

**Action Summary**

#1 John Butler – Scenic Slopes PUD	Made an action item – Approved
#2 Ashley Sager – Rezoning	Discussion
#3 Amending Chapter 19a	Made an action item – Approved
#4 Minutes for 1/5/23 work meeting, 2/2/23 & 4/12/23 P&Z	Approved

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 06/15/23. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.**

**Commission Members Present:** Commission Chair: Jaime Topham, Vice-Chair: John Limburg, Rick Barchers, Kevin Hall, Derek Dalton.

**Appointed Officers and Employees Present:** Public Works Deputy Director Christy Montierth, City Engineer Dan England, City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson. DRC specialist Gary Pinkham, Aqua Consultant Shay Stark, Fire Marshal Jason Smith.

**Citizens and Guests Present:** John & Marjorie Butler, Robert & Ashley Sager, Justin Linares, Kelly Anderson

Commission Chair: Jaime Topham called meeting to order at 7:01 PM

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING:**

- a) Public Hearing on a proposed amendment and extension for SCENIC SLOPES PUD.

No Comments

- b) Public Hearing on a proposed rezone of 2 acres located on Burmester Road & North Street to go from RM-7 and RR-1 designation to MU designation.

No Comments

- c) Public Hearing on a proposed amendment of Chapter 19a Mixed Use Zoning District in the Grantsville City Land Use Code

No Comments

**AGENDA:**

**1. Discussion of proposed amendment and extension for Scenic Slopes PUD**

John Butler was present to answer questions

**John Butler** – Hi, my name is John Butler. I’m the owner of the property in discussion. I have two, five acre lots, property that was family property. We want to divide those two lots into four. Essentially, we've come back here five, six years ago. Our plan has always been to build a home on

the property there. Essentially, when I went to get a loan they said, hey, you know can't touch this property as long as you have a mortgage on it. The main purpose for dividing it is to reduce the amount of property that's all in one. So that's the primary reason. We're dividing those two into four and I plan to build our home one on one of those. This is the original. And this is the new proposed.

**Rick Barchers** – My question is on lot two, lady and gentlemen, is do we have the required frontage for that to be a lot?

**Kevin Hall** – According to the answer back from Cavett, we do. Is that correct Cavett?

**Cavett Eaton** – Yes, frontage should be 70 feet. This is 121.7.

**Rick Barchers** – Okay.

**Kevin Hall** – And the staff recommendations are all satisfied, correct Cavett?

**Rick Barchers** – That was the only question I had? Anybody have any more concerns?

**Jaime Topham** – I don't think so. We can move it, actually.

**Kevin Hall** – I don't know why we wouldn't. We can move them.

**Rick Barchers** – They're two acres or more on each one, right?

**John Butler** – Two acres on lot number one. Probably close to three on lot number two and lot three and four is two and a half or so each.

**Rick Barchers** – There's no future plan contradiction at all there. So, I'm good. You want to make that motion?

**Jaime Topham** – Well anyone can make the motion, if you'd like me to.

**Rick Barchers** – Well.

**Rick Barchers made a motion to make item 1, Proposed Amendment and Extension for Scenic Slopes PUD, an actionable item. John Limburg seconded the motion. And all in favor? Motion carries unanimously**

**John Limburg** – So we can just vote on it?

**Jaime Topham** – I have a question before you do that? It says amendment and extension. What's the extension request?

**John Butler** – So, let me give some background? This is part of an inheritance from my parents and we have one 20-acre piece that would be divided between four siblings when my parents died. And the city just added an ordinance to tax us 10% just for dividing it between my siblings. At that time I had been working with the soil conservation to provide access to the property and probably over two years of that finally kind of secured access for all my siblings for the property.

Mountain Vista bought the adjacent property, from the soil conservation and then they went forward and planned the Scenic slope development. To enable that, we worked together and the common use area that they were required provided with their Scenic Slopes to satisfied that 10% requirement we decided we'd just be include in their development it so that we wouldn't be taxed that 10%. I think that's an unfair rule, for somebody who doesn't plan a big hundred-unit development. All we were trying to do is divide up our property amongst my siblings as an inheritance.

As I understand it, 20 acres valued at what the city values, that would've been close to \$150,000 to \$160,000 we'd have to come up with to divide that initially. Mount Vista offered to include us in their plat. They didn't own the property of course, but they included us in their plat and that's how we got into Scenic Slopes development.

**Jaime Topham** – I did wonder about that because when I first read this I was like, I thought that was a big development but what's the extension required there?

**John Butler** – There's a piece of property along the south side of South Street that was put in there that was not part of his original subdivision and it was there to prevent people from coming across without paying their share. He had worked out a deal with the people and so that land has now extended the subdivision into that area. And so that's part of the map extension. Mount Vista has a three-foot, buffer strip, that would prohibit anyone to accessing from that and they heeded that three foot to be on the front end of South Street. The purpose of it was, since they had built the whole street, sometimes developers would put a strip of property to prevent people from being able to have access their property without paying their fair share of the road. So, we worked out a deal with them, we need to extend the boundary of that original subdivision to include that strip.

So now I have the property, the access, I own the access to our property. Just one other thing to note, the Scenic Slopes development got all their sewers coming down the north end of my property and tying into the South Street development there. So, there was some working with them and then providing access, working with them for a few years while we worked at.

**Jaime Topham** – Thank you. You tried to answer my question.

**Rick Barchers made a motion to recommend approval of the Proposed Amendment and Extension for Scenic Slopes PUD. John Limburg seconded the motion. And all in favor? Motion carries unanimously**

## **2. Discussion of proposed rezone of 2 acres located on Burmester Road & North Street to go from RM-7 and RR1 designation to MU designation**

Ashley Sager was present to answer question

**Ashley Sager** – I am Ashley Sager. I own the property. I am looking to open up a business where I do storage. I would store people's RVs here in the city and just do a storage unit area, as well as getting a small dealer's license. I would like to do kind of some vehicles on the side, probably five, that's all I'd keep on the property. Most of it's online. There's just not the market right now here in Grantsville. So, it would be mostly online and then kind of rent of my own personal RVs in a fleet for recreation use.

**Jaime Topham** – Okay. And you're asking for the rezone because the property is currently, I guess, would not permit that?

**Ashley Sager** – Yes, that's correct. The rezone is to change that because in order to get a dealer's license, I have to have it more of a commercial, which is kind of where the city looked like was heading with in that area anyway. And then to store people's RVs, storage unit, RV parking, to have that for that as well.

**Jaime Topham** – So Shay Stark from Aqua Engineering brought to our attention that is actually, on the future land use map, it's designated for commercial only. So, it's not designated to go to MU. If we're looking to do that then we actually have to do an amendment to the future land use map. Is that correct Shay?

**Shay Stark** – Correct.

**Jaime Topham** – So that's a little bit different process than just the rezone but Shay, can you remind us what the process will be?

**Shay Stark** – Sure. So, the process with the amendment map, that's an amendment to the general plan. The Planning Commission would need to determine whether you're interested in looking at, considering that, amendment to the general plan. As I understand it, the discussion at one point had looked at keeping the house in whatever zone it's in and then rezoning the rest of the property commercial. When I first saw it, I was looking at it on the zoning map and it looked like it was two separate properties but it's all one property and apparently Brad or the city manager or somebody had cut that and said no they need to rezone the whole piece there. And so that's where this move to the MU zoning because then it will allow both uses on the property. To amend the general plan, we're going to have to file an application for that amendment and then basically that amendment's going to need to go through public hearing and then approval.

**Jaime Topham** – So does the applicant need to file that application to the general plan?

**Shay Stark** – Yes, for the zoning, but we should be able to, if that's taken care of, I noticed it on here tonight, it is listed as a discussion. If that's taken care of, we should be able to run both the amendment and the rezone through concurrently. The amendment would be approved first and then the rezone after that, in the same night. I believe, Brett clarified this, but I believe because the public hearing that we had tonight was to amend it or was to rezone to MU and that wouldn't be changing. This public hearing applies, is okay, for the rezone. We just need to have a public hearing for the general plan amendment.

**John Limburg** – I've got two things. So just to be clear, you have a home on it already?

**Ashley Sager** – I do.

**John Limburg** – And the future planned use, future plan of this is to go to commercial? So mixed use has commercial in it. I mean she'd have to level, they'd have to take the house off to make it.

**Kevin Hall** – That's why they're doing it because there's a home already there.

**John Limburg** – Yeah. So that makes sense.

**Rick Barchers** – The MU allows them to do that.

**John Limburg** – That makes sense. We're looking to change the requirement for mixed use today. I know that she's going to come back with a PUD with the exception anyways, it's not going to affect. I'm just wondering.

**Shay Stark** – That's a great question and I'll explain this generically because it really applies to any situation that we have. I'll point out two things. Number one, if you're zoned a specific zone and the land use changes through an updated general plan or whatever, until you ask to rezone it, it stays the same. It doesn't change with the land use. However, when you go to change it to a different zoning, that zoning needs to fit within that land use category.

Then the second part of it. For instance, say you have a piece of property that's zoned commercial, and you come in and say I want to build a house on my property. A house is a lower intense use than the commercial. You don't necessarily have to rezone to go down. The reason I'm saying that is because the changes that we're making in the MU are allowing very small, higher densities, smaller lots. If somebody wants to come in on a MU piece of property and they say well, I've got a half acre, I want to build a home on the half acre lot, that's a lower less intense use. We're not going to have a problem with that. We're not going to make them go through a change for that less intense use because residential is allowed and we're not going to tell them how big or small.

I mean we're telling how small. Basically, everything that we're saying is, these are minimum sizes so the maximum size can be as big as they want it to be, as long as they've met the minimum.

**Rick Barchers** – So that leads me to a thought process here. How much of this is going to be designated commercial? How much of it's going to be designated residential, if you're going MU, right? Based upon what you said, wouldn't it be easier to accomplish what she's done if we just zone it commercial and say well she's already got a house on it? Then she really wouldn't have to do anything, just rezone it to commercial.

**Kevin Hall** – Didn't she say part of her permit required her to do what she's doing with the MU? Is that correct?

**Ashley Sager** – Yeah, so the MU is so that I can do half of it commercial but still keep my residence because it's currently there and still have a home on the property. We did talk about maybe just rezoning half of it but they wanted to go away from splitting a lot.

**Rick Barchers** – If the whole things commercial, you can still have a house on it, based upon what you're saying?

**Shay Stark** – Yeah, I believe we've got some homes on Main Street that their property is currently zoned commercial but they're still living in the home and where that becomes a little bit of an issue, and from the paperwork that you have to deal with, I don't know if that would be problem for them that there would be a home tied with that, but where that could become an issue in the future is depending on what somebody wants to do with that home in the future.

**Rick Barchers** – Are they going to want to take out the single home and put in a mini apartment or something because it is zoned MU, right? Is that what we want dotting the city? I mean I have no problems with her intentions. I'm just looking at the future.

**Shay Stark** – Yeah, exactly. And I think question's a great question because that's another possibility is to go back and rezone it all commercial. The other thing, that may have tax implications, if your property is commercial you may be paying a higher tax than you would if it was residential

**Cavett Eaton** – Can I address that? When I looked at this initially we had a big discussion with Jesse and Brett and the recommendation was to go to MU. But we didn't realize that the future land use map thing was going to cause a problem. And I talked to the tax, deputy tax, person over in the county and they said that the way they tax the commercial and the residential is residential is taxed as residential and the commercials taxed as commercial. If it's split then it's really not an issue for somebody in the tax. My thought is, if this were just to go to a normal commercial zone and not do the MU, that saves them having to do a PUD and a future land use amendment. I'm wondering if, Shay, if you think that's an option we should consider. Initially that's where I wanted to go and I was advised that we couldn't do that because there's a residence on the property and that we had to deal with that. But maybe there's enough precedence that we don't have to worry about that. We probably need to get some better clarification.

**Rick Barchers** – Should I have an idea, and maybe it's out there, but we could do it, it's all one lot, right? Essentially, she could do a minor subdivision just going through staff approval to split into two. No, yes.

**Cavett Eaton** – Split the lot? It's creating a lot again? Well minor's not approved to go through staff yet.

**Rick Barchers** – Not yet. But if it were, minors division just splits it and puts half of it into commercial just rezones half of it as commercial, that would probably, I would think, be better tax efficient, better tax benefit. But I don't know if you could do that tax.

**Jaime Topham** – Not the taxing authority just breaks out the commercial from it.

**Cavett Eaton** – They said it's not a problem. They said they won't even catch it for a year. When they do, they'll recognize the house and all the yard of the house is taxed half taxes and then the commercial will be taxed full property.

**Kevin Hall** – But doesn't the MU give her more flexibility, or give them more flexibility, to do what they want to do on their property though?

**Shay Stark** – So in some ways it does. But I just want to point this out because I think this is key here. In all four of the commercial zones, it's got residential listed there, dwelling unit, single family, is conditional use. So worse comes to worse, say they decide they want to add onto the house or something like that and somebody comes in and says well you're in a commercial zone, your house was grandfathered in but now you're trying to change that. It is just a matter of conditional use.

**Jaime Topham** – So they could do the commercial, they could still have the house since it is a lesser use. If they make a change then they'd have to come back for conditional use permit for the change. But when they're doing it now they can stay in commercial.

**Shay Stark** – I'm leaning that direction and zone it to commercial and the house, it's grandfathered in, it's existing.

**Jaime Topham** – Is Brett on the line?

**Dan England** – We're trying to get him. We can't get him to connect.

**Rick Barchers** – Well this is just a discussion.

**Jaime Topham** – Right, we would like to get good direction rather than us send them down the path of going and modifying the future land use map.

**John Limburg** – I'd weigh it and probably just figure out what's going to be the best for you.

**Cavett Eaton** – So if you look at the code up there, CN, CS, CG, and CD, all are conditional use permits. It's all permitted with just a conditional use permit within that commercial district. And they've already got that. That's kind of the direction we tried to go initially and we got sent the other way and that's why we're where we're at right now.

**Jaime Topham** – So maybe one more discussion about this with the attorney.

**Cavett Eaton** – Yeah, probably so.

**Ashley Sager** – Originally, we had gone that route and decided okay, let's just do it all commercial. But then we were told to go this other route.

**John Limburg** – If you go through the hassle of mixed use, which you'd have to get the change to the plan, you're not going to have to come back and get conditional use.

**Jaime Topham** – But if our changes to the commercial, to the mixed use, are approved by city council are 50%, they don't have enough land to do 50% commercial.

**John Limburg** – They'd have to do a PUD anyway, right?

**Jaime Topham** – She would've had to do that anyway. Brett's trying to get online so maybe we'll have that.

**Kevin Hall** – You probably need to weigh the worst of two evils. Right? Because there's benefits to either option.

**Rick Barchers** – I'm just a little bit nervous to be honest with you about, I mean if it has to be done, it has to be done. But changing land use map, creating a little miniature island of mixed use out there, that kind of opens the door for all kind of people to do that.

**Jaime Topham** – Is Brett back on now?

**Cavett Eaton** – Yes, he's on now.

**Shay Stark** – I just had another thought with this and we'll see what Brett has to say about all this. But if we can go this route, we could also approve the conditional use permit as part of the rezone because of the existing house and approve that at the same time, as part of that. And then their goal, that's not... Right now, it would be grandfathered in. But if they go to make any minor changes at all or anything like that, then they're coming back having to deal with that. But if you approve it ahead of time.

**Jaime Topham** – But wouldn't they have to have a modification with their conditional use permit if they're making changes?

**Shay Stark** – As long as the use doesn't change.

**Jaime Topham** – So the outside of the house doesn't matter?

**Shay Stark** – On a house, as long as the use doesn't change, I think you'd be fine. You wouldn't have to.

**Ashley Sager** – Would that be something that would stay in place or would I have to get a conditional use permit more than once?

**Cavett Eaton** – No, it's permanent. Stays with the land.

**Ashley Sager** – Okay.

**Rick Barchers** – As long as it doesn't change.

**John Limburg** – Or you don't get complaints.

**Ashley Sager** – Gotcha. Okay.

**Rick Barchers** – That's the thing, if people start complaining.

**John Limburg** – The one thing I would think about, if it was my land, I would just want to make sure it's secure and it wasn't up to anybody else to make a decision down the road.

**Ashley Sager** – And that's what I was really worried about.

**John Limburg** – That's what I would want.

**Ashley Sager** – Because I was like, I don't want my home to be an issue. But as far as changing the home, we're not planning on doing anything different.

**John Limburg** – If you get conditional use, when somebody moves in next door and doesn't want them parking out in front, can they do anything about it?

**Kevin Hall** – That's my point about checking what your options are because I think there's, with conditional use, like John's saying, if somebody moves there and doesn't like what you're doing or soon they start squawking, then city could pull your conditional use permit.



**Cavett Eaton** – The person that owns the partial just to the north of them is here and would like to say a word about whether he likes this or not. He missed the open hearing, or the public hearing, but okay, he's very much in favor of this and he owns the land just north of that.

**Rick Barchers** – Well I just want to ask one question about conditional use permit? The conditional use isn't based upon whether or not the neighbors complain, is it? That's part of it?

**Cavett Eaton** – No We review it based on complaints

**Rick Barchers** – So that goes with any conditional use permit?

**Dan England** – No Just because they complain doesn't mean you guys have to vote that way, but their complaint will influence your vote.

**Kevin Hall** – Yep. But sometimes public clamor has more influence than it should.

**John Limburg** – I just, if it's my property, I'm going to want make sure it's secure. That's what I would do. That's just my advice.

**Jaime Topham** – So, I think that's great. I think Brett is on the line. Brett can you hear us? Okay, we can't hear you. We saw you on mute but we can't hear you.

**Rick Barchers** – Is there a volume?

**Cavett Eaton** – He's not muted. So, I don't know why we can't hear him.

**Jaime Topham** – Well do this, since you're having trouble with Brett let's continue.

**Rick Barchers** – Let's hear the comment from the neighbor?

**Jaime Topham** – Well, technically we would have to reopen the public comment. Right?

**John Limburg** – I think we're in favor of it. I mean I don't think that we have a problem, that's what I was explaining. we're trying to help her.

**Jaime Topham** – So here's what I would suggest. It's on discussion only anyway. What I would suggest is to get with Brett sometime in the next week or whenever before you come back on the consideration hearing and find out if you can just leave it as commercial and still do or not leave it as commercial, ask for it to be rezoned to commercial which is in accordance with the future land use map, so we don't have to do the modification of the master plan, and still be able to have your home and commercial.

**Ashley Sager** – If we did do something to change the master plan to make it a little more stable for me, what does that take? It sounds like an application?

**Jaime Topham** – What would be the best answer?

**Cavett Eaton** – It's a process of us having to write a new ordinance that would modify the master plan. It's not something you need to worry about. But we'd have to, we'd write it up. It would be a

change in our big plan for the whole city, which I can't see a big advantage to doing that just for this. I think there's other options that will work out, we'll sit down and we'll figure it out.

### **3. Discussion of proposed amendment of Chapter 19a Mixed Use Zoning District in the Grantsville City Land Use Code.**

Shay Stark was present to direct the discussion on this item

**Shay Stark** – Last time you received a packet and so, since then we did the public notice One of the things that was discussed with this is possibly moving some of this language to that 4.34, chapter 4.34, which was the multi-unit or multifamily unit code that we created a little while ago, so it could apply to the RM-7, RM-15 and the MU for the multifamily. What you'll notice with this is that, that's exactly what's occurring here. We've got the amendments to the mixed use and then some of those specifics were moved to that 4.34. There's some minor language changes in the RM-7 just to make it so that there wasn't conflict on that multifamily housing. We'll just pour down through this. But I think the key point was that, this document was available when it was noticed, and so the document that you have in front of you is the same document that the public saw with the public noticing. With all that being said, I guess we had gone down through the first part of this in the last meeting. I don't know if you want to start at the beginning again?

**Jaime Topham** – Does anyone have any specific questions or concerns on any events so we can just point our focus there on those specific concerns?

**Rick Barchers** – I read this thing several times and I feel pretty good about it. Some of the color coding changed since the last time I looked at it. I'm sitting here looking at it again. There was a minimum lot size in single family. What is that currently, as it's written?

**Shay Stark** – So, page 2, 19.a.3, minimum lot sizes, anything that is black is the existing language. If something is green and underlined, that's text that's been added to it. If it's red and it's got strike through, that was existing text in the code that was, that's being proposed to be removed. The language in the existing code is the minimum lot size for single family dwellings is 4,000 square feet per unit.

**Jaime Topham** – Is that what you were referring to?

**Rick Barchers** – Yeah, it is. That means on a single-family home, they can put a single-family home on a 4,000 square foot lot?

**Shay Stark** – Correct. In the MU zone.

**Rick Barchers** – Doing the math on that, that's just barely going to fit in there. I mean it's like going to be a 900 square foot footprint.

**Shay Stark** – Correct, we did go through these and check that where we were saying that the units had to be a minimum of 900 square feet that they would fit on it.

**Jaime Topham** – So can a twin home fit?

**Shay Stark** – A twin home is simply two lots. There are two single family homes that the houses have one common wall.

**Jaime Topham** – Oh. But they're two different properties.

**Shay Stark** – Essentially you get rid of the setback, you squeeze the two homes together with one common wall and then the setbacks on the other side have to be, if twin homes are attached to the property line, set back 15 feet on each side. Before they were seven and a half, seven and a half. Now it's 15 on each end.

**Rick Barchers** – I know that Gary and you both have probably done some theoretical drawings of this, where would that put density at 4,000 square foot per acre? Assuming that it's a regular street, none of this new skinny street stuff, all setbacks are met. I mean you've got your basic. How many would that be, just roughly, approximately?

**Shay Stark** – Let's say we have an acre property, and let's make this really simple. We're going to take 10% out for open space. So 4,300 square feet out for open space because an acre's 43,560. So essentially. We take that out of there and then let's say we're just putting these up against a street. We're just doing a half of the 66-foot width because this is worst case, right? If I'm in a subdivision, your highest density is mid-block versus all the other issues. We have a street around the ends of it. What that's going to do is, that street is going to take up another, in this case it is going to take up another 20% just because we're talking about such a small. We're now out of that by 30%. 30,000 square feet divided by 4,000. I was going to say 6 to 7. That's the tightest that you could get in there.

**Rick Barchers** – That's kind of RM-7 basically.

**Shay Stark** – Essentially. That's why as we were looking at this and discussing this and just thinking about where this would apply, we can apply this to RM-7, RM-15, MU and some of these things apply across the board with this multifamily. And the difference being that, and we'll discuss this a little bit later because I've been thinking about this the last couple of days, that we may want to do something different about apartments in RM-7. And we'll discuss that in a minute. But other than that, I feel like all the rest of this, if this is the minimum design standard that we're willing to accept, I feel like it fits well in all three of those zones.

**Jaime Topham** – Any other discussion needed in 19a?

**Rick Barchers** – No, I'm good with the entire rest of the document actually.

**John Limburg** – Gary are you good with it?

**Gary Pinkham** – Yeah, we've been through this a couple of times. I think it takes care of everything that I have brought up along with what Shay and others have brought up and it puts most everything under one code as opposed to scattering it throughout the code, which tends to result in conflicts. Because one code doesn't say what the other does, it cleans it up. I think it gives us something that's easily managed.

**John Limburg** – That is all I needed to know.

**Jaime Topham** – Okay. You guys are comfortable at least on this side of the table. I haven't heard this side of the table.

**Kevin Hall** – No, I'm good.

**Jaime Topham** – Okay. With the entire document. So that's 19a, the changes to 19 a, the changes to 4.34, changes to 15.4, 15.5, right? I am too, I really appreciate all the work that you've done and Gary's input.

**Shay Stark** – A lot of this is Gary's. It was really good. Really good. Can I bring up two things I've been thought about the last couple of days?

**Jaime Topham** – Yes.

**Shay Stark** – And just see what your thoughts are on this. One of those is Moderate-Income residential. Would we like to add a requirement in the MU zone? And I'm just going to throw some numbers out and it, they're just coming off the top of my head. I'm not saying these are the right numbers to use, but to basically add something in here that says something like residential projects in the mixed-use zone greater than say 50 units shall include 20% of the units as Moderate-Income residential.

**Rick Barchers** – I agree with that because based on the math that I've done, that should be no problem for any developer to have.

**Jaime Topham** – But we would have to have another discussion and another public hearing to do stuff with that, right?

**Cavett Eaton** – Yes.

**Jaime Topham** – Okay. I'm okay having the discussion but I want to make very clear that we're not ready to move on this tonight. That we're not, maybe the city attorney can say we're going too far to the weed tonight. I want to make clear that we're approving what was noticed. Okay. Having said that, let's continue with that.

**Shay Stark** – We can go on with that discussion then. Just one other item to clean up.

**Rick Barchers** – So we are not going to discuss the moderate income?

**Jaime Topham** – We can, I just wanted to clear on the record that's not part of what we're approving. We're only approving what was noticed. But we are going to continue some discussion so that we're prepared for our next meeting.

**Rick Barchers** – Now based upon a discussion that I had with a realtor month ago, moderate income housing in Grantsville is currently somewhere around \$345,000. That would be what you're trying to get. Now you can buy in Grantsville right now, a 1,340 square foot home brand new on a third acre lot for just under 400,000. Now using the typical contractors map, they're saying it's either 20% or 25% of the sale price of the home is the land. Correct? I mean, please correct me if I'm wrong in any of this, right?

**Shay Stark** – It could be. I don't know for sure but I mean that sounds probably somewhat reasonable.

**Rick Barchers** – What I'm getting at is if you go to just splitting a third acre lot in half, it's still much larger in size than 4,000 square feet. That knocks a \$100,000, that knocks \$50,000 off the price. As we've got it written, it shouldn't be too tough for somebody to meet that without skinning the lots up any more than we already had it lined out. That's just kind of where I was going to go with that.

**Jaime Topham** – So one of the conversations that we had in a previous working meeting about working on the PUD and what we'd be willing to exchange for bonus density or more density. Would this idea of the moderate-income housing, would this maybe fit better in that? Or do we really want to make sure that all MU has that moderate-income housing? If it's going to be a large development, obviously if it's not be greater than 50 or whatever we decide then it wouldn't. So what are your thoughts?

**Shay Stark** – And again, this is just my thought with it. And the reason I woke up to this the other day was because we're actually, Cavett and I are working on the current report for the modern income housing. It has to be turned in the 1st of August. So we're working on it. And I have that on my brain and I'm going, oh wait a second. And what's interesting to me is we've had four applications turned in recently that are all in MU or include MU zones in them that are a large number of lots. And well one of them isn't in the MU zone right now because I'm thinking of the one up on the hill over here. But the other three are. And there's a huge number of lots in there. And out of those, the Matthews, Development was the only one that came in with the component, with the moderate-income housing.

What was interesting to me, and honestly your numbers you're throwing out there, if that's the case, I'm looking at it, that kind of would back up what I believed beforehand. But we had these turned in that have this huge number of exceptions, 40 plus pages of exceptions, and in each case, the statement's been made to possibly, this could be a little more palatable if there was a component for moderate income housing. Because they're doing town homes, they're doing all this small stuff and doing a large number of units, it seems like. And it was interesting that none of them bit on that. So, then I'm asking myself, well why is that? They're not biting on it. And I think the simplest answer and the simplest issue, if the numbers do work out, it's either that the dollars don't work out or the simplest issue is they don't want any encumbrances on any of it. They just want to be able to sell it and not have to jump through any hoops and not have any encumbrances on the plats or any of that.

So that could be the case, but I look at it and go, okay, well if we really want to get moderate income housing and if these numbers do work out and it's reasonable to require that, if somebody's coming in with a large number of units, it seems like-

**Derek Dalton** – I like the idea, but there needs to be a hard definition of what it is. I didn't know any numbers until he said it. I think we had at the last meeting, I asked if anyone knew it. No one did. If it's in there so they can see it in black and white, then I'd feel better about it.

**Rick Barchers** – Well the problem is that it varies with the interest rate and it varies with what the average income is. I mean there's variables in there, but what would be key would be at the time of the application, does it meet this definition as lined out. Am I wrong?

**Shay Stark** – Well, and the state's definition for moderate income housing is clear. I mean that's pretty simple. The way they determine moderate income housing is, it's got to be priced in such a way

that somebody who is making up to 80% of the median household income for the county. Tooele County, that's roughly \$87,000 somewhere in that area. 80% of that is \$69,600. Anything from there down basically it's that moderate income category. Now the issue is when you designate something moderate income, typically what a lot of people are going to do, they literally keep doing this is, they're going to come back to the city and say, okay, well we will do this, but we want to use one of the state's programs and get a grant or get some help with this. They'll go through that program and they may get enough to cover the price of the land or something else. They'll get some money to essentially help subsidize the cost to bring down the cost of the units so that it can meet that moderate income.

But with doing all of that, that also means that the deeds and plats get stamped on there that they're moderate-income. When the person who purchases that home, when they go to sell it, they have to sell it at the moderate-income value. They don't sell it at market rate value.

**Kevin Hall** – At any time forever?

**Rick Barchers** – But see that's sliding because the income's going to change, all that stuff's going to change.

**Shay Stark** – They may make some money on it because obviously the value of the homes go up. Sure, they may make a little bit of money on it, and I don't know all the details of that, but in my mind, it looks like, okay, well if I bought it at 80% of what the market value of the home was, then I would have to sell it at 80% of what the market value of the home was.

**John Limburg** – So the thing I'm not clear on, and I know you guys sent a report in and everybody keeps talking about it and the state, you guys keep saying, the state's kind of pushing back on us or telling us we have to do it, but what are we trying to hit? So what percentage of, when you're sending a report in, what are they requesting?

**Shay Stark** – As of right now in the law, there isn't a set percentage, but what they have set is they've set up a list of strategies. There's a whole bunch of different strategies. Starting out last year, all of this was rewritten year or two ago. They had everybody, last year, the first step was to turn in what they're calling their initial report under this new law. And each city had to come up with, and it depends on whether you have transit or not and transit stops and that type of thing.

But in Grantville's case, we had to pick three strategies out of, is it 16 or 18.

We chose three and we actually had some in our general plan that we liked. We actually have five strategies there, but two of them are not out of the state code. The first report was just to pick those strategies and then we came up with the goals as to what we were going to do. And our initial goals with this was implementation, the update, this MU. What we're doing right now with this, meets those goals. We were going to have this done by 2024. We're doing really good here. We did the ADUs, the internal ADUs, that was one of the goals. We met that. We haven't met the detached external part of it, but we got the internal, so we're going there.

We have these three goals that we need, initially, it's just it's implementation. This year's report, now we start. We have to explain to them what we've done and then we have to show the results of that. For instance, the MU will be, if this passes and passes city council, we'll be saying, okay, we've updated the MU and here's what we hope it does. But at this point we won't have any results to report for that. That's fine. But on the ADUs, I was talking to Cavett about this, what did we say? Last

month they had five? Five building permits for internal ADUs. We'll go through and give them the number of internal ADUs that have come in for permits over the last year. We're looking really good. At least at this point in the legislation, there isn't any set numbers.

Now where it changes is when you start to ask for money because that's what this is all, that's how they essentially force you, that's a terrible word to use, but essentially that's.

Essentially, that's how they get you to comply with this, is through funds. And it's interesting, it used to be for years and years it was just the housing funds. If you're a community that wasn't doing any of this, you didn't care anyway. You were not compliant and then you couldn't use the funds. But they've actually tied our transportation money to it this year. Now if we go after transportation projects, first of all, we have to comply with this, but then if we want priority for our transportation projects, meaning you get them done in our lifetimes or I don't know what it means, but if we want priority with it, we actually have to add two more strategies to our, so we would have five from that list of 16 or 18.

**John Limburg** – So that was, I guess my last one. When you're saying, hey, let's add a requirement here for moderate, what are we getting out of it? And that's what I want to know.

**Shay Stark** – I think that helps us to try to actually get some people, I mean, I don't think you have a problem. And I think from what we're seeing just from talk, I don't think it's hard to get people interested in doing moderate-income apartments and rental. The issue is with rental, the federal government for years and years under affordable housing, which is a threshold associated with poverty level, a certain percentage, they have all kinds of programs there. HUD has all kinds of subsidies, tax credits, grants, all kinds of things that are available for that. That one's relatively easy to deal with because if you're the one that owns those apartments and you're doing rent subsidized apartments, you're willing to jump through the hoops to do it because essentially, you're getting paid by the federal government. When it's all said and done, you're making similar to market rate on those apartments. They're always full. You have a waiting list for them. You've got a guarantee that the other people don't have. That one's easy.

I'm just trying to figure out, because this one's a little bit harder. And I get it, if I'm a developer and I can sell and I'm in a hot market and I can sell everything at market rate and I don't have to jump through any hoops, why would I jump through hoops to get moderate-income housing in here? So that's the only reason that I thought, well, maybe we want to add something, a requirement. If you're bringing in a big development that you need to provide some a certain amount of moderate-income housing.

**Rick Barchers** – We're going to have to come up with something for a definition of that.

**Shay Stark** – Yeah, and that's okay. I just wanted to throw that out.

**Jaime Topham** – As a discussion. Can we do that? Can we require them to do 20% or any percent as moderate-income housing?

**Shay Stark** – As I read the moderate-income housing that is the latest version of the state code, I don't see anything that's saying that we can't, and I don't see anything that's specifically mentioning that at all. I guess that's for the attorneys to contemplate.

**Jaime Topham** – We'll definitely consider that. Maybe you can give us some more information. I don't know if we need to have a working meeting at some point to go over this, but it at least helps us start that thought process.

**Shay Stark** – Okay.

**Jaime Topham** – So back to what's on the agenda? The discussion as to the proposed amendment.

**Jaime Topham made a motion to move agenda item 3, the Proposed Amendment of Chapter 19a Mixed-Use Zoning District in the Grantsville City Land Use Code to an action item. Kevin Hall seconded the motion. All in favor? Motion carries unanimously.**

**Jaime Topham made a motion to recommend approval of the Proposed Amendment of Chapter 19a Mixed-Use Zoning District in the Grantsville City Land Use Code. Rick Barchers seconded the motion. All in favor? Motion carries unanimously.**

#### **4. Approval of minutes from the Jan. 5, 2023 work meeting, Feb. 02, and April 13, 2023 Planning Commission meetings**

**Jaime Topham** found a correction in the Feb. 02 ,2023 minutes page 6 *“Jaime continued by reiterating that the commission didn’t received numerous letters objecting to Beacon House.”* The *“didn’t”* needs to be removed. Also, in the minutes for April 13, 2023 Jaime’s name is misspelled.

**Jaime Topham made a motion to approve the minutes for Jan. 5 2023 as is, the Feb. 2, and the April 13, 2023 minutes with the afore mentioned corrections. John Limburg seconded the motion. And all in favor? Motion carries unanimously. Minutes approved.**

Mayor arrived 8:00 pm

#### **5. Report from City Council liaison Mayor Critchlow**

**Mayor Critchlow** – Thank you all for being there at the meeting last night. I thought a lot of good things came out that. If we can continue to have those kinds of meetings. Anything you need me to take back?

**Jaime Topham** – I had a question about the Main street, I don't know what it is plan?

**Dan England** – The Master Transportation Plan for Main Street?

**Jaime Topham** – I suppose so. Shouldn't Planning Commission be involved in that in some way if it's part of a master plan?

**Dan England** – Yes. And John, I think you were on the committee for that one. Do we invite you to that one?

**John Limburg** – Jaime and I were on the original roads ones. That's the one that I've been on.

**Jaime Topham** – But we haven't been to. I haven't been to anything in a while.



**Kevin Hall** – If you read the email. I thought it was me.

**Dan England** – That's right.

**John Limburg** – Doesn't matter me, I guess.

**Dan England** – No. And I'm still trying to get that meeting set up. So we have one from him, one or two from city council, then myself, the mayor and Jesse.

**Jaime Topham** – Is this on the steering committee?

**Dan England** – Yes. And then once we get that going, then yes, you will of course have to prove it before it goes very far. But this is basically ground zero on this department.

**Jaime Topham** – Well I want to make sure that there is a Planning Commission member on ground zero. I think that that's important. Not trying to catch us up all the time.

**Dan England** – No, and I agree with you. You volunteered when I put it up to the Planning Commission.

**Rick Barchers** – You want to do it?

**Jaime Topham** – I have no time, but I would really like one of you to do it.

**John Limburg** – That's a really good thing to do. Represent us right.

**Rick Barchers** – I don't want to beat a dead horse mayor. I don't. So, this will be the last time to beat it. The road improvements to go along with the Matthews thing. As we were talking about last night, it is already going to be updated without any growth from, was it Willow? Willow over to 112. Right? And if you drive down Willow and look at the number of developments that are going in, I know you already know. So, like I said, this will be the last time I bring it up. So that improvement has to be some form of a priority.

**Mayor Critchlow** – And they didn't ask as development going on the corner of Willow and to improve on the south side of it.

**Rick Barchers** – Trust me, I see that every time I go by it.

**John Limburg** – Which one?

**Dan England** – I think it's Matthew's Farm or something. It's a different Matthews project, Matthews Meadows.

**Jaime Topham** – Who's they?

**Mayor Critchlow** – That would be the city council.

**Jaime Topham** – Okay. I always like to know who they is.

**Dan England** – I'll take credit for not asking for that.

**Jaime Topham** – You'll take credit?

**Mayor Critchlow** – Okay guys, anything else? The horse thing?

**Rick Barchers** – It's relative to the Matthews. No, I really appreciate the city council meeting with us on this Matthew thing like they did. Okay, so you can take that city council. One thing I would like to request is, I know this seems to be an important project to everybody. If they're speaking with staff and there seems to be a bump, you guys just come in and put it on an agenda item and let's talk about that bump and get over it so we can get things moving along for them. Does that make sense? So anyway, thank you.

**Kevin Hall** – I have one clarification in the discussion last night, we talked about Matthews Lane. There was a discussion about the width and it seemed like Mary and Marlo were okay with the idea of improving it to what it should be, right?

**Dan England** – Half.

**Kevin Hall** – I thought it was whole.

**John Limburg** – No, it was all just half. That's all we ever asked developers to do. And they said that yesterday.

**Kevin Hall** – I thought, again, I thought if we were going to turn Matthews into commercial, they're going to plan for the full road.

**Mayor Critchlow** – Things are going to have to change a little.

**John Limburg** – They said yesterday, they said half and she repeated that a couple of times. So she was, she's not planning on doing the entire road.

**Mayor Critchlow** – So the history behind this is the people, her aunt The Tiggs', Tiggs or Pratts, or somebody's relative was on this other end, needed to come down to Main Street instead of going around the block. So, they just made a little road for them to access and somewhere along the line, and they're thinking that it happened in the 1940s, early fifties, they changed it and just named it Matthew's Lane and somehow got that done. I'm still working on the details. I did find out that from last night.

**Jaime Topham** – I appreciate the communication between the city council and planning and zoning. I've been here a while now and it feels much better, like we are trying to be on the same page or we're not feeling like if we can't have a conversation and get back on the same page. Because we're not supposed to be working against each other. Occasionally that happens and there's a lack of communication, so appreciate that.

**Dan England** – Along that same lines, we are trying to come up with a way for the whole street to be built, because I think that's very important for traffic to come from Main Street down there but still

make it so that payment comes from the other side of the street in some way. We don't have a good solution to that. I've been asking questions, I know it can happen, but we need it to be in a way that is convenient for financing. Because those type of things take a long time to track and so we're trying to come up with a good solution to that.

**Kevin Hall** – Well, in my mind though, when you negotiate the PUD, I'd much rather see us give them some concessions. Because the problem that's there right now, as I suggested in the meeting last night, because there's already a couple houses on that side of the street, right? And the Johnsons are going to continue farming for a long, long time. If we need to participate in that somehow to get the street the way it's supposed to be in the first stroll, instead of the situation with the south side of the map, other map, you're seeing right there, it seems to me like it's a benefit to the city to try to get it all done if that's going to be a commercial corridor and not chance that the traffic's going to be jammed up there because we only did one side of half this road.

**John Limburg** – Hundred percent agree with that.

**Kevin Hall** – If we need to give concessions, that's where I'd like to see us give concessions. Because I think it makes sense because we all know we got a traffic problem and I don't know why we wouldn't attempt to fix that part because we got an opportunity there.

**John Limburg** – They can't just build half of that road. It just can't happen because the other half won't hold up. They can't. But they're only going to, right now. What they're saying is they're only planning on paying for half of it. But we can't let it go without having a whole road rebuild.

**Dan England** – Well we need it right away, and everything else down there too. And the right of way I think is to maybe-

**Kevin Hall** – I understand. It just seems to me the right ways to do it in the start. Right? Again, if we have participated in the city or whatever, if it's supposed to be 60 feet or 90 feet or whatever it is, I think we should do that right, right now and not chance that the Johnsons someday are going to develop and they have to give up half of it. Right? I think there ought to be an opportunity for us to collect from them or something there. I get that, that's right. But again, we have all these things happening and if we can't implement the buck to start with, maybe it's impossible. I don't know. But it didn't make sense to me that it would be a super good idea to try to resolve some of the traffic issues there.

**Mayor Critchlow** – Okay. We'll work on that one. Anything else? Nothing else.

**John Limburg** – I'll just say I felt really good leaving yesterday. Felt great about it.

**Kevin Hall** – Hey, somebody made a suggestion to take the store down on Burmester.

**Jaime Topham** – It's commercial.

**Kevin Hall** – We probably don't want to bring that up though.

**Mayor Critchlow** – I will tell you that I talked to Mary today and her and Marlo both were like, thank you for just being able to get some of this out in the open.

## **6. Adjourn**

**Jaime Topham made a motion to adjourn the meeting. Derek Dalton seconded the motion. All in favor? Motion carries unanimously. Meeting adjourned at 8:15 PM.**