

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION
HELD 12/10/2020. THE WORK MEETING AND THE REGULAR MEETING
WERE HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN
STREET AND ON ZOOM.**

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

Commission Members that were present on Zoom: Commission Member Erik Stromberg

Commission Members that were absent:

Appointed Officers and Employees Present: Zoning Administrator Kristy Clark, Grantsville Fire Marshall Brad Clayton, Attorney Brett Coombs, City Engineer Timm Dixon, Shay Stark with Aqua Engineering, and City Council Liaison Darrin Rowberry.

Appointed Officers and Employees that were present on Zoom:

Citizens and Guests Present: and many members of the community attending the meeting through Zoom

**THE WORK MEETING WAS OFFICIALLY CALLED TO ORDER BY VICE
CHAIRMAN, GARY PINKHAM AT 6:05 P.M.**

**1. Discussion on the Subdivision Ordinance, Chapter 21 of the Grantsville City Land
Use Management and Development Code.**

Shay Stark with Aqua Engineering stated to the Commission: What we are talking about tonight is the possible amendments to the chapter 21 subdivision regulations. We've got several different areas in this that we're trying to update. We'll just go through it page by page and discuss some of those updates with you. If you have any comments, please feel free to give them. I'd like to probably come out of this with any ideas you have or any things that you'd like to see changed, so that we can make changes to this and get it to a position that we can give it back to you. Hopefully, everybody's happy with it and we get it passed in the next month or two. I would like to talk just for a minute about some of the challenges that we're running into. The last few years we've seen a lot of growth, but with interest, I get calls every day from developers that are looking at property. That President's Park area, everybody who has property right around that, I think I've talked to, I'm sure Timm's talked to pretty much everybody in the last month or two. They're all itching to move forward with stuff there. We had a special meeting last night with the city council and you've got tonight on the planning commission meeting a rezone for 155 acres out between Old Lincoln Highway and SR138. We have developers that are already here, that they're selling all their lots before they can get the next phase approved. They're really

frustrated with that, because they build up their momentum and get going, and then they're out of lots and they're dead in the water. They're begging to be able to either approve multiple phases or for the phasing, that we look at larger numbers of lots. It's just looking like with the annexations that are being talked about to the East, and some of the things that are going on there that we're at the bottom of this growth curve. It's just going to ramp up and who knows what it's going to look like. The opening of Mid Valley Highway is going to affect this and this whole issue with the Erda Incorporation, and issues that Tooele is having with water shortages and other things is putting us as the prime area out here that can develop. We're looking at it from a couple of different perspectives. One of them is when we look at the number of subdivisions that are on the table being reviewed at any given time, there's a lot. Some of what we're trying to do is trying to simplify where we can and see if we can relax the load a little bit, so that we have a better opportunity to review and make sure we're doing thorough reviews because we don't have three meetings, three subdivisions back-to-back each time that we're trying to deal with. I'm just prefacing with that, because some of the things we're going to talk about, that's what's driving it. Can we simplify things a little bit? Are there things that we can do with this process that will make it a little easier? Then there're other issues in the chapter. Things that we'll talk about that the purpose for those is to try get what the city needs from the developers. We've got some big changes back in the back on what's required with street improvements and that type of thing. Also, one of the other things that's being thrown out here is to merge the minor subdivision with the major subdivision, and essentially just have one process, but we'll talk about on smaller subdivisions, what would typically be a minor subdivision. There are some things that we would do with that and show up in this proposed ordinance that we'll simplify it for them, because they don't need the full process. Anyway, that's just a quick overview of where we're trying to go with this. If we jump into this and I don't know, in the first few pages, are there any comments? I know Gary's probably worked through this. I guess, let's start wherever your comments start at.

Gary Pinkham stated, my first comment is on 21.1.14, open space. Subparagraph 2h talks about storm water management facilities, and the wastewater disposal system. I know storm water basins are not permitted in open space calculations. I don't know that we would want a wastewater disposal system, a leach field, or something of that nature. I think item H should be deleted. Item k, Easements for drainage and access to underground utility lines. I'm curious why we're including those in the open space as well.

Shay Stark asked, if they put trails in them, does it make a difference?

Gary Pinkham continued; the purpose of underground utility easement is to have unobstructed access to the utility. If we're going to turn it into a park, or a trail, or something, and we have to go dig it up, we're defeating our own purpose here. If we build

a ditch to channel water and somebody claims it as open space, it's not really providing the community anything in the way of mitigating the aspect of the development over the existing open space that we have there. If it's an access, build an access road or whatever. Again, I'm just having a little problem with accepting open space over ground that we're resuming for other purposes, other uses.

Brian Pattee stated, it's not that unusual to have a storm water detention be a park. That's pretty common, but these wastewater disposal things, we shouldn't even be allowing them within the city anyway, period.

Kristy Clark asked, is this where we would fix or add the restrictions of using these basins for other uses, other than the basin, like the issue we had on Woodruff Way with the horse pasture? Or is there somewhere else that we would add that?

Shay Stark answered, that's a good question because we need to address that. I wanted to ask Timm because Timm's been working on a new standard and design for these basins. As part of that process, I think, and tell me if I'm wrong here, but I think our mindset is to move away from the basins that are on private property.

Brian Pattee stated, they've got to be owned by an HOA or something to maintain them in the developments.

Gary Pinkham stated, I think H should be deleted, in my opinion stormwater basins aren't a benefit to the public. They're a requirement for the engineering design for the developer. The city shouldn't take that in lieu of taking park space. As far as I'm concerned, that's no different than a cul-de-sac or a road, or a utility easement. He can't build his project without it. Why should we give him a windfall profit and let him call it open space? In terms of what open space is for, to mitigate the impact of developing open grounds, so that the public still has a sense of openness for a piece of ground they can use, I don't see this complying with that. I'd take it out.

Shay Stark stated, so we are going to take out H and K. Does anybody else have any comments on open space? if we jump into 21.2, we're starting to talk about the subdivision application procedures. The first place that we've made changes with that is with the concept plan. Our concept plan is not something that's required. It's something they can do. They can come in ahead of time. It gives them an option to come in ahead of time and get in front of you, get in front of the city council, and just say, "Hey, this is what we're thinking about." "Do you like it?" "Would you guys approve this or not?"

Gary Pinkham stated, as far as the concept plan if they want to do that, I guess, the only thing I have with this is if we retain only item one, we're not getting much more than an address. We really aren't getting any kind of proposal on them on how they might want to lay it out, or sizing, or anything else. All we're doing is getting the perimeter boundary and adjoining ownership information. We're not getting anything else.

Shay Stark stated, I was wondering about totally removing the requirements out of this because my thought is it's on them how much they want to bring in front of you. I mean, obviously the more they bring in front of you, the better the discussion is going to be. If all they come in with is, "Well, here's our piece of property." They're not going to get much out of it, and they've wasted their time.

Brian Pattee stated, it doesn't need to be a requirement. I mean, they always have that option. If they want to talk to us about something, that's fine, but it shouldn't be a requirement. I mean, that's one of those added steps that bogs us down, because we don't get the information we need. We spend a half an hour doing a bunch of what ifs and should a, could a. When in fact, if they know they need to ask for rezone change, then they can do that application. A lot of what staff can do to answer their questions covers a lot of that concept-plan requirement anyway.

Shay Stark continued, we'll jump to 21.2.7, which is preliminary plat requirements. We are going to remove all the items that they're supposed to submit as part of the preliminary plat. The same with the final. Timm, on the final plat and the engineering side of it. He's already created these really great checklists that have everything required there. Essentially, he's telling him if you engineer this well, and you submit everything that's required here, there shouldn't be any problem with getting this passed. With having those checklists, part of the review is already done because they have to mark off that they've done each one of those things. We see that they've done each one of those things. Then our review is not a concern that they don't have the striping and signage page in. They've got a separate plan for the transportation, striping and signage. It's already there. We're not commenting on that. We're commenting on deeper down, are all the elevations correct, these issues and spending our time in review on a little bit deeper issues.

Gary Pinkham asked, if we're going to make this manual, why reference a part of this code? Doesn't that manual have to go through public hearing and then adopted?

Shay Stark answered, it will be adopted through resolution. That's the nice thing is it won't be adopted as code, so it doesn't have to go through the public hearing. A resolution just requires an approval by the city council. So, whenever we have changes to it, we don't have to go through this amendment process with planning commission and city council,

and public hearings. One of the things that has changed multiple times is the number of copies that are required at submittal. A resolution will solve having to do a bunch of unneeded amendments.

Gary Pinkham asked, if we delete this what will 21.2.7 say?

Shay Stark answered, it will have a reference to the 2021 Design Standard Reference Manual.

Gary Pinkham stated, still in that subsection we are leaving paras, 21, 22, and 23? Why aren't they going to the standard as well?

Shay Stark answered, these need to remain in the ordinance because it is telling the developers that they are required to provide water and that it is to be allocated in acre feet. Shay continued, if we jump to 21.2.10, we're talking about the development review committee and the review process. Kristy has to battle with the developers constantly, especially after they've been through one DRC and then they have to bring in revised drawings. They bring in revised drawings and expect to be able to go on the next meeting that's right there. It's literally, every time we do this, after they bring in the revised drawings, she's calling me up frustrated with these guys. They're expecting to go on this next meeting, and we need time to review it. We've added some clarification in the green there. Just clarifying right in the code that there's a 14-day review every time these are turned in, so that we have 14 days to review it and give us the time to be able to do that.

Gary Pinkham asked, the green is something that has been added?

Shay Stark answered, Yes, that's something that we've inserted. I'm sorry about the different colors. Anything that's struck through, we're removing out of it. Anything else that you see in here, whether it's red, green, and today I added orange. Part of the reason I've done that is we've had different meetings and looked at this at different times. I've been trying to keep track of when we've made the changes, so I can look at it to try to remember what the context was for those changes. Shay added, Next, we want to remove and get rid of the minor subdivision, but when I say that, it's not that we're getting rid of that simplified process. What we're doing is we've realized as we've been making these changes, we're requiring everybody now to make the full improvements just like we do with the standard subdivision. We've needed to do that for years, because all of these add up and we find ourselves in trouble over time where we've got a whole section of street that all came in as minor subdivisions, and we've got a substandard street serving it. Now, the city's got to pay for it, instead of those who are developing the property paying for it. What we've done is minor subdivision that we're proposing goes away, but under the

major subdivision, which will no longer be called a major subdivision. It's just a subdivision. We'll just have one process. Under that, under the approval process we're adding a statement at the end of the process. You have the non-mandatory concept stage. You have preliminary plat stage. You have the final plat stage. Then if you look on E here. I added this language today. It wasn't in the previous one. Feel free to change it because I haven't slept on it. Usually when I sleep on something, it changes. Essentially, one of the things that we need to do in pulling that in is what this is stating is a subdivision containing less than four lots and requiring dedication of a right of way or improvements beyond water and sewer laterals. If they've got to do sidewalk, if they've got to do curb and gutter, if they've got to provide extended pavement width, if they have any of those, or they've got to dedicate right away to us, then they don't fall under this. A subdivision that essentially, a good example of this would be, Cardinal Corner, the streets there, curb, gutter and sidewalk was all in. All they were doing was adding another lot into the subdivision. That's down in the old part of town. There's no dedication required, but he does have to stub in water and sewer laterals, but all the lines are in. In that case, or in subdivisions less than 10 lots, and I've taken this out of state code. That's where that 10 lots comes from. If we want to bump it down, that's fine. I just copied it out of state code. Or the subdivision has less than 10 lots, running an existing, fully improved street, and requiring no dedication of right away or improvements again, beyond the water and sewer laterals, they may be allowed to combine the preliminary and final approval process. Essentially, that combination. They go through one process for approval with it. Just like what the minor subdivision is right now. They only have to go through one process. It's small enough. There's not a lot of engineering involved in it. We can review it in one shot and move it through the approval process. Again, we're taking away the minor subdivision out of the code, but we're still retaining the ability to essentially do the same thing that the minor subdivision does. We've given people who have the existing property that want to divide a few lots off for their kids. We've given them the ability to go through a simplified process, but again, it's consistent through that and the full subdivision. Yes, they're going to be required. We're going to look for the improvements and if they're not there, they're going to be required to put them in. They're going to be required to go through the same types of bonding and construction oversight process that a major subdivision is, because whether it's 100 feet of water line, or it's 1,000 feet of water line. If that 100 feet of water line is done incorrectly and it contaminates something, we're in the same boat either way. Shay continued, on 21.4.3, this is the section talking about phases. Staff wants to propose to jump up to 50 lots. Here again, the reason with that being that from a review perspective for us reviewing 25 lots versus reviewing 50 lots may take an hour or two more in our review time, but it's going to reduce the number of phases that we're going to see coming in, which the developers are really happy about that because here again, they're frustrated with the fact, especially right now with the way things are, that they're selling out of lots long before they have the next phase approved. They're going to be

happy with it that way. We're going to be happier with the fact that it reduces our workload to a certain degree.

Jaime Topham asked, the only question I had was it says the final platting of subdivisions containing more than 50 lots. Do we want it to say 50 or more lots? Or do we want it to say more than 50 lots? If it's less than 50, it's 50 lots or less then they don't have to phase. Right? Which one is it? If it's 50 lots or less, they would not have to phase. Or do we want it to be, if it's 50 lots or more, they have to phase. Where does that 50th lot fit in?

Shay Stark answered, That's a good question. The previous, we've said if they come in with 25 lots, they don't have to phase it. I don't have a problem with them coming in with 50 lots and they don't have to phase.

Jaime Topham stated, then let's leave it as more than 50 lots.

Shay Stark stated, in the paragraph three, again, we're just changing numbers here, but we basically stated in there that if they have up to 10 lots greater per phase, if they have 15 or fewer lots beyond the number, so you take the total number of lots, you divide it by the 50 and they come up with some odd number of extra lots. If it's less than 15, they can add up to 10 or we can approve up to 10 lots greater per phase to balance that out.

Jaime Topham stated, we're stopping at 21.4.4 and moving into our regular meeting.

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY
CHAIRMAN, JAIME TOPHAM AT 7:06 P.M.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

- a. Proposed Rezone of 155 acres for Mountain Vista Development and Monte Kingston located between Hwy 138 and Old Lincoln Hwy to go from a Mixed Use, A-10, and an MD zone to a Mixed Use and C-D zone.**

Chairman Jaime Topham opened the public hearing at 7:06 p.m. and called for comments.

Chairman, Jaime Topham read into the record an email from Whit Cook that stated to the Commission: Hello Planning & Zoning Committee Members! I am a resident in the Silver Fox Estates community between Hwy 138 and Old Lincoln Hwy and have some comments concerning the potential rezone of the land on the North side of

my property. While I am excited at the prospect of getting some new neighbors, I do have some concerns about how the land will be developed.

Firstly, I want to mention that I am extremely impressed with how the developer presented themselves to the city council last night with the attitude of how willing they are to work with the city. I support their approach when they asked the council to make recommendations of how they would like to see the land developed. It would be nice if all developers presented themselves in this manner.

Secondly, I support reasonable and smart growth within our city limits, and I believe that Mountain Vista should continue to be a part of that development process. I almost bought a home from them before I purchased my current home and I like their designs; it would be a pleasure to have their homes built North of my property. I also support the property owner's right to develop their land and the city's right to expand its tax base from both new business and residential growth. I believe that our city will greatly benefit from the developed 155 acres; including homes, townhomes, condos, and even apartments or single level businesses further up on the North end of the land. The potential church and elementary school sites are also welcomed as the nearest of each are approximately 2.5 miles away.

Now for my concerns. Firstly, our existing neighborhood has an access point that the developer reasonably plans to incorporate into the potential new development. While I support this, I would not like our neighborhood to become a thoroughfare for any business, high density apartment complex, or home development with lot sizes smaller than 0.5 acres. I support and even champion this needed type of growth, but I do not believe that it should have direct access to the existing community. Our neighborhood has already set a precedent for any homes to be built nearby, including a home's size, lot size, design, and quality of construction material and I believe that this precedent should be adhered to as closely as possible. Therefore, I request that any homes with direct access to our existing neighborhood be required to be of similar size (approx. 3,500 sq. ft., when finished), of reasonably similar quality, and only built on lot sizes of no less than 0.5 acres. Any high-density housing, business, or residential neighborhood with lot sizes that are smaller than 0.5 acres should be required to have separate access points from either Old Lincoln Hwy or Hwy 138. If a rezone application for R-1-21 is required to ensure that this happens, then I request that this be done before approval of the current rezone application.

Secondly, to maintain uniformity and aesthetic appeal for our community, I believe that lot sizes should be larger the further South that they are built and then decrease in size the further North that they go, in a tapered manner.

Thirdly, I believe that the furthest North part of the land would be an ideal location for any potential high-density housing or single level business complex since it would be

near the intersection where Hwy 138 and Old Lincoln Hwy meet. The closer to this intersection, the better, as its triangular pattern would allow through access for any structures that need a large parking area. I believe that the largest structures, such as any potential high-density housing, should be placed there.

Fourth, Old Lincoln Highway needs an extensive overhaul in order to support the extra traffic. The road, as it currently stands, is not only very uneven and in desperate need to be resurfaced, but it also needs to be straightened and widened if it is to handle future traffic. Considering that new growth will also eventually happen on the East side of Old Lincoln Hwy, I request that the road design reflect future growth and even be widened enough to allow for a center turn lane and bike lanes (this road is commonly used for walkers, bikers, and joggers).

Fifth, the closest park to our neighborhood is Lincoln Park on the corner of Old Lincoln and Clark Street. This park is a considerable distance away and we would greatly appreciate an open public space with a playground that is at least equal in size to Lincoln Park, but closer to the size of a regional park with walking trails or paths. Only a few such parks exist in Grantsville and none of them are located in our part of town. Many homes in this neighborhood have small children and considering that the new development is likely to bring in many younger families, this would be a great improvement for the city.

Lastly, back in July of 2018, I appeared in front of the city council with a petition signed by over half of the residents in my existing neighborhood (please see attached petition for context) expressing frustration with the overhead power lines in our area. In last night's meeting, this subject was discussed, and the developer said that they can't do anything about it, but I do not agree that this is as hard of a "no" as suggested. Unless I am mistaken, the property owner that developed my neighborhood back in 2008 is the same property owner that is seeking to develop the land in question (the entity, not the individual, of which I send my condolences). If the property owner is truly seeking the best interest of the community in its practice to develop, then I believe that the owner should have the developer either remove, relocate, or bury these power lines elsewhere as they should have done back in 2008. These power lines do not even service our community and yet they're allowed to run through it. These power lines have snapped on 3 separate occasions, once starting a brush fire that damaged a shed and, on another occasion, they almost struck children while they played in their front yard (the downed line was still live when this happened). Despite repairs, our community is still concerned about these power lines and I request that they be taken care of now as a condition of moving forward and before the property owner can develop further. An updated petition with updated signatures will be forthcoming depending on whether this request is accepted. In my estimation, the city should have required the property owner to take care of these power lines back in 2008 when my existing neighborhood was developed.

As a side note, there are others in the neighborhood that have expressed worries to me about water pressure and getting faster internet speeds in the area, but I'll leave it to them to express their own thoughts if they so desire. Thank you for your service to our great city and to our neighborhood. I look forward to the new growth and future prosperity that it will bring!

Chairman, Jaime Topham read into the record an email from Wendy Bowers that stated to the Commission: Concerning the request for rezoning, we are aware that growth is inevitable, but we would be opposed to high density apartments or town homes. We don't have the water pressure to sustain that many dwellings. Our water pressure has significantly decreased with the addition of the Highlands neighborhood. We don't have the infrastructure to support a large number of dwellings with the water pressure we currently have. New pumps would need to be added to ensure that our water pressure doesn't decrease even more. Thanks for your time, Jacob and Wendy Bowers

Chairman, Jaime Topham read into the record an email from Chris and Melanie Brookman that stated to the Commission: To: Grantsville City Council/Zoning Council from: Chris and Melanie Brookman, 1204 Old Lincoln Hwy, Grantsville, UT 84029. Zoning Council: This letter is intended to express our great concern for the proposal of rezoning 155 acres of land located between Old Lincoln Hwy and Hwy 138.

1. We own roughly .5 acres of land on that side of the road. This proposal of new houses, a schools and church will be right next to our land. We have already seen people over there digging accidently on our section of land. Several of the proposals show different plans, and some of the plans shown, include our land. No one has talked to us about this. These people need to be aware that, that land is not for sale, and should not be used.

2. Putting that many houses in the area will

- a. Devalue the property.
- b. Increase the crime in our area.
- c. Increase Noise Pollution
- d. Making driving difficult.
- e. Be detrimental to the cattle that are in the area, and the ranchers who use that road to move cattle.
- f. Further deplete the decreasing water table. There has been no talk in this proposal that this company will dig everyone's well at least another 50 feet deeper to compensate for the levels that will be further depleted by the increase water table loss to Grantsville.

3. Putting in a school in that area

- a. The added traffic that will come with a school on our road will be bad.
- b. The Noise the comes from and elementary school would devalue our quality of life.

4. Our Bee colonies located near the land proposed to be changed will not be able to flourish and our small business will be shut down. Please do not approve this rezoning. We chose to live “outside” of the city because we wanted space to ourselves. We enjoy the quiet out there, if you add a school and houses you will ruin the reason, we moved to Grantsville in the 1st place. We wanted to move to a quiet small town. There is no added benefit or increase to quality of life for the residents of this area should this rezoning pass. Thank you, Chris and Melanie Brookman,

Chairman, Jaime Topham read into the record an email from Robert and Belinda Butler and Shirley C. Worthington that stated to the Commission: Dear Commission Members, as citizens of Grantsville we have multiple concerns about this proposed rezone and development. We appreciate the opportunity to express those concerns to you. Currently the land under consideration is undeveloped and has been in this undeveloped state for hundreds of years. To our knowledge the properties in question have only been used occasionally for animal grazing.

The proposed master plan states: Master plan of mixed use residential and commercial uses, school site, church site(s) will be likely possibilities. Our concerns begin with the lack of infrastructure to support even the beginnings of a development of this size and scope. The demands on our city resources are nearing capacity with the continual development entering our valley. Additional development doesn’t benefit Grantsville Citizens; it doesn’t enhance the quality of life or give us opportunities that we lack. It only brings the need for increased taxation to pay for developing infrastructure that benefits the new development and monetary growth for the developer(s).

The building of the Walmart facility on SR138 brought with it minimal development of a sewer main and water to serve the Walmart facility. Transportation access for this proposed plan consists of SR138 and Old Lincoln Highway. Old Lincoln Hwy is not wide enough, or the road base built to withstand the traffic a plan of this nature brings. The current traffic from the Bonnie Plants facility and the continued development of the Warm Springs area with homes brings a constant flow of increasing traffic to our area, congestion, and the challenges of speeding cars constantly driving past our home. On a daily basis, we witness an SR138 traffic jam as a line-up of semi-trucks and trailers pull into or out of the Walmart facility. Along with this traffic congestion comes the exhaust from the constantly idling trucks waiting to enter or exit. Air pollution, noise pollution and light pollution are high on our list of offenses just the Walmart facility gives us. This proposed plan promises to only bring more offense.

Our second concern centers around protecting the water aquifer that our deep water well pulls from. This water provides us with the water we use for our culinary needs as well as growing crops and feeding our animals. Accidental spillage of toxic waste from potential commercial facilities is a reality that can’t be taken lightly. It only takes one accidental spillage into the soil, or the continual and increased runoff of water containing

all manner of toxins into the soil to contaminate the aquifer and the water flow beneath the land. It is our responsibility to protect this water from potential contamination. In addition, this proposed development brings an increased demand on the valley's water resources. Undoubtedly, the increased demand will lead to rationing of water resources for ALL!

Along with our previous concerns comes a concern of protecting the heritage of our town, protecting open spaces, a slower pace of life and preserving all of this for future generations. It seems that the new arrivals to our town love our town because of the heritage, open spaces, and slower pace of life, but we are being loved to death by some and at the same time exploited in the name of the all-powerful dollar by others!

This development is not coming from a Grantsville citizen or even a citizen of Tooele County. The individuals asking for this rezone and eventual development do not, to our knowledge, live anywhere near the property being discussed. This proposed rezone and eventual development will only have a positive impact on the applicants in the form of monetary gain. We have yet to see any monetary contributions or donations made in kind by any developer desiring to fleece the citizens of Grantsville by DEVELOPING Grantsville.

Case in point, we have firsthand knowledge that Barbara Nielsen, aka Grantsville LLC, was approached by students of Grantsville High School in an attempt to purchase or have donated access and permission to place a large block G on property she owns. As you drive around our state you will see large letters placed on the sides of mountains or even hills to commemorate the pride students, both past, present, and future, have in their high school, town and community. Barbara Nielsen wasn't even willing to entertain investing in such a small request from our young citizens, the FUTURE citizens and taxpayers of Grantsville. We believe this speaks ten-fold as to the character of the developers who wish only to use our town as a Pot of Gold to benefit their own bank accounts.

Developers will NOT need to worry about any of the concerns we have expressed. They will not need to worry when water usage is rationed in Grantsville. They will not need to worry about the increase in property taxes to create the infrastructure the development requires. They will not need to worry about the sanitation needs of what they have created or even the removal of snow! But most important: They will not need to worry about the loss of peace and quiet, the loss of clean air, the loss of what was once a charming little town named Grantsville because they do not VALUE what makes Grantsville so unique.

They will have no worries other than how to spend the profit they have acquired at the cost of citizens of Grantsville by DEVELOPING Grantsville. Thank you for your time, your service to the citizens of Grantsville, and for considering our concerns regarding this rezone and proposed development. Sincerely, Robert and Belinda Butler

Shirley C. Worthington

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:23 p.m.

- b. Proposed Final Plat Amendment for the Cook Corner Subdivision located at approximately 935 East Durfee Street to reconfigure 3 of the 5 lots to be able to provide access for the property to the North in the RR-1 zone.**

Chairman Jaime Topham opened the public hearing at 7:23 p.m. and called for comments.

Chairman, Jaime Topham read into the record an email from Josh Echavarria that stated to the Commission: Guess two questions: 1-Didn't have time to look at the pictures better. Where is this extra road going? 2-I'm sure these new homes are going to need internet access. If they are going to get that I would love for that to be extended for the full Sun Valley Drive to be retrofitted to have access to that. We have very crappy internet on our street. Some days we get a whopping 2 MB, good days maybe a max of 15-20MB. Like to see Fiber Internet made available.

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:24 p.m.

- c. Proposed Minor Subdivision for Mayra Reyes to divide her property from one (1) 1.45-acre lot into two (2) lots located at 225 South Willow Street in the RM-7 zone.**

Chairman Jaime Topham opened the public hearing at 7:24 p.m. and called for comments.

Chairman, Jaime Topham read into the record an email from Vicki, Ernest and Megan Matthews that stated to the Commission: Dear Kristy Clark, Ernest, Vicky, Deik, and Megan Matthews have several concerns about the proposed rezone on the property at 225 S Willow St. Our number one concern is that on 3 sides of the property we all have livestock which is not conducive to housing. We are very concerned it will end up being another trailer park. Willow Street is very narrow and allowing another street to connect to it is hazardous. We already have an apartment complex and a very crowded trailer park adjoining it. A house behind a house also devalues the property around it. The current property is not at all maintained. So, adding more housing would only add to the upkeep of the property. The plans also show a retention pond that adjoins to our property. What kind of drainage is this? Will there be chemicals in it that could harm our cattle? We think the rezone change is not in our best interest. Thank you, Ernest, Vicky, Deik, and Megan Matthews.

Chairman, Jaime Topham read into the record an email from Crystal Sides that stated to the Commission: Kristy Clark and Grantsville City council, we live on the north side of the property located at 225 s. Willow Street. Here is a list of my concerns and comments on the minor subdivision being discussed this evening.

- We moved to our home for the property and the privacy. Allowing them to build a home back there removes all privacy we have.
- We don't want multiple homes being built on this property. In addition to the manufactured home there are already 2 travel trailers
- What does the Zoning allow them to do?
- Do they have enough room for a road?
- Our property value has already been hurt by this property.
- We don't want another trailer court on willow street.
- Is this a single-family home being built by the current landowner or a developer that is going to put apartments and/or condos?
- County Attorney states no dwelling may be built within 100ft of a coral or livestock. There are corals and livestock on all sides of them.
- Why a drainage ditch and where does it drain to?
- I don't want any kids getting in with my cattle and horses and getting hurt.

If they are allowed to proceed with this project despite our pleading and wishes we recommend they be required to do the following.

- Pay to have a solid 8ft (min) privacy fence put up around their property to protect my animals and their kids. Has to be strong enough for horses and cattle.
- Property cleaned up.
- Only 1 single family home. No Trailer, manufactured home, condos, or apartments.
- That supervision of this project be done regularly to ensure they maintain a 100ft distance off corals and the pasture for our livestock on all sides. This will ensure we can list our properties as horse property if we ever decide to sell.

Thank you for allowing us to express our concerns,
Monte & Crystal Sides

Chairman, Jaime Topham read into the record an email from Karissa Killian that stated to the Commission: Thank you for the information. We look forward to learning more at the Zoom meeting tonight. My comments, questions, and concerns are as follows: Mainly, as the direct neighbor to the north of the 225 Willow St. property, it will affect me in a variety of ways involving aesthetics, nuisances, safety, and financially. The residents of 235 Willow St. strongly oppose the potential minor subdivision at 225 Willow. It will decrease our property value. I don't see how this proposal will benefit my parents' or any other neighbors. Grantsville is a livestock community. In order to be happy neighbors, smells, noise, trash and other nuisances must be kept at a minimum and

if they are building homes close to our livestock, bringing their own barking pets, and putting in a retention pond, these factors will increase for all parties involved.

General questions:

- At what stage is this application? Has it been approved or will neighbor comments have the potential to cancel or delay the project?
- What are the benefits of building this subdivision to all parties involved including occupants and neighbors?
- What is the nature of this development? Has the property or project been sold to a private developer? Is it a smaller personal development?
- How many houses will be built? How many houses are allowed on two lots? How many occupants are allowed in the allotted houses? We fear that four houses could be built on 1/4-acre areas within the current property.
- What is the purpose of dividing the lot?
- What type of lot is this? A future mobile home development? Apartments? Will there be HOA regulations?
- Have livestock and wildlife been considered? The area surrounding this property is all utilized for livestock purposes and we fear this will affect rancher and farmer livelihoods. There are deer, owls, hawks, foxes, and other wildlife that frequent the properties and rely on the current open spaces for habitat.

Some regulatory concerns:

- Currently, there is a trailer ordinance in violation.
- Is it legal to build within 100 ft. of a corral or livestock? Horses and cattle surround this property.
- Is it legal to build within 30 ft. of a house?
- How will this affect irrigation rights? Water rights? Water shares?
- What are the full details regarding the retention pond? What will it contain? Chemicals? Where will it drain? Will it leech onto surrounding properties? Will there be impacts to the water table? What other environmental impacts will be made? Potential water pollution? Will there be pipes or other structures installed on neighboring properties as a result of this subdivision?
- Willow St. is narrow and does not even have lines painted. Yet, a third large development is being considered. Currently, apartments and a mobile home park exist on the street and have proven to increase traffic, drug use, and pollution.
- Is the current zoning of the property RM-7 or is that what it will be converted to? Why should a change in zoning be considered? This is a livestock community.
- Will there be impacts to plumbing or electricity?
- Will this development and occupants be in compliance and respect local noise ordinances?
- If the project is approved, how long will construction take?
- At what hours of the day will construction take place?

Safety concerns:

- Neighbors not familiar with livestock tend to throw grass over fences to "feed" the horses. This is not a safe practice and has killed many horses. This is a great fear for us and neighbors.
- There doesn't seem to be room to allow a fire engine to turn around in the case of emergency. According to the 2018 fire code of Utah, different driveway classifications require different regulations for emergency vehicle access such as "dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus".
- Similarly, is the width of the road large enough?
- Will there be groundwater contamination from the retention pond? What precautions will be taken to ensure the retention pond is up kept and does not leak?

Some concerns about nuisances:

- Current occupants allow dog to freeze outside and constantly bark. Animal control has been called twice...
- An increase in noise and trash pollution is already being observed with current Willow St. mobile home park and apartment complex. We do not want to find more trash on our property and would like to retain the relative quietness of Grantsville compared to larger cities.
- Another nuisance observed in relation to current apartments and mobile home park that would increase with the addition of these homes is lost or incorrectly delivered mail/address mix ups.
- There will be an increase in noise from construction and further concentrated living quarters.
- If this minor subdivision is approved, it will provide opportunities for worse air quality and higher crime rates due to increased vehicle traffic, overcrowding of people, drug use, and a general decrease in the safety of the neighborhood.
- There may be houses near livestock and resulting occupants may complain about the smell. This is a livestock community, and we would like to retain our rights to practice ranching and farming.

Financial concerns:

- With more people sharing the same availability of water, water and irrigation rates will increase.
- The completion of this minor subdivision will decrease the value of our house and surrounding houses/property.

Aesthetic concerns:

- What type of homes will be built and by who?

- How will the property be up kept? Better than current conditions in order to not drag property values down?
- If a minor subdivision is built, our mountain view will be compromised.

In conclusion, the concerns about this Sharai Minor Subdivision seem endless and we strongly oppose the changes that Mayra Reyes applied for. If this application is unfortunately in the final stages and already in progress, some demands we would make going forward are a larger and higher quality privacy fence, better property upkeep and cleanup, higher quality housing (replace the current mobile home with a house that will increase property values), finish yard/landscaping, upkeep driveway, sidewalks, and other structures in the yard.

We appreciate you taking time to read our concerns and look forward to sorting out answers this evening. Sincerely, 235 Willow St. residents: Karissa Killian and Adam and Sandra Sadler

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

d. Proposed Minor Subdivision for Marge Anderson to divide her property from one (1) 1.32-acre lot into two (2) lots located at 220 West Apple Street in the RM-7 zone.

Chairman Jaime Topham opened the public hearing at 7:33 p.m. and called for comments.

Chairman, Jaime Topham read into the record an email from Brent Marshall that stated to the Commission: December 10, 2020; To the Grantsville City Planning Commission: As a resident close to the Curly Lane Subdivision, I received notice that Marge's daughter, Rhonda Silva wishes to build a home closer to Marge Anderson to be able to take of her. I have known the family for years and have no problem with her building another home there. This is just in-fill. It conforms to the plan. This should be given approval and streamed line. Thank you for your time. Sincerely, Brent Marshall

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:34 p.m.

e. Proposed Preliminary Plat for TP Grantsville, LLC and Shawn Holste on the Parkinson Meadows Subdivision located approximately at 198 East Pear Street for the creation of thirty-six (36) lots in the R-1-21 zone.

Chairman Jaime Topham opened the public hearing at 7:34 p.m. and called for comments.

Chairman, Jaime Topham read into the record an email from Ben Greenburg.

Jaime Topham stated, It's not actually a letter. It's just a plat, and on it, it indicates there is property in this area that Parkinson Meadows does not own.

Kristy Clark stated, that's all he sent me. I did email him and asked him if he knew who owns it. He didn't ever email me back. So I sent the email to Shawn Holste hoping that he can maybe give us some feedback on who actually owns it, because I can't find that anybody owns it.

With no additional comments offered, Chairman Jaime Topham closed the public hearing at 7:34 p.m.

CHAIRMAN JAIME TOPHAM OFFICIALLY CALLED THE MEETING TO ORDER AT 7:35 P.M.

- 1. Consideration to recommend approval of the Rezone of 155 acres for Mountain Vista Development and Monte Kingston located between Hwy 138 and Old Lincoln Hwy to go from a Mixed Use, A-10, and an MD zone to a Mixed Use and C-D zone.**

Monte Kingston and Derek Ellis were present for this agenda item and stated to the Commission: Derek Ellis addressed the issues from the public. I agree generally with most of what Mr. Cook says. We should not use that sub road. I think there needs to be some transitional buffering with lot sizes, from the Silver Fox subdivision to the north. And I think that follows general development practices. I think that makes sense. As far as the desire to have trails, we agree that there needs to be some trails. We think that size of parcel, it would be beneficial to everybody that lives inside that parcel and outside of the parcel to have some trails in there. As far as the park goes, this land doesn't lend itself well to a regional park. I don't think Mr. Cook is probably not aware of what we did on the other side of town, but we have the same intention over here. We are working on the Scenic Slopes subdivision that is located on the southwest side of town and we have donated 15 acres to the City for a regional park. We also are working on the Worthington Ranch subdivision which is right across the street from this parcel and we have some acreage over there that would be great for a park. We agree that there is a need for regional parks. As far as the power lines, this is the only area where I'm going to respectfully disagree with Mr. Cook. We've had a lot of conversations with Rocky Mountain Power on those high-voltage lines. And those are not lines that are going to be buried. Those aren't lines that could be moved, but I don't honestly see the marginal benefit of moving those lines, but we're open to discussion on the matter if that's something that the city's concerned about.

Jaime Topham asked, as the developer, would you even have any right or authorization to move those lines that are already existing in Silver Fox?

Derek Ellis answered, no, but we could create a nice trail system below those lines, and generally, that's what we do is create some type of amenity structure that's under those lines that don't encroach on the easement. Onto Mr. Bower's comments. There's a 12-inch water line that feeds this area of town. One of the deficits in this area of town is the waterline that was put in by the Walmart distribution center, and the 12-inch water line that services this land, that comes up Old Lincoln Highway, the loop was never completed on those water lines. And the 12-inch water line would service this, we've talked to Timm, and we talked to Shay, that 12-inch line of waterline wouldn't have a problem servicing this piece, however, we would get tremendous benefit by looping those two existing lines. With the city's plans for the water tank, and the new well, and the looping of these lines, I think they would actually see increased water pressure and volume, and Shay can address that. On to Chris and Melanie Brookman. So, we apologize again that their half-acre parcel isn't shown outside of this parcel. It should have been. The graphic designer, for some reason, filled that in. We apologize for that. We have no intention to encroach on that piece of land. As far as the cattle, we understand the issue with open space, and open range and we're sensitive to that.

Jaime Topham stated, maybe for the benefit of the citizens that weren't at the City Council work meeting last night, could you go over what your thoughts are for this property? I think if people have more understanding of what the plan is going to be, it's easier to understand what you're doing specifically with kind of the thoughts of bringing in maybe the truck stop to address the issues with the truckers that are always winding up on the road waiting to go to Walmart. You guys talked about that quite a bit yesterday and some of the amenities you would kind of seek out to bring here. Could you just kind of address that really quick?

Derek Ellis stated, we agree that there should be some transitional density that moves from the south to the north. The City Council would like to see some commercial such as some eating establishments, some small businesses and maybe a truck stop that would reduce the idle time and the amount of truck traffic on the highway. And with access to I-80 they wouldn't need to go through town.

Jaime Topham stated, Thank you. I was at your meeting last night and I really do appreciate the way that you as developers are approaching the city and taking the time to talk to the city and not only the city staff and council and members of the commission, but also the community members and finding ways to solve problems. I think that's commendable of a developer. We don't always see that. So we do thank you for that. For the purposes of tonight's meeting was on the agenda as a rezone. All of this conversation about everything else. It's just helping the public understand what is happening and what the plans are. So there's as much transparency as possible, at least from my mind and that's

why I brought it up. Because I think transparency is important, but what's on the agenda is the rezone application. And looking at what you're asking for, it fits the general plan, our future land use map, what we created with our new general plan and fits it actually perfectly.

Jaime made the motion to recommend approval of the Rezone of 155 acres for Mountain Vista Development and Monte Kingston located between Hwy 138 and Old Lincoln Hwy to go from a Mixed Use, A-10, and an MD zone to a Mixed Use and C-D zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

2. Consideration to recommend approval of the Final Plat Amendment for the Cook Corner Subdivision located at approximately 935 East Durfee Street to reconfigure 3 of the 5 lots to be able to provide access for the property to the North in the RR-1 zone.

Todd Castagno was present for this agenda item:

Jaime Topham stated, so there was a question from the public comments about where the road was going and about internet.

Todd Castagno stated, we were getting ready to start construction when I was approached about possibility providing an access to the property to the north. So, the amendment shows us giving access to that property. As far as the internet, we've worked very close with Comcast and they've been very good to work with. We haven't had the conversation yet about where the service will need to come from. I don't know if they will be able to service Sun Valley Drive.

Jaime Topham asked, it looks like lot five is encroaching onto the next property to the north. Do you own that property?

Todd Castagno answered, that was part of the consideration with this is that I would only be willing to do the amendment if they would give me the acreage to make up the street requirement.

Gary Pinkham asked, so have you done the lot line adjustment to offset the additional right-of way?

Todd Castagno answered, no we will have it done before we record the plat. We can actually have it done before it goes to City Council.

Kristy Clark stated, I have one thing that I need him to do before it goes to City Council also. So, he's got the original final plat and an amended final plat, but both have the same title. I need the amended plat to say, "Amended Final Plat".

Grantsville Fire Marshal, Brad Clayton stated, this is the first time I've seen these drawings. So, I'm looking at them and that new road that stubs into Lewis' property is going to need a turnaround on the end of that, that's recorded on the final plat. It's going to have to be a minimum 96-foot diameter, cul de sac, temporary that has a drivable surface, 96 feet across.

Todd Castagno stated, we didn't know if we were in a hammerhead type of situation, but I didn't think of that length.

Brad Clayton stated, anything over 150 feet long is going to require a turnaround at the end of it. And right now, the city and their ordinance does not allow hammerheads except for limited situations. So, this'll have to be, and you couldn't put a hammerhead in there anyway, the way it's designed. So, it would have to be a cul-de-sac or a circle. You can do the teardrop style where it goes to one side and doesn't encroach on lot five. But there needs to be something there. And you'll need to make sure your curb sidewalk and gutter goes all the way through. Also, double check the fire hydrants.

Todd Castagno stated I could meet with you and Timm to make sure that we've got everything mentioned.

Jaime Topham stated, Well, so Todd, because of the new changes that need to be made to this plat, I would feel most comfortable tabling this and getting the plat changed and getting it corrected so that what we are approving is exactly what needs to be approved. I know that time is of the essence, but maybe we need to have that done and done accurately before this moves on.

Jaime made the motion to table the Final Plat Amendment for the Cook Corner Subdivision located at approximately 935 East Durfee Street to reconfigure 3 of the 5 lots to be able to provide access for the property to the North in the RR-1 zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

3. Consideration to recommend approval of the Minor Subdivision for Mayra Reyes to divide her property from one (1) 1.45-acre lot into two (2) lots located at 225 South Willow Street in the RM-7 zone.

Barry Bunderson was present for this agenda item and stated to the Commission: I can address any legitimate concerns or speak to any of the comments that have been provided if you'd like specifically.

Jaime Topham stated, let's talk about the livestock questions. Almost everyone asked about the livestock.

Barry Bunderson stated, So, since this land use ordinance law was mandated by the state back in like 1996. These properties to the North and to the South and the subject property have been zoned in RM7 zoning and I'll read what the intended purpose of the RM7 zone is for this branch of the city code. It is intended to provide areas for medium density, single family, and multi-family residential with the opportunity for various housing styles and character. And if you look at the permitted and conditional uses in Chapter 15 of the code, any livestock or animals are conditional use in this zone, so it's intended for single family and medium or multi-family housing. And so I understand that people maybe come into their properties or the benefit for forever, but these are the facts, these are the rules. So also, in chapter 7.17, it States that any conditioner used to was granted prior to June 11, 2000 and remain in RM7 zoning, even though, even if a resident of the willing is there for thereafter located on an adjacent parcel closer than the hundred feet. So, what I'm outlining is there's a precedent for what the land is intended to be used for. Animals can be a conditional use. The priority is not the animals, it's for the housing. However, if they do have animals, they're allowed to keep them, even though the new residents come along in that closer distance and the hundred feet. So that's how that is addressed.

Attorney Coombs mentioned, Jamie, I need to add a correction to that. That 7.17 was repealed in 2008.

Barry Bunderson stated, not all of it was repealed.

Attorney Coombs stated, he right. Paren 1 and 3 survived.

Barry Bunderson continued, the owner on the East is zoned A-10, which is permitted use to have animals. And that's the intention of that zone, that land is to provide opportunities for agricultural animals. And so, they have all that going on there, which is great. But the ones that have the North and South, if they have animals, it should be under a conditional use permit and they should be allowed to keep that conditional use even when a new resident comes in and builds close within a hundred feet.

Jaime Topham stated, so, Karissa, had a lot of questions. Now, I don't necessarily need you to go through all of them, but one of the questions and concerns is this going to be a single-family house? They're in the RM-7, they can look for multiple family homes? What is the intention of this property?

Barry Bunderson stated, So I talked to Diego today on the phone, he's the husband of the applicant, Myra Reyes and they are building a new house on the new lot that would be through East or in the rear. And they're going to keep the one that exists now and their intention is either his parents or her parents would move into that. So there isn't a big multi-family housing project or something like that going on that people have alluded to. It's just another home for the applicant. And that's what they told me. That's as far as my knowledge goes.

Jaime Topham stated, let's address that a retention pond. There was a question about the retention pond and what's going in it. I know that, that's one of our requirements, but for this, for the citizens, can you kind of talk about that and explain the requirement there?

Barry Bunderson answered, it's a requirement that the city has on any new development. The purpose of these retention ponds are to mitigate any flooding or downstream properties in a large storm event. Now, when we say large storm event, it's one that has a probability of happening every once in 10 years, or excuse me, a hundred years or a one percent annual chance of happening every year. To give you an idea, it's 2.25 Inches over 24 hours with the peak rainfall in an hour of like an inch on that order. So this is a heavy, heavy rain storm. (We lost connection with Barry)

City Engineer, Timm Dixon, stated, if you look at the existing contours of the ground, as it stands, now, it naturally drains to the North onto that property that's owned by the sites. So, the low spot is exactly where he put it, is where it probably should go. So again, all that is collecting is rainwater from the parcel. It doesn't go North.

Jaime Topham asked, what about open space?

Barry Bunderson stated, we are showing open space on lot one. It's like a 50-foot-wide parcel, and so half of it will be a driveway area and half of it will be the open space portion too. So we can't have a driveway in the open space. And so we've pushed the open space to the North. The driveway would be South of that.

Jaime Topham mentioned, one of the notes we have are from the city, our city staff is that we would recommend that they actually do a fee in lieu given where that's at and the potential. I mean, the purpose of the open space is to have more open areas for the citizens to use and enjoy. We certainly don't want the public I'm sure encroaching upon that. So that's the request that's been made from the city. And my accurate signal accurately, am getting a lot of head bops. Yes. So, have you reconsidered doing the fee in lieu?

Barry Bunderson stated, I talked to the owner about that, and it's in someone who's just coming to build their own house, it's an expensive proposition in their eyes. Maybe the City could speak to them directly about that. They have expressed that they would rather dedicate the land and keep it open. And what's shown on the drawing meets all of the intense of the ordinance. Well, not the intense of the ordinance, but the written code and that it does provide an open visual space for the public. And we kind of hashed this out a bit in the design review committee meeting on how that's written and what it means. So I can't, but the owner, unless they're on to say that, yeah, they'll pay a fee in lieu. To meet your ordinance by dedicating the open space, that was their initial preference.

Gary Pinkham stated, I've got a question there on that. If we do this, our Ordinance requires that there be private protective trust, put in place to manage this, protect this and

so on. Have you guys developed that? Has a trust been developed and put in place recorded and does that require a separate legal description for that parcel?

Barry Bunderson stated, I'm not sure I have the answer to that. You tell me.

Attorney Coombs stated, So the way that the open space code is created, if you look at 21.1 point 14, activities within the open space shall be restricted in perpetuity for the use of an approved legal instrument. So, that's the first code we look at. And then we look at exactly what Gary was just referencing and that the open space shall be held and maintained in a private protective trust. And the idea of being behind that it needs to be permanently protected. Now, generally the open space is a separate lot. And so it's protected as, that separate lot is maintained as the open space and restricted as the open space. In this instance, the open space has not been separated out as a separate lot, and so I do believe that they would need to be able to show some sort of separate legal instrument, such as a protective trust, protecting that property in perpetuity and all the activities they're on, specifically to protect the public, to be able to use that property at will. Since it's on someone else's property, technically, the public can be restricted from going onto it just because the homeowner doesn't like people on it. So that would be my legal interpretation.

Jaime Topham stated, which is kind of why I think that the city suggests that a fee in lieu, the homeowner would be able to enjoy that entire property if they did the fee in lieu rather than doing that open space provision. But I think that also the directive from us is, is that we've made our recommendation. Ultimately will allow, if we agree to recommend approval, we'll allow it to move forward to city council and allow city council to make the decision and communicate with the homeowners and with you and make a decision on how that should be ultimately handled. But those are things that definitely need to be considered before it gets to city council.

Gary Pinkham stated, with this particular deal, Barry, invariably within six months, we're going to have vehicles parked on that parcel, we're going to people driving on it. It's going to become a driveway unless it's physically separated somehow with a fence or concrete retaining wall or something to keep people out of it. The city's not going to go around there every six months and do an inspection to see that it's still being retained as open space. If it's going to be designated as open space, it needs some sort of a physical barrier to preserve it as such. We'd have to have the trust paperwork in place to look at, to see that, that's going on.

Barry Bunderson mentioned, in the open space code, there's allowance for agricultural use, which does limit the public's use to those areas. And that's the intention here.

Gary Pinkham stated, I agree if he's going to put an actual garden patch or something like that, that would apply. But we still need to have in some way, protected. Like I said,

before the summer is over, if you're going to have a camp trailer or utility trailer or a couple of vehicles or something parked on it, it'll no longer be open space. If we're going to grant this, it's got to be done in such a way that we have some assurance it's going to remain open space under the intent of the code.

Barry Bunderson stated the legal instrument is the plat to where it gets dedicated. That protects the open space.

Jaime Topham stated, So I'm going to play the devil's advocate here. And you just said that it's intended to be agricultural, but they can't put animals along there because then it will violate the hundred feet for the neighbor's home. So what are they going to do in perpetuity on that spot of open space?

Barry Bunderson stated, I don't know what agricultural use they intend to use. It might just be a garden, I don't know. But that's their intention.

Jaime Topham stated, I guess that's my point though. They can't do anything with animals because of the restrictions of our code of housing animals so close to the next parcel, because there's no way they could make a hundred-foot distance with that 25-foot-wide strip of land. That's what needs to be considered and I'm also hoping that city council has the opportunity to review our notes before this comes to them, because that's what we're coming up against when we have all these little parcels. I'm sure, there'll be more, that it's not just going to be this one. Where we are going to have these issues with this little bit of open space. And how do we maintain that in the way that it's intended to be maintained?

Erik Stromberg stated, this is just my thought. The rest of the commission can go with it. I think there's a lot of unanswered questions and we don't have the actual applicant here to answer them. Barry's here to represent him as he's drawn this up. I think we need to have some of this answered before I would feel comfortable making a decision either way.

Timm Dixon stated, Barry, just a reminder, and I know it's on our review comment that we want to make sure that our roadway improvements are going to be constructed where they construct the curb and gutter up against the sidewalk and widen the pavement. So again, just want to make sure, because I know you mentioned earlier again, I know as costs start to develop for homeowners that this might be a big one for them. And so again, just wanted to make sure that that is something they're aware of. And I know that we have talked, me and you personally, but again, make sure that the homeowners are aware of their obligation in the City right away.

Jaime Topham stated, I think that with all these questions, Mr. Stromberg made an excellent point. I think that I would make the motion that we table this, so we can get the homeowner or the owner of this property to get some of those questions answered and maybe give them an opportunity to take the time and decide if this is really what they

want to do, if it makes financial sense to do that. Not that we're saying that they shouldn't, but there are some financial costs that might be more burdensome than they're worth that they may want to consider.

Jaime made the motion table the Minor Subdivision for Mayra Reyes to divide her property from one (1) 1.45-acre lot into two (2) lots located at 225 South Willow Street in the RM-7 zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

4. Consideration to recommend approval of the Minor Subdivision for Marge Anderson to divide her property from one (1) 1.32-acre lot into two (2) lots located at 220 West Apple Street in the RM-7 zone.

Barry Bunderson, Ronda Silva and Marge Anderson were present for this agenda item:

Jaime Topham stated, the memo from Aqua is about open space. So let's jump right into that conversation.

Gary Pinkham stated, two things that I want to bring up regarding the open space. Number one, our code states that open space must border public right of way. So setting this parcel, this area back 25 feet from the city's right of way is a violation of our code. And then also, to bring up what I had on the last one, is the private protective trust. It needs to be put into place as well as the guarantees of some measures here to protect it and keep it from becoming a parking lot.

Barry Bunderson stated, there's also an open space requirement that says it can't be in a front yard. Otherwise, we'd all just have front yard, call it open space. That's why I set it back 25 feet because it can't be included in front yard area. So if we push this close to the front as possible, we'll meet those requirements.

Gary Pinkham pointed out that in 21.1.14 paren 3b, the open space shall be located and configured so that a portion of the open space bounds or intersects with public right-of-way or other publicly accessed parcels.

Barry Bunderson stated that the open space definition in our code under definitions stated that open space can't be in the front yard.

Erik Stromberg stated, I think what we are used to seeing is the open space as its own lot. And they are trying to attach the open space to a lot.

Barry Bunderson stated, their intention is having it remain agricultural. Chapter 21.1.15 talks about that. It doesn't say that it has to be a separate parcel. You guys are tending to make stuff up.

Jaime Topham stated, that's not true Barry. We didn't make anything up. It is stated in 21.1.14 subparagraph part 3b. So, be careful with your language.

Rhonda Silva stated, we already use it as agricultural. We have irrigation and a pasture, a couple of goats, and a garden. It's been used for agriculture for years.

Attorney Coombs stated, so the way that the ordinance reads and this is in 21.1.15, sub 4, open space parcels that are preserved as active agricultural or pastoral land may have limited direct accessibility as the use requires restricted access. But, it is expected that such uses shall be located along the sides of public streets or trails so that the open space will provide for the benefit and enjoyment of residents as it reserves the open rural atmosphere desired by the residents.

Jaime Topham stated, where they have it located is 25 feet off the street. If you can't be in the front yard and it has to be off of it a bit, 25 feet is certainly within distance of somebody being able to view it from the street as they're walking by. So long as it stays that way, it doesn't become an RV pad.

Attorney Coombs continued, the second part of that sentence, it is expected that such uses shall be located along the sides of public streets or trails so that the open space will provide for the benefit and enjoyment of residents as it reserves the open rural atmosphere desired by the residents.

Jaime Topham continued also, the idea is to have this feeling of open, not a concrete pad, but a nice tomato garden or whatever vegetable garden, maybe animals, depends on how close everything is. But, that's the point of it is so that we're not just cramming houses in on lots and not having open space. I don't understand why you can't have this big front yard. That gives more of an open rural feel in my opinion, but the code is written as it's written. But, still comes back to it's in perpetuity. So that in the future, when this lot is sold onto the next person, if they don't use it agriculturally, then we've got this little 35 foot by 87-foot piece of Grantsville City property. I think that the law is internally inconsistent.

Attorney Coombs asked, where does it say that it can't be in the front yard?

Kristy Clark answered, it's in Chapter 2, Definitions.

Barry Bunderson stated, our intention is the limited access private agricultural use but providing an open view, open space against the road.

Jaime Topham stated, I'm digressing for a moment because I think this is important for other things that are coming forward. And, maybe it's not the right position as the planning chair commission but I kind of think it is. Our ordinance, the way that it's written with the definitions, actually seems to be internally inconsistent and almost impossible to meet, particularly for a lot that you have. So D of 221, of our definitions, D says, the space shall not be provided from any required front or side yard, parking area or driveway space. So with a lot like that, the only space that you have that fronts a road is your front yard or side yard, essentially. It's probably all front yard. So I don't see any way you could possibly comply with the open space requirement when taking into consideration the definitions and all of the requirements. I think that the reason that we have this big statement that we have in a definition is to keep it from the open space from being put on a private lot. This was what my complaint was when we were looking at all of this, I don't think that open space should be part of minor subdivisions. You don't have enough land that's being taken up by the lots in order to make open space mean anything. In my mind, the open space... And I'm going on a tirade and you can shut me up if you'd like to. But in my mind, the whole idea of the open space was to keep things rural and when you have all these big subdivisions coming in and putting house, after house, after house and no amenities whatsoever for parks, recreation, or anything like that, our whole idea was to get open space. We need something for our citizens to have. In my opinion, it wasn't to have anyone who comes in and doesn't mind your subdivision, have 10% of their land given to the city for useless purpose. In my opinion, this is a useless purpose. The one we just talked about feels like a very much useless purpose. The one that John Clay did, that his open space is behind all of the lots, is a useless purpose. It works for my benefit because it happens in the back of my property. But for the city, it's a useless purpose. It's landlocked. You can't even get to it. And I don't know how that went through, but that brings out the specific reason why we really need to take a look at this and why we really need to reconsider as a city, whether we should be, or requiring people who have small parcels like this, to have an open space requirement. Or if we need to reconsider how it's written, so we do want them to participate in that in some way, then maybe we do fee-in-lieu and we don't end up with these little pieces of patches that mean basically nothing. And I'll leave my tirade with that.

Gary Pinkham stated, the open space law applies equally to everybody. It doesn't mean it's feasible in every circumstance. That's why there's the two options, provide the land in a large enough parcel to make a park, or some other open space type of amenity, or fee-in-lieu. But I don't see the law in the way it is here now is saying it's not feasible for this parcel to have open space on it, because it doesn't meet the requirements. So, the fee-in-lieu should be the way they go.

Marge Anderson asked, you mean to say we've owned this property for 60 years and we have to give the City \$5,000 so they can have part of our property? That doesn't even make sense. It's our property.

Attorney Coombs mentioned, if the fee-in-lieu is paid, the city doesn't take any property.

Jaime Topham added, That's true. But what she is saying is if I have to give you 5%, I've got to give you 5,000, or whatever the arbitrary number is for the value amount, I've owned the property for 60 years, and because I want to build a second house, I have to give you money. Is that basically what you're saying?

Marge Anderson continued, Yes. It makes no sense to me, no sense at all. Why should we have to pay to keep our property? I pay my taxes. I do everything I should do. Now you come along and want me to pay. Either give up some of my property to the city, or pay so I don't have to give up the property. I don't think that's right. I'm not coming in trying to make a bunch of money. All I want is to let my daughter build a house by me and then keep the rest as pasture, which we have done forever.

Barry Bunderson stated, just kind of finalize what was shown on the drawings there? We looked at all your rules. We've done our very best to interpret what can't be done, what has to be done. And they would like to keep it as pasture and agricultural use. And we have put it as far up to the street as possible, but also not putting it in a front yard or a side yard. It will be open just in this 21.1.15 part four. It will provide a benefit and enjoyment of the residents. It'll be open instead of another house. It'll be showcased in a way that provides again, benefit and enjoyment of the rural atmosphere. And so we've just done our very best to provide an open space per the code. We feel like it meets the code. And so that's how we've presented it, the way we've done it.

Jaime Topham mentioned, Thank you, Barry, for that. So I'm ready to make a motion, but I would say that probably bring up to the city council when this moves on about how it's set back, if they would prefer that to not be set back, or how that works because, I agree. I mean, I think having it set back from the road, then you have to deal with an easement issue. And so that would be something for the city council to consider as well.

Jaime made the motion recommend approval of the Minor Subdivision for Marge Anderson to divide her property from one (1) 1.32-acre lot into two (2) lots located at 220 West Apple Street in the RM-7 zone. John seconded the motion. Roll Call Jaime Topham Aye, Erik Stromberg No, John Limburg Aye, Brian Pattee No, Gary Pinkham No. Not all voted in favor and the motion was denied.

- 5. Consideration to recommend approval of the Preliminary Plat for TP Grantsville, LLC and Shawn Holste on the Parkinson Meadows Subdivision located approximately at 198 East Pear Street for the creation of thirty-six (36) lots in the R-1-21 zone.**

Shawn Holste was present for this agenda item and stated to the Commission: So let me discuss that sliver of property. So in the north end, TP develop and actually owns the

entrance to it. And then the middle piece, no one owns it. The BrockBank subdivision is very defined where its edge is. And then the old Soelberg property, thereabouts is the boundary. So there's this middle ground that no one owns. So in trying to clean it up, we've done the paperwork to try to take that piece and clean it up so there's no sliver there. We saw it as being a problem down the road for the city. Who would maintain it? Who would keep control of it? You have our additional six lots that we would be putting there, plus the six lots into BrockBanks. You got 12 people that may or may not want to claim right to accessing that, parking vehicles on it, getting to the back of their house. We just thought it was a problem for the city. And just trying to clean that up. That was our intentions.

Attorney Coombs asked, Shawn, do you know where you're at in the process? I spoke with your attorney and told him that the city doesn't have any interest in it. Have you heard from anybody else? Are they challenging it?

Shawn Holste answered, I do not know. I saw the email at 6:40 and I tried to get ahold of TP Grantsville to ask where we are at. So I do not have an update at this time.

Steve Curtis (resident on zoom) stated, I'm challenging it. My name is Steve Curtis. I live on 447 Brockway. I'm at the south end of Brockway on the corner there. And the property fence that was part of the Soelberg property, there's a fence line that runs down the middle of that gap. There's also a water line that runs down it and I think it's Arbon's property. I don't know which way that waterline is fed. That's how they water their property. On the corner between the Soelberg's property and the Arbon's property and the Soelberg fence line runs about halfway between my property and halfway in between this deep gap, as they refer to it. And since I've moved here, nobody's maintained it. So I started maintaining it. I've had horses that have grazed in that area and have kept it as my own. Fenced it off even and provided a better fence than what was there. The existing fence was over 100 years old, that divides the properties there. Maybe Mr. Arbon can provide some more details to that.

Jaime Topham stated, so actually, it's not actually appropriate to have outside commentary, but we do appreciate it for answering the question of whether if somebody is contesting that or not, but I'm not going to allow any further discussion along that line. So, we can go back to Mr. Holste.

Another Resident on Zoom stated, there is legal action going on. There shouldn't be anything approved with the legal action that's taking place.

Jaime Topham stated, I don't know who that was but, I actually agree with that statement. If we haven't legally defined the line, then I don't know that we can move forward on approving a subdivision until we know what the legal boundaries on this subdivision are.

Gary Pinkham added, while we're still here, on the 66-foot residential road detail, it calls out, three inches on eight inches of road base. The city's standard is three on six or eight inches on subbase.

Jaime Topham asked, do we know if the curve tables data get addressed? It states in a memo from November 23, 2020, double check the curve tables. There are some data points that don't seem right. Do we know if that got addressed? Or are there any other kind of summary issues we need to discuss, or should we table this?

Gary Pinkham stated, There's one other item. You show a water line going through the retention pond over there on Quirk Street. That's probably going to require a vertical realignment there. So probably have to an air vac on one side of the other of that. If you want to have your engineers check that out. If so we need to have the details, and requirement for that.

Attorney Coombs asked, Can I make a couple of comments? So first is on Pear Street, and this is more for the record on information of the public. So on Pear Street, the city is aware of the fact that Pear Street on our street master plan is drawn to go through. The property that would connect Pear Street with Quirk Street is owned by a separate individual, both sides. So typically we would require the developer to develop on the south side of Pear Street. But he's unable to because he doesn't own the property. The city has talked to the property owner who is not interested in selling that to the city. And so the only option would be for the planning commission and city council to recommend a condemnation of the property, if you felt it was necessary. So that's a first thing I wanted to bring up. And then the second thing is more of a suggestion or a possibility. Would it be possible to cut off those properties that are bound to the property line and make that a separate subdivision? And this is more for Shawn, not necessarily for tonight, and make that a separate subdivision. So you don't have to worry about the boundary line. And then the rest of the properties can be considered.

Jaime Topham answered, That's five lots on a cul-de-sac. So you're looking at a whole, probably at least nine lots that that would affect. I guess he could consider doing that or he can get that done. I mean, I understand the person, you said he's been there and he's taken up the fence. I know that that other subdivision hasn't been there 20 years. So he probably isn't going to be able to do it by boundary by acquiescence and the likelihood of adverse possession. And I'm just spouting out things that I know as an attorney, and I'm not giving legal opinion or anything like that. But it might be in their best interest to try to get it resolved rather than kicking that out and making a whole other subdivision. But I'll leave that up to you, Mr. Holste, in how to figure that out.

Shawn Holste stated, I want to go about it at the best for the city and for the citizens and whatnot. So I'd ask for your direction there. It's a really funky piece. TP Grantsville owns the piece that's right on Pear Street. So they can't access through there without crossing

that. I did jog the line down, as you look down the south it jogs around. Ray's and Curtis's cause we could see that they had moved fences and whatnot. So we weren't just trying to go for a land grab. We were trying to go for what made it best. I mean, how do you guys feel about having this unknown property between two subdivisions?

Jaime Topham stated, you could certainly do boundary line agreements. And if there's that unknown property, then file a title action, perhaps that quiets that to the part that you can't get a boundary line agreement on.

Attorney Coombs mentioned, that's what they've done. They filed for quiet title. So that's why I suggested it, just because you know how long some of those processes can take. And so that was my only reason to suggest it.

Shawn Holste asked, What about a variance from you guys on those lots? Maybe they're going to cut that back off and they'll live with a smaller than a half-acre.

Jaime Topham and the Commission all stated that they would not be in favor of that. Jaime stated, That's not Grantsville City's problem. It's really an ownership problem that you guys need to rectify and probably should have done before you committed in all the drawings and everything that you've done.

Shawn Holste asked, what if we readjust? So we just go with the fence line? And so there's that unknown piece in between there and we just don't deal with it.

Jaime Topham answered, as long as you have ownership of what you're developing, I don't have an issue with that. I mean, that'd give an opportunity for some other people to try and do some boundary by acquiescence if they so choose, or whatever. I don't care. As for from a commission point of view, I don't think that'd be an issue at all, if you just build it to what you actually legally own. If you don't want to mess with trying to establish, perfect your title on the rest of it, then you just build it as is. I don't see any reason why we wouldn't agree to that.

Brian Pattee mentioned, it looks like we already have a sewer line through there, so we already have a utility easement. So Shawn, you have sewer laterals off those four lots going to that sewer main, showing. Is that owner going to allow you to run the sewer laterals to that main?

Shawn Holste stated, I see what you're saying. I don't know. That's a great question. I think we can sewer it at the street either way. We weren't sure. I'm not sure actually, is there an easement there that we have a right to access that street?

Timm Dixon stated, I don't know for sure, but I thought that there was an easement in place when he originally came through and wanted to subdivide his parcel. So we need to

just 100% check that there is an easement in place, a public utility easement in place for sewer, he can tie into that depending on how wide the easement.

Shawn Holste stated, either way, if we can't then we'll run it out the front. That's our preferred way. If there's not an easement back there, then we'll run it out the front.

Brian Pattee stated, the attorney mentioned maybe condemnation. I would not support that just because I don't know that it would be worth it for the city to do that. Eventually that property to the north will develop and they can put in their half of the road.

Jaime Topham asked, wasn't there language in here about talking about setting up an escrow account for them to put the money into, so that when and if north develops there's money to help with the south? I swear I read that.

Timm Dixon stated, so that was my recommendation, Jaime, that we do that. But again, that's going to have to take some coordination between developer, engineering department and the city to go ahead and do that. There is a time limit on this though. That is the issue, as you know, that you can only hold funds in escrow for a certain amount of years. So with that being said, it's a sticky issue. So when Brett brought out the condemnation, that really probably is the easiest and the cleanest. But again, I know talking with Mayor Marshall, something that we don't want to do and again, Brian, you mentioned you don't want to go there.

Jaime Topham stated, if you want this done sooner than later, that's what I would do. Just follow your actual property line and let somebody else mess with the road because otherwise you're going to have to go and take care of all those legal issues because we're not going to approve it without that being done correctly.

Shawn Holste asked, so to kind of backtrack on everything. So if on Pear Street, what was the final decision on that?

Jaime Topham answered, I don't think we had a final decision on Pear Street because Pear street is a very different animal and I think the only way that we can correct that is with an agreement from the property owner, which seems unlikely or condemnation, which seems unfavorable. Neither one of which are your responsibility. And then maybe city council wants to talk about how we address the fact that Pear Street will not be finished. Your worried half of Pear Street will not be finished. So for tonight, the purposes of tonight, I think we need to table it. I mean, obviously we can't deny it, but it needs to be tabled until you figure out the legal ownership interest of where you're setting this property.

Shawn Holste asked, let me ask a couple more questions though. Quirk Street, we don't show any improvements on the Quirk Street. What's your thoughts there?

Gary Pinkham answered, it would have to be improved. The ordinance requires that half of Quirk be improved along that eastern boundary of your development.

Shawn Holste stated, we've talked about maybe doing a fee in lieu on something like that. It just seemed a little odd, Quirk's completely straight, that would be the only section that jumps out there. It almost seems like a hazard more than anything.

Gary Pinkham stated, I think that could be worked out. That'll be something that would probably have to go through the council though.

Shawn Holste asked, So the issues I am addressing is the space in between that no one else wants. You guys have no opinion on what happens there?

The Commission answered, no. The only thing we care about is you develop land you own.

Shawn Holste asked, is there a way to get an approval? And I've got to check on this, based off the landowner, but can I get approval based up those corrections are made for city council.

Jaime Topham answered, no, we're going to table it. Well, I'm going to make the motion that we table it and we'll see what my commission members do with it. And that's probably the best way that we have to go because I mean, quite frankly, if you work something out with the neighbors and legally acquire that, it changes the size of the subdivision and if you don't work it out, I mean, if you're admitting that you don't have ownership of that row, then you need to move that line for 101, 102, 103, 104 and 105 to be with what you do legally own anyway.

Brian Pattee asked, One last question, Sean. Your open space requirement on the subdivision you're given land or something, somewhere else.

Shawn Holste answered, no, we're going to do a fee in lieu.

Jaime made the motion to table the Preliminary Plat for TP Grantsville, LLC and Shawn Holste on the Parkinson Meadows Subdivision located approximately at 198 East Pear Street for the creation of thirty-six (36) lots in the R-1-21 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

6. Consideration to recommend approval to amend the Subdivision Ordinance, Chapter 21 of the Grantsville City Land Use Management and Development Code.

Shay Stark was present for this agenda item and stated to the Commission: Do you

mind if we step back for a moment though, based on the discussion tonight on this open space. And I haven't talked to anybody else about this. I mean, I know that I talked a long time ago to Brad a little bit. But these smaller parcels, I think our intent with this and the way this was written, from what I remember, was that they would be paying fee in lieu, was the idea. But right now we're working through the water rights master plan and the impact fee analysis. And in that analysis, we basically are stating that the developer is required to bring water. And if they don't bring water, then they have to pay the impact fee. That's the equivalent of paying for the water rights, so that the city can purchase water rights. I'm just questioning if we don't do the same thing with this and we set up an impact fee under parks and open space, or we specifically, if they can't provide this open space and we change this language a little bit in here that essentially they pay the impact fee. And we dropped the fee in lieu of. I mean, we have to go through, but we've got to do it any way. We're going to start updating the capital facilities plan.

Attorney Coombs stated, so our park impact fees were updated two years ago. So we would have to go through and re-update that if you want to impose a different standard for impact fees.

Jaime Topham mentioned, I think we'd need to anyway because our general plan really changed and really changed how we deal with parks and created a desire to have regional parks, none of which was in place, I'm sure, when that was updated.

Attorney Coombs stated, So I mean, this discussion is really timely. Timm will tell you that we just met today to talk about this water rights impact fee plan and during that, we talked about these other impact fees that we charge. I think the biggest roadblocks that you would find with that is the cost. To go through and update those is not cheap, so I think that would be your biggest problem.

Gary Pinkham asked, how would you establish a fee as opposed to the percentage rate we're doing? If a guy comes in with a five-acre parcel and splits it into four pieces, we're back in the minor again, versus somebody coming in with a one-acre parcel in the RM-7 and splitting it into four pieces. How do you make that equitable from one lot to the other, the one's a 7000 square foot lot, the other is 2.5 acres?

Attorney Coombs answered, that's why we would do the impact fee analysis. I mean, you have to go through a whole analysis process with these impact fees, if you make any change to them. And those are some of the questions that would have to be answered and we have to go through. It's a difficult process and that's on purpose just because of those things. It needs to be fair.

Shay Stark mentioned, I just state in the water rights impact fee, we base it off the area of the parcels. And we have a table set up in there so that people have an idea of where those fees are at. But the actual calculation is taken off the actual area.

Gary Pinkham stated, we have to have some sliding scale for the park fee then, if it's a payment in lieu deal. I think we may want to look more on our wording. As we went through it this evening, it looks like we have wording in our ordinance now that would prevent people from putting these open spaces on a single lot. By virtue of no front yard, no side yard, bounding the street, et cetera. We also have wording in there that says, as far as subdivisions go, it has to be a contiguous piece of land. It can't be 5000 square feet on each of somebody's lot. If it's a hundred lots, it's all got to be one parcel. It can't be 100 garden lots. I think if we look at our wording, I think we'll find what Barry is trying to do there with us is not permissible. And if it's not permissible on a single lot, it's fee in lieu. We have an ordinance that says, you either do this or you can do that. But our ordinance doesn't say that one is feasible or not. If he can't feasibly comply with the one dimensional aspect of the law, then he's got to comply with the financial aspect of it.

Attorney Coombs stated, Jaime, you had kind of mentioned this and I think it's a good idea. If we do it add something into the statute that gives you the discretion, that if you find it necessary to do the fee in lieu, as opposed to the open space, that you have the right to say, based on these reasons, we're not going to let you do a piece of land, we're going to demand the fee in lieu.

Jaime Topham stated, Because I thought kind of the whole purpose of our fee in lieu was so that we could buy land to bank regional parks. I'm getting back on my sandbox or my soapbox for a second. I think that we as a city need to actually take a look at whether we should be requiring open space from these small infills, where our plan is infill and then out fill. The whole idea was so that we could get regional parks or we could get big plots of land so that we could do a park. It wasn't so that we could nickel and dime people and take property that becomes really useless to the city. And it's really burdensome for a person who's doing one lot subdivision or two lot subdivision. And I think that as a city, we need to talk about that and look at that. I got it when we had an open space conversation the first time around, and it's becoming more and more evident to me that we need to have this conversation again. And I'll get off my soapbox.

Erik Stromberg mentioned, So Jaime, as you get off, I'll get on, because I'm right there with you. I think that we saw two perfect examples tonight of where I think we went too far in what we were trying to do. It's one of those things, the one that we denied, I look at my interpretation, I had a hard time approving it based upon how I read that. But it doesn't mean that I wasn't for them subdividing it. I think we need to find where is that? Where's that boundary? I think at the time we thought, hey, someone like this or this will come and they'll pay the money. And we found two examples where they're fighting not to pay that. I think the other concern was, is how do we keep the developers that we see coming in here, that are doing 150 acres from saying, well, let's do it in five acre sections, so I don't have to give anything up. But I mean, we got to find that balance. I think our concern was they're going to take their 150 and instead of doing one, they'll do it in five acre sections. So they're not going to give us the space. They're going to do it in small enough

subdivision, they'll come in and do 10 subdivisions versus one, if it keeps from having that requirement. And I think that was part of our concern, that was something we talked about. But I think it needs to be looked at. I realize, we're fighting against ourselves right now. I mean, we say, we want to get a fill in but we're going to let you do that. And for me to say, hey, keep your garden your garden, isn't really giving a benefit to the city.

Shay Stark stated, so let me just jump back though. So on the phasing, that's where we ended on the last one. Is everybody okay with us proposing at this point, 50 lots?

Attorney Coombs stated, one comment that I have is the language here in that first sentence, will be accepted only upon the submission of evidence indicating that the market absorption rate is such and the financial levy of the sub divider is such, that the outside improvements for all lots in the final plat will be completed within two years. It doesn't provide a whole lot there for us to be able to know what you're using to make your decision.

Shay Stark stated, Well, do we want to get rid of it? I mean, because 50 lots are a large number of lots. So we're not giving them an option to come in and say, well, we want to do a hundred lots per phase and in this market absorption study shows that we'll be able to do that in two years.

Attorney Coombs stated, I think it would be clearer than if you go up to sub number one and the second sentence there say, development shall be performed so that the phases will include no more than 50 lots, which will be contiguous and the required improvements will be continuous. And then you can go down to three that if they want more than 50, they can have up to 10 more, if they can do that. I think that just makes it clear.

Jaime Topham added, and when offsite improvements are complete and approved by the city engineer and the lots are 70% sold, the sub divider may submit the next phase. I mean, I guess you could add in there, they may not submit it prior to that.

Shay Stark continued, now 21.4.5, and we talked about this earlier in some other sections. Here again, we're replacing this with checklists in our standards so that will be approved by resolution. So those items number sheets and what's on those sheets will all be taken out of the ordinance. So then if we can jump down to a 21.6, design standards, and we can go to 21.6.1. As these design standards are completed, and we're hoping that next time that you see this and we discuss this, we're going to have a completed draft so that you can see what these design standards are. We're just going to reference those in the application section here, that they're subject to follow the city's design standards. The next change is 21.6.2, Timm, I was going to ask you about this. This is just something, as I was reading through it today that just caught me. Number four says sidewalk lines shall be substantially right angles or radial to the road lines. Do we want to define the extent of that? We had the discussion with Parkinson Meadows about the intersections and how

many degrees they could be off one way or another. Maybe this isn't as important as that's a public safety issue, but do we want to clarify that or not?

Timm Dixon stated, if you're going to say substantially right angles, I think that says it in and of itself to be quite honest. I mean, a right angle is a right angle. That's geometry right there.

Shay Stark continued, then 21.6.3, a couple of things we're trying to address is we're trying to address conflicts with the international fire code, and make sure that our ordinance supports the international fire code. And also we wanted to add a little more clarity with the cul-de-sacs and specifically streets and through streets. Royal Estates is a prime example. Three stub end streets coming into this that really need to be tied together and connected. The code says you must have two accesses with 30 or more lots. Well, they have two accesses. They're just not interconnected. There's nothing in the code that says they have to be interconnected. And we're trying to clear that up a little bit more. So the language here in number four, where in addition to city codes and standards they've got to meet the fire code. Number five, this one's talking about the "At least two access points to existing through streets outside of the proposed subdivision. Streets within the proposed subdivision shall be interconnected to the greatest extent possible. Subdivisions utilizing multi-family dwelling units, commercial or industrial uses, shall meet the more stringent requirements of the current adopted addition to the international fire code or applicable city codes and standards." Number five, "The design of the road system shall provide for continuous circulation throughout the project." Again, supporting that idea of the interconnectivity inside the project. "Cul-de-sacs and temporary dead end roads stubbed for future development must have approval by planning commission and are only allowed where unusual conditions exist which cause interconnectivity of streets to be infeasible due to public safety, physical circumstance, or the ability to meet design standards." then onto six, "The maximum length of a cul-de-sac should be 600 feet as measured from the center line of the adjoining street to the center point of the turnaround with no more than 16 dwelling units accessing the cul-de-sac. The planning commission may grant an exception to up to a maximum length of 750 feet in single family dwelling developments where the configuration or topography of the land reasonably limits the ability to provide a second access point to the local street system.

Brad Clayton stated, I have a question on that. 750 is the international fire code. Why are we not in harmony with that? I thought the whole idea was to harmonize the international fire code and city ordinance.

Shay Stark stated, Well, we are in that we're allowing planning commission to grant an exception of the 750 feet.

Jaime Topham mentioned, We're trying to get rid of cul-de-sacs anyway, but if we have to then she would just stay at the 750 feet?

Shay Stark stated, I'm fine with that if that's the direction everybody wants to go and we'll just take that exception out of it. So I've crossed out two sentences there. And then I jumped down further into the paragraph to, "The planning commission may grant an exception to the maximum number of dwelling units accessing the cul-de-sac in multi-family dwelling developments to a total of 24 units along the 600-foot maximum length." But we're going to go to 750. So that allows them in multi-family dwelling units, they can come in and ask for up to 24 units along that 750 feet maximum length.

Brad Clayton asked, if we were going to give 16 at 600 feet, don't want we want to just make it 24 at 750?

Shay Stark answered, this is going back to the general plan and the whole idea of we're trying to keep things open and rural. And so we're saying to them, the code is requiring 16 units, but then we're recognizing in the case of a multi-family, but we're making them ask for it and say, "Okay, if you're going to do multi-family housing, apartments or whatever you're doing there, that along that cul-de-sac you can ask for an exception of up to 24 units instead of 16." Because obviously they are closer together. That was the thought process with it. And then, "Each cul-de-sac shall be terminated with a turnaround not less than 120 feet in diameter at the property line with a minimum drivable surface, which includes travel surface and gutter pans of 96 feet in diameter. The engineer may require an increased diameter if design conditions necessitate increased diameter in order for large vehicles or emergency equipment to negotiate turn around, or to meet the street design conditions such as park strip width and sidewalk width or additional widths due to center islands." So, and then it says, "There should be no exception granted for a turnaround smaller than 120-foot minimum diameter." And then eight, "The design of streets in commercial and industrial zoning districts shall be determined by the city engineer using the Institute of Transportation Engineers Trip Generation, current edition, for road load and design for the transportation system." Nine, "Pedestrian access. All cul-de-sacs will provide pedestrian connectivity to open space areas, public facilities, trails, or adjacent subdivisions." And then we'll jump down, we're going to add language that's going to come out of the Grantsville City standards, just waiting for the final revision on that.

Attorney Coombs mentioned, The final sentence in sub 10. "The developer shall also be required to improve pursuant to provisions of this subsection, the streets, sidewalks, curbs, and gutters adjacent to lots and streets in a minor subdivision When the minor subdivision lots of streets were created within the previous 10 years from the parcels that are proposed for the new subdivision or development." I think that that probably crosses the line of an improper exaction. We can't require them to do something that the previous developers should have done.

Shay Stark stated, We'll strike that out of there. Shay continued, so other than what you see here and then under 15 and E, we're going from 24 feet to 26 feet wide on the minimum paved surface, here again just to meet the fire code. We're requiring that in

private drives work now, we're requiring it across the board so that even if they don't have fire hydrants now, if a fire hydrant gets installed at the end of that street later, it meets the minimum width it needs to be there. In fact, we just did with the President's place, they've turned in drawings for their first phase, they have a large run back into the subdivision. And they were developing 23 feet I think on Nygreen they were only developing 23 feet of pavement. And it was nice to be able to say, "Hey, you've got fire hydrants out here. To meet the code, you need to be 26 feet." And so that way it's just clean and across the board for everybody.

Attorney Coombs mentioned, Shay, 21.6.5, sub three says the city maintenance director, change that to city engineer.

Shay Stark stated, I think there's a few places in here too, that when we changed this earlier we put public works director because we didn't have a city engineer. We might want to talk through those internally because I know, for instance, that Timm you're doing the inspections. And I think the references to inspections reference the public works director. So we'll talk that out internally and make sure that that's addressed.

Timm Dixon mentioned, 21.7.5 the 5% is going away. An easy way to do that is to refer to the fee schedule. Because that will be on the fee schedule.

Shay Stark stated, we were thinking that we might miraculously have everything done and perfect. But it was it's just like that you shoot for the stars type thing.

Jaime Topham stated, well, hopefully Timm could review all the stormwater and those things for the next meeting and have the changes so that we can approve a clean copy next time.

Shay Stark stated, we'll get these other changes addressed and put into an updated draft. Appreciate you looking at it.

Jaime made the motion to table the amendment of the Subdivision Ordinance, Chapter 21 of the Grantsville City Land Use Management and Development Code. Gary 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 November 12, 2020.

Kristy Clark stated to the Commission: I request it to be tabled please. So when I was printing it last week on Friday to put it in your packets I noticed I didn't have the land use done, and I could have sworn I had all the minutes done. But nope, I didn't do the log use part. And I've tried really hard this last week to get to it. I think I got an hour into the

driveway stuff, so if I could have until next month, that would be awesome. And I'm sorry. And it's the first time in three years so I feel like I'm doing rather good.

Jaime made the motion to table the meeting minutes for the previous P&Z Meeting that was held November 12, 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: Darrin stated that he didn't have anything.

20. Jaime made the motion to adjourn the meeting at 10:06 p.m. Brian seconded the motion. All voted in favor and the motion carried unanimously.

Kristy Clark
Zoning Administrator