

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 5/14/2020. THE MEETING WAS HELD IN THE GRANTSVILLE CITY COUNCIL CHAMBERS AT 429 EAST MAIN STREET AND ON ZOOM.

Commission Members Present: Chairman Jaime Topham, Commission Member Gary Pinkham, and Commission Member Brian Pattee

Commission Members that were present on Zoom: Commission Member Jacob Linares and Commission Member Erik Stromberg

Appointed Officers and Employees Present: Zoning Administrator Kristy Clark, Grantsville Fire Marshal Brad Clayton, and Shay Stark with Aqua Engineering and City Council Liaison Darrin Rowberry.

Appointed Officers and Employees that were present on Zoom: Attorney Brett Coombs

Citizens and Guests Present: Adam Nash, Travis Taylor, Adam Geldmacher, Barry Bunderson, Nathan Gardner, Todd Castagno, Shawn Holste, Kristy Deans, Justin McCarty, Nicole and Tony Cloward, Marty Rueckert and many members of the community attended the meeting through Zoom.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

- a. Proposed Preliminary Plan for DRP and Shawn Holste on the Mustang Ridge Town Homes Subdivision located at 652 East Main Street for the creation of seven (7) lots in the RM-7 zone.**

Chairman Jaime Topham opened the public hearing at 7:04 p.m. and called for comments.

With no comments offered, Chairman Jaime Topham closed the public hearing at 7:05 p.m.

- b. Proposed Home Occupation Conditional Use Permit Application for Kristy Deans to amend her current Conditional Use Application to add a boutique to her hair salon home business in the R-1-21 zone.**

Chairman Jaime Topham opened the public hearing at 7:05 p.m. and called for comments.

Chairman Jaime Topham read into the record an email from Amber and Brad Homier: "My husband (Brad Homier) and I would like to give some feedback in regards to Kristy Dean having a business in our neighborhood. Our community is a gated

community and we would not like to see a business in our community. We do realize that she already has a business in there but it was grandfathered in before the HOA was set up. This would also allow others to do the same and we would like to keep traffic out of our neighborhood. Also, with more traffic on the roads that would mean more maintenance for the HOA to do on the roads. I for one do not want to see my HOA fees go up due to this. Thank you for your time and consideration.” Jaime stated that it then read: “Hello Amber, this is Kristy Deans; I was just forwarded your comment on my business proposal. And as you know you can attend the zoom meeting but aren’t allowed to make comments there so I’d like to address you personally beforehand (and I will address it then also). The HOA was here when we moved in 3 years ago and it wasn’t grandfathered in, I got approval from the HOA that was in charge when I got here. As for more business there won’t be any more than what’s already coming to my home. I will not be having more traffic coming in and out of the neighborhood. If I have any sales outside of my salon business, they will be shipped or delivered by me personally. I’m not sure how long you’ve lived here but I personally have been for keeping gate codes private. If you have any questions for me I would be happy to answer any of them. Kristy Deans.”

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:08 p.m.

c. Proposed Commercial Conditional Use Permit and Site Plan for Nicole Cloward to operate her real estate business at her property located at 713 East Main Street, in the CN zone.

Chairman Jaime Topham opened the public hearing at 7:08 p.m. and called for comments.

Chairman Jaime Topham read into the record an email from Bill and Liesa Ratcliffe: “To whom it may concern: In regards to the application for consideration of Remax Real Estate business by Nichole Cloward, we Bill and Liesa Ratcliffe would like to request a barrier/privacy fence between the adjoining commercial and our residential property in the affected area, due to the increase of traffic from the existing Sunshine ice shack and the proposed real estate office. Thank you, Bill and Liesa Ratcliffe.”

Chairman Jaime Topham read into the record an email from Justin Richardson: “We live right next door to the Cloward family. We saw how this property went from residential to neighborhood commercial. We don’t want to see it change again. We are ok with the office that will be there. We really don’t want it to ever be anything more such as an auto repair shop or more. We love the peace and quiet that remains. We are also aware that the building on this property was built as a residential structure, NOT a commercial structure, and to convert it to commercial would be costly. We had to fight this kind of battle before. We want the neighborhood to always be just that, a

neighborhood. And again, we are ok with an office and this property always remaining CN zone or less. Thank you, The Richardsons.”

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

d. Proposed Minor Subdivision for Nathan Gardner to divide his property located at 255 South Park Street to go from two (2) lots into three (3) lots by adjusting the boundary lines in the RM-7 zone.

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

Chairman Jaime Topham read into the record a letter from Ronald D. Jones: “To whom it may concern, this response is to the application for a minor subdivision submitted to Grantsville City Planning Commission by Nathan Gardner to buy this property located at 255 South Park Street to go from two lots into three lots. I would like it to be known that I am not in favor of this action by Mr. Gardner.”

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:11 p.m.

e. Proposed Minor Subdivision for Doug and Roseanna Higley located at 5 North Center Street dividing 0.709 acres of land from one (1) lot into three (3) lots in the RM-15 zone.

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

Chairman Jaime Topham read into the record an email from Diane Critchlow: “I am sending this to let you know that the plan for the Higley property is a great use.”

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

f. Proposed Preliminary Plan for Todd Castagno on the Cook Corner Subdivision located at approximately 1000 East Durfee Street for the creation of five (5) lots in the RR-1 zone.

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

Chairman Jaime Topham read into the record an email from Nick Staley: “I received your notice in the mail. We recently bought the house on 3570 Sun Valley Drive. We bought this only to find out after closing the intentions of Todd. I never would have bought that house knowing their plans to put a road right there. Will you please email me the proposed plans? Thanks. I appreciate it.”

Chairman Jaime Topham added: Then there's information that the requested information was submitted to him. She asked Kristy Clark: I guess you want me to read the rest of it?

Kristy Clark answered: Yes. He sent another email with his comments.

Chairman Jaime Topham proceeded to read the rest of the email from Nick Staley: “I guess my biggest concern would be the plans with Durfee Street. Will there be future plans to continue it farther east? Or will this addition be the end of it? One other thing. This area there is Tooele County. Will that remain that way? This was one more selling point for me prior to purchasing this lot. I would want to remain in the county.”

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:13 p.m.

g. Proposed Preliminary Plan for Land Development, LLC and Adam Nash on the 265 North Cooley Subdivision located at approximately 265 North Cooley for the creation of forty (40) lots in the RM-7 and A-10 zone.

Chairman Jaime Topham opened the public hearing at 7:14 p.m. and called for comments.

Chairman Jaime Topham stated to the residents that attended the Planning Commission meeting through Zoom: Prior to the cutoff time we received 28 letters. I am going to read the names of those whose comments we received. If we have received a letter from you, please do not add further comment. Any additional comments from the public will be open to people who have not sent in a letter. So the 28 letters that were received by the planning commission, and we've had an opportunity to read, were submitted by Patrick Hearty, Ryan Parker, Peggy Ahlstrom, Janet Cook, Tashaya Held, Eric Johnsen, Tyson and Ashley Erickson, Nancy Clark, Chet Thomas, Roger E. Haynes, Tiffany Anderson, Savannah Phillips Hudson, Antoinette Romano, Susan Johnsen, Joanna Sagers, Mike and Sheri Johnson, Nancy and Jon Stookey, Kaylie Buhl, Camille Curtis, Makenzie McMahon, Mike East, Connie and Chad McMillin, Pete Maskell, Diane Critchlow, Robbie and JoLynn Fackrell, Kim East, and Gerald Webster. We have received some additional emails since then that were not submitted to the Planning and Zoning Commission and will need to be read into the record. Bear with us - they are long.

Chairman Jaime Topham read into the record an email from Kelly and Jennifer Ross: “Ladies and Gentlemen, we currently reside at 187 N. Cooley Street in Grantsville, which is directly across the street from the proposed development at 265 N. Cooley Street. We firmly oppose the preliminary plat plan for this subdivision. Please consider our concerns as outlined below. The proposed preliminary plat proposes approximately 37 homes to be built on a total of 7.30 acres. This does not align with the current lot size in the neighborhood or the Grantsville General Plan adopted in January 2020. Most homes on Cooley Street and the surrounding area, in the Palomino subdivision, have a minimum lot size of 1 acre. The Grantsville General Plan also outlines lots of 1 acre or more for this area. Cooley Street is a narrow, partially paved road. Currently this road is used by residents as a walking and jogging route, for horseback riding, and children playing and riding bicycles. The increased population and traffic caused by the addition of high-density housing would create potential safety issues and completely change the way the street is now utilized by current residents. To accommodate the plan as proposed, sewer lines would need to be brought to the site. Currently all residents on Cooley Street are on septic systems. We have concerns regarding the potential out of pocket cost to existing homeowners if the city requires us to hook up to sewer. Currently neighborhoods on the north side of Main Street consist of homes on larger lots, many of whom own livestock or live in historical homes. Residents choose to live in this area for the rural feel and open space. The creation of the subdivision on Cooley Street as currently proposed will completely change the character of our neighborhood. Over the past couple of years, homes have been built on Cooley Street. All were required by Grantsville Planning and Zoning to conform to the requirement of a lot size of 1+ acres and all were required to install septic systems. We feel that no less should be required for the development of land at 265 N. Cooley. High density housing in this area is strongly opposed by many residents of our community. This is evidenced by a recent Change.org petition, “Save Cooley Street and Grantsville Neighborhoods”. As of today’s date 1,242 Grantsville residents have signed this online petition opposing high density housing. Thank you for anticipated consideration of our concerns. We are hopeful that you will continue to represent the interests of current Grantsville residents regarding this matter and reject the current proposed plan, instead requiring a one-acre minimum lot size in this development. Best Regards, Kelly and Jennifer Ross.”

Chairman Jaime Topham read into the record an email from Annette Haynes: “The proposed plan goes against the General Plan of Grantsville City 2020. Land Use:

Maintain Community Character-Preserve the small town feel and atmosphere through appropriate land use and preservation methods. Manage Growth-Manage growth within the community to ensure adequate densities are met and infrastructure costs are attainable. Support a Mixture of Land Uses-Create a more diverse and inclusive mixture of land uses within the community, specifically the downtown corridor.

You cannot say you want a small town feel but turn around and approve a development

that goes against that. It does not preserve the small town feel and atmosphere. It goes against the characteristics of the area. The proposed area has a lot of farmland around it that we need to keep. We do not need another cracker box subdivision. We have a lot of livestock (horses, cows, pigs, chickens, and goats). We understand that with this comes flies, noise, and smell. We do not want people moving in and then want to change it. It will add congestion to an area that it cannot handle. Cooley Street has the trees that line it. It is already visually appealing. It is a nice street to take a walk or ride a horse on. In order to accommodate the extra traffic, the street would need to be widened and would lose the quaintness and shade of the area. I understand the City needs the revenue, but I think we need to also manage the growth from getting out of control. Grantsville City is unique. The community would like to keep it this way. We do not want to become another city like Lehi, or Herriman. Just another overcrowded, congested mess. What about the extra cost to homeowners and taxpayers with the sewer system that would need to be put in? The existing homeowners are on a septic system. Who will be responsible for this? One last question: Does Grantsville City have the water to sustain the growing population? Thank you for your time, Annette Haynes.”

Chairman Jaime Topham read into the record an email from Melissa Sprouse: “Hello, My name is Melissa Sprouse and I live at 261 N Cooley Street directly across from the proposed subdivision. While I think that we can all agree the density of the housing being proposed is unfortunate and out of character with the community, we must all concede that growth is sometimes inevitable. That being stated I highly urge the City Council to really take to heart the needs of its citizens and work with us to find a middle ground that we can all be happy with. After only a short year of living here, I can already see several problems that I think the City Council and the Planning and Zoning Commission need to address with the developer before any development and re-zone is allowed. 1. Cooley Street Road- This road is too narrow for the influx of traffic it will receive by doubling the number of homes on this street. The road would need to be widened. Furthermore, the dirt road can barely handle the traffic on it right now...by the end of the winter the road is full of holes (I should know; I blew out a tire coming home one night because I hit a hole I didn't see.) I strongly feel that these improvements should be the responsibility of the developer rather than the taxpayers who do not want the development. 2. Sewer- I also strongly feel that it should be the responsibility of the developer to pay the entirety of the sewer system that will need to be put into place. The residents of Cooley Street have all paid to have their septic systems installed; we are all satisfied with these systems and do not wish to switch, therefore, it should be the responsibility of the developer to pay for all the lines to connect all residents to the system that needs to be installed solely due to his development. 3. Safety to children and animals- I would like for the issue of safety to be addressed. The majority of children on Cooley Street walk to school and play in the streets, horses go down the street, etc. How will the safety of all these people and animals on this street be addressed and ensured? 4. High Density Housing- I understand that the zoning of the front property is already in place, however, the high density housing that is being proposed is largely out of character for the neighborhood. Sure, there are a few houses

that are on smaller lots right around here, mine included, however no lots are as small as the 0.16 acre lots that are being proposed. This is largely out of character with the neighborhood. There are plenty of open spaces in Grantsville that already contain high density. I would urge planning, city council, and even the developer to consider the implications of putting such high density in this area. I truly hope that the citizens of Grantsville have a real voice and that planning and zoning, city council, and the developer will all listen and work together when planning the future of what I consider to be an incredible city. Thank you for your time and consideration. Sincerely, Melissa Sprouse.”

Chairman Jaime Topham read into the record an email from Greg and Stacie Bleazard: “Dear Members of the Committee: We are sending this message to express our concern about a proposed development at or near 265 North Cooley Street. We live near the property in question and drive past it daily. As currently proposed, this development is not good for Grantsville and not good for the North Cooley Street area. We are therefore NOT in favor of this project. Our opposition to the development is based on three areas of concern: 1. Infrastructure – a. Street width – North Cooley Street is a narrow country lane, particularly in the proposed area. It is so narrow that when opposing vehicles drive by, at least one of the vehicles (if not both) is often required to veer to the side and drive partially on the gravel/dirt shoulder of the road. This presents a danger for the current vehicles in the area. According to data.usa.io, there are an average of two vehicles per household in Tooele County. If this is passed, the City would effectively approve permanently domiciling an additional 74-80 vehicles in an area with a narrow, underdeveloped street. How does the City plan to address the narrow street to accommodate a permanent increase of 74-80 vehicles in that small area? b. Egress – As noted above, access to the proposed development is narrow and inadequate to handle significantly more vehicles. A narrow, underdeveloped street also presents substantial challenges with egress. How does the City plan for 74-80 additional vehicles to get out of this new neighborhood every morning and back later that day? It appears there are two options for vehicles exiting on Cooley Street: (1) head southbound on a narrow lane that is insufficient to handle additional traffic; or (2) head north toward a dirt/gravel road. The northern option, a track that is most often ripe with ruts and teaming with washboard bumps, doesn’t come close to handling its current traffic load, let alone additional vehicles. Unless the City, a developer, or some other entity substantially improves both ends of North Cooley Street, neither direction is a safe, effective method of egress for the proposed increased levels of traffic this development would permanently create. c. Settling – The street on the north end of this proposed development has been patched, built-up, and re-patched repeatedly due to soil settlement. Even with major repairs, homes, yards, and sidewalks continue to show signs of past and ongoing settling in the area. Apparently the contractor has agreed to extend certain City utilities to the new proposed neighborhood. What safeguards have been included in these plans to ensure that utilities don’t become victims of the ongoing settling in that area? Has the contractor committed to repair utilities when future settling results in damages to properties? If not, who pays for those damages? 2. Safety – North

Cooley Street, a narrow, poorly lit country lane offers a limited sidewalk and is already a safety hazard for pedestrians, bicyclists, and opposing lane traffic. Increasing the number of vehicles domiciled in the area increases these dangers exponentially. If approved, how does the City plan to address the additional safety risks created by this new development? 3. Conformance with the City's approved General Plan – the proposed development would require a zoning change; essentially a change to the City's recently adopted General Plan. Citizens of Grantsville provided input and were excited that a plan had been developed which would be followed for the foreseeable future. It is extremely disappointing when citizen input, hours of work, and thousands of taxpayer dollars spent on consultants are all seemingly ignored when yet another developer arrives in town and proposes a new plan. The approved plan is less than six months old; please stick with the plan. There are many reasons that this proposed development is not good for Grantsville and not good for Cooley Street. Three major concerns have been addressed above. We appreciate your consideration of these concerns as this issue is being reviewed. Kind Regards, Greg & Stacy Bleazard."

Chairman Jaime Topham read into the record an email from Neldon and Teresa Critchlow: "We would like to voice our options, questions, and concerns regarding the preliminary plan at approximately 265 N Cooley Subdivision for Land Development, LLC and Adam Nash. We are very concerned with the high density of this plan and the impact it would have on our property as well as our neighborhood. We know that the property will be developed now or in the future and understand that, however we would like to see a development put in that is much more consistent with the neighborhood. Our neighborhood is currently very animal and child friendly. We as well as many others around us own horses and other animals and would like their safety considered. Currently kids play and ride bikes up and down this street as well as riding horses. We ask that everything that can be done to maintain safety and the general atmosphere of this neighborhood please be done. This development would touch our property on two sides, both where we have our horses. Our horses are a very large investment both financially and emotionally. We would like to see if the City can require the developer to build a tall privacy fence as part of the development to help protect our animals as well as the people that may buy these new homes. We are concerned what people may try to feed our animals or throw things over the fence that could harm or kill our horses, one example being grass clippings. Also the planting or spraying things on the development side of the property line that could harm or kill our animals. The fence would also help protect the new residents from putting their hands or other body parts through the fence and being injured by our horses. They can bite and kick especially if provoked. General infrastructure is also a concern. The additional street traffic will impact the road and require the City to do more maintenance. There are many sink holes in this area as well as on Cooley Street and we saw an impact when the Palomino subdivision went in. Cooley Street is not a very large street and we feel the increase to traffic would decrease safety to both people and animals. It is our understanding that the plan would require the sewer system to be brought to the new subdivision. We have heard that the developer does not want to bring the large sewer

line from Piccadilly Rd and would like to bring a smaller line from the Palomino subdivision that from what we have heard would not be able to handle the volume of waste this development would need. We also would like to ask the City to require that the developer be responsible for the full cost and insulation of the new sewer. We do not want to see the City use resources for this, nor do we as tax payers want to pay for it. The homes in our neighborhood are on septic systems and we do not want to be forced to hook in to a city sewer system and incur those costs due to this development being built. The plan also shows a park at the back of the subdivision; we would like to hear about the maintenance plan for this park to ensure that it will be maintained to avoid it becoming neglected and a possible magnet for crime. Can you also clarify if the subdivision will be required to use irrigation water for the subdivision homes, open areas, and park? We have heard the developer does not plan to use irrigation shares for this subdivision but planned to sell them or use them on another development somewhere else. Can a new development be built with city water alone? We would like to see our neighborhood stay safe, more rural, and large animal friendly. We ask that you do everything in your power to help with our needs on concerns. Thank you, Neldon Critchlow and Theresa Critchlow.”

Chairman Jaime Topham read into the record an email from Mary Gardner: “I foresee many problems with this proposed housing project. While I am one for growth in Grantsville, I feel it should be more businesses and less homes. We need a tax base to help those living here. 1. 1/2 acre lots would be better than 1/4 acre. 2. Cooley Road doesn't accommodate the traffic that would be going up and down this road, which isn't finished to Vegas. It is also too narrow to pass vehicles that are waiting to turn either way. 3. Each street has only 1 way out of each street onto Cooley which could be a danger for emergency issues such as fire and law enforcement. 4. Infrastructure needs to be implemented, which could impede others in the area. Thanks for listening to my concerns about this wonderful community we live in called Grantsville. Mary Gardner.”

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:31 p.m.

h. Proposed amended Annexation Policy Plan and Map of Expansion Area.

Chairman Jaime Topham opened the public hearing at 7:31 p.m. and called for comments.

Chairman Jaime Topham read into the record a letter from the Tooele City Mayor: “Dear Ms. Clark, Tooele City is in receipt of the written notice of a proposed amendment to Grantsville City’s adopted Annexation Policy Plan. We appreciate Grantsville's efforts to provide notification to Tooele City. In a review of the proposed revisions to the plan, Tooele City desires to offer the following comments: Number one, the proposed Future Annexation Boundary Map revision appears to include an area that

is already within the incorporated municipal boundary of Tooele City. In the far southeast corner of the proposed future annexation map area, the map shows a triangle shaped area outlined in red along the north side of state road 112. The properties in that triangle are currently part of Tooele City. We request that this area be removed from Grantsville City's Annexation Policy Plan. Number two, the proposed Future Annexation Boundary Map revision includes a large area to the east of Sheep Lane to the south of the planned Tooele Valley Parkway alignment. This area, if annexed, will fill in the area between the current municipal boundaries of Grantsville and Tooele cities. This area has been shown as an expansion area within Tooele City's annexation policy plan for many years. We understand this also shows in the Grantsville annexation policy plan as a potential expansion area. Tooele City has on file a petition for annexation from property owners within this area immediately adjacent to our city boundaries. It would be Tooele City's position that, although not ideal, an overlap in our two plans can happen and the desires of the property owners in that overlap area by way of an annexation petition can make the determination as to which community a property is to join. Tooele City has enjoyed a positive working relationship with Grantsville City and is appreciative of the city leaders for that. Thank you for the opportunity to comment on your proposed amendment to the Grantsville City Annexation Policy Plan. Should you have any questions regarding the above comments, please feel free to let us know. Sincerely, Deborah E. Winn, Mayor.”

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:33 p.m.

CHAIRMAN JAIME TOPHAM OFFICIALLY CALLED THE MEETING TO ORDER AT 7:33 P.M.

- 1. Consideration to recommend approval of the Preliminary Plan for Land Development, LLC and Adam Nash on the 265 North Cooley Subdivision located at approximately 265 North Cooley for the creation of forty (40) lots in the RM-7 and A-10 zone.**

Adam Nash was present for this agenda item and stated to the Commission: Hello Commissioners. I'm here to represent the property owners who are descendants of the founders of Grantsville City, future residents of the city who want to live here and enjoy the community like everyone else here who would be denied the opportunity to live in this wonderful city if they can't afford a large house on a half-acre. A lot of misinformation is going around as I read these letters and I wanted to just clarify, not particularly in an argumentative way, but just a matter of clarification. The proposal is not a high-density development. I feel like these rumors were spread to scare the neighbors and to gather opposition to the subdivision. There are no townhouses or any multifamily residential units, only single family residential lots in the subdivision.

Although, the RM-7 can have seven units per acre with the conditional use, we are developing the RM-7 property in single family residential lots. Seven acres of the property which is zoned RM-7 is also not high density. Its classification is medium density. We also have nine acres that is now zoned rural residential one, which is a low density designation and is being developed as single family residential as well as agricultural development, and the subdivision will bring sewer into the neighborhood. So it's usually a good thing that I hear a lot of opposition from the residents over this. Our subdivision will not have septic tanks. Connecting to the new sewer lines is a city ordinance. It's not mine. And it is governed by the City. The residents will have to talk to the city attorney, the residents that don't want to connect could appeal to the City Council, but it's not in my power to do so. Also this is the same thing that we're being required to do as are all new substitutions in the city. The homes that are to be built in the subdivision will be quality construction and designed. Most of them will be built by local companies and residences. The price range of the homes are much more affordable than the buildings on half acre lots. This offers a variety of housing to the City, which the City is not getting with many of the recent developments. Unless required by the City, there will not be any street lights. This helps mitigate light pollution and maintain our designation as a dark sky community. The Cooley Street subdivision has 40 lots, 20 lots are seven to 8,000 square feet, 12 lots are 10,000 square feet, and eight lots are 43,560 square feet, which is an acre. The average lot size in the subdivision is 15,682 square feet or 0.36th of an acre. The lot sizes vary and are typical of other lots throughout the neighborhood and as well as the City. I don't know if I saw this or not, but one concern we usually run into is a discussion about parking. The 7,000 square foot lots will have two car garages with two car driveways so this will provide 80 off street parking spaces. The 10,000 square foot lots can have a three car garage as well as a three car driveway. That'll provide another 72. The acre lots will most likely have three or four car garages with six to eight car driveway parking and outbuildings and barns that will hold more cars, boats, and farm equipment. So that's roughly, not including the barns, even more stalls, so we have 232 off street parking stalls. It's 5.8 stalls per lot, which far exceeds any of the city and county ordinances. There are benefits to the community. With the development of the property, we're bringing in sidewalk, curb gutter, landscaping, and fences along Cooley Street. We will be developing storm water retention in the subdivision as well as in Cooley Street. All of our parks and trails will be open to the public. Future residents and homeowners will pay property tax on roughly \$16 million of assessed value. The owners now pay virtually nothing as the property is in green belt. The maintenance of the street frontage along Cooley as well as the parks, trails, and open space will be maintained by the homeowner's association. There are future roadways that line up to the City's master plan. As these roads are installed and improvements made to Cooley Street and the surrounding roads and streets, the nature of the community will change. Access to new collector roads and the continued growth of the City will continue to upgrade and modernize the City and the roads and other improvements to the area. The infrastructure we'll bring to the area includes water, sewer, power, gas, phone, and cable, as well as irrigation water. They're being brought in to the subdivision and they will also upgrade this part of town and the neighborhood.

The development of the subdivision and construction of the houses will provide numerous jobs for the residents of Grantsville City. I think with that said, I covered a lot of things. A couple of other things that are ordinance. There's concern about water particularly. The water that we provide to the City is sourced and it's not in the City right now. We bring the water with us and same with irrigation. We provide the shares for the irrigation water to our lots. So we provide the City water for culinary use, indoor for the house, outdoor for small lots, and irrigation water for the big lots. I probably missed something there, but I think that covers a lot of them.

Chairman Jaime Topham stated: I think some of the questions related to your putting a housing development around properties that currently have animals. And the citizens, if this were to be approved, would want the developer to put privacy fencing around. One of the comments was asking that the privacy fencing be up to the property owner, the style, but it obviously seems like consistent fencing would be more appropriate.

Adam Nash stated: I don't really see a problem with that, but like I said, nine acres of our property is rural residential so we have that backing onto the Johnson's property, which is agricultural. I believe it's part of the ordinance as well that we do provide perimeter fencing. So coming up with a type and style of fence would not be a problem.

Chairman Jaime Topham stated: Another major concern is the sink holes in the street and how that would be addressed with the sewer and what would happen with the engineering. Have you had a study done regarding the sinking areas in that area?

Adam Nash answered: Yes. We had a soils investigation, a Geo-technical report, conducted on the property. A copy of that report has been submitted to the City. The road has been neglected for a number of years. It's falling apart in places. The sinkholes and these things that they're discussing are typically beginning with potholes and then they're extending into the property as water runs through them. That was what the Geo-technical investigation showed and that was in their summary. As far as what will happen to the roads, as we install our sewer line, we will improve a portion of the road that goes with our depth and what we worked out with the city engineer. We have about 800 feet of frontage on Cooley and that would all be improved of course with sidewalk, curb gutter, landscaping, and fencing, as well as our half road width. So we'll be contributing to improve the quality of that road.

Chairman Jaime Topham stated: Another concern from residents was the transportation. You address all the parking stalls, but you didn't address all of the traffic that's going to be added to that area and the narrowness of that road.

Adam Nash stated: We had a traffic investigation study done. They projected the number of daily trips, which is how they typically do it. And they stated that the road won't service at an "A" class no matter what. If it serves at a B, the additional traffic would bring it to a B minus because there are not many reasons why residents would go

north. So between our property and Clark Street, it would be a B minus. The road's not an "A" classification now.

Chairman Jaime Topham asked: Shay from Aqua Engineering, can you address the road and the sinkhole issues, and has that been studied sufficiently?

Shay Stark answered: Nobody has dug into the road to determine what's underneath that road. Very likely, as Adam said, the sinkholes typically occur because of drainage issues and they've been in the area. And with the improvements placed along the side of the road, that would be handling the drainage that would be attributed to that portion of the road, which should at least offset those issues along that 800 feet of frontage that would be improved. As far as the rest of the road, if it's typical to what we've seen in some other areas, this is an extremely old road. There was no engineered base underneath it. It was probably paved right on whatever soils were underneath it at the time. That was very typical many, many years ago. Times have changed since then. And so as that occurs, regardless of whether a subdivision goes in or not, the road's going to continue to deteriorate over time. And as that occurs, the City needs to be able to program some funds for maintenance and to take care of that. Obviously with the new general plan and the lower densities of land use, but will probably be seen there in the future based on that general plan. It'll be some time before other developments occur in that area that would contribute to having to construct a reconstructive portion of that road. So really at this point, that's going to be a maintenance issue for the City, but it's a maintenance issue for the City regardless of whether a new subdivision comes in or nothing comes in and over time that deterioration continues.

Chairman Jaime Topham asked: The sewer, is that coming from Wrathall down Cooley to their development?

Shay Stark answered: So that's what's being proposed as part of the development and the City's looking a little closer into that to determine if there are issues there or not. If that doesn't work out, then we've got to look at another routing for that line. There are multiple options there. Running east is a possibility. Running further north is a possibility. Obviously you can't go south, you can't go uphill. But, there are other options.

Chairman Jaime Topham asked: If it comes down Wrathall, is that going through the middle of the street? Is that going to tear up the street? How was the street going to be repaired? Who's going to be responsible for that?

Adam Nash answered: The sewer that's in the area right now is actually in the shoulder of the road.

Shay Stark stated: So just looking at that, obviously anywhere where it's in pavement, that pavement has got to be restored. And the pavement isn't restored just at the three-foot-wide trench that was dug out for whatever utility goes in there. It has to be restored

a wider piece so that it can bridge the difference in materials and anywhere that's restored is going to be built to current standards of engineered fill in those areas and then they put three inches of pavement on top of that. If this goes to final, at that point, we look specifically at the engineering and design of the roads, the sewer, and preliminary, and we're looking at it at a little higher level as far as the engineering side of it is concerned because we don't have the full engineered design at preliminary. The question on the engineering side for us as we look at the preliminary is what is being proposed, and if it will work, is it feasible? And what are the potential pitfalls, knowing that there are obviously areas with issues. We've wanted to make sure that those are addressed with proper engineering and constructed correctly so that the new utilities or the new roadway that would be rebuilt or constructed in that area wouldn't have those issues.

Chairman Jaime Topham asked the City Attorney, Brett Coombs: There are a lot of questions from the citizens about if the sewer comes down the line - are they going to have to connect to the sewer? Can you address that for us?

Attorney Coombs answered: The way that the city ordinances are currently written, is that anybody who is on septic currently that has a public connection made available to them, and by made available, a connection that is within 300 feet of their property, the ordinance states that they would have to connect within a couple of months. With that being said, the City Council has the ability and the authority to make decisions concerning the ordinances. So, anybody that has a situation where that may apply, I recommend you to contact a City Council member and talk to them about your concerns. Ultimately, this will be their decision.

Gary Pinkham stated: With regards to the sewer, it looks like we've got some that are going backwards. I look at street A, and we're tying in out along Cooley Street with an invert at 81. As we go to the east, we go up to 83, which is good. That means it's still flowing west. And when we get to the middle of the big turn between Street A and Street D, our invert is suddenly down to 74 where you have about a 10 foot drop in our sewer. We head north, we're still going downhill to a dead end, which is an elevation of 66, where we're 15 feet downhill from where we need to be. I know the ground falls away and I'm not sure we can get a sewer in there and still stay up in the dirt.

Adam Nash asked: Are you aware that you have an existing sewer line there? The City does and it's under the dirt.

Gary Pinkham answered: I understand that, but the one you're designing ties you into an existing and goes uphill to one manhole. From there it turns around and goes down about 15 feet to a dead end.

Adam Nash stated: Our engineers obviously have to look at that.

Gary Pinkham stated: When I look at the storm water, it looks like you're picking up the

water off of the east end of Streets B and C, taking it north and dumping it into what supposedly is the park. To be deep enough in Street D to be able cross where that hammerhead turnaround is proposed, we're going to have it invert about four feet in the ground. We've got an additional three feet or four feet of elevation gain going to the south, which would put that pipe into the park somewhere around eight or nine feet below existing grade, which means that park is going to be an eight or nine-foot-deep retention pond. I don't know if that's even legal.

Adam Nash stated: We haven't even engineered the final plat because we don't have preliminary approval.

Gary Pinkham stated: I'm just saying before I give a wave of approval on this one, I believe I'd like someone to look at the design and see if we don't need to rework it for the fifth or sixth time. The hammerheads that you're proposing are permanent. However, they're located on private property. The streets don't meet minimum standards for the City and it appears we're giving up our sidewalks for storm water swales on Street D. I don't know that I'm willing to give all that up on a subdivision and not get anything in return. It's almost like we're trying to put a PUD type of proposal in on a standard subdivision. The other thing is that this set of plans that came to us a couple of days ago is quite different from what we'd seen on our preliminary review a couple of weeks ago. And I'm just not sure it's ready for submission or approval. Where are we going to put the storm water if we can't run it uphill? Where are we going to put storm water if we want our sidewalks? Where are we going to put the turnarounds if we're not going to put them on private ground? If we go back to standard street width on the streets rather than these substandard streets you're proposing, what does that do to the lot layout? I can see this thing having to be completely reworked to resolve these issues.

Adam Nash asked: Do you want answers to all of those questions or are they just questions?

Gary Pinkham stated: It needs to be fixed before I'll move favorably on it.

Adam Nash stated: So working with staff and with your engineering department, they suggested that the east side of the road that has the acre lots, to maintain the rural residential feel of the community that we would not do sidewalk curb and gutter against those. That came from your staff.

Gary Pinkham stated: That's a problem I got. We've got a code that we've got to live by and we're the P&Z here and we're sworn to uphold it.

Adam Nash stated: That is code. If you read the ordinance under rural residential one-acre lot, that is code. The other side is not code, but we're agreeing to do it so that we can catch storm water.

Gary Pinkham stated: If we're going to make all these side deals outside of P&Z, why do we have P&Z? Why do we have it under ordinance if we're not willing to live by it?

Adam Nash asked: Are those questions for me?

Gary Pinkham stated: It's a question for everybody. And you, I mean, if you're not willing to live by our ordinance and bring us a plan with streets that meet city ordinance, that the city designed.

Adam Nash stated: So the fire department signed off on all this. They got the asphalt that they wanted, edge to edge. I think we're asking for a two-foot reduction in the road width. 64 versus 66, so that we can provide better park strips, and more cohesive sidewalks. But if you want 66 instead of 64, it's fine. We're just proposing what we know works better with the smaller lots. Our engineers, certainly they shot that beginning point, the end point and they're competent that our property will drain in sewer. I don't know what other side deals you're talking about.

Chairman Jaime Topham asked: I have a question about this designation of park or future lot. Why are we listing it as even a possibility of a future lot when there needs to be open space?

Shay Stark answered: In the general plan and actually in the old Grantsville Street master plan, there was a collector road that runs from the intersection with Wrathall over to Koester and runs along the section line. There are two parcels along that section line that actually go beyond the section line to the north. This is one of those parcels. And so as part of this, the City has asked for the full width right of way for the collector. And to have that located along those section lines so that in the future, as it goes forward, first of all, it'll be able to go straight across so we're not jogging around the other part of it, being that then it winds up with the section line, so that each side of those properties all along there will get their fair half of it. And in doing that, essentially there's another 120 feet or 100 feet on the North side of that right of way. It's too narrow for it to be developed. Now, a portion of that is being used as a retention pond to catch the water that's on Street D. So essentially we've got a swell coming down Street D that runs to that retention pond. This affects roughly a three quarter to a quarter of an acre, and the City will need to work something out. Essentially, this is an exaction and the City needs to justly compensate that. The City Council needs to address that and determine what options they want to take. One option is to pay the value of it, just buy it out essentially is one option. Another option would be to give some sort of a density bonus to allow additional density. But obviously that's not something that will probably be brought up at all, that's not what anybody wants to see here. And another possibility may be some sort of trade with the open space as a potential lot. And we don't know all the values right now to know how much we're really talking about.

Adam Nash added: I want to make it clear that normally you only provide your half of

the road. But they're going to take the road right down the middle of our property and we have the property on both sides and they want us to put in 90 feet of road. 90 feet of road is a big undertaking. I mean, it's enormous. It's bigger than almost all your streets here in the City, except for the highway. It's a big deal. And then to leave us with another acre on the north side of that, that we can't develop either, those are what we're talking about, part of the taking if the City wants it. That's why you have the alternate plan if they want to have us move the park as part of it. If they don't want to, then they can buy that and we'll be whole anyways. It's okay, we didn't say that and we're not going to do it. We're just giving you options.

Brian Pattee asked: Adam, is there a possibility of moving this open space to that spot on the north, and that's why you said "and/or future lot"?

Adam Nash answered: Yes.

Chairman Jaime Topham asked: Has there been a Geo-technical study on this property? There are a lot of concerns about the sinking in the area. Not just the road, but there's sinking of the property around the road.

Shay Stark answered: Yes.

Chairman Jaime Topham asked: What was the conclusion of that? Because I don't see the study.

Shay Stark answered: Essentially, the amount of clay that we're seeing in collapsible soils was similar in the potholes to what we've seen in the other parts of the community. And so the City's position on that is that as they construct their new roads, that they have a Geo-technical on site as they're doing the excavation. And that Geo-technical will watch the excavation and will outline areas that he sees with the collapsible soils because they're not consistent across the whole area. You have pockets of clay and then you have other areas that don't have as much clay in them. There are a lot of things that factor into it. He'll then make a recommendation on it, which is usually to try to excavate down, to get below those clay levels and then bring in a good fill material and make sure that it's compacted properly and installed properly. On homes, one of the things that the city has started to do is we provide these Geo-technical reports to the inspectors. And as they're looking at it, reviewing things for building permits, they should be looking at that report and seeing the recommendations that were made on how much fill should be underneath the footings, how deep the footings should be, how large the footings should be, and how those need to be constructed so that those issues don't show up. In some cases, the Geo-technical recommends that they're on site for the excavations. If they run into pockets of soils that they're concerned about, they'll have them excavate those out and bring in more gravel underneath. So that's typically how that gets addressed.

Erik Stromberg stated: I have concerns as we talk about the road widths - it should be 66

feet. Also, I'm concerned with the park or future lot. Unless some sort of deal is made during this whole process, I don't see a park ever being built there on the chance that you can build a lot. So we never get our open space.

Adam Nash stated: You're getting your open space for sure. It's just not being presented well by us.

Chairman Jaime Topham stated: I guess that was one of my concerns is where you have it stuck back in the corner, it doesn't feel like that's actually going to be available to anyone, it's just a corner off in the lot.

Adam Nash stated: It's available to us if the City won't pay for it.

Chairman Jaime Topham stated: That's not what I meant. But even in the development, it's stuck off in the back of the corner, it feels like that's not going to get addressed. And we've had situations where things don't... there are promises made, but not addressed and not dealt with down the road. And our concern is that there needs to be a park. There needs to be some type of open space. And then I saw a statement about connectivity and trails that connects it together. I don't even see that on this. Maybe it's in the details and I just don't see it.

Adam Nash stated: It's the scale of the drawings that are so big. But it's a 10-foot trail that goes all the way around the RR-1 properties and ties into the sidewalks going down to Cooley. That's part of the trail system that we're trying to put through all of our projects anymore so that pedestrians and bikes have a way to get around without being on the main roads. We do development agreements with the City now, which has been beneficial to everybody. Identify the needs and the promises and the things that were agreed to for sure. A little bit new to that with this city, but not new to it in general. And I get what you're going at. I'm all for a table and we can get our guys in here and give you a lot more solid answers that we typically don't add to preliminary.

Chairman Jaime Topham stated: I understand that and preliminary is kind of the bare bones issue. But, you have a massive amount of community concern about what's going on here. So I think a lot more transparency would be very beneficial to the community.

Brian Pattee said: Mr. Nash, these backyard retention swells, explain to me how that's going to work.

Adam Nash answered: That's been adopted in a statewide policy and also in a lot of municipal and local governments. It's a minor collection area in the yards, typically the low end of course. That just accounts for your roof water and a hundred-year storm.

Brian Pattee stated: My concern is how are they going to be installed? And how are they going to be monitored so that they don't get filled in?

Adam Nash stated: They are easements that are listed on our plat, first of all. Secondly, they're tied to the building permit so they're not there for certificate of occupancy, you don't give him one. And then the easement is granted to the City. So the swell will be owned and maintained by the City, so to speak. We had people filling in our collection basins in Lakepoint that were on the side of the road; it's a big problem. The County had to go and have those people remove their obstructions.

Attorney Coombs stated: Just a couple items if I may. For the Commission, regardless of what discussions staff had with the developer, and the developer happens to have with staff. If the Planning Commission feels that it is necessary to enforce the City's laws, including for example street width, that is in your domain to do. That's up to you to enforce that. So I want to make sure that's very clear that you have that authority. It's not the authority of the city staff to overrule the ordinances. Second, as for the ability of the City to provide just compensation to the developer, Shay mentioned three options available in the City. There are actually a number of options that are available to the developer. They would just need to meet with the City Council to go over all the options. Thank you.

Chairman Jaime Topham asked: Mr. Nash, I heard you say that you'd be okay being tabled for further discussion.

Adam Nash answered: Sure.

Jaime made the motion to table the Preliminary Plan for Land Development, LLC and Adam Nash on the 265 North Cooley Subdivision located at approximately 265 North Cooley for the creation of forty (40) lots in the RM-7 and A-10 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

2. Consideration to approve the Preliminary Plan for J Thomas Homes, LLC and Travis Taylor for the Northstar Ranch Subdivision Phase 4 P.U.D., located at approximately 500 W Durfee Street for the creation of twenty-two (22) lots in the R-1-21 zone.

Travis Taylor was present for this agenda item and stated to the Commission: So phase four is part of what was originally the phase four through six P.U.D. and concept plan area that we recently changed, and it was approved by the Planning Commission and City Council. Phase four represents, well there's really no change in the lot sizes or anything else for what was approved by the City Council. It's just the first of the phases.

Chairman Jaime Topham asked: Is there anything from the city engineer? Is everything in order?

Shay Stark with Aqua Engineering stated: At this point everything seems to be in order.

We are requesting an updated drainage report based on the changes in the amended plan and to include this specifically, including this area. We have a larger overall report and with each one of the phases, we've gone in and looked at each space specifically. So that's pending. I'm not expecting any issues there. With as much open space that is being built into this subdivision, there's plenty of room for any sort of basins if there were any basins needed. And typically with the last few phases, essentially, where roads cross drainages, we've essentially had basins in those areas that have covered the storm drainage needs, so we don't have any concerns at this point.

Chairman Jaime Topham asked: Any commission members have any concerns or questions they'd like to address at this time?

Gary Pinkham stated: I'm fine at this time. By addressing those open spaces in those big washes and stuff, we're opening up the subdivision aesthetically, but we're also preserving that natural waterway so my only concern would be you caution your developers. I see they're building roads through them, rather than going up the street around the next area, they're cutting across country. And a lot of the natural vegetation that makes the open space worthwhile is succumbing to that.

Travis Taylor stated: That's a good point. I'm going to be out here tomorrow morning in a meeting and I'll address it.

Jaime made the motion to approve the Preliminary Plan for J Thomas Homes, LLC and Travis Taylor for the Northstar Ranch Subdivision Phase 4 P.U.D., located at approximately 500 W Durfee Street for the creation of twenty-two (22) lots in the R-1-21 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 3. Consideration to recommend approval of the Final Plat and Discussion of the Development Agreement for J Thomas Homes, LLC and Travis Taylor for the Northstar Ranch Subdivision Phase 4 P.U.D., located at approximately 500 W Durfee Street for the creation of twenty-two (22) lots in the R-1-21 zone.**

Travis Taylor was present for this agenda item.

Jaime mentioned: I didn't see a development agreement.

Kristy Clark stated: There is an addendum in the packet with the memo from Shay Stark with Aqua Engineering.

Travis Taylor said: I have a meeting scheduled with the Attorney and Shay on Monday or Tuesday to go through the particulars of the development agreement.

Shay Stark stated: Essentially the City has a boiler plate, just a standard agreement that they use. And that handles a lot of the issues that come up with every subdivision. And then what we have is we add an addendum for issues that are specific and unique to the subdivision that we're looking at. The standard addendum, other than the change of names and dates, typically we don't see any change on that document. And what I provided here was a draft of an addendum that's unique to this subdivision for that discussion.

Travis Taylor stated: One comment that Brett made when we were on the phone scheduling the meeting, was he wanted to make sure that this applied to this area only and was limited. So I'm going to provide an exhibit that shows that what was the four through six, and now will be however many phases, but that area is what will be covered by the development agreement.

Shay Stark mentioned: That's one of the points in the addendum, was basically clarifying the changes. Except for it wasn't March 81st, it's March 21st, that the city council approved the revised concept plans for phases four through six and then we'll have a copy of that concept plan in there to explain it. And it explains why that was approved, what the goal was, and why they were amending it.

Jaime made the motion to recommend approval of the Final Plat and Discussion of the Development Agreement for J Thomas Homes, LLC and Travis Taylor for the Northstar Ranch Subdivision Phase 4 P.U.D., located at approximately 500 W Durfee Street for the creation of twenty-two (22) lots in the R-1-21 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

4. Consideration to approve the Home Occupation Conditional Use Permit Application for Kristy Deans to amend her current Conditional Use Application to add a boutique to her hair salon home business in the R-1-21 zone.

Kristy Deans was present for this agenda item and stated to the Commission: I am seeking a C.U.P. license to add on, it says boutique in my thing, but that's not really what it is. I just want to make t-shirts to sell in my salon.

Chairman Jaime Topham asked: Does she already have a conditional use application?

Kristy Clark stated: Yes, she is just amending it.

Gary Pinkham asked: Where are we ordinance wise with regard to retail sales in that zone?

Kristy Deans stated: I already sell retail in my salon, like shampoos and stuff like that.

Jaime made the motion to approve the Home Occupation Conditional Use Permit Application for Kristy Deans to amend her current Conditional Use Application to add a boutique to her hair salon home business in the R-1-21 zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

5. Consideration to recommend approval of a Secondary Access for Justin and Kristie McCarty located at 612 South Hackamore Rd in the Anderson Ranch Subdivision onto Worthington Street.

Justin McCarty was present for this agenda item.

Chairman Jaime Topham stated: You're here seeking to have an approval of secondary access. So we had this issue before us not that long ago, and under our ordinances, we cannot approve that. Our ordinances are very clear that that's not permissible. I'll obviously allow my commission members to have any discussion that they feel is necessary.

Gary Pinkham stated: I concur. And we've got a letter from public works as well, stating the same situation as we discussed before that those drainage ditches are there for a purpose and they are part of our street ordinance and are part of our storm water retention, storm water management plan. So filling them in with driveways is not what we should be doing. So it is also strictly forbidden by city law. So I don't see that we have an option but to deny at this point from us.

Jacob Linares stated: I don't think we need any more discussion, it's the same issue we dealt with two months ago, and we talked about that it just opens the flood gate if it gets approved. So I don't think we have authority to approve it.

Attorney Coombs stated: I agree with everything that's been said; this body doesn't have the authority to contradict any city ordinances. This body's hands are tied.

Jaime made the motion to recommend to deny the Secondary Access for Justin and Kristie McCarty located at 612 South Hackamore Rd in the Anderson Ranch Subdivision onto Worthington Street. Gary seconded the motion. All voted in favor and the motion carried unanimously.

6. Consideration to recommend approval of a Commercial Conditional Use Application for Marty Rueckert to operate a Chiropractic Clinic business located at 822 East Main Street, Suite 13 in the CD zone.

Marty Rueckert was present for this agenda item and stated to the Commission: I'm putting an office in right across from the Maverick in one of the strip malls. So we'll use it

for personal training and then chiropractic as well.

Gary Pinkham asked: Are you just using one of those units or did you take more than one?

Marty Rueckert stated: Just one; it's 800 square feet.

Chairman Jaime Topham asked: Which unit did you take?

Marty Rueckert answered: Unit 13 across from Prime Pizza and between Rose Boutique and the Chinese Restaurant. We will provide personal training and chiropractic. Can I amend my Conditional Use Permit to allow the personal training and personal fitness?

Chairman Jaime Topham asked: Can we do that at this point?

Kristy Clark stated: It would be easier. I wouldn't have to have him come back. If you add the change to the motion I will have him amend his application before City Council.

Jaime made the motion to recommend approval of the Commercial Conditional Use Application for Marty Rueckert to operate a Chiropractic Clinic and Personal Training and Fitness business located at 822 East Main Street, Suite 13 in the CD zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

7. Consideration to recommend approval of the Commercial Conditional Use Permit and Site Plan for Nicole Cloward to operate her real estate business at her property located at 713 East Main Street, in the CN zone.

Nicole and Tony Cloward were present for this agenda item.

Chairman Jaime Topham stated: We received a letter on this and one of the concerns was putting in a privacy fence between you and the neighbors. Have you considered doing that?

Nicole Cloward stated: That's not a problem. We do have a question because I know there's a setback for how tall a privacy fence can be when you're on a main street, right? So how far would we have to go back before it could be super tall? Or can we do super tall?

Shay Stark asked: Is the driveway on the same side as the resident who is requesting this? There's just residential on one side, right?

Nicole Cloward answered: No, we have residential on both sides. On the west side of our property, we have a low fence, it's a privacy fence, solid wood, and then it gets taller

at the back. We're completely willing to change that fence. I guess we would just need to have direction if we can start a tall privacy right of way, or if it needs to be back a few feet.

Chairman Jaime Topham stated: There was another comment. It looks like they're okay with an office there, but they don't want it to change to be a repair shop or an auto repair. So I assume you're planning on keeping it as a real estate office and not putting in an auto body shop?

Nicole Cloward stated: No, we're not going to fight that battle; it's already been fought.

Tony Cloward stated: I have no skills as an auto mechanic.

Nicole Cloward stated: We hire out all our repairs.

Jaime made the motion to recommend approval of the Commercial Conditional Use Permit and Site Plan for Nicole Cloward to operate her real estate business at her property located at 713 East Main Street, in the CN zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

8. Consideration to recommend approval of the Minor Subdivision and Discussion of the Development Agreement for Doug and Roseanna Higley located at 5 North Center Street dividing 0.709 acres of land from one (1) lot into three (3) lots in the RM-15 zone.

Barry Bunderson was present for this agenda item and stated to the Commission: I'm here for Doug Higley; he's working tonight.

Gary Pinkham stated: I do have some comments on the street. I know we talked about that in the DRC meeting. With the existing street there, this parcel is about 30% of the overall length and any improvement that would be done on that frontage would also have to require improvement all the way down Clark there. At this time, if we put a note on the individual lots, the future development will be paid for by those lots; if and when the city improves that street, that would resolve that issue.

Chairman Jaime Topham stated: There is standard wording for Minor Subdivisions; it's listed in the notes as item three.

Jaime made the motion to recommend approval of the Minor Subdivision and Discussions of the Development Agreement for Doug and Roseanna Higley located at 5 North Center Street dividing 0.709 acres of land from one (1) lot into three (3) lots in the RM-15 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 9. Consideration to recommend approval of the Final Plat and Discussion of the Development Agreement for Adam Geldmacher on the Hale Place Subdivision located on the corner of Hale Street and North Street for the creation of nine (9) lots in the RM-7 zone.**

Adam Geldmacher was present for this agenda item and stated to the Commission:
I'm Adam Geldmacher, looking for a final approval.

Chairman Jaime Topham asked: Gary, did you have any technical issues?

Gary Pinkham stated: Pretty well worked this one out.

Jaime made the motion to recommend approval of the Final Plat Subdivision and Discussions of the Development Agreement for Adam Geldmacher on the Hale Place Subdivision located on the corner of Hale Street and North Street for the creation of nine (9) lots in the RM-7 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 10. Consideration to recommend approval of the Preliminary Plan for Todd Castagno on the Cook Corner Subdivision located at approximately 1000 East Durfee Street for the creation of five (5) lots in the RR-1 zone.**

Todd Castagno was present for this agenda item.

Chairman Jaime Topham stated: We got one comment from Nick Staley. Have you had opportunity to review his comments?

Todd Castagno stated: Kristy sent it over to me. I'm not sure what he was told or not told. I had agents representing me in that transaction. I did pull the plat from Sun Valley Ranch - that's amended number one, which was recorded in 1996, which created that lot. And at the same time we dedicated the extension of Durfee Street to the edge of that lot. So that dedication for Durfee Street has been there since 1996.

Chairman Jaime Topham asked: Is Durfee Street projected to go farther east?

Todd Castagno answered: That would be a City decision.

Shay Stark answered: I'm assuming it'll probably end up on your next meeting; we have a few changes that need to be amendments to the general plan. It had been specifically to the transportation map based on the annexation application that has come in with

Romney Group with Sheep Lane. One of those is Durfee going through as a collector street the full way through to Sheep Lane. The other one is Sheep Lane being designated as an arterial as it comes off the Mid Valley Highway and carries up to 112. So you'll see that hopefully at the next planning commission meeting or within the next couple meetings.

Gary Pinkham asked: As a collector road, what is the right of way width?

Shay Stark answered: That's going to be up for discussion because we have two right of way widths for collectors. And one of those I believe is 80 feet, which is a rural collector, swells on the sides with a fairly narrow pavement associated with it. The other is what we're calling a special collector, which has the curb, gutter, and sidewalk. It's actually 90 feet. Or am I getting those switched? I think I'm getting those switched on you. I think that the 80-foot-wide one has the curb, gutter, and sidewalk and the 90-foot-wide doesn't. I am probably going to recommend that we go to 90-foot-wide when we make this decision. It'll still be approved with curbed, gutter, and sidewalk. And my reasoning for that is just looking into the future, trying to think about the commercial, different things that are going to occur over on that east end of town and people commuting back and forth or traveling back and forth along that road. I could see, especially with some of the higher density development that is being proposed out that direction, I could see a point in time, 20, 30 years down the road where we might need two lanes each direction on that street. But I don't know, that may change, but that's part of what we will need to discuss.

Todd Castagno stated: So in the DRC meeting, our original plan, we had the half width of the road with a swell. In the DRC meeting, we had some discussion back and forth and decided that it would be better for us to fully improve with curb, gutter, and sidewalk and do the half width and eliminate the swell. We are limited, no matter what the City decides in the future of how wide that road would be by existing homes on the north side of Durfee. Currently there's plenty of room on the south side of Durfee to expand that. So we are dedicating, I think it is 64 feet, if I remember right. Whether it ends up 80 or 90 feet, we are dedicating 64 feet of the right of way.

Gary Pinkham asked: Did we figure out for sure what we were going to do with the drainage on the east end of the existing ditch?

Shay Stark stated: So essentially as Todd develops that, that drainage is going to be cleaned out and enlarged along that lot to be able to handle what's generated off the street. What's coming off the homes is sloping to the north. It's pretty flat. So really all it's got to catch is that pavement on the street there. And so it's not going to take much to widen that ditch out. And again, with it being so flat, it's going to act like retention at this point. And then at some point in the future, as things develop out there, we've got the beginnings of that corridor. We've got to preserve that all the way down through and carry it out across the highway. This gives us a first step towards that. A small step. But

it's a good one.

Jaime made the motion to recommend approval of the Preliminary Plan for Todd Castagno on the Cook Corner Subdivision located at approximately 1000 East Durfee Street for the creation of five (5) lots in the RR-1 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 11. Consideration to recommend approval of the Final Plat and Discussion of the Development Agreement for Todd Castagno on the Cook Corner Subdivision located at approximately 1000 East Durfee Street for the creation of five (5) lots in the RR-1 zone.**

Todd Castagno was present for this agenda item.

Chairman Jaime Topham stated: Just to clarify, the development agreement will be finalized before this goes to the City Council meeting.

Jaime made the motion to recommend approval of the Final Plat for Todd Castagno on the Cook Corner Subdivision located at approximately 1000 East Durfee Street for the creation of five (5) lots in the RR-1 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 12. Consideration to recommend approval of the Preliminary Plan for DRP and Shawn Holste on the Mustang Ridge Town Homes Subdivision located at 652 East Main Street for the creation of seven (7) lots in the RM-7 zone.**

Shawn Holste was present for this agenda item.

Chairman Jaime Topham said: I think I read that the entrance to this is going to be on the west side; it's going to have a shared driveway with the other place. Are you going to have to take out those two big trees?

Shawn Holste answered: No, I thought about it, but we'll just put a little island around those trees. I think that adds to it. It would be a shame to take the trees away.

Attorney Coombs stated: There was an issue with the water in Mustang Ridge Phase 1 and I don't know if this body was aware of that. The dedication of water did not go through. I have been working with Shawn and Adam Nash, the previous developer of phase one. We got that resolved so there shouldn't be any issues with water in phase one that would cause problems with this moving forward.

Gary Pinkham asked: When this first came in, I was thinking there was a shared driveway on the west there with lot 125?

Shawn Holste answered: Yes. They are still calling that shared. This is because of the approved access from UDOT.

Gary Pinkham stated: I was thinking that was the only access; I see we've got a second one now.

Shawn Holste answered: It's just that one access on the west.

Chairman Jaime Topham stated: I think that is for emergency services only.

Gary Pinkham stated: If I remember right, we had discussions with the fire department on getting adequate room in there and I remember something about only one access being approved by UDOT. I guess I have a concern with this becoming a second driveway.

Shawn Holste stated: I think you guys were worried about that because you've got curb, gutter, and sidewalk there. Someone would have to hop the curb to get out of there. But in an emergency case I could see that happening.

Shay Stark asked Brad Clayton: You've got other older homes along Main Street that sit back like these units. In the case of an emergency, couldn't the fire equipment just stay on Main Street instead of going into the driveway? The fire hydrants are going to be on Main Street.

Brad Clayton answered: In reality that may be what happens.

Jaime made the motion to recommend approval of the Preliminary Plan for DRP and Shawn Holste on the Mustang Ridge Town Homes Subdivision located at 652 East Main Street for the creation of seven (7) lots in the RM-7 zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

13. Consideration to recommend approval of the Final Plat and Discussion of the Development Agreement for DRP and Shawn Holste on the Mustang Ridge Town Homes Subdivision located at 652 East Main Street for the creation of seven (7) lots in the RM-7 zone.

Shawn Holste was present for this agenda item.

Chairman Jaime Topham stated: Just to clarify, the development agreement will be finalized before this goes to the City Council meeting.

Jaime made the motion to recommend approval of the Final Plat for DRP and Shawn Holste on the Mustang Ridge Town Homes Subdivision located at 652 East

Main Street for the creation of seven (7) lots in the RM-7 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 14. Consideration to recommend approval of the Final Plat and Discussion of the Development Agreement for DRP and Shawn Holste on the Mustang Ridge Subdivision, Phase 3 for the creation of twenty-eight (28) lots in the R-1-12 zone.**

Shawn Holste was present for this agenda item.

Gary Pinkham asked: I thought the two lots there on Durfee, weren't they added in to the other phase?

Shay Stark answered: The problem was that Tooele County wouldn't let them make any changes after they approved the plans. They basically would have had to start over with the County. So they asked us the last time they were in here with the phase 2 final plat if we would allow them to do those at a future date.

Gary Pinkham asked: Did we get the utilities stubbed in?

Shay Stark answered: I believe water service and sewer service was put in when they were running those down Durfee. At least that's what they were trying to do.

Shawn Holste stated: It was supposed to but Whitaker did not put the sewer service in.

Gary Pinkham asked: So are we going to have to cut the street up again?

Shawn Holste answered: Yes. And it's deep; it's 27 feet deep. So water is there and the meter bases are set in there right now and the City has seen that but we've got everything there but the sewers. There is another option. This would be for Shay to tell us if it would work. They stubbed the sewer there at the Ginny Lane Subdivision. So I don't know if we can come off that and catch those two lots.

Shay Stark stated: We can look at that and see if that is a possibility.

Chairman Jaime Topham stated: That would certainly be better than having to dig into that new street.

Jaime made the motion to recommend approval of the Final Plat for DRP and Shawn Holste on the Mustang Ridge Subdivision, Phase 3 for the creation of twenty-eight (28) lots in the R-1-12 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 15. Consideration to recommend approval of the Minor Subdivision and Discussions of**

the Development Agreement for Nathan Gardner to divide his property located at 255 South Park Street to go from two (2) lots into three (3) lots by adjusting the boundary lines in the RM-7 zone.

Nathan Gardner and Barry Bunderson were present for this agenda item.

Chairman Jaime Topham asked: What are we doing here?

Barry Bunderson answered: It's a minor subdivision. So a little bit of background if you haven't looked at it super close. Nathan lives on Vine Street and he also owns the house to the west which is on the corner of Vine and Park and he is using both of those two parcels in a minor subdivision to make a third lot on Park Street. So currently there are two existing houses.

Chairman Jaime Topham asked: Why? I know that the zoning is there, but it just creates an interesting situation here.

Barry Bunderson answered: That's a good use of the already built infrastructure. Nathan, do you want to answer that question?

Chairman Jaime Topham stated: I was looking at it on Google Earth and I said, "Wow, that's a really nice backyard. Why are we doing that?" But I recognize that the property owner has the right to do what the property is zoned for.

Gary Pinkham stated: When we talked in the DRC meeting, I suggested doing a lot line adjustment between the two existing homes and then doing the subdivision on the corner lot to simplify things and/or maybe save some money on fees for the open-space requirement.

Barry Bunderson stated: That was definitely one of the considerations and I think what it came down to was application fees and then just time in the process. We did consider that, we just thought to combine them all into one part of the subdivision.

Gary Pinkham asked: Are you just going to pay in lieu of the open space?

Barry Bunderson and Nathan Gardner answered: Yes. We had some open space in the plan initially but it didn't meet code. We got some feedback from staff and took it out. We were told that we would need to have a discussion with City Council about what the fee in lieu will be based off of since we are technically only creating one new lot.

Jaime made the motion to recommend approval of the Minor Subdivision and Discussions of the Development Agreement for Nathan Gardner to divide his property located at 255 South Park Street to go from two (2) lots into three (3) lots by adjusting the boundary lines in the RM-7 zone. Gary seconded the motion. All voted

in favor and the motion carried unanimously.

16. Consideration to recommend approval to amend the Annexation Policy Plan and Map of Expansion Area.

Attorney Coombs and Shay Stark were present for this agenda item.

Attorney Coombs stated: The City, as you know, has an annexation policy plan and it basically just shows the areas around the city boundaries that the City thinks might be advisable to annex into the City one day. And this is a petition that was started by the City Council to amend our current annexation plan. Our last one was about 10 years old. So this is an amendment to that. The map shows the current city boundary in the green and the red is where the City would like to extend the boundary to. Tooele City submitted a letter stating that the map is showing three lots that are actually within Tooele's city limits. They are requesting that those lots be excluded and not be part of our annexation policy plan.

Chairman Jaime Topham stated: There was also mention in that letter about some other areas that are overlapping. Do you know where those areas are?

Attorney Coombs answered: Yes, the lots are northeast of the Utah Motorsports Campus, Deseret Peak Complex, and Purple. All of these lots are now owned by The Romney Group; there's a current annexation petition to annex them into Grantsville City, which is up for decision with the City Council on Wednesday. Tooele City has an amended annexation policy plan that they're fighting on at this time as well that includes these lots on their proposed annexation policy plan. And so obviously there is a conflict in that this will soon be part of Grantsville City most likely. So then their policy plan would fall outside of that. We still have two lots just to the south of that property that are owned by the Clay family. The Clay family could elect one day to annex into Tooele City or into Grantsville City. And so both Tooele City and Grantsville City will include these lots into their annexation policy plans. And then if one day the Clay family decides to annex, they can choose whichever city they would annex into. One more quick note for the committee. On our proposed annexation policy plan, our boundary encompasses the Mid Valley Highway. There is going to be a lot of undevelopable land and it might be worthwhile to amend the contours of the land a little bit as the City has to reasonably be willing to provide services to wherever this policy plan reaches.

Shay Stark asked Attorney Coombs: The Erda incorporation, if that all goes through as they have it proposed, what effect does that have on our boundary?

Attorney Coombs answered: Not much. Multiple municipalities can have overlapping annexation policy plans. Now if there is land that is then annexed into Erda City or Tooele City, then the expectation is that our policy plan would likewise amend to take those properties out, but it's not required. Just understanding that there would kind of be a dance that we would have to do to make sure that everybody is playing nice in the same sandbox.

Shay Stark asked: So just to clarify, and I just wanted to clarify this for the Planning Commission, so the boundary that has been shown in the various documents for the Erda incorporation as their annexation boundary, it's not the actual incorporation boundary? Is that correct?

Attorney Coombs answered: No. Well, it is what they're discussing as a proposed incorporation boundary, but it's important to know that at this point, nothing is official. They haven't officially named what their boundary will be, that's just what they've been discussing as a potential boundary. So again, if they were to incorporate and that were to be their boundary, then we would probably need to come back to the table and readdress just so we're not crossing over too much. But again, it's just about being good neighbors.

Erik Stromberg asked: When you said provide services, I mean, is that once we put it inside city boundaries or we have to provide services just having it part of the annexation?

Attorney Coombs answered: No. So the anticipation would be once it would be annexed into the City, that obviously is something the City would take into account at that point. So the idea here by listing it within our annexation policy plan is that we are stating as a city that we are generally willing to find some way to provide services to that area. It's not a promise, it's not a guarantee, but it's the City saying that we would be willing to, depending on the circumstances.

Erik Stromberg asked: I assume by services we're talking anywhere from sewer and water to police, fire, everything?

Attorney Coombs answered: All of the above.

Gary Pinkham asked: So, from all the various interested agencies, the only comment we got was from Tooele City, and that was regarding the three lots adjacent to Highway 112 on the very southeast corner of our proposal.

Attorney Coombs answered: That's correct. So the comment period by statute initially is just for any affected entities. Tooele City falls into that, Stansbury Park and Erda district, and a number of others. We sent notice to all of those entities. Tooele City's the only one that responded to it. The public's opportunity to respond was through the public hearing, which occurred earlier in this meeting. There were no comments. So that is the extent of the comments that are necessary to be taken by the City.

Gary Pinkham said: Okay, to move this forward then, I think as I'm understanding it, we just need to make the amendment to that southeast corner, taking those three lots out, and then we could go forward with the rest of it for now.

Attorney Coombs answered: Yes.

Gary made the motion to recommend approval to amend the Annexation Policy Plan and Map of Expansion Area for the City of Grantsville with the one revision to the southeast corner to remove the three lots identified by Tooele City as being within their city boundary. Brian seconded the motion. All voted in favor and the motion carried unanimously.

- 17. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held March 12, 2020.**

Gary made the motion to approve the meeting minutes for the previous P&Z Meeting that was held March 12, 2020. Brian seconded the motion. Chairman Jaime Topham, Commission member Jacob Linares, and Commission member Erik Stromberg abstained. All three Commission members that were present for this meeting voted in favor unanimously.

- 18. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held April 9, 2020.**

Jaime made the motion to approve the meeting minutes for the previous P&Z Meeting that was held April 9, 2020. Brian seconded the motion. All voted in favor and the motion carried unanimously.

- 19. Report from City Council Liaison Darrin Rowberry.**

Council Liaison Darrin Rowberry stated to the Commission: I don't know that I have anything to report.

Gary Pinkham stated: I have something to get off my chest. You know, as we said earlier here in the meeting, we've got ordinances here, and they are our guiding principles. I drive around town and I see people doing whatever they darn well please. It irks me a little when people come in here after the fact and beg forgiveness and we say, sorry, because our laws specifically state they shan't be forgiven. Then to have City Council not back us up on that. When City Council gives people permission to go do as they please and ignore the law, in essence, they're vacating the law. Because as we saw this evening that someone else comes in with an application on a driveway and we don't treat him like we did the other, we're now getting into an arbitrary and capricious deal that can't be defended. If we're going to have ordinances, the City Council should live with them. Same as us. That's just my position on the deal. And that has to do with that driveway issue. I see it all over town on a lot of other things. I see all kinds of things. People tearing out a curb and gutter, putting in driveways without permits, filling in borrow ditches, we fought that issue years ago in Anderson Ranch and some of the other places

where they were filling in the borrow ditches in their front lawns and turning them into parking areas. We had a devil of a time legally with them to go in there and try to dig those basins back out and get our ditches back. It is city property. They're trespassing when they do that. They're destroying public property when they do that. Even if we give them permission, there's a permitting process they have to go through. Why have a P&Z if you guys aren't going to back us or going to back to the utility department and help us do what the City wants legally to be done? You either need to come to us and have us rewrite the laws or something. I was ready to pass the one tonight on to you guys without taking any action, and leave it up to you. You guys want to do that stuff fine. It makes it really difficult on us because we got people coming in and saying, "Well, you've let somebody else do it." As soon as we approve something other than what's the law, it's like legislating from the bench. You guys legislate from the bench, you vacated that law. In my opinion, you expose the City to a lawsuit. If someone comes to you and they don't like the law, go through the process of amending the law and making it legal, but don't give them permission to violate the law. That's just something that's been gnawing at me for a few days here.

Chairman Jaime Topham stated: I'll add to that on the minor subdivisions that come in that have already been subdivided, they have to be a major. And what we have to do is enforce our code and if the City Council then allows them to do the minor subdivision anyway, then now we've opened it up to allow anyone to do that. And we have to be consistent in the application of the law. I mirror what Gary says. I mean otherwise, what is the point of our laws?

Attorney Coombs stated: One thing I wanted to know, and this goes well in line with the discussion that you have is, tonight we had three different instances on our agenda where we had preliminary and final on for the same meeting. And the procedure that we have set up through our ordinances is that they come through separate. Part of that is to ensure that we have time to review everything between preliminary and final to make sure there are no mistakes. If that's necessary, then we should amend our laws to proclaim for that. Otherwise, I would recommend that is better, even if it takes an extra few weeks to get it done that we have those processes separate and that we are treating everybody the same because a future developer could come in and say, "I want to be done in the same meeting with preliminary and final." And maybe we don't want to let them because of one reason or another.

Chairman Jaime Topham added: As an attorney, when I'm asked to discuss a development agreement, but we don't have the development agreement, that bothers me because we're passing it on and it doesn't get to be done or does it not, or is it just ignored, which has been kind of the problem in the past and has some of the things that have an issue in the City have gotten through is because it wasn't finalized. It wasn't written down before it got to City Council and then it gets missed. So I agree. I think that those things should be separated and that we should have everything ready to go, that we're supposed to be looking at when we're looking at it. So if it says that we're

discussing a development agreement, then it should be in the packet.

Kristy Clark stated: The addendums were in the packet. There was one for every single Final Plat consideration.

Chairman Jaime Topham stated: Okay. Maybe I'm off based on that, but they aren't actually the ones that you're asking us to consider sending through to City Council, you're asking us to have a discussion about it, but there's not really any meat in it, right? It's just the bare bones. And that's just my viewpoint. If you're wanting us to have a discussion about it, and that's a part of something that you want us to do, then I want to see the meat. I don't want to see the bare bones.

Kristy Clark stated: It was more so the discussion got in the minutes and then if Brett needed a reminder of what was discussed, we could go back to the minutes and then it's in black and white. And that way it's more to make sure that nothing gets missed. That's why we need to have put discussion of a development agreement. You guys need to decide what you want to go in there. The addendum will be with Shay's memo and we'll get that added to it. It was more to make sure that nothing was missed.

Attorney Coombs added: Can I respond to that as well? The development agreement itself, the only body that approves that is the City Council, and so what I am trying to do is after preliminary, I'll take all of their comments made by the planning commission, bundle them up and then send them with the development agreement to the City Council for their decision because really this body can't make a recommendation or approve a development agreement. It's not an ordinance or a law, or even a land use decision, it's a contract. I don't have a problem providing a full development agreement for the planning commission to see, but you don't need to be voting on a development agreement unless you feel like it's necessary.

Chairman Jaime Topham stated: I understand, we don't need to vote on, but if we're really going to just kind of rubber stamp what's in there, then let's just not even put it as a discussion. You can take our comments from what they said otherwise, and add it in, just so that it's clear in the record, because we're supposed to have a discussion and really we're like, "Okay, that's going to be done, right?" That was my point on that.

Kristy Clark added: Well really, I'm just trying to figure it out, make sure that nothing gets missed. So you guys direct me. If you want me to leave it off of there, I am more than willing to do it. We were just making sure that you guys feel like your comments that need to go in that development agreement get put into it. But if you don't want me to do it that way, then I'm good either way. However we want to do it.

Gary Pinkham added: I think city wide, Grantsville has got extremely lax on doing what we should be doing. I've got some issues I'm going to talk to the Mayor on about things that don't have anything to do with P&Z or City Council but this new medical clinic out

over there, the storm drainage got put in, doesn't look like what we approved. And it doesn't have the snouts, it doesn't have the approved boxes. I mean, what we talk about in this room here on this evening, doesn't seem to be happening in the field because council overrides and goes and makes some sweetheart deal. We've got developers coming in here and they get out in the field and they do as they damn well please and don't put in the things that we specifically stipulate they have to have. And I see Grantsville not getting what they deserve. Not getting what they legally should have. I bet there are 50 or 60 of those illegal storm drain boxes here in this town. If the state or the fed waterworks, EPA or DQ, comes out here, we're looking at a million dollars to fix them. And we've approved it because we're not doing what we should be doing. So administratively, I see Grantsville being extremely lax in what they're doing here. And it makes it difficult on us because we're trying to do something and then we come back here and find out that it didn't happen. And then we kind of feel, well, do we keep saying no? And having people go to City Council and say, "Well, if they did it, why can't I?" Don't put the City Council in a bad place because now that guy that was here this evening with his driveway, he's going to council. And you guys have got to make that decision again, whether to let him do it or not. And you've already set a precedence. In essence, you vacated the law. You destroyed our storm water system in this town. You destroyed our street access issues. The idea of a collector street is you limit points of access, so things can flow safely. We start putting driveways every 50 feet, we've eliminated that safety issue. We've eliminated our storm basins. I think Grantsville needs to sit down and tighten their belt and start behaving like they should. And it would make our life easier here.

Chairman Jaime Topham stated: Absolutely, we are the one that gets the brunt. We're the ones that have to say no.

Gary Pinkham continued: The driveway issues a month ago or two months ago, we spent a half an hour with those people arguing it with us. It was cut and dry. It's illegal. You can't do it. Take them out. City Council should have had the same 30 second discussion instead of granting them permission to violate our law. Every once in a while I got to let it off. Anyway, I'm done.

- 20. Gary made the motion to adjourn the meeting at 9:58 p.m. Jaime seconded the motion. All voted in favor and the motion carried unanimously.**

Kristy Clark
Zoning Administrator