

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 04/21/2022. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

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

Commission Members that were present on Zoom:

Commission Members that were absent: Commission Member Erik Stromberg, Commission Member John Limburg

Appointed Officers and Employees Present: Zoning Administrator, Kristy Clark; Grantsville City Attorney, Brett Coombs; City Engineer Dan England

Appointed Officers and Employees that were present on Zoom or Absent:

Citizens and Guests Present: Barry Bunderson, Dustin Hall, Kevin Hall, Mike Quarnberg, Julia and Eddie Martin, Judd Lawrence.

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY
COMMISSION CHAIR, BRIAN PATTEE AT 7:01 P.M.**

PLEDGE OF ALLEGIANCE

- 1. Consideration to recommend approval of the Preliminary Plan for Grantsville New Team, LLC. on the Matthews Meadows Subdivision located approximately at 401 West Durfee Street for the creation of eighty-eight (88) lots in the R-1-12 zone.**

Shawn Holste was present for this agenda item and stated to the Commission: in hearing what the public had to say and responding to that, I think we go about this the wrong way. I think we go about this as three individuals that are out to get each other. I think we need to approach this as a team effort between developers, city staff, and citizens in order to build a community that we can pass down to our children and generations to come that we're proud of. The city staff often doesn't get enough recognition for what they do. You guys put a lot of time and effort into this, and I seldom hear anyone say thank you. So, thank you guys for all you do. It's not a simple process. There's nothing simple about it. As far as the subdivision goes, and the zoning, I did not do the zoning. I didn't even apply for the zoning. It was applied for by the Matthews family and it was granted, and I bought it accordingly. Then from there, I took it and didn't ask for anything more, just built a concept that would fit for what was already approved. And as far as dust and water and all those things, we have the water that's required. As we build the subdivision, we will do it in best practices, making sure there's no trash blowing around, making sure the dust is controlled the best we can. As we

saw today, that's an impossible task. The entire county was covered in dust and blowing from who knows where, but we tried our best. We try to keep those working at the subdivision, respectful of our neighborhoods and respectful of the neighbors and everyone around and we try to do the best that we can. We take pride in what we do to deliver a great product. There was some personal attacks and comments that I don't think need responding to, and I think that's something maybe we need to keep out of a public hearing and just keep it professional and see what we can do to better this community. So that was my response.

Gary Pinkham stated, through this process on this project here, we've had several things that we wanted the applicant to address and consider, and he's been responsive on most of it. Things like the walkway out of the Southwest corner there to the school that keeps the kids off the street, lets them get over the school without having to go up and down Willow, and a few other things that make the project a little more hospitable, a little safer for everybody. He's been responsive. We have had something come up in the last few days that could change the how the South side of the property is developed. In part, we've had some neighbors there who are landlocked who are looking to have access made available to their land through this project and go through adjoining projects in the future. I believe the city has had some contact with the school. I know with the project across the street we have. The issue of Pear Street has come up and the potential of putting Pear Street through, which is on our street master plan, and has been there for a good number of years. We're not sure exactly where the school might go on that. As I understand, they haven't told us to go fly a kite. They seem somewhat willing to think about it. I think on the 26th of this month, they may, in the school district meeting, discuss this issue, of potentially allowing Pear Street to go through on the North side of their property, which would, I think, benefit them. It would give them a second public access point to the school property. It would allow them to perhaps reduce the congestion out on Willow Street, in general, would probably improve the safety around the school. It's possible that they may be in favor of extending Pear. That has just come up in the last day or so. We talked with Shawn yesterday. If that were a possibility, if the school district were to go that route, he's willing to look at what it would take to redesign that South boundary, which is in phase two of this project. None of this would affect phase one. The project, as it's currently designed, does meet our code, has met pretty much all the issues that we've brought up to date involving resolved dissatisfaction parties. At this point in time, I think we should recommend approval of the preliminary and allow Sean to move forward with the final on phase one of the North end, which will not be affected either way regarding Pear Street. We have drafted a letter or a memorandum of understanding here, and I think it needs to probably be checked out by all the parties and formalized. In essence, it would say that if the school district goes forward, Shawn is willing to do his part with regards to the construction of Pear Street. Which could be done at the time he brings phase two in for final. Which gives us time to work with the city, the school district and some of the neighbors there to figure out how to make it work. We've got some funding issues that we would need to address at the same time. I think considering where we are with the preliminary issues, this project, and especially with phase one not being affected by these potential changes down the road, that we should consider letting this project move forward.

Jaime Topham stated, I don't have any questions. I think that seems like a good plan and a good opportunity to get Pear Street to go through. Hopefully the school will allow that to happen because that is definitely a major deciding factor. I appreciate your willingness to work with the city and make those concessions and potential changes. Kristy, if I remember correctly when we were here last, the neighbors stressed concerns that they never received notice. Were you able to look into any of that?

Kristy Clark answered, so from what I could tell, I mailed them out. Why or how they didn't give them, we don't know. Once I drop him in that mailbox, it's out of my control. I did find out why Ryan Banister got one, but not both. Because the property closest to Willow, he was not within the 500 feet, and the one a little bit more East, he was part of that. So, he should have at least got one, but he wasn't within the 500 feet of both properties to get both. The other people that mentioned that they didn't receive a notice, should have got both. Why they didn't get any, I honestly don't know. We are working on trying to figure out if maybe we need to do certified mailing, which will fall on to the developer to pay for that. We don't know how else to handle it.

Jaime Topham asked, were they all properly noticed per the code?

Kristy Clark answered, the minimum is 10 days, but I've been trying to do 15. They would've had at least 10 days' notice.

Brian Pattee asked, so we are doing 500 feet?

Kristy Clark answered, yes.

Brian Pattee asked, where is this mailing list coming from?

Kristy Clark answered, it comes from Tooele County. I try to verify the addresses but if they aren't updating their addresses then that could be why they aren't receiving them. If I got them back because it was undeliverable, I wasn't saving them. I have started to make a copy of the envelope that I get back and putting it in the file. I'm hoping that this will make so I at least have some proof that we attempted to notice them.

Jaime Topham stated, one of the other questions or concerns that people brought up is that these are quarter acre lots. Are they quarter acre lots?

Shawn Holste answered, they are 12,000 square foot lots.

Jaime Topham stated, explain that to me as a person who doesn't understand what 12,000 square feet is.

Shawn Holste answered, an acre is 43,560, right? So, if you divide that by four, you're in the 10,000s. A 10,000 square foot lot would be a quarter. This is bigger than a quarter.

Jaime Topham asked, so are we at a density of three units per acre overall?

Kristy Clark answered, a little bit less. But we changed that code to four units per acre.

Shawn Holste stated, with as wide as the roads are, if you're allowed three units per acre, we're always two and a half because of the roads, it's just impossible to get it to what's allowed. Does that make sense? You're always on the conservative side.

Jaime Topham asked, Okay. I guess the question would be, why wouldn't we just have less lots with the width of the roads so that we can stay at the third density?

Shawn Holste answered, we do. We have less lots because the roads are wider.

Jaime Topham asked, but they're not quite at the required density, right?

Shawn Holste answered, No. It's probably 2.5 per acre instead of three per acre.

Jaime Topham stated, thank you for explaining that. Kristy, where in the code did, we change it to be 4?

Shay Stark answered, we did it in the General Plan.

Jaime Topham stated, when I was looking at this the last time we were here, the general plan shows future land use for that area would be three units to the acre. I didn't see anywhere that it says four units to the acre. Is it in the code? Is it on the future land use itself? If the public wants to go and look this up, where are they going to find it? That's the question I'm asking.

Shay Stark answered, we can give you the date, but Kristy looked back, and we had a discussion and amended the future land use map in the general plan. It may have been a year, year, and a half ago, because we recognized that there was this zone that we have that doesn't fit in any of the future land use designations. So that was amended at that point in time. We just changed the language, so the density was 4 units to the acre at that point in time. But obviously, it hasn't gotten updated online. One of the challenges is that only certain people have the ability to update that, if I understand correctly.

Brian Pattee stated, that's where it's confusing. And I brought this up on this rezone because I read the same thing where it says three dwelling units per acre. So, we need to get that updated because this is what's online.

Shay Stark stated, that's what we understand now. We didn't realize that hadn't been updated, and so that's being addressed. We also found some issues with some of the line work had been shifted a little bit, and we've got an issue in zoning dealing with that. So, we're trying to get those addressed and uploaded there. But still, even with that, as you can see in the density in the memo, they're at 2.5 units per acre. We're still less than three units per acre, based on

the land use, because the land use just talks about that density. It doesn't talk about square footage. So, it still meets that density.

Brian Pattee stated, when you take the roads all out, then it all plays out to that.

Jaime Topham asked, where would I find the actual code that was? So, if I go down, go into residential district R-1-12 that shows 12,000 square feet, is that considered part of that code, part of the medium density designation?

Shay Stark answered, basically, you have two things that are controlling here. You have the future land use map, which essentially tells you what you can zone to. That future land use map, all it talks about is those densities. That's all that's mentioned in that paragraph. It doesn't talk about all the specifics of any given zone. So, when you rezone, you rezone to fit a density and then you have a zone applied to it. So, this one's in the R-1-12. And so, once that zone is applied to it, then the code that you're looking at right there, that tells us that they can't have any lot smaller than 12,000 square feet, it tells us what setbacks have to be, it gives all the specific requirements for what those things have to be. So, at that point, as we review these, the density is based off the overall acreage. But then once you get that zoned, the controlling factor becomes the minimum square footage of lots, and like was being said pretty much every time because streets will take anywhere from 20 to 35% of a subdivision. If you're doing a small subdivision, which is three or four lots, and you've got to develop the whole street, it can be even higher than that. So, with that, your actual density that you end up with is always going to be less than what you were allowed per the land use.

Jaime Topham stated, thanks for explaining that. Hopefully that helps the public understand as well. And we definitely need to get our maps updated online. If that's where people are going to be directed to find this information, that needs be up to date.

Gary made a motion to recommend approval of the Preliminary Plan for Grantsville New Team, LLC. on the Matthews Meadows Subdivision located approximately at 401 West Durfee Street for the creation of eighty-eight (88) lots in the R-1-12 zone. To allow them to move forward with final for phase one and to have the letter or memo of understanding regarding the potential of revising phase two to accommodate Pear Street be made part of this process and approved. Jaime seconded the motion. All voted in favor and the motion carried unanimously.

- 2. Consideration to recommend approval of the Preliminary Plan for Grantsville New Team, LLC. on the Cowboy Estates Subdivision located approximately at 416 South Willow Street for the creation of nineteen (19) lots in the R-1-21 zone.**

Shawn Holste was present for this agenda item and stated to the Commission: It'd be the same public response. We didn't ask for anything that wasn't already approved. It was the Matthew's family that we purchased this from. I don't think this was rezoned. I think this has

been this way. We bought it for what it was, and we are presenting it for what it is. We're not asking for anything that's not going to add to the city.

Gary Pinkham stated, we had several issues here on this project, coordinating with the school district to align the intersections to make sure we've got safe alignments between this subdivision and the existing parking lot accesses and a few other things, and they've been quick to respond to that and make those things work. At this point in time, I don't believe there's any outstanding issues on our reviews here. I thank you guys for working with us.

Gary made a motion to recommend approval of the Preliminary Plan for Grantsville New Team, LLC. on the Cowboy Estates Subdivision located approximately at 416 South Willow Street for the creation of nineteen (19) lots in the R-1-21 zone. Jaime seconded the motion. All voted in favor and the motion carried unanimously.

3. Consideration to recommend approval of the Final Plat for Gary and Rava Giles and Shawn Holste on the Cherry Wood Estates Subdivision Phase 2 located southwest of the Cherry Grove Subdivision for the creation of thirty-eight (38) lots in the R-1-21 zone.

Shawn Holste was present for this agenda item and stated to the Commission: This phase two, phase one is under construction and should be completed by the end of the month. Then we will roll into phase two and do the same thing. Again, we will try to be respectful of the neighbors and keep it nice and clean and produce a great product.

Gary Pinkham stated, for the most part, I'm okay with this. I still don't like your fill in the South from the Northeast corner. I've got problems with that. As I mentioned in several of our discussions, that street coming up from the South. If that intersection was pulled 60, 70 feet to the West, and lowered four or five feet, the ramp to the future Cherry Street would probably only be 7% as opposed to the 10 or 11% now. Right now, I think the way you've got it done with moving the sewer and the storm drain over onto that one lot, and if we moved the street, would be in the street rather than on private property. By moving that intersection over, I think we could get the water line at or near existing grade. I'm not comfortable with that fill at 30 feet deep, regardless of what anybody says, having been built in December, January. I foresee problems with that corner in the long term for stability and potential settlement. With utilities in it, I'm afraid it could have some utility failure. The rest of the property, I'm okay with, but that corner bothers me and has from day one. Having said that, I'm going to leave it to their engineering department and our consultant if they want to put their initials on it. I guess, beyond that, everything else that we've talked about has been taken care of. I think with the development to the South, those drainages that were coming onto you originally are being taken care of by them which definitely improves our storm water project there and saves you guys a bunch of money. But the rest of the subdivision, I'm fine with. I'm not comfortable with that corner up there.

Dan England stated, we're asking for documentation of that fill as it comes in to address this concern. I've been told by Shawn that every eight inches has received compaction tests from one

of the quality control people that he's hired. So, before he puts anything in, he'll be giving us that information.

Gary Pinkham stated, that's one issue that bothers me is that that work was done before we approved the subdivision. It was done without a city permit and was done without city inspection. Basically, it's in violation of code from about 10 different directions. I'm not comfortable with it being built. Last December and January with the weather we've had. I don't think we had more than half those days above freezing. I don't know how you could have done moisture control for compaction. I think developing that in the dead of winter without permits and without city inspection was not right.

Shawn Holste stated, I apologize for the permit side. I think we were more towards these last couple months. In January, we barely started down there. We avoided any days that were cold. It was so dry down there; we were adding moisture control most of the days. It gains us nothing to take a chance on it, because if something goes wrong, it comes back on us. So, this was something we personally kept an eye on and Cody personally kept an eye on to make sure we exceeded the requirements and exceeded the tests. Back to the permit, you're 100% right. We had such a big cut on the other end, and it was the natural location to go, even if Cherry Street moved, it needed, that hole needed filled. And I'm unaware, and help me if I'm wrong, I'm unaware of city inspection on something like that. Do they come out?

Gary Pinkham stated, to be honest with you, I don't know how our city inspection works and that's all inside the P&Z response here. I just, from my experience, 50 years in the industry, what was going on there I wasn't comfortable with. But again, it's outside the scope of P&Z. In the scope of P&Z with regards to the design and the application on the drawing, I think we're okay to move forward. If the city engineering department and the municipal department and whoever else is going to have to live with that piece of ground down there and willing to take it on, I guess we can move forward.

Brian Pattee stated, so you'll provide Dan with the compaction results? Dan, I would just make sure that it's compacted. It doesn't have to settle much for those water lines to come apart. They may want to put some joint restraints on every joint of the water main, so it doesn't come apart. If you have 30 feet of fill, it's going to settle.

Gary made a motion to recommend approval of the Final Plat for Gary and Rava Giles and Shawn Holste on the Cherry Wood Estates Subdivision Phase 2 located southwest of the Cherry Grove Subdivision for the creation of thirty-eight (38) lots in the R-1-21 zone. Jaime seconded the motion. All voted in favor and the motion carried unanimously.

4. Consideration to recommend approval of the Final Plat for Kenneth and Jennie Hale and Shawn Holste for the creation of twenty-three (23) lots in the Canyon View Subdivision located approximately at 400 E Nygreen Street in the R-1-21 zone.

Shawn Holste was present for this agenda item:

Gary Pinkham stated, here is another one where the applicant has been very receptive to some of our requests and comments, and they've come up with a pretty good project. We do have one little issue that will affect neighboring lots on the original minor subdivision there, lots two and three. To my understanding, the city has notified those people of a need to take part in upgrading the street in front of those lots, and that is being worked out. Some design of this project has been done to accommodate that, but the actual work for that is not in this because financially it's the responsibility of the neighboring lots. So, as it relates to this particular project, within the scope of this project, they all meet the requirements for design and code and they're ready to move forward.

Jaime Topham stated, there's a memo from Shay that recommends we table this or move it forward with contingencies until we get an updated perk test. He stated that the perk test that was submitted doesn't work for this basin.

Shay Stark mentioned, from my perspective, that still stands. However, I know that Dan has been working with the engineering firm, and I know that there were some emails that had been sent back and forth in the last 24 hours concerning this and several other issues. Essentially, if Dan is comfortable with what they've recommended then I'm probably fine with it. I just want to make sure that the engineering side of this, that he's comfortable. From the planning side, that's my concern, is just making sure that we've got an adequately sized basin that's going to handle the water, and how much of that basin is going to fill up based on the percolation rate.

Dan England stated, there was an issue regards to the percolation rate. They were using an assumed value. I wasn't comfortable with it. We had gone back and forth a number of times. They provided me another percolation test that was from 2007, which is outdated, but based off of the information that I had with that and with the low percolation rate that was there, they've met all of my requirements.

Jaime made a motion to recommend approval of the Final Plat for Kenneth and Jennie Hale and Shawn Holste for the creation of twenty-three (23) lots in the Canyon View Subdivision located approximately at 400 E Nygreen Street in the R-1-21 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

5. Consideration to recommend approval of the PUD Plan for Dustin Hall, D.A.B. & K, LLC. on the Willow Fields PUD Subdivision located at approximately at 834 N. Old Lincoln Hwy for the creation of twenty-seven (27) lots in the RR-1 zone.

Dustin Hall and Barry Bunderson were present for this agenda item and stated to the Commission: My name's Dustin Hall. I apologize for taking a few extra minutes of your time. I misunderstood the process and thought that I would have an opportunity to speak more in depth at the public comment portion of that. That's my fault, so I apologize. I want to give a little more background and let you guys hear it directly from me as the developer, and I want to make it clear I don't mean any disrespect to Mr. Holste, who just stood up here through four agenda items, and he makes his living every day as a developer. I'm not a career developer. I don't proclaim to be or do I plan to be. This whole project began as an opportunity for me to provide my children a home in Grantsville. I wanted the opportunity for them to live on family property. The property that's involved in this proposed project, as well as the adjacent property immediately to the east, encompasses nearly 60 acres and has been in our family for generations, for a hundred-plus years. This ground's been farm ground and pasture ground for our existence. In doing that, I knew that I wanted to create something that was rural and something that fit Grantsville. If you hear a common theme from all the people that campaign for office, all the public that comes down here and speaks, they all sing the same tune. We want rural Grantsville. So, I wanted to create sizable lots. I wanted to create opportunity to have livestock. I didn't want your typical subdivision with curb, gutters, sidewalk, but I wanted to work with the city and the citizens of Grantsville to provide and give back to the community and make something that's conducive to the environment around the area. So having said that, I knew that in order for me, with the expenses of things nowadays, to be able to put a project like this together with the minor subdivisions gone away, that I needed to think ahead, and I needed to plan for the entire parcel. In order to make that economically feasible for me, I knew that I needed to try to make the economics work. In order for me to make the improvements and install the necessary infrastructure, I had to have a source to help pay for that. Therefore, I planned out the entire parcel in addition to the lots that I planned for my children. As a result of those variances that we had in mind, we knew that was different than your standard subdivision. Therefore, we applied for the PUD. We started on this nearly five months ago, and we've been met with resistance from day one, the day we turned it in. We tried to work with the city. We've had meetings outside of this, trying to get it to move forward, and to this point we've been the only ones that have been willing or suggested that we would flex. I want to turn your attention to the memorandum from Mr. Stark that is completely one-sided and leads you completely off the path, because there's a lot of things that are untruthful in here. I'd like to go through and speak to those, because it's apparent that he's adamantly opposed to the project, which is completely different than the meetings he was part of that we had, that was not part of any type of public setting with a body as yourself. It was with city staff. As part of the PUD, we could ask for higher density, but in the evaluation of the project and what we wanted to create, not only are my children going to live in this development, but I'm going to live in this development. I want to take pride in something. So we chose to only ask for half acre lots be created along the Old Lincoln Hwy, which makes sense because the adjacent property across the road fits with that.

Everything to the east of that, inside the property, will be the one acre, which falls, as you can see, well below the density of what's required in the zone. And by the way, we did rezone it as RR-1 because it was in line with the general plan, which is also one of our motivations for the going with the PUD. As a matter of fact, in one of the paragraphs, our goal number three was to support a mix of land uses as found in the land use element of Grantsville city general plan, and it includes the following statement, to allow sizes of lot units within a subdivision to vary from the zoning requirement while maintaining the overall zoning density of the parcel, which we have exhibited and done. We've also proposed over five acres of our property as open space. We've referred to it as open space or park, realizing that it's open space, so can we call it a park? Can we create a park? Do we have to dedicate it to the city? I don't know if that's a requirement or not, but if we dedicated it to open space, I feel like we're in line. I won't speak to the wetland part. That's a part I want to get to a little bit later. Also, he suggests that the most significant exception is the city street standards. We didn't say we weren't willing to do something different, but we have proposed the cross section to suggest the 22-foot-wide pavement with keeping in mind that we're maintaining the required 66 foot right of way that's required. And we also tried to use as to mimic the rural areas outside of Grantsville, because there are no one acre lots available in Grantsville. I would just suggest to you that the reason there's not any one acre lots in Grantsville is because of some of these outlandish requirements that we're required to provide. Small developers simply can't afford to do anything that's low density and rural. We can't afford to do it. I would just like to turn the time over to Barry. He's been involved, directly involved. Mr. Stark suggests that what we have proposed isn't part of any standard or isn't part of any improved subdivision within the County. Every exhibit that you're about to see from Barry is part of a subdivision, a new subdivision that he's been part of, and we have photos to show you. So, the fact that he says that those are part of historical right of ways that have been built around, and they've maintained the width, is BS. We've followed the Tooele County code and their standard for a rural right of way road section. I think you guys have photos. He also references the trail that we've proposed. He references mixed use. I don't know any mixed-use trail that's paved or concrete, in either concrete or asphalt, that a horse uses. I'll propose an eight, 10, 12 foot, whatever wide trail you want, but if I'm going to use it for multi-use, I'm not going to pave it. I don't want to do it in asphalt or concrete, because who wants to ride a horse on that? It's not safe, the same way he says it's not safe to be six-foot-wide for pedestrian traffic. So we're not opposed to making exceptions here, but we would certainly like the option to discuss that. I feel like this request or requirement should be part of a final consideration and not the preliminary.

Barry Bunderson stated, Barry here, I was going to mention something that Shawn said earlier, that you guys have been here, City council has changed hands a few times, but most of you have been here for a long time, so we appreciate what you do and the time you put in. Just to follow along with what Dustin's saying, he's trying to create something that isn't necessarily doable with standard ordinances. So here we are with a PUD. I just want to reiterate what a PUD is for. It's a special kind of conditional use, and in our ordinance for PUD, there's purposes. So I wrote a memo that is supposed to marry what those purposes, goals are of a PUD. To create a more desirable environment is something that can't be created

by the standard process. That's one goal. To use landscape or architectural features to create something pleasing. These are A, B, C, D, E in our ordinance, if you want me to open and share with my computer, I can. But in response to those, we have written in the PUD objectives, and last time, when we asked if you guys have received that, I wasn't sure that everybody did, so I don't know if this is worth going through in detail.

Brian Pattee asked, Barry, are these pictures from Erda Acres water system?

Barry Bunderson answered, they're pictures of Selma Way, which is off Church Road. There are some that are off of Cochran Lane. All these are subdivisions that I've been involved with since 2013. So, when we say we're mimicking what's happening in the rural parts of the county, they're in one-acre zoning areas, just like this would be. The county has had, since I know from 2007, a road section that shows something similar with roadside swells and 12 feet of asphalt on each side of the center line, with a six-foot shoulder. And I have copies of that if you want to see those. But back to the PUD objectives. We're trying to create something that can't be done through the standard process. He mentioned he doesn't want to have curb, gutter, and sidewalk. We feel like what the people want when they say small town charm, it doesn't mean curb, gutter, and sidewalk like you would find at other places, other developments that are denser than a one-acre development. So, we created this road section, and some of the things that we feel promote the goals that are in the general plan and the PUD goals both. And that's what's in this memorandum. One of the goals is to create a more pedestrian friendly community, and we are just saying that if you say it's a rural one-acre development, lots of places in the county, they don't do sidewalks, but we are putting one in. We're trying to marry the rural feel with active transportation ideas and other things. It's really a pedestrian pathway. It's not a mixed-use trail. We're not going to have bikes on here, or motorcycles. What was drawn was for pedestrians, and we call it a pedestrian trail. Anyway, I don't know how much I need to go into detail of all these things, but this gets into this road section, which is part of the reason why we're doing a PUD. And when we look at what do the people want, what does rural small-town charm mean, certainly some different ideas might be out there. So, what we did is we relied on some of the stuff that the county was doing, because frankly, we say we want small town feel, but there are no standards or policies that tell us what that means when it gets to the nitty gritty. That's why we went to the county. They have an active transportation implementation plan, and we just finished a subdivision in Erda that these pictures are of, and that are what we are saying we are mimicking, with some slight variations. But they, for rural communities, they say they want an active pathway or active component on one side of the street, and for low density developments like this, a standard sidewalk is enough. This roadway is safe. There are some benefits to it. I know that some of these things, even up here, say it's a narrow street and there's safety issues, but there are some benefits to having a narrow roadway. For one, the cost of maintenance long term can be reduced, just on the fact that it's less asphalt to take care of into perpetuity. And class C road funds that you get from the state are based on road miles. They don't care how wide the road is. It's just a road mile. They're allocated based on those distances, so you're going to get a better ability to maintain and take care of a road like this. That's a benefit. The other thing that it has going for is ITE, Institute of Transportation

Engineers and FHWA, put out some traffic calming measures, and one of those is called A Road Diet, meaning they narrow up the streets to keep people from speeding and having a lot of room. So, from a safety standpoint, the narrower pavement can be a benefit. What it does also is delineate a roadway through lane versus a shoulder that in our case would just be a road-based shoulder, both from a visual standpoint and a tactile standpoint. If you're driving, you switch from something smooth to something a little rougher, you're going to know it, right? So, it would deter drivers from continuing onto the sidewalk. There is a safety component that this road section provides a benefit to. There are others that, if we want to go into low impact developments, that this road section provides benefits compared to what the standard road section would have. We don't have to have specialized equipment to maintain structures and pipes into perpetuity. It's at the surface. If there are issues, we know what they are, and really with what we're proposing of a weed barrier and gravel mulch, the maintenance long term might be some weed spray, because those aren't foolproof with a weed barrier. Anyway, there are benefits to this that frankly can't be achieved through the standard process, and to create a subdivision that promotes the rural, small-town charm, this is an idea that we have. We think it's good. We understand that there is some wiggle in this. Shoulders could be wider or narrower. A pavement might be wider or narrower. However, we think that what we've showing here is the 11 foot through lane matches the standard roadway section for Grantsville city, and the eight-foot shoulder that's shown here matches the standard road section. So, we are in effect providing the same drivable and parkable space area that the typical road section provides. It's just, we have narrowed down the asphalt for the reasons that I mentioned, both from maintenance, cost, safety and aesthetic quality of the small-town charm that everybody cries for. So that's the reason why we have built this. If you have any questions, we can go into more detail, but we've provided those photos to show that some of them are in a field of dream subdivision that was built in 2013, 2014, and the road is not chipping on the edge. It's not breaking off. It's not failing. There are other roads in the county that were built just like this standard, that are much older. If you go off Droubay Road and east of there, portions of one of your developments there, that sure, asphalt has maintenance, but they're not failing at the edge because of a gravel shoulder. It's just false, based on those evidences.

Jaime Topham stated, Barry, you talked a lot of stuff, but you haven't addressed the wetlands issue.

Dustin Hall stated, I'm about to address that. I saved that till last, this is the third review, and this was part of the first review where it was suggested that we had a wetland.

Gary Pinkham stated, we didn't suggest that you had wetlands. Your engineer defined it on your drawings.

Dustin Hall continued, that point was brought up to further investigate that because it was part of a map, National Wetland Inventory Map. I don't know if any of you folks are familiar with the way that is created, but it's created by satellite imagery. That property owned by my grandfather had an eight inch well drilled on that property, at the lowest point. That eight

inch well casing ran open for decades until two and a half weeks ago, that remained open. Nobody ever took the time to investigate that, and it was just placed on the National Inventory Map. Both the parcels adjacent to me are actively cultivated with alfalfa hay and grain. The last I checked, you couldn't grow a crop, especially alfalfa hay in a wetland. So, Mr. Stark also suggests that we blatantly brought in dirt to fill in a wetland. This is an agricultural field, and I've been held up for the last five months to do anything outside of being an agricultural field. We have chosen to do some site balancing because we can't land level and laser, we have a deficiency, in order to be able to level that, to be able to efficiently irrigate it and plant a crop on it. So, we've chosen, because that part that's been a hang-up with this whole thing, it's been suggested that can't be open space, if it's with deemed a wetland, which I don't know what has any relevance related to that. Secondly, he suggests that we blatantly did that and we ignored the fact that not to go through the processes to get an opinion or go through the processes to officially identify that, which is false. We've never been asked, or nor have we provided, because we had to wait, because the professional firm that we contracted with and hired to give us a wetland assessment said that that needed to be the done at the peak time of spring, during growing season. And the fact that he thinks that I've filled in that entire area that's in question is false, because that's not the case. The wetland assessment has gone on and is going to be finalized so we have documentation to support that. The other side of that, just so you know, is during that process, there was deflection testing done. We've run 140,000-pound combination units and 80,000-pound short bridge compound units across that, with no indication of pumping or deflection. And the last I checked; you couldn't drive those units across the wetland. We also did a soil evaluation geo technical report that was required as part of this process. I don't know if any of you are familiar, but one of the requirements of deeming something a wetland is there has to be surf, and keep in mind that this well that's been running out, wide open for decades, was still running wide open. Last May and June, there was low evaluation pits dug across the entire parcel, which was provided as part of the application for the geo technical report. Those areas that are in that area, that fall within that NWI map, the nearest surface water was, at the wettest time of the year, was between four and five feet. That lowest point is also four or five feet below the rest of the surrounding existing parcel, as far as the grade. So, that's to speak to that part of it. We chose to phase this and exclude that as part of our first phase, so that we could try to move ahead with the first phase while if there was any questions or things we needed to do for the sake of timing, it would allow us time to do that. So, I guess, in closing, I want to remind you that I sat up here and I was part of the last meeting with the public hearing, and I heard all kinds of opposition to Mr. Holste's project. Yet, I sat here, and I listened to you guys pass him through. Not taking any consideration of the public. Well, folks, there was nor has been no opposition from the citizens of Grantsville, the vote of the people that we have in here in office that we're supposed to be representing. All of them were in favor. And, I even had folks that were here in opposition to Mr. Holste, get up and speak in favor of what I was doing here. So, I just hope that we've exhibited to you and given you enough supporting data to Mr. Stark's rather uncomplimentary email in opposition to us, that there's some consideration from this body.

Brian Pattee asked, tell me about the other utilities. I see septic tanks. I see pump stations. Tell me about what's going on with the water line. And, I have very, very major concerns with the storming water, and trust me, I know for a fact this over inverter, this system can't even flush their fire hydrants, because this water has nowhere to go. You put rocks on top of clay, water can't go anywhere, especially if there's a lot of them.

Dustin Hall answered, if that's the case, and it can't go into the ditch and flow to the pond, what would you suggest?

Brian Pattee stated, I'm asking you. You tell me what it's going to do, and what's going to happen when we become a permitted storm water community shortly. So, I just need to know. I need to know about the sewer, too. there's a reason why we have curb and gutter, and we channel storm water for a reason, right? So, I have a concern with that, and then my other concern was the sewer pump station, that's going to be maintained by the residents.

Barry Bunderson stated, So, it's an interim solution, right? So, what's on the drawings is we're showing a gravity sewer line that, because of how we face this, ends that, the first phase line, right? So, it's a temporary solution until a permanent gravity solution can be implemented, which has a lot of other players, and parts and pieces that need to come together. But it is a, yeah, an interim solution. There is a gravity main put into the street that services all these, they all gravity flow to a low point. The first phase of this development as it's shown. And then, it gets to pump back up to Old Lincoln. But, when future phases come along, there must be a downhill, that if we're speaking about lift stations, that's the concept moving forward, that it would have to have a downhill gravity solution. But there's more to talk about that with the application, Dustin can talk about that.

Jaime Topham stated, back to the wetlands. So, tell me about where the water comes out of the ground that feeds the two properties to the north that creates a complete and utter swamp.

Kevin Hall asked, can I comment to that, I've lived in the area all my life. It was my grandfather's ground. I'll be able to comment and solve the problem with the water there.

Jaime Topham asked, are you related to the project?

Kevin Hall answered, I'm Dustin's father. So, the eight inch well was drilled in 1962. Not only was that well drilled there, the well that's across the road, in Nielsen's property, whoever that owns that now, right. And the property that Robinson owns, those wells were all drilled, and they flood irrigated all that area. My grandfather used to pipe water all over that property. That's how he irrigated it. And that's what happened on Don Worthington's property. And it happened on Nielsen's property for years, right? So, the water that's been there years ago, the one on Don Nielsen's property, I was told, used to flow, free flow, 600 gallons a minute. So, the reality of it is somebody said it's a wetland, in real reality, there's been no surface water there for how many years? Years, and years.

Jaime Topham asked (looking on Google Earth), where does this water over here come from? There's a whole wet area through there and you have a low spot right through there. And didn't you get a dozer stuck in there, because it was so wet, you buried it in the mud. This spring was maybe this last winter?

Dustin Hall answered, I have no idea. Again, it's always been right there at the property line. Doesn't flow onto ours. That's not a good picture.

Jaime Topham stated, I do have a picture that you provided from the county that is similar, your lines go over it, but there's the water and Darryl's got water in this ditch. She's got water under her property.

Dustin and Kevin Hall stated there's no water there. The area that you're pointing out is 30 foot higher than where that is.

Jaime Topham asked, I want to ask the engineer or whoever's knowledgeable about this. If they have a property that is designated on this map as wetlands, what do they have to do? And is it their responsibility to determine whether it is truly wetland or not?

Dan England answered, let me give you an example of, and not that I agree with this, but dealing with state and government, any government's difficult and I am government. There have been situations where we've had, water was created due to wells, or something else, they created wetlands, when they ended up coming in to build something in that location, they had to get the state to sign off on it. And, they had to create a wetland someplace else in order to cover for the wetland that they were going to destroy with their project. Even though, it was something was just created by a well or some other man-made development. So, when we found out that it was a wetlands, we let them know that they needed to do something with that and to get in touch with the state, and they had to get it taken care of prior to doing construction.

Jaime Topham asked, so, they're currently back filling that area in. Are they in compliance with what they were supposed to do or not?

Dan England answered, no.

Jaime Topham stated, from my point of view, we can't go forward and approve a PUD, well, for two reasons, can't go forward and approve a PUD until that's done.

Dustin Hall stated, let me ask you this. I don't know how I can't be in compliance when I did exactly what I was supposed to do and did a wetland assessment that is being written currently.

Jaime Topham and Gary Pinkham mentioned, but it's not done, and you said it couldn't be done.

Dustin Hall stated, So, you guys just said that we didn't put that on you and that's private property. And, if I was doing nothing more than just farming it and I wasn't sitting here in front of this body, I could do anything I wanted to.

Gary Pinkham stated, you can keep farming if you like, but you're not going to sub divide it. That was designated wetlands.

Dustin Hall stated, it's not designated. It's identified on a map.

Gary Pinkham stated, it's up to you to get it undesignated or off the map before you got out there and started placing fill line. The area that is designated by your engineer as wetlands currently has at least 10 feet of fill on that north property line, that includes everything from junk tires, to concrete, to broken pipe, to lumber.

Dustin Hall stated, on my property? Wrong! How do you know?

Gary Pinkham answered, I've been out there watching you.

Dustin Hall asked, so, what you're saying is we've wasted our time because you've drawn a conclusion in your own mind that you were voting against this, regardless of what we had say.

Gary Pinkham reminded Dustin Hall, you heard the discussion we just had with about not having a permit.

Dustin Hall asked, so, let me ask you this, is your city manager have the ability to tell me I need a permit? I contacted Jesse Wilson and asked him specifically, do I need a permit? He didn't say a word about me needing a permit. He just said, can you keep the road clean? Can you watch your truck to make sure they're not speeding?

Gary Pinkham stated, I have no idea what you and Jesse talked about. But again, with regards to planning and zoning, the land use administration, the covering of that wetlands, until you get it undesignated-

Dustin Hall stated, it's not designated a wetland. I have every right to put, fill in your low portion of my property for farming purposes.

Gary Pinkham continued, that's what Grantsville city and the federal government consider it to be. And it's up to you to get it off. Now, maybe you can get it off there. Maybe, you can have it reviewed, and they say, no, it doesn't meet the criteria. It will take it off and you could go do something. But, in the meanwhile, trust me, there's garbage in that field out there.

Jaime Topham stated, I don't know if that's the right way for you to come at this board with this. What you're saying is, I have every right to go and fill in that property to do agriculture, whatever you want. You're absolutely, potentially right. I don't know, I'm not making a legal

judgment. Potentially, you're accurate in that, but that's not what you're here tonight doing. You're here tonight asking us to approve a PUD for a development. And we are telling you that we cannot do that, or we will not do and go forward until you have your wetland designation figured out. On top of that, there's other issues that are, have to be talked about and discussed. And, Barry, I appreciate you saying, what we could do is well, phase one, but then with the sewer, we got to figure out something else with phase two. But you're asking us to do a PUD. And, as a PUD, we have to look it in totality, not in phases and sections. And, we can't say we're okay with this PUD with section one. And we'll figure out section two later, that may or may not work. Because, if we do that, now we have section one done, and section two never gets done. And then, we have that development that's over at the end of Main Street that has a whole bunch of garages, a club house and nothing else, right. Now, I get where you're coming from. I get that you want to do this development from your family, but as a board, as the city, as part of a governmental entity, we have processes that we have to follow. And, we can't just say, "Well, good enough." Okay. So, what you have to do is follow the process. If you're saying that you can't get your wetlands thing figured out until the spring, when you're at the height of the season, and you don't have it done, we can't move forward on this PUD until you do. And that is not on us.

Dustin Hall asked, So, let me ask you this. When I provide the wetland assessment from the professional that's been hired to do that, is that sufficient for what you're asking?

Dan England answered, that will take care of that portion of it.

Dustin Hall stated, that's what we've hired and paid for what service we've paid for.

Jaime Topham stated, Great. And, when it's done, then we can reconsider that. But that, and that addresses part of it, but it doesn't address all of it. And, I don't want to spend a ton of time tonight because we can't go forward anyway. But, for what you can do as a checklist, is go through the memo and A, take all your anger out of it, because it's not about anger here. We not trying to prevent you from doing what you want to do with your property. We have a process we have to follow. We're going to follow it, okay. So, this isn't a personal thing. It's not a vendetta. And, you read that letter and with all of that heat and anger. I don't think Shay has intended it to be that way. And, if he did, you can still let that go and read it from a more rational perspective of, "Okay, what are the things he's saying that aren't in line?" So, Barry, you know we've done eight foot trails. The city doesn't necessarily have a problem with an eight-foot trail, but they're not okay with a six-foot trail. So then, you could go back and look at that.

Barry Bunderson reinstated, we're saying it's not a trail, it's a pedestrian path.

Jaime Topham stated, Pedestrian path or not. Worthington Ranch has something that's similar that we approved. That's what we're okay with. That's something that you can look at. Because when you come on a PUD, you're asking for something beyond what is in the code. You're asking for variances. I appreciate that you're not asking necessarily for density

variances, but you are asking for some other things. So, let's look at what we have said that we as a city like and approve and do it. Barry don't waste your time now, because we're going to not spend a whole lot more time on this tonight because we can't go forward, but take the notes, okay. Take a deep breath, come back. I get that you don't want to be stalled, but that's the process.

Dustin Hall asked, can I amend the boundaries in my PUD? Because it's far less than, or it might meet the code of 10 acres if I amend the boundary of the PUD, can I amend that to encompass 10 acres as the code states and that excludes the wetland, or what is being questioned as we wetland?

Jaime Topham answered, I guess, I don't know what you mean by amending the boundary.

Dustin Hall continued, right now, I've included three phases and I'm nearly 39 acres of property. What I'm saying is, is I could amend the boundaries and not do three phases. I can do a single phase and I can include only the 10 acres that's required to be part of the PUD.

Jaime Topham stated, I guess you can.

Kristy Clark stated, He can. I actually mentioned that to him a long time ago.

Dustin Hall continued, because that allows me the time that I need to, if I have issues that we got need to work through. And, in my mind it helps the city, because the city's obligated from what I understand by code, or by law, to provide me sewer. The only sewer that I have is 300 feet away. And shit doesn't flow uphill. I'm sorry for the profanity, but I can't flow it uphill. Therefore, it leaves me two options. I followed the process that I was required by Grantsville city because I was denied sewer service by Grantsville city. The Process says that, okay, we've chosen Tooele County Health Department to make decisions on septic tanks. So, I went through the process. I spent \$10,000 to do perk tests on every law. I went up and I got a feasibility approval letter from Tooele County. I came down and I was told you're out of luck. We're not allowing you septic tanks. So, in my mind, what's my options? It's to, you guys to allow me a lift station or allow me a septic tank. So, that's more background on the discussion, just so you're aware.

Jaime Topham stated, I think those are all valid things to be talking about. And, in the interim of the time that you get your per test, or not your per test, and your wetlands thing resolved and/or decide to amend this, talk with the city engineer and see what the city engineer wants you to do.

Dustin Hall stated, that's why we had a meeting before all this happened with Mr. England. He's the one suggested that, and Shay Stark also said, "We'll entertain the idea of letting you do a lift station temporarily." We agreed to install the infrastructure on a gravity flow towards the future of 600 West. And we would decommission it at the time took place. So, they've already said that they would allow it, that's why we have it in our application.

Jaime Topham stated, well, maybe that, and then that might be the right answer to all, that's one. I'm just giving you direction for where you go from here, is that until you get the wetlands issues taken care of, you can be working out the other issues, or if you want to amend your plan, so that it's only the 10 acres that leaves out the wetlands and makes this less of an issue that would, I guess that's okay, too.

Dustin Hall stated, just one final thing, I know you're trying to move on. So, the question I would have is, can we get any comments on the road section? I mean, I don't want to continue to spin our wheels about our road section. I mean, that's obviously one of the points that you're talking about.

Barry Bunderson asked, who makes that final decision? Is it this body or is it City Council?

Jaime Topham stated, under a PUD, it's going to be the city council because we just make a recommendation of approval. They, actually, make the decision.

Barry Bunderson asked, so, how do we get to them, who makes that decision?

Kristy Clark answered, you have to go through the process.

Dustin Hall asked, what's the process?

Kristy Clark answered, it's this body first and then City Council.

Barry Bunderson stated, if we can't move this body forward because nobody here likes the road section, but we aren't the decision makers, final. I might put words in your mouth, but if we can't get in front of that body who makes the ultimate decision, what is the guy like Dustin to do?

Gary Pinkham stated, I can tell you right now, my discussion with James with public works on this. He will not allow the city to take possession of that route. He will not be responsible for maintenance up to that road. If you want to make a private road and put it under a HOA or whatever, but James, at public works. He's got so many issues with that road.

Dustin Hall stated, I already can't afford to do the things that you're acquiring with one-acre density.

Jaime Topham stated, I like the idea of rural residential, but I'm also not the person who has to go out and maintain it. The city has given directions about what it's going to be. And, like I also said was where they've made variances was Worthington. So maybe, you look at what Worthington has done and has been approved.

Barry Bunderson stated, nothing that's been built in Grantsville is like this. So, you don't want to be compared to something that we aren't, that this subdivision isn't. That's why we're doing the PUD and we want to get in front of a body who can give us definitive decisions about this

road section. We are spinning our wheels with us, staff. And ultimately, I think it's important that we bring these issues up, but are we making a final decision? If we're not, then why can't we make those suggestions, recommendations and put it before them with whatever we have to say about it, and let's get to the decision making.

Jaime Topham stated, well, if you'd like us to make a decision today, we can vote. I can tell you; I'm not going to recommend it. But you're right. It can ultimately go to the city council, and then it could make a different decision.

Gary Pinkham stated, I think, there are enough issues here that probably won't go through city council, either. Barry I think you've stretched the limits of imagination on this PUD to a point that I think you broken it.

Barry Bunderson asked, So, independent of this project? Can I just say something about, where's the follow through from the general plan? How does someone do these things, these goals that are put forward? If this, isn't it, you're saying I'm stretching the imagination? If this, isn't it, what is it?

Jaime Topham answered, that's a great question, and I think, we used to have a rural residential road section, something like that. But we used to have that, and the city council did away with it. And maybe, that's something that the community needs to bring back to the city council, is we want to create a road section that is in line with what you're asking. And that's how it would come through is with the community, asking the city to reconsider that and bring that back as a road standard, or bring something else as a road standard.

Gary Pinkham stated, I think you would need to go to council and recommend that they revisit the issue. Bringing in a design like this, I mean, the one side of the road has no drainage. It all goes to one side, which means the side with the trail, the water's coming off the trail into that shoulder. It's going to soak that ground water, during the winter months, it's going to freeze, during the spring, it's going to fall. And it's going to be just like that big wall without wheel track, alongside the highway down there across from the butcher shop where somebody pulled off the side of the highway and got stuck and had to be dragged out. Or, if you go out down on Worthington there, where they drive off the edge of the road, the spring of the year, or make axle deep tracks in the shoulder of the road, that's where James really has a problem with this thing. You say, it's going to minimize his maintenance. He doesn't see that. He sees himself having to go out there three or four times a year and grade and regrout all those shoulders, and in the spring of the year, probably rebuild them.

Barry Bunderson stated, that's where we would defer to the long history of roads in the county that, to my knowledge, don't have issues.

Gary Pinkham continued, I would be willing to bet if you go to the county roads, they might have a shoulder that they probably got a three or four foot borrow ditch on the side of them too. You don't have that. You've got an 18-inch or 24-inch swell over there that they're using

for a pond that's putting water back into the roadway section, that compounds the freezing and frost. If the guy wants to work through the process, we don't have a problem working through the process. But when he wants to come in here and tell us to stick it in our rear, he has every right to go do as he please. He's doing a land modeling deal so he can farm it. I don't have a problem with him farming it for the rest of his life. Him and his kids can go grow potatoes or whatever they want. But right now, he's trashed that parcel legally and structurally to the point that the City Attorney has told me, I don't know what he told anybody else, but he's told me we shouldn't move forward until that is resolved. You want to print that in the record or whatever. That's where it is. That's where I've been told to take this.

Jaime Topham stated, I don't know anything about that, but I do know about process. I do know that he needs to go through the proper process before we can say yes to it because it's still on the map.

Barry Bunderson mentioned, maybe you know, maybe you don't know. But like you said, we had staff meetings where we talked about, "Hey, is there a way to keep this thing moving forward in the process with conditions that phase two and phase three can't move forward?" And it can be a field just like it always was a field until a sewer came along and the water got worked out and we had some concern, concurrence with that. I can understand maybe something's changed. That's okay.

Jaime Topham stated, let me actually address that. So why didn't you start the conversation with we had a conversation about doing it in stages. That's not the presentation that you guys just presented.

Barry Bunderson stated, we had already made the application for the full PUD based on septic systems and without knowledge of a wetland or that we needed to move the water line. None of that was known, and so we wanted to continue through that process, moving it forward, but understanding that there are some major issues like sewer, if that's what had to be worked out. So we said, "Can we continue on? Put conditions on the PUD that allow it to move forward, he can build his first phase, and then still work on these issues." So in the end, it's the same solution to the problem of him trying to get something produced. I understand where you're coming from, there's a process. There's also ways to do it within what we've got going now that we can put conditions on approval instead of him having to go back and cut back the boundary. And if those conditions can't be met, then the PUD is moved. It is what it is, and he can start over from there. He's paid for all of these applications fees for this full thing, and in time he wants to keep moving that forward. And so that's where he's getting frustrated. He didn't know of any of these issues. He's trying to work through them but keep this thing moving, and so he's frustrated.

Jaime Topham stated, I totally get that he's frustrated. It doesn't help him to come and basically attack us. First and foremost, I am not part of any of those conversations or any of those meetings that you guys have had. You guys did not present that you had had those conversations about potentially doing a PUD in phases, not one bit here today to what you

just said. Correct me if I'm wrong, but don't you have to do all of the utilities for the entire project before you get to move through the phases? Still doesn't resolve if you're going to do the whole PUD that involves that wetlands issue, in my mind, it needs to be addressed and resolved. Now, if we get direction from legal or something else, then maybe we have a different conversation. But coming to planning and zoning and attacking everything instead of, "Let's have a conversation," does not help. It doesn't help any of us hear what it is you're trying to accomplish. And I know he's not here, and it would've been beneficial if he is here to have that conversation. But from tonight, my thought would be to table it. And if we have to meet to have more conversations, if we have to talk to legal so we know whether they can move forward or not as far as can we move forward with making a recommendation on a PUD that has a wetlands issue that hasn't been resolved, that's a possibility.

Barry Bunderson stated, if that the issue, and that can be a major thing, a major stopper for now. But there is a lot of feedback that we need about other things that he hasn't been able to get to.

Jaime Topham asked, there's this long memo. Is it that he's not getting the feedback, or it's that he doesn't like the feedback? Because those are two different things.

Barry Bunderson answered, so these guys have background important experiences that collectively can go into information to decision makers. And that's what we're trying to get to. And you guys, your opinions, you're all included in that. But if it's true that ultimately the city council people have to make this decision, then we would like some feedback from them, which we haven't been able to get.

Jaime Topham stated, I guess if you want to do that now, we can always vote tonight and then it can go forward to the city council. But it's not going with an approval from me tonight.

Barry Bunderson stated, without the applicant here, I think the best thing is to table it.

Gary Pinkham stated, him walking out, that's his own business. I don't care. He doesn't have to hang around for our vote.

Kristy Clark stated, I would like to just see it tabled. I feel for him, I really do. But tabling it gives him two weeks to calm down. We can do this as a work meeting at the next meeting if we need to, so attorney can be here. He's not here tonight. And a lot of this can be answered. A lot of this could have been solved, but he quit talking to staff. He was going to the mayor and to the city manager. He quit talking to staff because he wasn't liking what we were saying, so that's not helping. Him stopping talking to us, who have to recommend and approve him, who's had all the meetings with him... To stop talking to us, it doesn't help. He just stopped talking to us.

Barry Bunderson stated, it may not be that he doesn't like what you're having to say.

Kristy Clark stated, that's the impression that we get when he just stops talking to us.

Barry Bunderson stated, that may be true, but I think part of it is that he understands that there are some important inputs here, but ultimately it's got to go to somewhere else.

Kristy Clark stated, The typical process, and you know the typical process, it goes through this body before it goes to the other body.

Barry Bunderson stated, I understand that. But I legitimately asked the question: In a PUD situation, if we aren't the ultimate decision makers and there are some things to discuss, how do we get in front of the body who can provide us decision-type input? And I get your response, you said it multiple times.

Shay Stark stated, Can I just throw out a couple ideas here? And I don't know. Maybe they're totally off the wall. One option, this discussion about the road cross section. I don't think there's anybody in this room that likes the fact that we don't have another option, that that rural road section was taken away, including me. I'm hired to follow the code and follow the standard. We keep bringing up Worthington Ranch. They were passed with something somewhat similar to what you were doing but with wider pavement, a wider pavement width. But other than that, it's somewhat similar. I pointed out President's Park. There again, they were passed with something different. Again, I think, if I remember right off the top of my head, they're 30 feet wide pavement or something like that. It's a wider pavement section on that one. I can't remember right off the top of my head. So there have been some things lately that have been passed, under the PUD, with this. You can always ask to go to city council and discuss the concept. And that would be one option, to go in and say, "Hey, look. Here's what we're proposing. It's not going very far, but we understand ultimately you guys are going to be making the decisions. Can we just discuss this and get a feel for what they think?"

Barry Bunderson stated, that's why he's gone to the mayor, city council, because he's trying to facilitate that.

Shay Stark stated, I'm not sure exactly, with Brett not being here, I'm not sure how this would work. But what if planning commission is to vote on the PUD and votes down on the PUD but votes to table the subdivision? And then that PUD goes before city council, which gives you the opportunity to have that discussion but it doesn't tie down the subdivision in that. And so you're able to revise the subdivision after you've had them vote on it and hopefully gotten some of those specific answers. And then the subdivision can be revised. They have the option, too, of throwing it back to planning commission but giving specific guidance with it. Again, it's off the wall, I understand. I'm trying to look at it and see how you can get in front of council. Because I totally agree with you, that's the issue we have here. I'm looking at the cross sections of other things that have been approved and saying if we can get something like those, it'll probably move forward and get approved. The 22-foot pavement section, which your subdivisions that you've done over there in Erda are 24 feet and not 22. We've marked that up in the red lines each time. And I understand that the city has marked it up

saying 30 feet. I totally get that. We've asked for 30 feet, but it's not coming back and saying, "Well, let's do 26 since that's the city's minimum width when they have somebody construct a half width road." Something like that, at least then we can continue to have that discussion. But it's just always, "No, we're holding fast to this." So I appreciate if we can adjust that. The trail, if it's specifically only to be a pedestrian pathway and a pedestrian sidewalk. Again, like you have there in Erda, you have, I believe, South Mountain. There's some similar things to that. I'm just pointing out examples of things that are similar. Then, look at it that way, explain that a little bit more, and take that in front of city council. When we start talking about trails and looking at trails, a trail is bigger than a six-foot-wide pedestrian path. And when I'm talking about multi-use, I probably shouldn't have even thrown horses in there. However, I have seen horses on those, up there on Quirk Street, going right up the path. I've seen them in a couple other places, so I know it does happen and that's why I threw it in there. But a multiuse trail, by definition, means that it's more than just walkers on there. There might be bicyclists. There might be somebody with a scooter on it or something like that. And per Ashco, their recommendation and I'm sure you've seen their trails design guide. Their minimum is 10 feet. And like I say, Quirk Street's eight feet, I believe. The other ones, Worthington Ranch and some of these others, the city's chosen to approve those at eight feet. That seems to be the standard. So I think if we can work from the standards that are there, what's been approved, and come up with something and take that to city council and say, "Hey, look. Here's what we'd like to do. And we would like to see a rural cross section brought back in." I remember that whole discussion. I know why it was removed. I would like to see a rural cross section.

Brian Pattee stated, Let's wrap this up. When this comes back, I want to see wastewater, lift station details of some kind at some point. Because I have nightmares about those. I want to know who's going to maintain it. I want to know that the city's not going to get stuck fixing in the middle of the night, because there should be some form of an HOA to maintain that temporarily. Because the city's going to own the gravity main, and I'm assuming the HOA or whoever will maintain the pressure line and the lift station. So, for me, that's what I'm going to be looking at.

Jaime made a motion to table the PUD Plan for Dustin Hall, D.A.B. & K, LLC. on the Willow Fields PUD Subdivision located at approximately at 834 N. Old Lincoln Hwy for the creation of twenty-seven (27) lots in the RR-1 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

6. Consideration to recommend approval of the Preliminary Plan for Dustin Hall, D.A.B. & K, LLC. on the Willow Fields PUD Subdivision located at approximately at 834 N. Old Lincoln Hwy for the creation of twenty-seven (27) lots in the RR-1 zone.

Jaime made a motion to table the Preliminary Plan for Dustin Hall, D.A.B. & K, LLC. on the Willow Fields PUD Subdivision located at approximately at 834 N. Old Lincoln Hwy for the creation of twenty-seven (27) lots in the RR-1 zone. Gary seconded the motion. All voted in favor and the motion carried unanimously.

7. Discussion to adopt a Retaining Wall Ordinance in the Grantsville City Land Use Management and Development Code.

Andy Jensen was present for this agenda item:

Gary Pinkham stated, going through this, I think it's a pretty well put together package. With regards to your red line questions there to add that retaining wall definition into chapter two, I don't have a problem with that definition or adding it into the definitions in two.

Andy Jensen stated, I agree. The definition should be where general definitions for things regulated in the city should be, but just wanted to pose that. Because could it be defined in here? It could, but I'm not against the meeting where all other definitions are at either.

Jaime Topham stated, it's not a bad idea to put it here and there and people don't have to necessarily go find the definition. It's what, two lines?

Gary Pinkham asked, can you explain to me, item f, section 3? I don't know what you're asking because I don't know what chapter 2 #170 refers to.

Andy Jensen answered, that's trying to heed back to some of the definitions that we have for lots. And the reason I ask how's it going to be measured, because if we do have curb rather than sidewalk, okay, we know that's one foot behind the sidewalk is typically where the property line's at. If there's no curb, gutter and sidewalk, we do have, like President's Park, it's now a ribbon strip. Or like Clark Street where there is no sidewalk. So do we measure from the center of the road?

Gary Pinkham stated, all of our setbacks in our code are from the right-of-way line. Well, if it's a 66-foot street, it's from that 66-foot right-of-way line out. So it's from the right-of-way line is where the setback is. Unless it's an interior property line between lots, then it's from the lot line. That's standard throughout the code.

Jaime Topham asked, so do we need to define anything here about how it's measured? We could put be measured from the setback line or what did you say? The right-of-way line. What's the purpose of a retaining wall? For safety?

Andy Jensen stated, as we start having development on slopes, we are going to start seeing the pad for one home, let's say an elevation of zero, and then next-door lot, the elevation's going to be five feet higher. And so that differential sediment, there's got to be something done to keep the one parcel from sloughing into the other.

Jaime Topham stated, So it's primarily for a functional purpose. So I don't know that we have to require them to have something that's decorative or colored.

Gary Pinkham stated, if it's not facing the street or something or it's not an architectural feature, I don't know that we'd have to have colored or stained or an architectural finish on it. Long as they plug the tie holes or knock ties loose, knock the ties out it so it's not sticking out there rusting, making a mess. I don't have a problem with that. If it's facing the public, I think it ought to have some architectural face on it. I think what you're trying to do is give it an ordinance in place for walls, because we're seeing more of them now. As we're heading west of Mormon trail and west of the highway, heading out to the freeway out here, going on that west bank over there with more and more this hillside stuff, we're going to see more and more retaining walls. We're seeing them all around right now. They're just not being designed. So, in some cases they may collapse.

Jaime Topham stated, I get that. But the question is, do you allow plain concrete? I don't see why not. I don't mind your suggestion that if it's public facing then it has more of an architectural design to it.

Andy Jensen mentioned, part of the reason I asked the question for plain concrete and anybody that's worked with concrete a lot, can it be textured? Can it be made to look like stone or a rock or whatnot? They do have form liners so that you can achieve that. And that was kind of, do we want it to just be plain concrete if they go concrete? Or in certain situations, do we want to decorate it more? Me personally, the dust retaining wall is a concrete wall. Having lived 17 years with a rock wall in my backyard, I would've liked to have taken dynamite to it every day, but rock walls are commonly done. And can they look good? They can, especially if plants, whatnot are integrated into the nooks and crannies, whatnot.

Jaime Topham stated, I would take out the plain exposed poured concrete shall not be permitted. I think that, especially since you just said, we need people to do them for safety more than anything. So if it's a financial barrier to say no plain concrete, I guess they have to do it, but do we need to require it that way. I don't know.

Kristy Clark mentioned, I think the retaining walls shall be colored should say retaining walls may be colored rather than shall. Shall is pretty much saying that you're going to do it this way, where may give them an option.

Shay Stark stated, I do a lot of review of retaining walls for different communities. And there's two kinds I see 90% of the time. And the one that I see the most is a rockery, is rock. And that's the one I see constructed incorrectly the most also. They go too fast. They don't make sure that they fit rocks together. You try to put them together like Legos and you try to fit rocks so that they can sit flat on each other. And the one huge mistake that doesn't get done if they haven't gone through a city review and they don't have somebody in there inspecting it is the people come in, they just barely scrape the ground and try to flatten it out. And they set those first rocks on there. They don't even set that first course one to two feet down in the ground so that it creates a foundation. And then after these things get water built up behind them and that, and things start washing away and things are slipping out, they

wonder why that happens. But the second type of wall that I review all the time now, it's been really popular for the last 10 years. It's called the world block wall. You've all seen cement CMU blocks, but what this is these are big and they're cast so they have interlocking mechanisms between them. So when you set one down and set the other one on top of it, you make sure that the little nub that's on the bottom of the one locks into the one below, and so they lock into place really well. With those, you can spend a lot of money and you can get really nice finishes. You can get these different colors, or you can get the ones that are just cast in there really quickly and pulled out, that probably have a slightly nicer look than what the basic concrete wall is, but not necessarily so. One other thing I want to point out is you use different walls for different situations too, because with the straight concrete walls, you can see, you have to have a footing going both directions out of it. The front one's usually quite a bit shorter than the back one. So you have to have a footing underneath those. And it's going out in both directions. If you're in your front yard, up against the sidewalk, you've got a sidewalk in there. You'd either be pulling the sidewalk out to put that wall up against it, or else more than likely you're going to go with a different design. And so there's different limitations with the different situations. I think this is great. It's so important that these get engineered because I've seen time and time again, people go in with rockeries and then they have landslide issues. And had they gone in with a cement wall or with a world block wall or something like that, they wouldn't have had those issues, because different types hold back things differently. I guess I'm just looking at it and I wouldn't totally discount or throw out just a plain concrete wall. In most cases, I don't think you're going to see them in the front yard other than maybe if they're coming along the side yard and they finish it across the site of their property.

Jaime Topham stated, so maybe we change retaining walls shall to may, and then plane exposed poured concrete may be permitted. Then the last one here under maintenance, all retaining walls must be maintained in a structurally safe and sound condition and good repair. You've stated that there is currently no definition in the land use ordinance. Do you have a proposed definition for this? Or are you thinking that we need to define "structurally sound and in good repair"?

Andy Jensen stated, I personally kind of wish I wouldn't have put that section in there.

Jaime Topham stated, then take it out.

Andy Jensen stated, Being the building official, once we finalize something, we have no oversight. And like a single family home, the only time I have oversight after a home's been given a certificate of occupancy is if they pull another permit, or remodel, or add a deck, or whatever. Outside of that, there has to be an event, flood, fire, earthquake. That's the only way I have jurisdiction to go back. And so me personally, I wish I wouldn't have put that in there.

Jaime Topham stated, well, you're asking us to consider it. So if you don't think it shouldn't be there, then let's take it out. Or we can leave it as instructive but not enforceable.

Dan England mentioned, if you have a situation where a neighbor's complaining about a wall on the other side because it's not being maintained, we have no jurisdiction that it's just between neighbors, unless that line's in there. I don't know if we should put it in there or not, because we may not want to be dragged in the middle of it.

Jaime Topham stated, that's a good point. I've done those kind of lawsuits between private citizens. So let's just take it out.

Brian Pattee added, they would use us as the mechanism. I think this looks good.

Gary Pinkham stated, I think with those comments and/or those minor changes, we should probably move it forward.

8. Report from City Council Liaison, Mayor Neil Critchlow.

9. Adjourn. Jaime made the motion to adjourn the meeting. Gary seconded the motion. The meeting was adjourned at 9:47 pm.

Kristy Clark
Zoning Administrator