

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION
HELD 05/13/2021. 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 Brian Pattee, Commission Member Gary Pinkham, Commission Member Erik Stromberg

Commission Members that were present on Zoom: Commission Member John Limburg

Commission Members that were absent: Commission Member Jaime Topham

Appointed Officers and Employees Present: Zoning Administrator, Kristy Clark, Grantsville Fire Chief Travis Daniels, Attorney Brett Coombs, and City Council Liaison Darrin Rowberry.

Appointed Officers and Employees that were present on Zoom: Grantsville City Planner Shay Stark with Aqua Engineering

Citizens and Guests Present: Colton Brown, David Hammond, Andy Lewis, Marlo Meno, Linda Bailey, Derek Ellis, Monte Kingston, Mary Chappell, Barry Bunderson and many members of the community attended the meeting through Zoom.

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY
CHAIRMAN, BRIAN PATTEE AT 7:00 P.M.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

- a. Proposed Commercial Conditional Use Permit and Site Plan for ATM Investments to own and operate an American Burger Drive-thru Restaurant located at approximately 307 E Main Street in the CD Zone.**

Chairman Brian Pattee opened the public hearing at 7:00 p.m. and called for comments.

David Hammond stated to the Commission: Dave Hammond, 37 North Church Street, kitty corner from the proposed site. Until I seen the map, I was very opposed to this because the way you make a right hand turn on to Church Street, the car lights would come in our front porch. But I've seen the map and we're a little farther north of the driveway. The other concern I had was the neighbor on the corner. If you were to make a left turn getting onto Church Street the lights will go right into his house. If there's a way to put a fence there, that'd be greatly appreciated, Thank you.

Bob Madsen stated to the Commission: My name is Bob Madsen. I live at 327 East Main. There're two houses between me and the American Burger, or the proposed site. And I'm happy to see the potential for getting building and growth in Grantsville. My two concerns are related to noise pollution, so to speak and smell, in large part. So, for example, if you go to American Burger, as it stands now, on some days you'll go down there and it will very much smell the fryers, things like that. So that's not something I necessarily want my house and yard to smell like. So, I'm hoping that it gets considered to be an expectation to have an engineered solution, to prevent that. Whether that's a filtration system on the HVAC system, whether that's a higher stack to increase the dissipation radius, things like that, keeping in mind the inversion will of course complicate that. And finally, noise. I noticed on the plans, there was proposals for a vinyl fence between us and them. Vinyl fences traditionally, in my experience, don't go all the way to the ground, prevent litter from leaving the lot. I'd like to see something that goes down to the ground and something hopefully a little more sound blocking than vinyl, especially knowing that there's going to be cars in the drive through your car is going to be playing their stereos, things like that. And based on the type of hours they keep; it's going to be unpredictable as to when cars may be providing that sound. So, it'd be nice to have some accountability for preventing the surrounding houses to be impacted by noise and smell primarily. Thank you.

Linda Bailey stated to the Commission: Hi, I'm Linda Bailey. I live at 311 East Main Street, right beside the old church. I have a long driveway that goes right past the proposed building. They refer to this concrete wall as a "curb". On my side, it's more of a retaining wall. You've got a wall about this high. How deep are they going to clear all that concrete and asphalt and trees and dirt? I'm worried about the water flooding because my property goes down. So, everything, when it rains, it comes down my property. I'm also concerned about lights, noise, cooking odors, security, and trash. A lot of people have mistaken. My driveway for going into the old church. We had people wander up on our property, looking for other people. I just wanted to know what your plans were for security. Is there going to be a security fence? A privacy fence? Also, right beside where they're going to demo this supposed curb, I have two sewer clean-outs. They're coming from my house to the street. Also, the lights. One of them on the back of the Northeast corner is right across from where my bedrooms are. I don't have any problems with the building itself. It's just some of these concerns. I just wondering any way we can find out what they're going to do about the concrete and the dirt and how they're going to adjust the dirt level from that property down to mine. Because it's not level, it slopes down from that property to my property. Thank you.

With no additional comments offered, Chairman Brian Pattee closed the public hearing at 7:06 p.m.

- b. Proposed Home Occupation Conditional Use Permit for Megan Crosland to own and operate a Salon out of her home located at 126 N Blue Grass Way in the R-1-21 zone.**

Chairman Brian Pattee opened the public hearing at 7:07 p.m. and called for comments.

With no comments offered, Chairman Brian Pattee closed the public hearing at 7:07 p.m.

- c. Proposed Rezone of 17.53 acres of land located on the east corner of Willow Street and Durfee to go from an RR-5 zone to an R-1-12 zone for Marlo Meno and Kathlyn Ferris.**

Chairman Brian Pattee opened the public hearing at 7:07 p.m. and called for comments.

With no comments offered, Chairman Brian Pattee closed the public hearing at 7:07 p.m.

- d. Proposed Rezone of 17.23 acres of land located on the west corner of Pear Street and Willow Street to go from an A-10 zone to an R-1-21 zone for Mary Chappell.**

Chairman Brian Pattee opened the public hearing at 7:07 p.m. and called for comments.

With no comments offered, Chairman Brian Pattee closed the public hearing at 7:08 p.m.

- e. Proposed Rezone of 9.87 acres of land located at 998 S Quirk Street to go from an RR-1 zone to an R-1-21 zone for Jennifer and Robert Williams.**

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

Chris Hinyub, 133 Harvest Lane, my property is backyard would abut that plot. And I'm just wondering with the development plan, which I'm sure we'll be covering further North of that, the 96-lot development, I mean, are we talking two different subdivisions here? If that were to eventually be developed, I'm just worried about light pollution. I just don't see why that little parcel would need such high density when there's literally a development being done right beyond it with 96 homes. Are they even going to connect? Or are they going to do some weird patchwork or just a cluster of homes. It just seems to go against the rural character of the South Willow Ranches. You have several horse properties right here. You have several half acre lots. I mean, you have a bridle path, which would be literally coming up right up against that piece of land. So, I'm wondering what sort of barrier we'd would also be talking about here. Would there be any sort of easement or barrier or road in between or would the bridle path become an alleyway for any future development there, is a concern of mine.

Brian Pattee stated, at this point they're just applying for a re-zone. So, we don't know at this stage exactly what their proposal is. I don't know that that helps you, or not.

Kristy Clark stated, so actually on this one, they've already got a home on this property. They just want to divide some property for their kids. And they've only got nine acres. So that is their plan. The other one that you would have also gotten notice is item H and it is for the subdivision that you mentioned, the 96 lots. And part of that will also back the South Willow Ranches also. Just so we're clear, the nine acres is going to eventually be developed for kids. They don't want to do a lot of lots, so the half-acre zone makes it easier because they don't want to give their kids all their property.

Chris Hinyub stated, thank you for that information.

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

f. Proposed Rezone of 38.526 acres of land located at approximately 834 N Old Lincoln Hwy to go from an A-10 zone to an RR-1 zone for Dustin Hall.

Chairman Brian Pattee opened the public hearing at 7:13 p.m. and called for comments.

Shelby Moore asked, with the RR-1 one, how many houses is that per acre?

Gary Pinkham answered, they will only be able to put one house per acre.

Shelby Moore asked, my property borders their property so with that many houses and kids, what is their plan as far as fencing? I have animals.

Gary Pinkham answered, at this point in time they are only asking for a rezone, so we have nothing before us with regards to development. On the application they state that they are going to continue to farm it.

Shelby Moore stated, sounds good. Thank you.

With no additional comments offered, Chairman Brian Pattee closed the public hearing at 7:14 p.m.

g. Proposed Rezone of 10.06 acres of land located at 4795 Hwy 112 to go from an A-10 zone to an R-1-21 zone for Matthew Brown.

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

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

h. Proposed Preliminary Plat for Andy Lewis, Greg DeHaan, and Scooter II, LLC. on the Harvest Meadow Subdivision located approximately at 948 South Quirk Street for the creation of ninety-six (96) lots in the R-1-21 zone.

Chairman Brian Pattee opened the public hearing at 7:15 p.m. and called for comments.

Chairman Brian Pattee read into the record an email from Chris Hinyub that stated to the Commission: "Hello. My name is Chris and I'm a resident of South Willow Ranches. I received notice of a proposal to re-zone 9.87 acres to R-1-21 in a plan to develop land nearby into 96 lots on the Harvest Meadow Subdivision. I am Writing to request a copy of the application and proposed plans for the Andy Lewis, Greg DeHaan and Scooter II LLC development, and a copy of the application zoning code for the re-zone plan. I'd also like to make a comment. My wife and I are strictly opposed to both plans. They will destroy the rural character and nature of the area and spoil the scenic views that some of us recently moved into the area and paid a premium to enjoy. Given the geography of the area, our privacy will now be at stake because of the fencing codes in our HOA. My daughters will lose the sanctuary of their own backyard and my wife, a modest woman, will lose her sense of security as well if this plan comes to fruition. For the sake of our mental health, we will begin the process of relocating. Best, Christopher."

Chairman Brian Pattee asked for if there were any additional comments?

Chris Hinyub stated, I have a comment. I wrote that comment, but my concern still stands from the prior re-zoning plan. This bridle path, I'm just seeing naturally what's going to happen, especially what's happened with the South Willow Estates. It's going to turn into an alley, just a pedestrian alleyway. And I'm just wondering if there are any plans to mitigate that. So, we can only build privacy fences eight feet off the rear of our property because of that easement. And the way all these houses are built, all these big bay windows and picture windows facing North. And, and they're up high. My house has raised higher than most of the houses. That's the way it was built. I mean, you're talking little privacy from anyone on that bridle path. They'll be able to just see right through our entire house, all our windows. I mean, it is a huge concern. So, I didn't know if there was any barrier for that establishment for that community and then this, or if they're going to incorporate the bridle path into, into that neighborhood as well. What the deal is with that.

Erik Stromberg stated, Just so I'm clear. I don't believe your property touches this property that we're talking about, right? Your property is against the 9.8 that was mentioning earlier? So, this development's fence wouldn't affect you, whether it is or isn't there.

Chris Hinyub stated my house is almost to where it comes down and abuts it. My neighbor's will touch it on the very edge of his. So, we'll have direct view of those houses directly down from our backyard. I guess we'll be able to see them from our main level of

the house. I mean, within a hundred yards.

Chairman Brian Pattee stated, we'll take your comments into consideration for the public hearing part of it, and when the developer gets up to talk about the project, we'll ask him what he's going to do.

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

CHAIRMAN BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO ORDER AT 7:24 P.M.

1. **Consideration to approve the Home Occupation Conditional Use Permit for Megan Crosland to own and operate a Salon out of her home located at 126 N Blue Grass Way in the R-1-21 zone.**

Megan Crosland was present for this agenda item and stated to the Commission: So, I am hoping to get approval for a salon and spa. I will be offering facials, haircuts, colors, anything like that. Nothing crazy.

Chairman Brian Pattee asked, how many customers do plan on having at a particular time?

Megan Crosland answered, I am planning on only having one customer at a time.

Gary Pinkham asked, have you met with anyone from the Fire Department regarding anything that they may have an issue with?

Megan Crosland answered, I got an email from someone with the Fire Department but they didn't actually come out in person.

Grantsville Fire Chief, Travis Daniels stated, we looked at her business plan and there were no issues.

Gary Pinkham stated, with one customer at a time she has sufficient parking so I don't foresee any issues.

Erik made the motion to approve the Home Occupation Conditional Use Permit for Megan Crosland to own and operate a Salon out of her home located at 126 N Blue Grass Way in the R-1-21 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

2. Consideration to recommend approval the Commercial Conditional Use Permit and Site Plan for ATM Investments to own and operate an American Burger Drive-thru Restaurant located at approximately 307 E Main Street in the CD Zone.

Barry Bunderson was present for this agenda item and stated to the Commission:
I'm here representing the owner. One of the owners here if you have specific questions for them.

Gary Pinkham asked, did we resolve the issue on whether they do or don't make fire sprinklers on this building. Do we need a second fire service?

Fire Chief, Travis Daniels answered, the Fire Marshall stated that there's no issues with it. It doesn't need the requirement because it doesn't have enough occupancy.

Gary Pinkham asked, on the plans I looked at here, we're still missing the city construction notes. I don't know if they haven't been sent to you. There are 17 construction notes. We were going to add a note regarding 4500 PSI to make it 18 notes. Has that been done and sent to you?

Barry Bunderson answered, I've not received that. On G001 there's a whole bunch of notes. There are traffic notes. There are water notes.

Gary Pinkham stated, there's a separate group that are the Grantsville City construction notes that need to go on there. Shay was going to add a note 18 for the 4,500 PSI concrete to that string of notes. But I see them on about half the drawings we get. The other half, for some reason they're not being incorporated.

Kristy Clark stated, it's something that the Public Works Director is always making redlines on. The Engineers are always putting 4,000 instead of 4,500. I'm pretty sure that Shay made that update, but I'll double check it and send it to you.

Shay Stark stated, this project, we did the DRC on this before we talked about that requirement. It was another project that was their DRC was after this. And we talked about that. So, no. I didn't send that to Barry on this project, but I will send it to him so that he has it on this one.

Gary Pinkham stated my notes from the DRC did include the addition of the construction notes. And I don't know whether we talked about that 4,500 PSI yet or not.

Shay Stark mentioned, there were other changes that were made in the notes. And the notes that he has there include those updates. And then since we talked about that 4,500 PSI, I've also had a discussion with the Fire Marshall about the turn radiuses and cul-de-sac size. It's noted in those notes and we've updated that. So, what I'll do is just send Barry the latest updates. Then we'll make sure that he gets it on those drawings.

Gary Pinkham stated, the only other thing I'll mention is regards to the storm water issue on the neighbor's property. The way he's got the project designed, the curb line around the fence of the parking lot, keep all the water on this parcel and put it into an underground dry well, so no storm water should leave this property and go on to any of the neighbors the way he's got this designed. That issue came up in the public comments, and this will resolve that. That's all I've got. Other than that, it looks good.

Chairman Brian Pattee stated, Barry, you've heard some of the comments from the neighbors, maybe address some of those. It sounds like maybe the storm water was already taken care of.

Barry Bunderson stated, so with the site plan application is not included interior building stuff. But speaking with the owner, as far as smells and stuff the building they're in now is 12 years old and the filtrations with the HVAC and the hoods are a lot better at doing that. That's as much information as I have right now. And that gets worked out with mechanical plumbing and architectural stuff, but that is certainly something that they'll meet current building codes, that prescribed what that needs to be. As far as, oh I just forgot your name, the neighbor to the east, there is a curb there, and it does extend down. It's kind of exposed in some spots. Our plan is to smooth that all out, just as quick, and as soon as possible. Not impacting the clean-outs. We know where those are. They're visible at the surface. Currently, they stick up about six inches and will basically be at the same elevation, but we'll put in a new curb with a new fence. And spots that kind of dip down and that curve is exposed we'll fill those back in, so it's a real smooth transition. There were a couple concerns about light. Part of the site plan application we submit a photometric lighting plan that shows the foot candle, measure of light at the ground surface. It's an electrical site plan and around the perimeter, we're at 0.1 and zero. So light is not going to spill onto any neighbor's property from lights on this property.

Erik Stromberg stated, I am taking a guess here, but I think some the concern might be from the cars going through the drive through.

Barry Bunderson stated, that's why we will put up a fence to mitigate those kinds of issues. Grantsville's Main Street is one of those things where the city's plan is commercial uses and mixed use and other things in the future. That's what it could be right. But currently we have homes. And so, we're going to be mixing those wherever we do stuff on Main Street. We're not allowed to put a restaurant somewhere else. Not very many other places in Grantsville city can we put a restaurant besides Main Street, so this is where restaurants need to go. We understand that there are residential uses adjacent to those, and we've tried mitigating all those noise, light sound, smells. All those things we are, we are looking at and doing our best with building codes and those things that prescribe what would need to be done. Obviously following all those things. I think that's all I had written down as far as noise goes. It's a restaurant, not an amusement park. We're not honking horns, we're not out there having fun, doing whatever it might be. It's a restaurant. Sure, there might be some more noises than somebody's backyard but with the fences we're

limited to a certain height with fences, per the code can only be six feet tall. That's what we plan to put in there. And I don't know if it's a solid vinyl fence. I don't know if that's more sound dampening than some other material but that's what we've got proposed going through some of those items. Those were some of the things I had written down, if there's other things you guys want to ask any questions.

Gary made the motion to recommend approval of the Commercial Conditional Use Permit and Site Plan for ATM Investments to own and operate an American Burger Drive-thru Restaurant located at approximately 307 E Main Street in the CD Zone. Erik seconded the motion. All voted in favor and the motion carried unanimously.

- 3. Consideration to recommend approval to Rezone 73.22 acres for Marlo Meno, Mary Chappell and Kirk Matthews located at approximately 550 East Main Street to go from an RM-7, an R-1-12 and an A-10 zone to a Mixed Use zone.**

Mary Chappell and Marlo Meno present for this agenda item and stated to the Commission: We've requested a rezone here. In the general plan, it's set up for a future of mixed use. It's been set up that way for many, many years. Before this plan was set up, it was set up as commercial with an overlay of residential. And so now we're. In the new plan it's setup as mixed use, which is similar to what it was before. So, we are just looking at rezoning. We don't have plans to develop it right now. I don't know if you guys are familiar with Farm Town Fun and what we have the corn maze and the pumpkin patch and stuff that we did there. So, we're just looking for opportunities as far as being flexible on what we can do in the future there with commercial. We don't know if we want to be putting in any permanent structures and things like that. We're going to see how the business goes over the next few years. But it's just to have some flexibility according to the plan. So that in the future we have different options rather than just residential. So, for commercial, residential, that's what we're looking at. And it's one of the only, I think, large parcels in town, that's primarily undeveloped, that could be bringing in revenue basically for the city. If there's some commercial and things in there, that's what we're looking at.

Chairman Brian Pattee asked, so Kristy did we get all these parcels straightened out?

Kristy Clark answered, yes. So, this one was on our agenda's back on, I want to say November, correct me if I'm wrong. You guys, was it December, right? So, we've already had public hearings and comments on this, which they were part of your packet. I did attach all 20 letters that we got previously. We have amended the general plan, taking out the statement in the ordinance, that a mixed-use zone could only be requested with an annexation. That's been amended and approved by City Council as of the 28th of April. So, they're just ready for this rezone to go through now.

Erik made the motion to recommend approval to Rezone 73.22 acres for Marlo Meno, Mary Chappell and Kirk Matthews located at approximately 550 East Main Street to go

from an RM-7, an R-1-12 and an A-10 zone to the Mixed-Use zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 4. Consideration recommend approval to Rezone 17.23 acres of land located on the west corner of Pear Street and Willow Street to go from an A-10 zone to an R-1-21 zone for Mary Chappell.**

Mary Chappell and Marlo Meno were present for this agenda item: So that's another piece that we own. It's across from Willow Elementary. I'm just trying to get it set up to rezone for half-acre lots in accordance with the future plan.

Gary made the motion to recommend approval to Rezone 17.23 acres of land located on the southwest corner of Pear Street and Willow Street to go from an A-10 zone to an R-1-21 zone for Mary Chappell. Erik seconded the motion. All voted in favor and the motion carried unanimously.

- 5. Consideration to recommend approval to Rezone 17.53 acres of land located on the east corner of Willow Street and Durfee to go from an RR-5 zone to an R-1-12 zone for Marlo Meno and Kathlyn Ferris.**

Marlo Meno and Mary Chappell were present for this agenda:

Mary Chappell stated, this is on the southeast corner of Willow Street and Durfee Street. This belongs to our Aunt, Kathlyn Ferris who lives in Colorado and she has signed an affidavit for me to answer question on her behalf.

Erik Stromberg asked, is this the parcel that goes up to the school?

Mary Chappell answered, yes, we wrap around the Martin's right on the corner.

Chairman Brian Pattee asked, Kristy, is this the one that I had a question on about the zoning?

Kristy Clark answered, yes.

Chairman Brian Pattee asked, so it meets the General Plan?

Kristy Clark answered, yes, kinda. We will need to look at it and determine if we need to create another zone designation.

Gary made the motion to recommend approval to Rezone 17.53 acres of land located on the east corner of Willow Street and Durfee to go from an RR-5 zone to an R-1-12 zone for Marlo Meno and Kathlyn Ferris. Erik seconded the motion. All voted in favor and the motion carried unanimously.

- 6. Consideration to recommend approval to Rezone 9.87 acres of land located at 998 S Quirk Street to go from an RR-1 zone to an R-1-21 zone for Jennifer and Robert Williams.**

Barry Bunderson was present for this agenda item and stated to the Commission:
I'm here representing the William's family.

John Limburg stated, as long as this meets the approved plan, then I'm good with it. I think it probably does.

Erik made the motion to recommend approval to Rezone 9.87 acres of land located at 998 S Quirk Street to go from an RR-1 zone to an R-1-21 zone for Jennifer and Robert Williams. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 7. Consideration to recommend approval to Rezone 38.526 acres of land located at approximately 834 N Old Lincoln Hwy to go from an A-10 zone to an RR-1 zone for Dustin Hall.**

Dustin Hall was present for this agenda item on Zoom:

The Commission didn't have any issues or comments on this rezone.

Erik made the motion to recommend approval to Rezone 38.526 acres of land located at approximately 834 N Old Lincoln Hwy to go from an A-10 zone to an RR-1 zone for Dustin Hall. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 8. Consideration to recommend approval to Rezone 10.06 acres of land located at 4795 Hwy 112 to go from an A-10 zone to an R-1-21 zone for Matthew Brown.**

Colton Brown was present for this agenda item:

Kristy Clark stated, I just to point out on your future land use maps on this. He is in our planning area. So, they got to come in and meet with me and decide what zoning would best fit this. And we looked at the areas around where the property is. We've got Anderson ranch to the West. We've got the Romney group that just went on that 30-acre lot to half acre. So, we felt like the half acre lot would be the best plan for this, but they are in the planning area. So, they got to somewhat decide what they would ask for. That was the point of designating this a planning area, correct?

Erik made the motion to recommend approval to Rezone 10.06 acres of land located at 4795 Hwy 112 to go from an A-10 zone to an R-1-21 zone for Matthew Brown. Gary seconded the motion. All voted in favor and the motion carried unanimously.

9. Consideration to recommend approval the Preliminary Plat for Andy Lewis, Greg DeHaan, and Scooter II, LLC. on the Harvest Meadow Subdivision located approximately at 948 South Quirk Street for the creation of ninety-six (96) lots in the R-1-21 zone.

Barry Bunderson and Andy Lewis were present for this agenda item and stated to the Commission: this is a kind of multi-phase project depending on the conditions of the market. You have two roads coming off the Quirk Street. We've had DRC on this, addressed all those DRC comments that were requested.

Gary Pinkham asked, what about doing 4 phases instead 8? It's going to save you from having to come back to us and Council for approval. If you develop 4 phases you don't have to do as many temporary fire turn arounds. It's going to save you money on engineering. Did you guys think about that?

Barry Bunderson answered, I think we discussed that. If something could be worked out in a development agreement that if we do a bigger phase, but then build half of it and can get those approved. I don't know if that's a possibility. We just want to be nimble in the market, not bite off too much, but be ready to go and keep up with the market.

Gary Pinkham stated, I don't know if there's anything to preclude you from building a phase, half at a time. I think the phasing is basically to limit getting too big a piece that you say, and we're still looking at 25 or so lots on average. I think, have to look at that again on the streets. The main thing I was trying to do is limit the number of times you guys have to come here and we must review. Because it's expansive, takes a lot of our time and everything to go through the process. And to eliminate the temporary fire turnarounds, utilizing the paved streets for that purpose, as opposed to doing temporaries. Is it saves you guys money makes life easier for the fire department.

Attorney Coombs asked, in terms of open space, are you guys doing the fee in lieu? This instance.

Barry Bunderson answered, that's correct. With the park, just across the street, we didn't feel like another park was an added amenity to the whole neighborhood, of the area. So, we thought the payment in lieu would be a better option just for the regional area.

Gary made the motion to recommend approval the Preliminary Plat for Andy Lewis, Greg DeHaan, and Scooter II, LLC. on the Harvest Meadow Subdivision located approximately at 948 South Quirk Street for the creation of ninety-six (96) lots in the R-1-21 zone. Erik seconded the motion. All voted in favor and the motion carried unanimously.

10. Consideration to recommend approval the Final Plat for Mountain Vista Development and Monte Kingston on the Worthington Ranch Subdivision Phase 1 located at approximately 1050 North Old Lincoln Hwy for the creation of thirty (30) lots in the RR-2.5 zone.

Monte Kingston and Derek Ellis were present for this agenda item and stated to the Commission: We're here to get the first phase of our Worthington Ranch final plat approved. Got 30 lots here that we are going to do in the first phase in, and the balance of lots, 32, in the second phase. One thing that we did not get on the notes on the plat is we're kind of working with the city on the amount of water that we're going to provide for this project. We're trying to come in with a water-friendly community. We've talked to Shay and I know the city's looking at the required water use in the future. So, we're hoping to work that out here before we meet with City Council. We'll give them plenty of information on that. So, we've done a fair amount of research on what other cities are requiring for water and what is being used, being reported at the state level for water use. With lots this big, can't afford to have, with the lack of water and the scarcity of water, we can't afford to really have people irrigating three quarter acre lots. So, a lot of them are going to be out, they're going to have animals anyway. So, we anticipate that's what we'll use for the back of their lot. These are going to be expensive homes. They may have the money to put in their basketball court and a big play area and those won't be taking up water in that area as well. As you recall on the preliminary plat, one of the things that's also saving water is we've eliminated a walking path on one side of the street. So, the other side doesn't have a park strip. So that's going to save on wasted water on driveways and the street and the sidewalk.

Gary Pinkham stated, I had a lot of issues upfront. I don't think any of them got resolved. The street trail sidewalk issue is one. I think we're still not getting the city street. The other one was the sewer down on that south or that northeast corner, the sewer up above all the other utilities which is violation of our city construction notes. How did that get worked out?

Monte Kingston stated, we thought they had all those red lines addressed. So, we'll revisit.

Gary Pinkham stated, one of the issues that I raised because it was a violation of our city construction code, and then there was a detail showed up miraculously that said we could do it in the last month or two. We're in the process, I thought, of throwing that detail out because it referenced somewhere in Arizona or Michigan or something. It had miraculously showed up to make what these guys were doing okay in spite of the fact of the city construction note specifically states that it isn't allowed.

Erik Stromberg asked, when we say that this is in the old process is that why we have 60-foot roads?

Kristy Clark answered, yes.

Shay Stark stated, I'm looking at the profiles and what I'm seeing is the water is above the sanitary sewer. There are points where it's probably only two to three feet above the sanitary sewer, but it maintains above the sanitary sewer. The storm drain line, that's another story. But the water and the sanitary sewer, there is a vertical separation along with the horizontal separation. From what I can see going through here, I don't see anywhere where the sanitary sewer is above the water. I'm looking in some other locations, too, just in case I'm missing or forgotten that.

Gary Pinkham stated, then that's been changed since we had our DRC meeting. We're good to go ahead with this then.

Erik made the motion to recommend approval the Final Plat for Mountain Vista Development and Monte Kingston on the Worthington Ranch Subdivision Phase 1 located at approximately 1050 North Old Lincoln Hwy for the creation of thirty (30) lots in the RR-2.5 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

11. Consideration to recommend approval the Final 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: Well, we're here. I think we got it narrowed down. We're going to put those 36 lots in and build a great neighborhood.

Gary Pinkham stated, When I scanned the drawings here yesterday, I still saw some street A's and B's and C's. Where are we on street names?

Shawn Holste answered, Gary. That's my fault. I was supposed to get them back. We've got them. They just aren't on your drawing yet, but we do have them.

Gary Pinkham stated, then I have the same note with you on the construction notes. The Grantsville City construction notes need to be added onto the note page. There're 17 or 18 notes that need to be added in them on the construction requirements.

Shawn Holste stated, I heard that on that earlier conversation. I don't recall us getting them, which is no problem. We can add it. I'm assuming he reached out to you and you guys have had this conversation?

Gary made the motion to recommend approval the Final 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. Erik seconded the motion. All voted in favor and the motion carried unanimously.

- 12. Consideration to recommend approval the Final Plat for Larry Jacobson and Paul Watson on the Hawthorn Estates Subdivision Phase 2 located at approximately 850 West Main for the creation of twenty-five (25) lots in the R-1-8 zone.**

Paul Watson was present for this agenda item and stated to the Commission: I'm here representing Larry Jacobson. I'm the project engineer.

Gary Pinkham stated, I think we got everybody taken care of, so I'm good.

Kristy Clark stated, Paul did get the notes, and he did update everything to the 4,500 PSI, just so you know.

Gary made the motion to recommend approval the Final Plat for Larry Jacobson and Paul Watson on the Hawthorn Estates Subdivision Phase 2 located at approximately 850 West Main for the creation of twenty-five (25) lots in the R-1-8 zone. Erik seconded the motion. All voted in favor and the motion carried unanimously.

- 13. Consideration to approve the Preliminary Plat for Deseret Highlands Investments, LLC and Guy Haskell on The Highlands Subdivision Phase 4 at approximately 750 North Highway 138 consisting of twenty-five (25) lots in the RM-7 zone.**

Guy Haskell was present for this agenda item:

Chairman Brian Pattee asked, does anyone have any questions from the Commission for Guy?

Attorney Coombs asked, as far as I know, this subdivision is called Desert Highlands, but on all of these documents, it's identified as The Highlands.

Kristy Clark answered, the name was changed after phase 1.

Attorney Coombs asked, just so I make sure that I am clear. For the Development Agreement, Deseret Highlands is still the contracting entity right?

Guy Haskell answered, Desert Highlands Investments is the owner of the property. When the property is developed, it's developed by Updwell Development.

Erik made the motion to approve the Preliminary Plat for Deseret Highlands Investments, LLC and Guy Haskell on the Highlands Subdivision Phase 4 at approximately 750 North Highway 138 consisting of twenty-five (25) lots in the RM-7 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

14. Discussion of a Concept Plan for Deseret Highlands Investments and Guy Haskell on the remaining 260 plus acres of The Highlands subdivision project located in the RM-7 zone.

Guy Haskell was present for this agenda item and stated to the Commission: I had the engineer and Ensign Engineering put together some concept plans just based on the zoning, and there were some questions that came up as we were doing this, and I done a little bit more research on some of them. But the first question that I wanted to have you guys look at is Mack Canyon Road, and this plat in the county GIS map shows Mack Canyon Road coming right up to my property, but that's not actually the case. I actually have about 35 or 40 feet of property on the south side of the Mack Canyon Road. So, when Mack Canyon Road goes in, what I'd like to propose happens is that it goes along the property and that I put half of Mack Canyon Road in and whoever develops on the other side puts the other half in. If Mack Canyon Road goes in where it is right now, and I stop 35 or 40 feet on the other side, that's not enough road for me to do anything with, and that limits anyone else's access for quite a distance along that Mack Canyon Road. So, it just seems like it makes more sense that when it's developed, that Matt Canyon Road is split over that little bit to do it. There are some power lines right there as well, but that would be on the north side of Mack Canyon Road when that's done. But if I put half the road in, the other side puts the other half road in, both power lines will fall within the right-of-way of the road. I checked with the county to see if there was anything recorded on that or if they had anything recorded that said the roads there that would have to be abandoned or something to move the road over. We couldn't find anything.

Gary Pinkham asked, when you say the power lines would be in the right-of-way, would they be in the roadway section or would they be off to the side?

Guy Haskell answered, they'd be off to the side, like behind the curb or sidewalk, depending on how it was designed right there, and I'd probably have to give a little bit more than half of the road up to make that work, to do that there. But yeah, it just seems to me it makes sense to fit those power lines in that right-of-way and put the road up against the property line, so everyone has access to it from both sides. I don't have a usable piece of ground.

Gary Pinkham asked, have you talked to your neighbor about this?

Guy Haskell answered, no.

Gary Pinkham stated, I think that is something that probably might be worked out by the two of you. For him to be involved, he's going to have to be willing to give up a some of his ground, but I would think it would be to his advantage to do so. I don't think he'd fight you. I think the two of you need to have a conversation on that.

Guy Haskell stated, I thought it was more of a planning and zoning thing, just to make it work.

Shay Stark stated, if I can speak about this for just a second, typically the way this works on boundary line roads with subdivisions is that at the developer who's coming in would develop their half. Now, if this is a local street, sort of our 66-foot width, they have to develop it slightly more than half because we have to have a minimum of 26-foot-wide pavement initially. Then the developer that comes in later would finish off the road. So, Guy, what you're talking about, I mean, fits that. Where this is where this will be a little bit of, and it's not a challenge, but it will be a little interesting, is when you start to get up towards the top end of your property, the properties that have been developed to the West of yours, have that 66-foot. I don't know, they may be 60-foot or something. But the street width would essentially begin on your property line. So, there would have to be a transition just up at the top to get it lined up with the other lots that have been previously developed up there to the West of it.

Guy Haskell commented, your comments there about the 26 feet of asphalt, that's what I'm used to from other developments, to make sure that there's enough for traffic to go both ways, even if you're just putting a half road in. It can be a little bit more than that. You're right, when you go up there, I don't know what the name of the subdivision is, but there's a road there, it's Taylor Road, and there's some homes on there. I think when those properties got developed, whoever owned the property, I have now at the time, I don't think they ever got a legal right of way across that road to access into it. I think they have one by prescription right now, so I may have to give up the whole road at all sides right there and those guys are already into that little space. The road might have to take a little bit of a jog to make that happen. So, yeah, I agree with what you're saying.

Shay Stark stated, the other place that will affect you a little bit, is the connection onto the highway. UDOT is going to require you to come in perpendicular to the highway, and they're going to require a certain cuing distance that is perpendicular to the highway. The discussion between you and UDOT is what that would have to be.

Guy Haskell stated, Yes, I talked to an engineer about that as well.

Gary Pinkham asked, Shay, I think this parcel's big enough and far enough up on the hillside there. Where are we with regards to drainage and storm water on that area down there? Are we anywhere near having a plan?

Shay Stark answered, our hillside study with the bulk in the Baker Basins, and then mentioned the White Basin, which I don't know if that basin covers all this property or only part of it. So, we did have a study. There were renditions for large basins up on the foothills to try to mitigate what was occurring down below. Then there's also, we use a little more conservative numbers on the storm water. But right now, the city is looking at their capital city plan, and updating the capital facility plan. In fact, I talked with the

consultant who was selected to do that this morning. We talked a little bit about storm water and knowing that there's development that is eminent here, we'll be looking at that area. We'll slate to try to make sure that if there are other needs in that area, that they're addressed in that capital facility plan that impact fee analysis.

Gary Pinkham stated, the reason I'm asking is, the concept plan's more or less blank at that entire parcel with house lots, not leaving out any space for existing channels down through there, waterways and stuff that may be existing.

Shay Stark stated the existing drainage ways are going to need to be preserved in some form. That doesn't mean there could be obviously street crossings, doesn't mean that portions of it couldn't be put into, the storm water, in the pipe in areas. But those drainages must be preserved in some form. The state requirements under the state UPDES permit have really pushed the concept of LID, which is kind of the concept that we looked at with Peak Crossings, where we have drainage areas that have landscaping in there. That's one of their recommended LID practices in those drainages, so that the landscaping absorbs more of the water as it's coming down and can absorb some of the water from the development itself. That's something that as we go through this, we're going to have to look carefully at.

Guy Haskell commented, that is a good question, Gary. I talked to the engineer and they're doing this concept plan. The first one they did just C-100 on the small space at the bottom. I asked them about that and asked if they could make some calculations. You'll notice on some of the others they've gone through and put some open space range areas up inside the project a little bit more on. That's a critical item that has to be worked out to make this work. I didn't want to get a concept plan and find out the drainage doesn't work, and then have to be modifying and changing stuff down the road. So that's something that, I did want you guys to look at this though, and see if there were any concerns like that, or any other concerns as I try to go back to them and refine this a little bit more. That leads to the next question too, is if you have that plan that's there, if you'll notice through the middle of the project, there's a dark line that runs through it. We had Aqua Engineering do a study on the water pressure and what the elevation the existing water pressure would work at before there needs to be water come in from a higher elevation with more pressure, and that's where that line is right through there, the existing water pressure line. My understanding is for anything to go up higher than this, there's going to be another tank higher up on the hill somewhere. One of the things I'd like to look at, and be working with the city on, is this development or any others that are going to be needing that, and the amount of water feeding through things that we've got coming in. Are they being they going to be enough to build a water tank by the time need it? I probably got five to eight years of development here before I get above that line. Maybe a little quicker, more likely a little bit longer depending on the market that's going on there. I'm just trying to plan way ahead of time and see if this can be worked out. I know there's quite a bit of water coming off this. Some of the other developments are going to do this as well. I'd just like to get it on the city's radar and see if there can be some kind of plan put together with everybody

that would work out.

Gary Pinkham stated, I saw your note there regarding that water, the need down the road to be prepared for that. I'm not sure where the city is on their capital improvement package there, as far as providing that West side of town with the services we need. I know the City is looking at some of that. I'm not sure how far to the North it goes. I know we were talking to some of the parcels on South on the same issues, where heading up the hill there we're starting to run into water pressure problems on some of that stuff we've already built.

Guy Haskell stated, I've got that well that's on this property that's a good producing well, and the city has contacted me about that and the possibility of using that well for a water tank down there because they know it's a good producer. I've talked to some people up there that says when you get further up the hill, that there's a break in the water aqueduct. As people have drilled further up the hill, it might be good to use something from this well down here and pump it up. The only problem is, if you use it from down here, you got to pump it off to the tank, and then run a line up, and then run line back down. But if something could be drilled up higher, it'd save a lot of costs on that line. But I really don't know what that situation is at least until we get up there and check things out. It's hard to even drill even if there's water. The last question I had was about open space. Some of these plans show some multi-family on here, and I don't know if the ordinance has changed. I haven't looked at it recently. There's only so much ground as open space, and how that plays into open space requirement overall for the project. Some of these we've showed a church site on, and I don't know if a church site would count as open space as well, so I'm just trying to get a feel for what the open space is, and what you guys look at as far as what counts as that?

Gary Pinkham stated our ordinance is clear on what is required in terms of open space and what qualifies. So, look at that ordinance. Basically, it's either 10% of the gross ground, or 10% of the appraised value as a payment in lieu. Church ground's not going to count in there, retention spaces don't count. So, look at that and see what you might want to do there.

Guy Haskell asked, can you do an area like some of these, where they'll do some soccer fields or something, then they'll have them in a detention basin and the sides come up? They work nice for people to sit on and have a view as they come up and use the lower area as parks, or soccer fields, or something like that.

Gary Pinkham answered, No, right now our ordinance doesn't allow a retention basin has open space as far as contributing area.

Guy Haskell asked, do you guys have any questions on this? Any thoughts on these drawings, things you maybe don't like?

Gary Pinkham answered, my only concern is right now your concept is just blanketing it with houses that are other than the storm water areas, that you identified a couple of those. I just want to make sure that you guys may not be able to do that if we're still going to accommodate the actual lay of the land up there and take care of our storm water issues. As we move up on the hillside, we're not really in a position, unless you want to do a major piping job, to simply blanket the property with houses.

Guy Haskell asked, do we need to do a study on the storm water? Or maybe one's done, and see how that those channels work into that, kind of work around that?

Gary Pinkham answered, I would say that someone needs to look at the existing drainage and storm water studies up there, and make sure that you properly address those in your design. Just remember you'll be under the new process on this. You'll need to make sure that there is a transition in the street at the boundary to be set up to go into the new process and a 66-foot-wide street.

15. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held April 8, 2021.

Erik made the motion to approve the meeting minutes for the previous P&Z Meeting that was held April 8, 2021. John seconded the motion. All voted in favor and the motion carried unanimously.

16. Report from City Council Liaison Darrin Rowberry.

Council Liaison Darrin Rowberry stated to the Commission: Darrin Rowberry asked, have you discussed any more about the possibility of the two meetings per month?

Chairman Brian Pattee stated, we're going to talk about it here in a second. It's not on the agenda. Commission members, what's your thoughts on this? I want it to be a decision by the Commission to do this. I think Kristy's came up with some good plans to accommodate it. There'll be times that we're all not going to be able to be here. I know that sometimes it's hard for one meeting, but now we will have two.

Kristy Clark stated, if I can at least get three of you here at both meetings, maybe we could alternate, but everybody be involved. I mean, everybody's going to get the packets for both meetings. I just think this agenda that we have in front of us tonight, it's looking like our normal. We've not had a relief of agenda items for months.

Gary Pinkham asked, I got a question. I notice in reading our wonderful little newspaper here that when they talk about Tooele County and Tooele City, they have public hearings on one meeting, then a follow-up meeting or two later with the agenda item. One thing Kristy and I had talked a little bit about is if we're going to go to two meetings, if we can take one of the meetings and maybe do a conditional use permits and zoning issues, which

are straight forward on that meeting, and then save the other meeting for the subdivision stuff that becomes more involved. Then among the members, decide which of those two meetings has the subdivision stuff on it where most of us could get here so we maintain a continuity of personnel through that subdivision process, and that we don't do a concept with one person, and a preliminary with another, and we've got people coming in that's looking for new faces and wanting to make new rules. I think with those two short meetings, not necessarily short meeting, one of them would be somewhat critical of the subdivisions, must be something that would fit everything. I'm wide open on schedules, so I'm not going to get into that. It's up to you guys.

Kristy Clark stated, Gary did have a good idea that some of these public hearings we get them, and then we're considering the item the same night that maybe we have the public hearings at the first meeting, but we don't do any considering until the next meeting. That would maybe give us enough time to review and really take the comments into consideration.

Chairman Brian Pattee asked, we talked a little bit before that if suddenly, things slow down to a crawl, we can go back to one?

Attorney Coombs answered, as long as you provide notice to the public, of your meetings, that's all that's required.

Erik Stromberg stated, I'll say my concern, I think when we talked about it last time, was when I mentioned, and John being gone is the perfect example. Some of us with work, we are starting to see we're going back to normal. If I go back in the past, if I was out of town, I wasn't here. But now we're seeing with the technology that the City has put in place, and again, John's the perfect example. The last two meetings, he's still been able to join. So, we still have that continuity. So, I guess my question is, is Zoom is now just a given? All our meetings are going to be on Zoom? Doesn't matter? We do in-person, but we'll have the Zoom, we have that option. If that's the case, I don't have as much of a concern going to two meetings realizing that even as some of us may have to start traveling again, we can still be here. Because that continuity was my concern, is if I might be able to make it, so I can do once, but I can't do twice, and now we have that odd person.

Attorney Coombs stated, so, the city council and the city invested in this system so it can be used for that purpose. It's an expensive system, and so there's no reason why we couldn't utilize it in any way that'll benefit this committee.

Chairman Brian Pattee stated Gary's right. We need he continuity, especially on the subdivisions, of the same people through the whole process. I'm in favor of it. John, what's your thoughts?

John Limburg answered, I'm good with it. I like the idea with having the rezoning on one and doing subdivisions on another. I think it's actually a good idea to hear the public

hearing, and have some time think about what people are saying. Right now, it's like, we go right from public hearings into considerations. I don't know if any of us need time to process what they're saying. I know I'm still kind of new here, one question I have is, if they're just rezoning something that meets what we've already approved on the future planning? Or is the only reason that we're not just automatically doing that so that we can have a public hearing? What's the reason for that? I mean because we approved like three tonight that fit within the future use. I'm just wondering is that something that we need to be involved with?

Kristy Clark answered, yes, it's a land use issue, and the planning commission is the land use authority. So, yes.

Erik Stromberg stated, to keep me honest, I think we could, if we felt that there was a reason not to do that, we can come back and say, no. We know it was in the future land use, but maybe we missed something, and there's this piece of land that shouldn't have been that way. Obviously, ultimately, it's got to be defended, but we don't have to just automatically do it just because it was the future. You could defend that. I mean, that's kind of saying, you look at it and say, this piece of property, we blanketed in yellow, but now when we come back and look at it, it really shouldn't be half-acre lots, it needs to be a five-acre piece.

Attorney Coombs mentioned, so, the general plan that's created it is to be a general plan. It is not hard and fast that you must follow it, no matter what. Now, generally again, general, you try to follow it, so people have an idea of what it is you want. But there's nothing in state code, or common law, that says that they are bound to get that no matter what. So, if you guys have a good reason to stray from that, that's the reason that you need to hear it and you need to consider it.

Chairman Brian Pattee stated the technology we have right now is working really well. So, if we're all kind of in favor of it, we can go ahead, and Kristy can work out the details.

Erik Stromberg asked, right now we're the second. Are we thinking second and forth?

Kristy Clark answered, so, the city council is the first and third. I think we do the first and third also if you guys are okay with it. Do we have to stick with the second?

Attorney Coombs answered, let me pull up city code. There is no city ordinance that designates when you must hold it during the month.

Chairman Brian Pattee mentioned, I would like to keep it on a Thursday.

Gary Pinkham mentioned my thoughts are schedule it so that we don't get in trouble time wise between us and the city council meeting.

Kristy Clark stated, Yes. I'm going to have to keep the public notices the way that we have them, just because of how the calendar tends to fall. It'll mess everything up if we try and move that from that first meeting. I'm going to have to look at some calendars. I need a month anyway. I'm hoping to have my assistant hired this month, and then I'll need a month to notice it, and so we probably won't start until July. Next month when we meet, I'll go over the details with you to let you know what we came up with and what days, but I'll keep it on a Thursday for sure.

- 17. Erik made the motion to adjourn the meeting at 9:10 p.m. Gary seconded the motion. All voted in favor and the motion carried unanimously.**

Kristy Clark
Zoning Administrator