and have been talking with the city for years about the noise. We were told that this isn't going to be residential because all the noise. We've got a lot of people complaining from Anderson ranch and from other nearby areas in Grantsville. I met with the Mayor personally in May about some other land, but he said, there's no way this is ever going to go residential, it's going to be commercial. Literally today at 4:45 I found out that the proposed plan was to make this residential. It makes no sense for us. So were angrily against it. We feel that the best use for this area would be to move the commercial line to the west. We've been approached to have movie theaters, restaurants or industrial here which only makes sense.

Marlo Meno stated to the Commission, I would like to discuss the Matthews ground that is on the map. We would like that to go back to the previous proposal. We feel like it would be best to have that property be mixed use.

Terry Anderton stated to the Commission, I've got about 93 acres just north west of the Walmart Distribution Center that I've had for about 45 years. They've got that pegged for residential. I don't think the land, would be good for residential development, maybe in the next 10, 20 years, I don't know but my recommendation would be light industrial or commercial because it's out of town. I'm just wanting to hear your feedback be in section 21 and 22.

Greg Dehaan stated to the Commission, I have property on Highway 112. You probably know it as the old Ruth Anderson Ranch. You have a purple color across the street next to Bill Castagno. My question is down the road; would it be possible that we might have that same zoning some day?

Councilman Neil Critchlow stated when you request it.

Jaime answered, yes that is a possibility.

Scott White stated to the Commission, I've been developing, and I'm a real estate broker. I'm also a land developer been developing since 1978. I've seen a lot of good plans, a lot of bad plans and I concluded that the only thing that's permanent is change. I'm in support with the Anderton property on the Northwest quadrant of the city. It seems like you're putting the development burden more on the residential aspect of this rather than the commercial. You're going to add a burden of all these improvements, water, maintenance on the residents of this great city. And like it looks to me like you need more of a draw that will attract someone who will share the burden of your costs of your infrastructure maintenance. And your commercial use I think should be enhanced a little bit, especially on that portion of the city. You have to give balance and it'll balance out a lot better with more commercial use. So my recommendation if there is any way you can change the residential on the North side of the Walmart distribution center, it will really benefit the city because there

will be a legitimate draw that'll draw money that enhances the city's revenue. So that cost is definitely having to be factored into this. And I appreciate your time.

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

- b. Proposed Rezone of 1.63 acres for Jaime Wilkerson located at 533 East Main Street to go from a CN zone to a CD zone.**

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

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

- c. Proposed Rezone of 1.60 acres for Mohd Alqaaydeh located at 6 East Main Street to go from a CS zone to a CG zone.**

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

Butch Barton: I received my notice in the mail this afternoon and there's neighbors that said that they didn't receive notification. Councilman Critchlow stated maybe the notices were held up by the holiday. Kristy Clark mentioned that they are mailed 10 days before the meeting so I don't understand why you didn't get the notice before today. Thank you for letting us know!

Robert Hansen: I would like to know what this entails. I was told that there would be more gas pumps and another building. Jaime stated that this is for a rezone because the property doesn't actually fit the zone that it's in. And he is here to come into compliance with a zoning that will best fit his business plans. He will address the plans when it is his turn to speak.

With no further comments offered, Chairman Jaime Topham closed the public hearing at 7:26 p.m.

- d. Proposed P.U.D. for David Parker and Dave Webster for property located at 328 East Main Street in the RM-7 zone.**

Chairman Jaime Topham opened the public hearing at 7:26 p.m. and called for comments.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:26 p.m.

CHAIRMAN JAIME TOPHAM OFFICIALLY CALLED THE MEETING TO ORDER AT 7:26 P.M.

- 1. Consideration to recommend approval to amend the General Plan for Grantsville City.**

Shay Stark was present for this item and stated to the Commission: Jaime stated to Debbie Spilman, I'd like to thank you for your comments and your

feedback on the written part of it. We've poured over it many times and it's always great to have a clean set of eyes. We appreciate it and we appreciate your specifics. That's what we really look for. Erik stated, page 11, the Socioeconomic Indicators, the Average spent on Mortgage and Basics. I can't find anything in the Appendix that supports that number. And the number doesn't make any sense. So without seeing what supports it. It doesn't fit with all the rest of the numbers. So I'd like to see that removed. Jaime recognized Councilwoman Jewel Allen. Jewel Allen stated, the information is a print out of the ESRI business analyst's data and not an editable template. That's when the consultants were asking about that. All information is based on the 2018 US census Bureau ACS update. Erik stated, the problem I have without knowing where it comes from and being able to go see it is if you do some math, that comes out to like \$102,000 a year that residents of Grantsville are spending on housing basics, but our medium income is 70 something, so that means the average resident in Grantsville is going in debt, \$30,000 a year. That doesn't quite add up to me. I mean I know as society there's this huge debt concern, but I don't think it's 30,000 a year average for everyone that lives here. So the math just doesn't work for that to make any sense. Gary stated, I've had a problem with these charts all along. Are the numbers a monthly number, a quarterly number, a yearly number? It's not even labeled. From the very beginning, the consultants just threw some data out here, and I've never been able to track this stuff. I agree with Erik, that the math from one chart to the next doesn't make sense. Jaime asked, can we actually go back to the executive summary on page six? Under infrastructure we took out the information about internet access and reliability and it just got missed in executive summary. So we need to strike that out. And the reason that we're striking it out is that Grantsville city doesn't own an internet company. They don't contract with an internet service or provided it, so we don't feel it as appropriate to have it in as part of the plan. It is certainly something that we can communicate with providers as life goes on, but it shouldn't be a part of our plans, since we don't provide it. So we're going to take that out. Probably one of the things that needs to be addressed and talked about tonight, in particular, is the commercial designation on the future land use map. It used to be our commercial, had commercial and high density residential as part of that same coloring designation, and now it's changed to just commercial. No residential part of that. We tied in the mixed use density with that to have the high density residential in there. I know that there were some suggestions or questions to change certain areas of main street to just be commercial. My feeling is that it should maintain that mixed use density, because it gives us more flexibility, where we have the opportunity to have businesses, lower level, and then living spaces, upper level, on main street. They could still have businesses that front, if that's the direction that we want to go. Having it solely commercial is very limiting. So that's my viewpoint and 10 cents. And that was actually a lot of the community input, and that's why I think the consultants designated it that way, when they originally created the maps. Changes have occurred through conversations with planning and zoning, and city council, and in our group work meeting. That also brings up Marla's point about the Matthews Lane property that they had intended that to be mixed use, and now it's just commercial, which is really limiting. That's a very large piece of property, which could have a lot of great uses, but if it's only limited to commercial, that could be stifling as well. I would recommend that we return that to a mixed use, the purple

coloring. And I actually would recommend all of main street go back to mixed use, to have more flexibility rather than just commercial. I appreciate the comments about the Northwest corridor and that residential. I agree, I think it should probably be actually the mixed use, or light industrial rather than just straight commercial. Jaime asked Shay Stark with Aqua Engineering to address the questions about the areas with the hash marks. Shay stated he first wanted to address the Desert Peak area. As a lot of people are probably aware, the city has been involved in a series of lawsuits that were tied with this annexation, and that is just in the last few weeks has been resolved. But as we were going through this process, the Mayor asked us to leave this area as it was currently shown on the future land use maps, because of the lawsuits, and there's still other issues that are being addressed right now. The major one's been resolved, but there's still some other issues that are being addressed. So the thought process was let's turn this into a planning area, which basically creates a blank slate so of speak. If somebody comes in, and there's actually note on the bottom of the drawing kind of explaining this what these planning areas are. So if we tried to look at it as either a single parcel, or groups of parcels of 500 acres or greater, we want to look at the big picture. If somebody comes in, or multiple landowners come in and say, "Hey, we want to re-look at our parcels", this allows us to sit down with them and come up with a master plan for their parcels. This gets us out of the issue of the owners that are still involved in some of the stickiness that's still going on, and being resolved. It allows us the flexibility too, for instance, the consultants had shown it commercial, and I think a mixed use, may have been expanded down along there, but commercial all along 112. I don't think the commission; city council was against that. There was no intention of really changing that. We were just trying to figure out how we can work around this without getting in trouble, as some of these other issues were being resolved. So that's the purpose of this planning area. The Northstar Ranch is a similar situation. We've actually been talking with them over the last few years and saying, "Look, we want to see the big picture with this." They're well aware. We have huge concerns with storm water. We have huge concerns with water that high up on the hill. We can't provide water pressure on that property. So there's issues with water, which very likely needs a new well, it needs a new storage tank. We've got issues with transportation if this slowly builds out. So the idea being, that we're on a compressed schedule here with the rest of the general plan, and trying to try and resolve all these issues, and we need to sit down with them and look at that area specifically, and have an opportunity to look at what are the concerns, what are the needs of that area, and have them come in with a master plan. And they are, in fact. I've had a discussion with the developer the other day, and their intention is to come in as soon as they can. We're trying to get something scheduled for them to sit down with city council, and hopefully invite planning commission to that meeting, just to present a big picture concept so we can start that discussion. So we can see, this is what you're thinking about, and we can start to look at those concerns, and see what needs to be addressed. I would also like to mention one quick thing on that flux area. I'm certainly not opposed to what's been mentioned tonight on that, with the residential area, but just point out, I am the one who basically asked that the flux area remain the same as it was previously. And part of the reason was, during that annexation, I personally wasn't talking to land owners. Shauna Kertamus, that was in the office, was talking with them. But I know there had been a lot of back and

forth with land owners on what they wanted to see for the uses of the land, and then some discussion of, "How's that going to work with other people out there?" We had already had a lot of that input with that annexation, and just didn't want to get on the wrong side of people who had put in effort and expectations on what was going to occur there. We do have a real struggle with this general area, with water, and with being able to provide sewer. Right now we're unable to provide sewer over there. We've specifically been studying the sewer issue and we've been looking at that Worthington Ranch project and trying to figure it out. I was totally unaware of all of the water rights, and water that is just to the East of the Nelson property. I got in there the other day and they're in one well location. There's 19 rights and a lot of those rights are 1600 acre feet, 1400 acre feet. There's huge amounts of water associated with various wells right in there, and hence the reason that we're concerned about being able to sewer that area, and not have people on septic systems, to try to protect those wells and the springs that are in that area. We are working through that right now, and we're looking for a solution that is very likely going to include a sewer lift station to be able to deal with sewer. And we're going to continue to try to actively work on issues over in that Northwest quadrant, and hopefully as growth does move out that direction, we'll be prepared to take on whatever comes that way. Jaime asked, these future designations and future zoning are what was there previously? Shay answered, correct. These aren't necessarily the zoning designation. This is the way the future land use map was previously. A lot of this is not currently zoned commercial or residential at this point. A lot of this is still in the white, the A-10 and it hasn't been rezoned at this point. So basically, the future land use map allows somebody who's looking at what they could possibly do with their land. It gives them an idea of what they may be allowed to do with that land. They can choose to keep it in the A-10 zone, or they can choose to, depending on where it's at, put it in something that's a little more intensive use, up to whatever the zoning is, or the land use that's proposed. Jaime stated, Thank you Shay. On the transportation map. Debbie, thank you for your comments. We will address those issues. Very good points. In the appendix, I think there was a couple of issues with the coloring, so thank you for pointing those out. Gary, do you have anything to add? Gary stated, the next section on pages 17, 18, and 19 where we talk about annexation. Jaime stated, I think that it probably makes the most sense to put it on page 15, prior to that land use annexation map. On page 14 Jewel, Gary's got a lot of this written down so hopefully he can just get you his copy of all the different changes. But the second sentence on page 14, the map and states, "The map guides decisions about proposed intensities of development." Virtually just going to change that to use and density, and then put a period after that, and strike the rest of that sentence. Gary pointed out that in our new maps, that we've included, that Shay provided to us rather than the ones who were provided by the consultants. FAR is not referenced the F-A-R. So we're just going to strike that. It's not something that's in our current code, and it would be pretty problematic and very time consuming to change that in all of the codes. So we're just going to strike that. Gary mentioned that he had a couple questions, but he didn't suggest any changes for pages 20, 21, and 22. We talked about non-conforming issues, and what they are. It doesn't appear that we're proposing or planning to do anything with non-conforming law. Jaime also stated that we have an entire section of our code currently, that deals with non-conforming uses, and this would not change that

code, so I think we are currently following what our code already addresses for those non-conforming uses. I think it's in the plan. It's just a statement for something for us to also be aware of because there is non-conforming used properties that we've considered. We have an entire section of our code, I was actually looking at that today, that addresses non-conforming use. Gary stated that the statement at the top of page 25, with the Conditions Prior to Implementation, Grantsville City, is a community that is slowly evolving from a rural/agricultural community, to a bedroom community, supporting the regional economy. I don't see anywhere in our plan that we say that's not our plan. Are we going to continue to be a bedroom community? We had some comments earlier about commercial, and commercial component to our city to help us with the infrastructure cost. Rather than your pros and cons, not quite sure on the pro side. Economic development is going to give us local refinement, less community. You put that on our con. We get a freeway. Pro. Con. I'm not sure. Increases traffic. Like you say, if we keep business here in town, we won't have everybody crowding to get out of town. Pedestrian safety. I'm not sure how that fits in but. On page 30, second paragraph, the sentence says, "A part of furthering this plan and deciding how to use funds wisely, Grantsville City may consider requiring an impact fee for any new development and a Traffic Impact Study for larger developments. All the comments we've had from the consultants, said that we shouldn't consider, but we should implement it." I guess the question is, are we going to think about it or are we going to do it? Jaime asked, so should we say, will require? Gary stated, I would say so. On Page 31, the goals and policies for transportation, item number one, talks about having a permeable surface. I don't think we want a permeable surface. We want to have an impermeable surface. It'll shed the water and won't go into our sub grade. The Special Protection Areas on page 39, next to the last line there. And first paragraph says, "the Utah Division of Agriculture and Food (UDAF) is notified." I don't know why notified is in there. It says, "and it is registered." Jaime states, we'll take out, "is notified." Gary also mentioned, in the next paragraph, the second line, "formally designed as agriculture." I think that should be "designated." I think that would be a better word. Then moving on to Recreational Spaces, second paragraph, the middle there, it says, "Grantsville will use 4 acres per thousand people as a standard for future park planning, due to the large lot sizes that are prevalent within the community." First of all, what does the lot size have to do with per capita park acreage, even if a thousand people need four acres it doesn't make any difference how big their household is. Jaime stated, I think Shay can address this for us. Shay stated, I'm the one who added this in, so I'll be happy to explain it. These numbers that are shown from the National Recreation and Park Association standards aren't taking this area specifically into account. They're taking into account, the whole United States. And so where they get their 15 to 17 acres, you know per a thousand people, our standard here has been four in Grantsville, and a lot of cities around here have anywhere from four to eight acres per thousand. There are a few cities that have 12 acres per thousand. If you're in a city such as Baltimore, where do kids go play? They utilize parks. There's no question that they're going to want to have more park space. We have larger lots. We're showing on this land use plan, all these half-acre lots. Where are the kids going to play, when they walk out the door to go play most of the time? In their backyards and the neighbor's backyards. We also have this, as far as on the recreation side of it, we've got trails into the canyons and

we've got access to canyons that other people don't have, that basically work, essentially, as park space to fill those needs. So our needs for park space are a lot different than what is considered in the national standard, and so that's why I've put that in there. Gary continued, next under Potential Improvement Opportunities, line 2, centrally located regional parks and renovations, and line 3, Local neighborhood park renovations. What's this renovations? Jaime stated, it would be upgrading Hollywood Park, for example, or any other of the parks that we already have that is close to the development, rather than donating new land for that. That's what I think is anticipated. Jewel Allen stated, just a note on some of the recreation language. I know the consultants talked a lot to James Waltz, our Public Works Director, so I'm just saying that some of that language might have come from him and his perspective. Shay stated, I'd point out there that James has taken a look at each of the city's existing parks and he's been formulating ideas of how we can improve those parks so that they're more usable to the public. Hollywood Park's a great example of starting to move forward with some of those renovations. The park down here off the right at the head of Old Lincoln Highway, right from the trailer park, I don't know if it's come before City Council yet or not, but I know he's got a plan there to put in some neat play features for the tot lots and so that's kind of what this is trying to address, is put this in the plan that the city has this intention to continue to upgrade the parks. Gary continued, on page 40 under goal one, item three, maintain a park funding program to ensure that the funds are available to improve and maintain dedicated parkland or acquired park acreage. Shouldn't that be "acquire" as opposed to "acquired"? Jaime stated, yes, that should be "acquire". Actually, Gary, that should be 'acquired', so it would be property that we've actually already acquired. That fund is to maintain parkland that's either been dedicated or acquired, which could potentially do the same thing. That fund wouldn't be for actually acquiring. Not the way that it's written anyway. It might've been the intention, but it's not written that way. Gary asked about page 42, second paragraph. It talks about the purpose of public facilities and services within the City includes electric and natural gas services or franchises. Jaime asked, does the public facilities plan need to address the electrical and natural gas services. Shay stated, we only look at the services that the city is providing. I think the reason that they put this in here though is if we get into an area where we see a major deficit, for instance, the flux area where somebody comes in and they want to develop two miles out of town where there are no services, we want to make sure that the other services are addressed. Jaime stated, but the way that this is stated is talking about the purpose of this chapter is to explain to various public facilities and services within the city and then it lists electrical and natural gas, but those aren't services we provide. So then it would be appropriate to strike those. Shay stated, maybe instead of saying services within the city, say the city provided services? Jaime mentioned, we can just strike out electrical and natural gas and then the whole paragraph makes sense and it doesn't imply that we provide or do anything electrical or natural gas. Gary moved onto page 45. Under goal number two the numbering need to be fixed. Jaime stated, I think that wraps up all of the comments for the new plan and the changes, really good suggestions and then we make those changes. I think perhaps the best thing for us to do tonight would be to table this and put it back on for consideration in December. Unless we feel that we should have a special meeting to get this done. Shay stated, so we're leaving Burmester as commercial. Changing the area there

along the Old Lincoln highway just off of downtown back to agricultural for right now and Matthews Lane, switch that to mixed use. Erik clarified that the Deseret Peak is going to stay as it always has been and they can come in and talk to us and we will look at it and see if we can make it work? Shay stated, yes.

Jaime made the motion to table to consider to amend the General Plan for Grantsville City. Gary seconded the motion. All voted in favor and the motion carried unanimously.

2. Discussion and Re-Consideration to recommend approval of the Final Plat for Sun Sage Meadows P.U.D. Phase 2, which contains five (5) Single Family lots, Parcel A, and twenty (20) Multi-Family Units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 Zone.

Mr. Reid Dickson was present for this item.

Jaime asked, do we have any further comments since they have decided to go under the new code? Erik asked, are we saying that we can approve multiple phases, and they can't record until 70% of the previous phase is sold. That's how we are interpreting the code? Shay stated, the way I read the new law is that, essentially you can come in for approval for your first phase. You can record your first phase, and then you can come in for approval for your next phase. The new code doesn't even limit you from constructing the next phase, it's just basically saying you can't record, meaning that you can't sell lots in that next phase until 70% of the first phase are sold. You still have to take it one phase at a time. We're basically compressing the time, so that somebody, when they get to 70%, doesn't have to go through the approval process and slow down that momentum of sales. They can continue to move forward with the next phase. There is also an expiration date of one year and two six-month extensions that they will have to meet. We've not done this before so essentially we are setting a precedence. So, the concern becomes part of the justification, that the developer can develop and record these three phases within the two years. Kristy asked, I just need some clarification, just because it's a question that I've been having with this whole thing. So is this not still premature because they haven't done anything with phase one? The Mylar's not recorded, they haven't bonded, they haven't paid any fees. So because of the new rule, this is no longer premature? I mean, they haven't done anything with what they've been approved for. Attorney Coombs stated, so, the ordinance doesn't specifically say that they have to have one phase. I'm specifically looking at sub-three. The city may accept phases including more than 25 lots up to five lots greater per phase when the overall lot count of a subdivision contains 15 or more. The city reserves the right to consider other situations that might provide a public benefit and still allow for the completion of the infrastructure and sale of 70% of the subdivided lots within the two-year expiration period. There's nothing within the ordinance that specifically says you can't do this. Gary asked, we would need to approve phase two and then phase three. But phase two couldn't start until 70% of phase one is sold? And phase 3 couldn't start until 70% of phase two has sold? Mr. Dickson stated, correct. Shay stated, this actually allows you to look at other unique

situations. Jaime stated, I think it's a benefit to the City because it locks them in on the development of what can be there. Which they're currently not locked in for phases two and three. Mr. Dickson stated, it gives stability to the whole project and to both parties. The city, the buyers. The phase one buyers want to know what phases two and three are going to look like as well. Where will the open spaces be, where will the parks be, what will the roads look like, what will the architecture look like? I'm buying into a community; I want to know how the whole thing's going to finish. Jaime stated, I think if we make our motion, then we also need to add in the clause about, this is a specific situation that would provide a public benefit to allow us to approve phases two and three at this time. So that the developer could get moving but also has to follow the statute, that they can't actually record until they have the 70%. Erik stated, so with doing that, we would add, what precedents we're setting? We would say something like, "This is small, we can see that it makes sense. Say someone else comes in and it's small, but in our opinion it doesn't make sense. How do you feel about that? Are we going to be able to justify it? Jaime stated, every situation is unique. Attorney Coombs answered, that's exactly right! The courts have considered situations such as this. And really it's the discretion that's granted to the city to consider each situation differently. You may have a project right next door that wants to do town homes and comes in with a similar request and if for one reason or another the timing's different, the City's needs are different. It can be denied. The ordinance was ultimately created to provide you with the flexibility to be able to make these kinds of decisions. Shay stated, I was going to point out that in the ordinance it does say that we specifically need to justify in the development agreement, why we're allowing it. So my suggestion is to spell some of those things out in the motion just so that we can take that and put that in the development agreement because then that helps protect you later on when you do have similar situation come in, but there is one thing different and you can say, wait a second, here's the difference between these two. This is why we grant it here. This is why we're not here. And it's just helpful. Jaime stated, so, just to add to that, so then if we're allowing this, we should mention that this is a five-acre parcel that contains town homes and that the continuity in the project would benefit the public. Shay stated, is it fair to ask the developer if they think they can sell 70% of the lots within the two years? Mr. Dickson answered, yes. We want to build the whole thing at once. The Infrastructure and then be unimpeded as we build the units.

Jaime made the motion that we recommend approval of the Final Plat for Sun Sage Meadows P.U.D., Phase 2, which contains five (5) Single Family lots, Parcel A, and twenty (20) Multi-Family units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 zone. I also make the motion to recommend the approval of Phase 3, which contains twenty-six (26) Multi-Family units for Mr. Dickson with Infinity Consultants and Josh Adams in the RM-15 zone. The recommendation is based on code 21.4.3, section three. We are considering this extraordinary situation because we believe that it's a public benefit and will allow the completion of the infrastructure and 70% of the lots to be sold within two years. This is a five-acre parcel and we believe that's important for the city to have continuity in a project. Given that these are town homes and that the phasing involves different town homes within the development. The

developer has asserted that he believes that they can sell 70% of the project within two years. They've provided us a current absorption rate in this market, which is dated March 15th, 2019 from Infinity Consultants delineating their belief that they can, in fact, make that 70% and they've also provided us with letters backing their financial ability to do so. Jacob seconded the motion. All voted in favor and the motion carried unanimously.

3. Discussion and Re-Consideration to recommend approval of the Final Plat for Sun Sage Meadows P.U.D. Phase 3, which contains twenty-six (26) Multi-Family Units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 Zone.

Mr. Reid Dickson was present for this item:

Jaime made the motion that we recommend approval of the Final Plat for Sun Sage Meadows P.U.D., Phase 2, which contains five (5) Single Family lots, Parcel A, and twenty (20) Multi-Family units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 zone. I also make the motion to recommend the approval of Phase 3, which contains twenty-six (26) Multi-Family units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 zone. The recommendation is based on code 21.4.3, section three. We are considering this extraordinary situation because we believe that it's a public benefit and will allow the completion of the infrastructure and 70% of the lots to be sold within two years. This is a five-acre parcel and we believe that's important for the city to have continuity in the project. Given that these are town homes and that the phasing involves different town homes within the development. The developer has asserted that he believes that they can sell 70% of the project within two years. They've provided us a current absorption rate in this market, which is dated March 15th, 2019 from Infinity Consultants delineating their belief that they can, in fact, make that 70% and they've also provided us with letters backing their financial ability to do so. Jacob seconded the motion. All voted in favor and the motion carried unanimously.

4. Consideration to recommend approval of an Absorption Study for Sun Sage Meadows.

Mr. Reid Dickson was present for this item and stated to the Commission:

We've been working on this project for a couple of years now. We've gone up and down and back and forth on how to do this project the best way to serve everyone who's interested in it. We've been approved for the preliminary plat for the entire project, which includes 79 units, five of which are single-family lots and the rest of which are town homes. We have also received final plat approval for phase one and we've also received final construction drawings approval. So we've made application for phase two and phase three for final plat approval and we were continued until now. The last meeting regarding this was continued for the lack of a development agreement, although there was discussion about this absorption study and the financial capacity with the developer. So the ordinance reads that if financial

capacity of the developer can be demonstrated and if a sufficient absorption demand can also be demonstrated that subsequent phases can be approved by the city. However, they can't be recorded until 70% of the previous phase is sold. Then recently, there was a subsequent ordinance passed, new ordinance, that reconfirms that idea, and re-explains how it works. And I don't know that it's subject. Is it still subject, Brett? Does it still subject to the same requirements regarding financial capacity of the developer? Attorney Coombs stated, the new ordinance doesn't take that into account at all. Mr. Dickson continued, so, I'm prepared to speak to the absorption study, regardless. But the new ordinance is not subject to it. So should I continue or does that change the dynamic of how we're doing this? Attorney Coombs offered an explanation to the issue. So probably the best way to talk about it is, what already happened. So they were approved for, for phase one. That one's taken care of. We're done with that. And you'll recall that they also came before this committee for approval of phases two and three. This committee voted to table those phases. And in the minutes of that tabling specifically said, it's going to be tabled until 70% of phase one is sold. Now, in going back and looking at that, that poses a little bit of a problem, because that operates very similar to a denial. The old law stated that you had to sell 70% before you could come and apply for a future phase. The reason that's important is because if this committee denies that, then they are given the right to appeal to the City Council. By tabling it, they did not have that right. And so, that's the one reason why it's here for reconsideration today. Second thing, we do have the new ordinance, and it permits this committee to approve subsequent phases, without the need to sell 70%. You can approve the phase, approve the final plat, the developer just can't record the plat until the 70% is sold. That's the new ordinance that was passed by City Council. So this committee can decide to apply the old law but you can have them go under the new law. It's up to you to decide what would be best in this situation. Shay stated, if I may, I would like to clarify this a little bit further. The way I read the new law is that, essentially you can come in for approval for your first phase. You can record your first phase, and then you can come in for approval for your next phase. The new code doesn't even limit you from constructing the next phase, it's just basically saying you can't record, meaning that you can't sell lots in that next phase until 70% of the first phase are sold. You still have to take it one phase at a time. We're basically compressing the time, so that somebody, when they get to 70%, doesn't have to go through the approval process and slow down that momentum of sales. They can continue to move forward with the next phase. They have lots available. Then once you've recorded that next phase, then you can come in and start the approval process. Final on the phase after that. So, it's just kind of a step process. So the city isn't taking the risks that they've got numerous phases out there that are approved, and constructed with. They're serving one house in each one of the phases, because sales drop off and hit. And then the costs for the city are extremely high. But is that the way you understand it? Attorney Coombs stated, that is accurate. Mr. Dickson mentioned, we're trying to show that we have approval regardless of either way. Our study shows that they're strong demand for absorption, as might be obvious to many of you just based on the housing market as it is currently. Gary stated, under the old ordinance and reading through the previous meeting minutes, I got the impression that the absorption study didn't meet our requirements. Attorney Coombs stated, That's completely under your discretion. So I mean, the absorption study under the

old ordinance provided the avenue for this committee to take a look at, and if it provided you the information that you felt was necessary to make the decision, then you can approve the absorption study. If it didn't, then you deny it, and they wouldn't have a chance to go to City Council and do that there. Gary asked, under the old ordinance, if we found that the absorption study to be sufficient, we still would only approve one additional phase right? Attorney Coombs stated, the ordinance didn't specifically limit it to one phase. That's what's a little bit different is that you could have multiple phases approved, if this committee determined the absorbance to be sufficient. Gary added, but in the new ordinance we don't need the absorption study, but we can only go out one phase. So, to consider two phases today, we must go back to the old ordinance? Attorney Coombs stated that is correct. Gary stated, so the absorption study comes back into play, and the question is whether it's applicable because Grantsville doesn't have similar units here to compare to. Gary asked Mr. Dickson, why haven't you guys broken ground? I mean if you're in a such a hurry to do this, then why is it still in weeds? Mr. Dickson answered, the owner is currently negotiating with a home buyer, and would like to develop the entire project and infrastructure in efficient way all at one time. Gary asked, why aren't you guys doing the project? Mr. Dickson answered, we're interested in designing projects and getting them approved. That's our business model. And we usually take a project and sell it to a builder. Gary asked, So, you can't find a builder for this project. It's been sitting approved for months. Mr. Dickson answered, we're not approved yet. So regardless, we would only go one phase at a time. Gary stated, your first phase is approved, right? Mr. Dickson answered, yes, it is. Gary asked, so why aren't you building it? You can't find buyers for it? So, if you can't find buyers, and that's why you're not spending money to build it, why are you asking for more phases? Mr. Dickson answered, we would like to have all the phases approved. So, when project starts construction, the owner or us, or the subsequent owner, would understand that they could build the first 25. And as soon as they had 70% or 18 units, they knew they could come and record the next phase and have continuous ability to provide units to the market as they build. Gary asked, Why the project hasn't been started? Mr. Dickson answered, Well, my client, and the subsequent buyer would like to know that they won't be interrupted in their construction process. So, once they start, they know they can finance, and build, and sell. These are large business models. It's not something that's the same. If we approach it, where we build a project, and then all go off phase one, not knowing if we can start phase two when we choose to, versus when you approve phase two. So, these are two different business models that need to be looked at. Gary stated, we've had developers come in and get approved and then it gets sold and another developer wants to come in and do something completely different. Jaime stated, if we approve phase two and three, then they're stuck with what's approved. And not coming back in and telling us that they want to do something different. They'd have to go through the amendment process at that point. That's not actually a bad thing on our part. Mr. Dickson stated, the subsequent buyer wants to know exactly what they're buying, exactly what they need to do to satisfy the requirements here. The plans, and the drawings, and the plats are all finished and done. For final plat and final construction drawings are 100% approved. We simply want to know that final plat of phase three can be recorded, when the market wants them to be recorded, no sooner by the 70% rule. Which protects the city and no later, which allows the

project to have continuity, momentum, and continue getting built. Jacob Linares asked, you're talking about subsequent buyer, you guys already have one lined up? You already in negotiations? Mr. Dickson stated, we're currently in negotiation with more than one. We always have multiple. But that's something that's important to us, and should be important to the city. I don't see any downside frankly, because the city will be protected up to the 70%, we will regardless. The city would know that phases one, two, and three are all going to be approved the same way. The buyer can't build more units, they can't build anything in phases two and three, until 70%. Phase one is sold. Erik asked, I actually have a question on that, because I actually thought I heard different. That if we said you're approved, they could build, but they can't sell. Mr. Dickson answered, we can build but we can't record. Shay asked, what is the question about building? They can construct infrastructure and then once you record, you're able to sell lots or units, and you're building units. So, I guess maybe the question that's coming up, is the intention of the those who are buying the project are going to try to construct all three phases of infrastructure at once. Mr. Dickson stated, Well, that would be more efficient. So when we're designing, when we're putting curb and gutter down, paving, or doing any of these processes, it's much more efficient to mobilize once and blow through it, then to come back and restart three separate times. Shay stated, based on that, the discussion of risk goes out the window, because you're getting all 74 units are coming in at the same time. It doesn't really matter if you're having to provide water on each one of those streets, rather there's one unit, zero units on there at that time. And where I'm going with this is, basically in my mind as I look at this. If the decision is, is to utilize the new ordinance with this, probably the exception that would be made here would be to allow greater than 25 units. What would become just basically a phase two. And then instead of a phase two and a phase three, because the 70% rule doesn't benefit the city at all, if all the infrastructure is out there. That's exactly what this was trying to protect, the city from once it was getting too far out with infrastructure, and not having it a tax base or people paying for those services, and yet still having to maintain services on unused infrastructure. But there's not, this is a compact situation. I'm not saying that what's being mentioned here, doing all three phases is extremely problematic, that I don't see that it's an extremely high risk. Because even if the city is left with the street that's empty for a year or so, the cost for the four or 500 feet of length, and that street is not huge. Attorney Coombs mentioned, in adding into that, that's the reason in the new ordinance, we provided that avenue to provide the flexibility for this committee and the City Council to utilize development agreements. We do have a development agreement with Sun Sage. The City Council could amend that to say, we're going to require that you put in all the infrastructure from the beginning that you can't do the infrastructure in phases. Jaime stated, it seems to me that we have two options, and what you're asking for is two options. Either we've approve this under the old statute using your absorption analysis, or we make an exception and allow phase two to actually be 51 lots, and you just have a phase two. Then we approve both of them so you can get on, and you can market this entire thing as one development, that somebody comes in and buys knowing they're secure and everything in delivering. Gary asked, how many other people are going to come in and do the same thing? Jaime stated, this is a unique situation that we have to consider when we're talking about a five acres' development, and we're talking about town homes, and we're talking about more

affordable housing that our community desperately needs. Attorney Coombs stated, my advice is, if the commission is considering this, is to mention the reasons why this is a unique situation, for the record. Mr. Dickson stated, the ordinance reads, the city reserves the right to consider other situations that might provide a benefit and still allow for the completion of infrastructure and sell 70% of the subdivided lots within two-year expiration period. Any agreements between the city and developer concerning phases that allow greater than 25 lots per phase should be included in the development agreement. So you're looking at case by case, and it would be very, unfortunate if, like was said, a certain time from now we had the 18th unit sold and then we had plenty of buyers to buy up until the first phase was done at 25 units. And then there was a big gap where we had to come back, get on agendas, and maybe it's November or December, we have fewer meetings than usual. Because of the construction season or the gap, and getting things approved, we didn't have any product for sale. Attorney Coombs stated, the current ordinance helps prevent that because you can apply, and get your next phase going before that 70% mark. That's the reason for the current ordinance, but it's up to the commission. Mr. Dickson added, the new ordinance says the developer may record the plat for the next phase, if the previous is 70% sold. So, we just simply want to get phases two and three, or if they're combined into 51, as a bigger phase two. We just want them approved, but then we can't record until we have 70% sold. So our goal is just to have it ready to be recorded. Jaime clarified, so, we could approve two or three as they stand now. They just won't be able to record it until they've sold 70% of one, and then 70% of two. So realistically, we just be preventing two more hearings, for a project that's going to be going in anyway. Gary asked, since this application process is under the old law. We got subdivisions out here that are under the old law constructing sixty foot streets, because they're under the old law. Just because we change of the law, didn't move everybody into the new. Do we need to make some sort of special motion? How do we handle the transition from the old law in to the new? Attorney Coombs answered, I see where you're going with this. As a general statement, that the commission has the discretion to apply to the new law. It can apply the new law in one case, and then the old law a different case depending the circumstances. The courts have given the planning commission wide discretion in determining how to apply that. With that being said, what I would recommend in your motion is saying that, we've determined that it's in the best interest of the city to apply old law, new law, whatever it is, and then move forward with your motion. Jaime stated, so then we're on item four. We don't particularly need to approve this absorption study, because we're not under that code anymore. Correct? So did we just strike, can we just make a motion to strike? Attorney Coombs answered, yes, you can do that.

Jaime made the motion to strike item number four (4), Consideration to recommend approval of the absorption study for Sun Sage Meadows. As the developer has indicated that he is electing to proceed on agenda items two (2) and three (3) under the new code, which is 21.4.3. Erik seconded the motion. All voted in favor and the motion carried unanimously.

5. Consideration to recommend approval of the Rezone of 1.63 acres for Jamie Wilkerson located at 533 East Main Street to go from a CN zone to a CD zone.

Jamie Wilkerson was present for this item:

Chair Jaime Topham asked, it looks like you're trying to rezone so that you can increase what you're doing at Casa? Jamie answered, yes, we'd like to build a new restaurant. Chair Jaime stated, I don't have any issues. It looks like that it would be appropriate particularly given that we're talking about making all of Main Street commercial and mixed use. Jacob Linares stated, I don't have any issues with it.

Jaime made the motion to recommend the approval of the Rezone of 1.63 acres for Jamie Wilkerson located at 533 East Main Street to go from a CN zone to a CD zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

6. Consideration to recommend approval of the Rezone of 1.60 acres for Mohd Alqaaydeh located at 6 East Main Street to go from a CS zone to a CG zone.

Mohd Alqaaydeh was present for this item:

Chair Jaime Topham stated, you were here earlier when there was a gentleman that asked about what your plan is. Can you kindly address that? Mohd answered, basically going to tear down the old gas station and the car wash and build a new box. A bigger box that will include a fast food restaurant, in addition to the store. Gary asked, this odd shape piece is currently all one parcel? Mohd answered, correct.

Jaime made the motion to recommend the approval of the Rezone of 1.60 acres for Mohd Alqaaydeh located at 6 East Main Street to go from a CS zone to a CG zone. Jacob seconded the motion. All voted in favor and the motion carried unanimously.

7. Consideration to recommend approval of the P.U.D. for David Parker and Dave Webster for property located at 328 East Main Street in the RM-7 zone.

Dave Webster was present for this item and stated to the Commission:

Our intentions for the property is to improve the entire property. So obviously we're asking for the rezone so that we can build new units on the backside of the property. And with that we want to improve or remodel all the existing units that are currently there on the exterior and interior. The purpose is, we're trying to get affordable housing plus improve the housing that's already currently there as well. Also, by not just improving the buildings, we want to improve the entire site. So, the current road that's coming into the property right now is less than 20 feet. I did meet with the fire marshal to get some guidance, because it's such a narrow lot on the hammerhead. He pulled out his code book, he suggested to me that I put the hammer head in the middle of the area where we're building and took a page out to, kind of gave me a guide there. We do have an Alta boundary survey on the property. So, we took that, and I had the civil engineer put that together. We also went out and did physical measurements on the property to make sure that it all fit.

But, also keep in mind that this is strictly conceptual right now. We're just trying to get the approval for the density. We want to do whatever it takes to make the site work. So, with that said, also to elaborate a little bit on that road. So when we did the measurements on that, we were able to not only improve the road and take it 20 feet, but we'll actually be able to take a 20 feet all the way to the main road, to main street, and that still gives plenty of frontage for the existing units that are already there. I've also been in communication with public works a little bit about irrigation and water and so forth. And so far, we're okay. Also, the other thing that we wanted just to keep conscious of was the parking and also some feedback we have been getting is the amenities on the property, there was one thing that they wanted to put an offsite dumpster around it, so we did make a note on that. Also, amenities like a playground, gazebo for the tenants to be able to have some extra amenities of course, but again, these are just conceptual layouts. We're open to suggestions. Gary stated, we really need to make sure we take care of the parking issue. Code requires more parking. You've got 11 for the new buildings and two for the existing for 13 total spaces. How many spaces will be available down amongst the existing housing? We need to get up to about 23 or 24 total spaces. We need to get the parking stalls in there to keep the road clear for the emergency services. We've been talking about this since day one. Secondly, as we collect the storm water, where would you put a basin for that water or how would you handle retention for the storm water? Dave Webster stated, if you remember, we talked about putting in a retention in the new area. Gary asked, as you redo the street through the existing homes, will there be curb, gutter and sidewalks as well? Dave Webster answered, yes, we plan on keeping it consistent throughout the project. Gary stated, so that will take the storm water out to Main. I suspect that you're going to need a basin near Main to collect all the water. Jaime stated, I like that you're trying to upgrade this parcel, but it seems like you're trying to cram a lot in such a little space. Dave Webster stated, this is merely conceptual right now and we're open to whatever is going to be comfortable to the City and the area. Gary stated, this is somewhat conceptual, but we still need to make sure that you've got the parking and storm water addressed. Jaime stated, I think that we should also worry about the density and is this too much for this particular parcel given the other requirements that they are going to have to have in here. Attorney Coombs stated, an option is to table the P.U.D. and give them the opportunity to meet with City and gather the information needed to be able to bring it back to you for consideration. Jaime stated, that might be helpful. You know what else might also be helpful is if you show on your map what you're planning for changes, like parking stalls. Because right now we can only count 15 parking stalls. How are you going to address the additional parking stalls needed? Also, show us where the water retention is going to go, so we can see that all of it is actually going to fit. Then there's the setback issue. You're only 6 feet away from existing chain link. Erik stated, I'm just curious if you didn't have that one single home in the very back of property. Would that free up some space for parking or retention. I don't know what that does to your density and overall plans. Dave Webster stated, obviously we need to incorporate the things you just brought up and if that's the case then we will need to discuss that.

Jaime made the motion to table the consideration to recommend the approval of the P.U.D. for David Parker and Dave Webster for property located at 328 East Main Street in the RM-7 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

8. Consideration to recommend approval of the Final Plat for DRP Management & AW Hardy Family Investments on the Wells Crossing Subdivision Phase 2, located at approximately 630 S. Hale Street, for the creation of twenty-seven (27) lots in the R-1-21 Zone.

Monte Kingston and Brandon Parr were present for this item.

Gary asked, what is this knuckle option? Monte Kingston answered that the original plan was to have that secondary access that was only a secondary access and would be abandoned once we had the through street to the Mormon Trail. We had a thought and decided to talk with the City and the Fire Marshal about the secondary access. They agreed that if we put a graveled, all weather road all the way to the Mormon Trail that would meet the requirement for a secondary access. Gary asked, what about the utilities? Monte answered, they would not go in at that point. Gary stated, so once they are ready to go in and we tear up that road, there will be just one access. Monte stated, I see what you are saying. We could put a temporary access onto Nygreen. It just makes sense to put that knuckle there instead of that temporary stub that we were initially thinking.

Gary made the motion to recommend the approval of the Final Plat for DRP Management & AW Hardy Family Investments on the Wells Crossing Subdivision Phase 2, located at approximately 630 S. Hale Street, for the creation of twenty-seven (27) lots in the R-1-21 Zone. Erik seconded the motion. All voted in favor and the motion carried unanimously.

9. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held October 10, 2019.

Jaime made the motion to approve the work and regular meeting minutes for the previous P&Z Meeting that was held October 10, 2019. Gary seconded the motion. Erik abstained. All voted in favor and the motion carried unanimously.

10. Report from Council Liaison Member, Neil Critchlow. Councilman Critchlow stated to the Commission, I talked to Kristy today and I also talked to Gary today about the requiring of the Geo tech report for a Minor Subdivision. Councilman Critchlow asked Gary what he found out. Gary stated that it is in the minor subdivision ordinance. It is required up front and the reason for that is, I guess the cities have some homeowners come in who bought homes built in minor subdivisions and have had some problems with settlements and other issues. And, like other municipalities, people want to blame the city for letting the builder do it. So we have passed the ordinance to require the GEO tech. So that the builders build them according to the GEO tech report so the city does

not get stuck for soil failures. Councilman Critchlow stated, so, basically Mount Vista homes for instance, they did one GEO Tech before that 180 acres, right? Kristy answered, yes, it was part of the Preliminary application process. Councilman Critchlow stated, if somebody has a smaller amount of land, they have to do the same amount of process, cost the same amount of money, whether they do 200 acres or 20 acres. There is a difference between dividing and subdividing your land and developing your land. Councilman Critchlow addressed Jaime, if you wanted to subdivide your land down here, you would have to have a GEO tech just to subdivide it. Jaime answered, yes and I would have to give 10% open space. Councilman Critchlow stated, if they were to develop the land, in my mind that is where that process should come in. Jaime asked, so have the Geo tech done when they are actually building the homes? Gary stated, I talked to Kristy earlier and she mentioned the problem is that with the building permitting process, once it is subdivided and they sell off the lots, now you are into the building permitting process. We don't have a GEO tech requirement in the building permit process. What you are suggesting is we take it out of the subdivision process and put it into the individual building permit. That would mean a 180 lot subdivision would have a 180 GEO technical reports as opposed to one GEO Tech report. Councilman Critchlow asked, my question is when is the right time to do the GEO tech? I mean, if they divide this in four sections, is now the time to do it or should we wait until they are going to build houses on it? Then they have to have it done then. Erik asked, did we overdo it? For example, I have property and I want to give property to family. Do we need a GEO tech? Do they have to give up ten percent at that point in time? So, I think maybe we over did it. Maybe we have to come back and say is there a way of saying ten percent does not have to happen until this, GEO tech does not have to happen for this. Shay stated, it scares me to say, we are going to pull that out of a minor subdivision. I would prefer to see something where you are basically saying, "Hey, you know, we will write this on the plat just like we do with the improvements of the streets, that at the point that one of these lots is developed, these requirements will apply. Jaime stated, I think if we are going to do that, then we need to address the ten percent because I think that we overshot. I think that if they do not really want to do anything with their property and they are not the only ones, they are just an example, they have to give up ten percent. Jaime instructed Kristy to put that onto a meeting.

- 11. Gary made the motion to adjourn the meeting at 10:06. Erik seconded the motion. All voted in favor and the motion carried unanimously.**

Approved by P&Z 12/12/2019

Kristy Clark
Zoning Administrator