

Action Summary

Public Hearing for the following

A) Lori Sipes CUP
B) Townhomes on Willow
C) Prelim for Hollywood Corner Subdivision

#1 Ernie Beacham – Willow Brook	Approved
#2 Hollywood Corner	Made an action item – Recommend approval
#3 Lori Sipes CUP	Made an action item – Approved
#4 Worthington Ranch Concept	Discussion
#5 Suds & Soda	Discussion
#6 Amending Chapter 21 Minor Subdivision	Discussion – Need Joint Meeting w/CC
#7 Chair and Vice-Chair election	Jaime Topham Chair, John Limburg Vice Chair

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 01/19/23.
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 Vice Chair Jaime Topham, Gary Pinkham, John Limburg on phone for chair vote, Rick Barchers, Derek Dalton

Appointed Officers and Employees Present: Mayor Critchlow, City Manager Jesse Wilson, City Attorney Brett Coombs, Public Works Deputy Director Christy Montierth, City Engineer Dan England, Aqua Engineering Consultant Shay Stark, City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson

Citizens and Guests Present: Lori and Charles Sipes, Greg Wall, Ernie Beacham, Dean and Betty Matthews, Barry Gittleman, Stetson Blackmore, Todd Castagno, Craig Howarth, Quin Denning, Bryson Pulver

Commission Chair Brian Pattee officially called the meeting to order at 7:00 pm

PUBLIC HEARING:

A. GENERAL COMMENTS PERTAINING TO A CONDITIONAL USE PERMIT APPLICATION FOR LORI SIPES TO OWN AND OPERATE A DAYCARE LOCATED AT 167 MCMICHAEL AVE., IN A R-1-8 ZONE

No comments

B. DISCUSSION OF PRELIMINARY PLAT FOR TOWNHOME ON WILLOW CONSISTING OF 94 UNITS TO BE BUILT AT APPROXIMATELY 200 S. WILLOW STREET, ZONED RM-7.

No comments

**C. DISCUSSION OF PRELIMINARY PLAT FOR HOLLYWOOD CORNER
SUBDIVISION CONSISTING OF 30 LOTS TO BE BUILT AT THE CORNER
OF QUIRK AND HOLLYWOOD, ZONED R-1-12.**

No comments

AGENDA:

1. Consideration to recommendation approval of Conditional Use Permit Application for Ernie Beacham to own and operate Willow Brook, an event center for small (50-190 guests) gatherings at 628 South Quirk Street in the RR-1-21 zone

Ernie Beacham was present to answer questions.

Jaime Topham – As I understand it from the review, is it that there needs to be three ADA parking spaces. Has that been addressed?

Ernie Beacham – Yeah

Jaime Topham – Okay.

Gary Pinkham – With regards to the conditions I'd like to make note that the city's noise ordinance is probably going to limit this to nothing beyond 10:00 p.m. You will need to try to schedule things where they can be cleaned up and gone by 10.00.

Ernie Beacham – Yeah, we've planned to shut things down by 10:00. We have previously had some events there, and recognized that that's the time that it needs to be shut down. As well as there was a couple of letters that were written in regards to traffic and noise, which I have had opportunity to speak with all of the neighbors, all of those who are on the mailing list, aside from being here. And Betty, I tried to go down to their house tonight but didn't catch them. I was able to get a lot of positive feedback from them. They were okay with what we were trying to accomplish there. I'm confident that we can operate what we're trying to do there without imposing a nuisance or impositions to our neighbors.

Some of the control measures I think that we can take through our exercise and the rental agreement with people, that they're aware of the parking restrictions, that they're the only to park on the premises of the property. No parking on the streets. Noises not to carry beyond to create a nuisance to neighbors. If that happens and we address it with them, then there's a security deposit that will be forfeited. Those are some of the measures. I'm open to whatever you know, guys set forth, aside from that.

Jaime Topham – Some of the staff recommendations were that if you have music, anything that's anticipated to be held outside, even partially, would require a noise variance to be granted by city council. Do you understand that?

Ernie Beacham – Yeah.

Jaime Topham – Okay, you're okay with that requirement?

Ernie Beacham – Most everything that we have had there, it's been inside and I don't anticipate really having music or bands being outside. It's all been held inside. But yes, I do understand if there was something to occur outdoors, we need to address that with you guys.

Jaime Topham – Okay. I didn't have anything else. I appreciate you taking all the comments from our last meeting and addressing them.

Ernie Beacham – No, it was good for us to go through and talk to all of our neighbors and get some feedback. We have a neighbor just to north of us that has animals, and trying to address, making sure that any of our events, there's not people over there, disturbing what they have going on.

Gary Pinkham – The only other item on this list of conditions here we recommended, would be that, maybe we have a six-month review period. And I believe [inaudible 00:07:02].

Jaime Topham – Well, I think the recommendation is that if there's a complaint that would trigger a review for sure. Are you saying that you want a six-month review to see how things go?

Gary Pinkham – The other condition used, issues, where we have the potential of noise or some other problem carrying offsite. We've completely locked the kennels and stuff. We said, "Yeah, we'll come back and attend at six-month and see if they're still behaving."

Brian Pattee – You could even do it in a year. But in this case, I think if anything goes awry, I think we're going to complain or something.

Gary Pinkham – I guess rather than say six-months, leave it in perpetuity.

Jaime Topham – You had an opportunity to review the planning staff recommendations that apply?

Ernie Beacham – Yes. I've got the list right here.

Jaime Topham made a motion to approve of the Conditional Use Permit Application for Ernie Beacham to own and operate Willowbrook, an event center for small events, which is 50 to 190 guests, gatherings at 628 South Street and RR-121 zone. The conditions will be, incorporate the staff recommendations one through five from the memo provided with this packet. Gary Pinkham seconded the motion. All voted in favor. Motion passed unanimously. (John Limburg was not present at the meeting)

2. Consideration to recommendation approval of Preliminary Plat for Hollywood Corner Todd Castagno was present for this item.

Todd Castagno – Last meeting, as far as the notes that I have, the only thing that was left outstanding was the easement for storm drain. We're working on that. With the accident that happened up at Ensign Engineering, that's set us back. I am giving them some time off to recover from that. I have gotten with Brett to get verbiage in what that needs to incorporate. Ensign is working on the drawings, maps of all that. Dean and Betty Matthews are here, they're the current owners of both parcels. We've talked with them. We basically have an agreement in place, just nothing finalized in writing.

Gary Pinkham – Once it's done, it will be a storage off of your property onto theirs?

Todd Castagno – Correct. Temporarily

Gary Pinkham – What about the issue with regards to Nygreen and Quirk, not completing Nygreen at this time, but adding additional right of way on Quirk. Is that verbiage being put together?

Todd Castagno – We're working on that with the development agreement.

Gary Pinkham – Okay. We'll see them in the development agreement. Those are the two I have. I think I have for last of it.

Brian Pattee – That's all we had too.

Gary Pinkham – Okay.

Rick Barchers – I'm good. That's all I have asked too.

Gary Pinkham – On a preliminary basis, I think with those two items getting addressed in the development agreement, I think on a preliminary basis we're good.

Commission Member Gary Pinkham made a motion to recommend approval of the Preliminary Plat for Hollywood Corner Subdivision with the condition that the applicant continue to put into place the paper work agreement for the storm water and the Nygreen and Quirk Street issues that are being incorporated into the Development Agreement. Commission Member Jaime Topham seconded the motion. All voted in favor and the motion carried unanimously. (John Limburg was not present at the meeting)

3. Discussion of Conditional Use Permit Application for Lori Sipes to own and operate a daycare located at 167 McMichael Ave., in a R-1-8 zone

Lori and Charles Sipes were present for this item.

Lori Sipes – I'm Lori Sipes. I am working towards getting my license for an in-home family license childcare center. I currently don't have any children, but once I'm licensed I can have up to seven with another adult I can have up to 14. That's the plan is to have up to 14 at the first.

Gary Pinkham – What would the ages be?

Lori Sipes – They would be between six weeks and five years old, pre-kindergarten. No school-aged children, no coming and going to school and that kind of thing.

Gary Pinkham – I think our code would limit you to only two under two years of age.

Lori Sipes – That's correct.

Gary Pinkham – Just make sure your kids meet that. Looks like we've got driveway parking and things of that nature taken care of.

Rick Barchers – I don't really have any concerns about it myself, but I just kind a general question. Were you going to fence the yard?

Lori Sipes – The backyard's fenced, not the front yard.

Rick Barchers – Good enough. Thank you.

Lori Sipes – You're welcome.

Brian Pattee – You're welcome to come up too, if you'd like.

Charles Sipes – I was just going to comment to that, that we do have a six-foot vinyl fence all the way around the backyard, which is where the kids will be allowed to play unless we do a field trip, if you will, which is allowed. The ballpark is right across Cherry there, which is like 30 feet away, 40 feet across the street that has playground equipment and all of that. Cherry Street park is there. Any noises or whatever, it's going to be very minimal because they're going to be little kids.

Lori Sipes – The baseball fields are a lot louder than I'll ever be.

Charles Sipes – Or the announcements when it's football games, we hear those all the time in our own, even with the windows and doors shut. Don't expect to see the kids making that much noise. And pick up, drop-offs, I mean McMichael there, I don't know if everybody's familiar, it's plenty wide enough. I mean the city only plows the middle of the road during snowstorms and in two passes they still don't get to the edges of the road.

Lori Sipes – If somebody's parked in front of my house and somebody's parked across the street, there's still enough room for people to drive by.

Charles Sipes – There's plenty of that. I mean I think the traffic is going to be worse from the high school getting out and the kids driving than any drop off or pickups. The biggest concerns I think most of the conditional use asked for is probably mitigated with great location of our place here. We certainly need it in our city. We have very few. Every center has a waiting list in the entire county and there is no in-home licensed in Grantsville City. We think there'd be a great need and can make it good for the citizens in this community.

Jaime Topham made a motion to move this item to an action item. Gary Pinkham seconded the motion. All voted in favor. Motion passed unanimously. (John Limburg was not present at the meeting)

Jaime Topham made a motion to approve of the Conditional Use Permit Application for Lori Sipes to own and operate a daycare, located at 167 McMichael Avenue in the R-1-8 zone, with the requirement that you stay in compliance with the ages and number of children permitted. Gary Pinkham seconded the motion. All voted in favor. Motion passed unanimously. (John Limburg was not present at the meeting)

4. Discussion of revised Concept Plan Worthington Ranch

Barry Gittleman, Stetson Blackmore and Greg Wall were present for this item

Gary Pinkham – Last time we met you promised us a copy of the development agreement and we've never seen that.

Mayor Critchlow – Isn't that copy up there with you guys? Brian, have you got a copy?

Jaime Topham – I got a copy.

Gary Pinkham – So made available this evening, so we maybe come back in a month and talk about this.

Rick Barchers – I have a general question to follow that. I really do. Sorry, go ahead.

Gary Pinkham – I was wondering, for wanting to read the wording, Mr. Mayor brought up last time about the lower portion supposed to be in conservation, set aside, et cetera. That was basically the basis on which we granted the numerous concession we've already made on this project. At this time, I'm not sure why the city would want to abandon the agreement and start over here.

Barry Gittleman – Sir. We're not proposing to abandon the agreement. We're proposing to modify the agreement.

Gary Pinkham – How do you propose to live by it?

Barry Gittleman – We would be happy to do that if that's what everyone decides is in the best interest of the city and the citizens and us. But we've had multiple conversations with city staff that there are some things that we can provide to the city and the residents of the city that would be a benefit to the city and the residents. That's why we're having this conversation.

Gary Pinkham – Some of the points that you brought up before would be turning over that barren piece of ground down there to the city. When this was discussed several years ago, this planning and zoning and council both recognize that had little or no value to the city. I don't see why the city would want to take on either the legal or the financial liability of owning that piece of ground. Also, something was said about regional retention pond.

Barry Gittleman – Yes.

Gary Pinkham – This project currently has a pond designed into it, so there's no need for anything with regards to this project. The folks across the street on Desert Edge are going to be doing their own, so they don't need any retention pond area. Across the street from them at Walmart they've already developed and installed stormwater collection retention, so they wouldn't have any purpose for that. The folks to the south of them are doing their own retention. The folks to the north of them came in here a couple weeks ago, are planning on doing their own. Only land that isn't currently planning on doing their own stormwater retention, is the land to the north and the east of you basically, all of which lies in the lower elevation. The proposal that we turn this into a big pond, I'm failing to catch the sense of that. I see no value to the city from that point of view. There are wetland there. The stuff that isn't wetlands is basically, as we said before, an alkali flat, that would barely grow a tumbleweed. I'm not sure the city wants, or at least from my opinion, I would not recommend city take that ground unless somebody's got an idea that I've not conjured up.

The other thing is that, as I said, it was supposed to be put into conservation set aside as condition of the numerous concessions we made on the upper half. To come back now and renegotiate and make more concessions, I don't think is in city's benefit. Maybe I'm wrong. That's my opinion. I would really like time to read this thing that showed up here this evening, and see what else might be in it.

Jaime Topham – Where it talks about the open space addendum one, is where it talks about the open space.

Gary Pinkham – Oh yeah, I'd like to read that too.

Barry Gittleman – That's fine. Can I talk? If you have another question, I'm happy to address it. I'd like to talk a little bit about the changes.

Gary Pinkham – This is already come a long way. It's in a two-and-a-half-acre zone. I want to get down to roughly one acre, and renovate the sidewalk and allow the development, to meet the original block count. Built a street that doesn't meet city street standards. I'd say you've done a lot of thing in here that are concession to you now, and your predecessors. I believe we have an agreement that was intended by all parties to be lived by and to come back now and throw that to the wind and start over here and just-

Barry Gittleman – We're not proposing to throw that to the wind. There's one item in the development agreement that we are proposing would be in the best interest of the residents, the city and us. We acknowledge that and that is the requirement for the HOA to maintain, for the HOA to even exist. Most residents in Grantsville would prefer to live in a neighborhood that does not have an HOA. That's the one thing, everything else in the existing development agreement that you were just looking at, we're not proposing to change any of that.

Gary Pinkham – You're proposing to put 40 lots down there in the open area.

Barry Gittleman – We are proposing to add some additional lots and in exchange for that, we're proposing to put in amenities, trails, open space, pickle ball courts, regional storm pond and a right of way for the city's parkway. All of those things.

Gary Pinkham – I don't see the residents giving up the financial liability of maintaining that and giving to the city, as a benefit to the city. The city take on that legal liability and financial obligation for your benefit for your problem. That's what it's all about fellows. It's got nothing to do with right and wrong, it has to do with your bottom line. You've already said that people don't want to pay for it, you want us to, and I'm having a problem with that logic.

Barry Gittleman – Well, if the city never owned any land, there would never be any parks. Cities do provide benefits to their citizens and their residents. Libraries, parks, and other benefits are part of that. Right now, there is no proposed amenities for the citizens or residents on this particular piece of land. We're proposing that we would put in some of those benefits to the citizens of Grantsville.

When we were here two weeks ago, there was someone who was proposing to put in amenities that would be owned by that community's HOA, and would only be available to the residents of that community. The planning commission members brought up a problem with that, which is the rest of the residents of Grantsville don't get to benefit from that. Based on that discussion that the five of you had we're proposing that there would be meaningful amenities including nine pickle ball courts,

including over a mile of trails, including some dedicated park and open space, parking, pavilions and other benefits that would benefit all of the residents of Grantsville, not just the homeowners in this community. For those amenities we would pay to install them and then donate them at no cost to the city, other than the ongoing cost to maintain them.

Gary Pinkham – The city's not against taking parcels that can be turned into parks. Our assessment from before was this is not one of them. The nature of the ground, the nature of the water table, which is very high. That's why there're wetlands on the property, the nature of the soil, et cetera. When this idea of park was floated by your predecessors, when we asked if they were to develop that, they nearly had apoplexy because of the fact that it would have cost them millions and millions of dollars to try to make something out of that alkali flat. We don't want to pay that kind of money to turn it into parks. Dangling a park carrot out there just doesn't work for me.

Barry Gittleman – I understand that, . And that's fine.

Gary Pinkham – That's where I am on this.

Barry Gittleman – You just brought up that our predecessors, we weren't part of those discussions.

Gary Pinkham – I understand that you purchased the property with the agreement in place, and the agreement is transferable to you. It is now your agreement. whether you like it or not.

Barry Gittleman – Absolutely. Yes sir. We fully understand that. We're not asking to get something for nothing and we're not proposing to give something for nothing. But as you just said, our predecessors, when they negotiated that development agreement, they balked at the idea of putting amenities into this land because it's going to be a substantial expense and the city didn't want to take on that expense either. We feel that what we're proposing is a fair compromise that benefits the city and the residents and us, because additional lots would give us the financial resources to be able to pay for all of those amenities and donate them to the city and the residents of Grantsville. It wouldn't cost the city anything to install them. We would be willing to do that at our expense.

Do you have a question?

Jaime Topham – Yep. I'm seeing something on our screen that is not what we had in our packet. Is what was on the screen-

Cavett Eaton – This was provided yesterday.

Jaime Topham – Okay. Can you send that to us, so I can pull it up on my iPad?

Barry Gittleman – So the version that was in the packet was from about last week. Dan pointed out to us in the version that's in the packet, that phase two, which is in that yellow area on the left side of the screen, what was in the packet had more than 50 lots. From two weeks ago, the primary feedback that we got from the planning commission was that in phase two and phase three, you felt that the density was too high There were too many lots. The minimum lot size was too small at a quarter acre. We revised that plan. We did increase the minimum lot size in phase two here as the plan commission suggested. There are no lots that are a quarter acre in size in the new plan. All of the lots are a third acre or more. In this phase three in this new plan, the same applies. There used to be some lots that

were a little over a quarter acre in size. At the suggestion of the planning commission, none of these lots in phase three are less than one third of an acre in size. Some of them are much more than that.

The version that was in your packet from last week, Dan pointed out to us that the phase two, the civil engineer had more than 50 lots in that phase, and that's the limit per phase for Grantsville. We moved some of the lots from phase two into phase three. Now neither of those phases has any lots that are less than a third acre, based on the feedback we got from all of you two weeks ago. Neither of those phases has any lots, or a lot count, that is greater than 50 to comply with the Grantsville requirement. The total lot count from what you saw two weeks ago is nine fewer lots than what we had on January 5th. We've decreased the overall density and the total lock count.

Over on the right you can see that we still have the trail system. We still have parking for the trail system. We still have the nine pickle ball courts and the pavilion and the amenities. Everything that we proposed two weeks ago that we would install and donate the amenities to the city. The pickle ball courts hasn't changed. The pavilion hasn't changed. The trails have not changed. We're proposing a larger minimum lot size, nine fewer lots, no lots less than a third of an acre, no more than 50 lots in any phase, and all of the same amenities that we would pay to install and then donate to the city. Those are the changes from two weeks ago.

Jaime Topham – I'm concerned with this development. This plan that you're pushing a lot of those houses into that area that we previously talked about is not being developable. The great majority of the orange section is in that 94 acres.

Barry Gittleman – You're right, that it does go further to the east than what we had two weeks ago because we had to remove, I believe it was 17 or so lots, from phase two to put into phase three. We increased the minimum lot size. The large eastern section that was the 94 acres, still well over half of it is still open space. It still includes over a mile of trails. We've talked about mixed use trails, so horses and walking trails. The pickle ball courts are still the same. In this new plan it does use some additional acreage for phase three. You're correct.

Jaime Topham – Okay. Yes, it uses acreage. But my concern is that, I think, I remember when we were here discussing this with your predecessor that that area, we were very concerned about whether it was actually buildable or not. Have you even looked into whether you can build down there? I mean it looks great on paper.

Barry Gittleman – Yeah. We have, we've spoken with the general contractor. We do believe that in this phase three, due to the low elevation, there may be many of those homes, not all of them, and probably not none of them, that require some pumps in the basement to connect to the sewer system, and get the sewer out of the community through this easement that we already have at the south end. We've met with Bud and Nicole about the sewer easement on the south side of the property. That also took place since we had our meeting with all of you two weeks ago. The Mayor, Bud and Nicole joined us. We already had an agreement in place, or at least our predecessors had an agreement in place with Bud. We're not changing that agreement, but he requested some additional things from us and we've agreed to everything that he's requested. Nicole's here to confirm that. We signed a new document with Bud offering him some additional things. We have that notarized and committed in writing that we'll do that for Bud.

Jaime Topham – Okay. thank you for addressing that.

Back to the original development agreement, 94 acres is to be held in perpetuity by the HOA for open space and recreational purposes. When you're saying you're only asking for one thing away from the development agreement, that's not accurate because you're asking for it to go from 94 acres to 67 acres of open space and for the city to take it on rather than an HOA. I understand your explanation of HOA and I get that too. The concern would be, does the city really want this? When we looked at this project initially, the city most certainly did not want this.

Barry Gittleman – That's fair.

Jaime Topham – And I know you guys are going to go on to city council and they can probably give more direction, but I tend to lean towards, if we have an agreement in place, we need to stick with the agreement and follow the agreement. You bought the land with knowing the agreement or you should have known about the agreement. That's the feedback I'm going to give at this point.

Barry Gittleman – And I've had conversations with the mayor as well where we've talked about that as a possibility that we just don't change anything and we leave the existing agreement in place as it is. In our opinion if there are changes that the planning commission and city council would like to see to what we're proposing, we're open for your input. But we do feel that the current agreement leaves 94 acres of not very useful space. As Gary said, it's mostly weeds and tumbleweeds, so it doesn't benefit our residents, it doesn't benefit the city, it doesn't benefit anyone. But we're not changing the existing agreement and that's one way to go. But we feel that there's something between this plan and that plan that does benefit the city, does benefit us, benefits the homeowners in this community and benefits the residents of Grantsville who would in this plan have over a mile trails that are public for them to use. Anyone in the city can, the pickleball, courts, the pavilion, all of those things. And all of that would be done at no cost to the city.

Jaime Topham – Okay. Well I appreciate you taking the time and taking our notes from our last meeting to redraft this and recreate it to really incorporate the density issues that we were asking about. And I even noticed that you moved the location to where you get to the trails to closer up in the park and so potentially people could actually access it. If the city council decides that this is something that they like and want, then I don't mind the layout. All that open space I don't see it as a huge blight. I think it could have an opportunity but I'm not on the body that makes the decisions whether we can move away from a signed development agreement or not.

Rick Barchers – I agree with what they're saying. I'm just going that out there. But I want to sidestep all that. I want to beat a dead horse over it. Honestly, I don't. My questions are more legal. Brett, this originally was zoned two and a half acres a unit. It went into a PUD. It was never rezoned for anything any different, correct?

Brett Coombs – Not that I'm aware of.

Rick Barchers – Okay. So legally could they put smaller lots on there and increase the number of units on that property? In other words, the PUD made smaller lots, but it put the same number of lots on a smaller piece of ground. Okay. That's kind of the purpose of a PUD is kind of move things around, that sort of thing. But that falls into overall two and a half acres per unit, right?

Brett Coombs – Yes.

Rick Barchers – If we changed this to increase the number of units on this particular plot of land, would that even be legal without rezoning it? I mean, I don't know. I think that's a fair question to ask. I really do.

Brett Coombs – So the PUD is going to be governed by the development agreement. You could amend the PUD. That's essentially what you would be doing is amend the PUD to whatever the density you want to designate it as.

Rick Barchers – So you can increase density of the zoning with the PUD. That was just my question.

Brett Coombs – Yes. I mean you can, but it's completely up to the planning commission and city council whether that's something with the PUD. You said it absolutely correctly. Typically, the PUDs meant so you could group density so that you could have larger open space or other areas like that. But our code specifically says that a PUD can be used to amend or change any area.

Rick Barchers – Okay. That's all I wanted to know. I'm good. Thank you.

Brian Pattee – I I have one question and I apologize if we maybe asked at last time, but is this served with secondary irrigation water, this property? No. Okay. The reason I asked, I was just looking at the underwater, in this agreement with interest.

Barry Gittleman – One of the things that Dan and I were talking about before the meeting is that we currently own the water rights for what is planned in the existing agreement. If any additional density is approved, there are two options. One, we could go purchase additional water rights for any additional density that's approved or the city has talked about xeriscape as one of the options for some subdivisions, which benefits the community in a drought because less water is used and there's fewer water rights required per home if that is part of the new plan that's approved. But it would also require, if I understand this correctly, that we as the developer builder would need to install all of the xeriscape landscaping in the front yards when we build the homes. And we're open to that possibility if that's something the city wants to be incorporated into the plan as well.

Brian Pattee – Okay. Any further questions or any concerns from the commission?

Rick Barchers – I'm starting to have a problem with increasing the number of units in as far as lot size, et cetera on the original agreement. I'm really struggling with that. So just throwing that out there. I mean, yeah, everybody can vote against me. That's okay. I mean I have no hard feelings to anybody.

Barry Gittleman – We appreciate the feedback and that's why we're here tonight. I guess what I would ask of the planning commission members is several of you have expressed concern, A, with the overall density in the total number of units that's proposed and B, with a portion of that or the amount of that 94 acres, I think is the way that you worded it, that is being changed from open space to developable lots. For our feedback, if we're going to go amend this plan again, is there any feedback you can give us in terms of is there a number or a minimum of total home sites or a minimum lot size that you would be comfortable with in order to have more than the what's already approved but less than this and it would be in your eyes a reasonable exchange for the city and the residents to get these benefits? Because if we stick with the current plan, we're okay with that. But then the pickleball and the trails and the other benefits to the city and the residents don't have.

Brian Pattee – Anybody.

Jaime Topham – It's an excellent question. What is the density with this plan? How many lots would there be?

Barry Gittleman – 130 is what is shown on the screen.

Jaime Topham – Doubling the density.

Gary Pinkham – Going from 62 to 130. So that would be double.

Jaime Topham – Not loving that. I don't know. For me, honestly, I think that it needs to go to city council and you need to get some information from them about whether they're going to amend that development agreement before anything else from my point of view. Because otherwise it's what difference does it make how many houses I think should be there. If they say yes, we are comfortable with amending it and we're comfortable taking on that as a city owned property rather than an HOA, then I have to feel more comfortable saying, yeah, okay, this plan would work or maybe less density. But yes, I know, yes, we're the planning commission and we're supposed to have the know all, but we're not the ones who can commit to making decisions and the city council is. So that's who I feel like needs to give you that feedback.

Barry Gittleman – We'll try to get that feedback from them as well. We'd also like to get, even though it's not a commitment from you in this meeting and you're not voting in this meeting, are any of you comfortable sharing your thoughts and feedback for us to incorporate into another version in terms of what you think you would be comfortable with?

Jaime Topham – Well, I think half acre lots would be more appropriate in that area. You've got one acre lots, right? The green is one acre lots, dark green?

Barry Gittleman – Yes.

Jaime Topham – Is one acre lots and you've got a development next to you that's going to be, well I guess it's a couple over. The Hall property is one acre and half acre lots in that whole area, it seems more appropriate to have half acre is the minimum rather than, I know we talked about 30 acres last time, but we were kind of like, right, it's half acre. You're really going to think about how are we're going to redo this half acre lots would be the minimum sizes would be half acre lots in my mind. And that's going to cut your density back down quite significantly. But I think that's appropriate because that's what you were originally granted.

Barry Gittleman – Right. And I know Nicole's here, or she brought up at the last meeting that she also agreed with some of the comments from planning commission members that quarter acre lots felt a little small to her and that third acre lot felt better. Are you comfortable with a new plan that has half acre lot size?

Rick Barchers – I don't know if I can speak. I'm looking at 2.2 here maximum residential units that build out developers shall be entitled to have developed the maximum residential units of this type and the general location is shown on the final Plat. So that to me says maximum number units was the agreement. I mean, I'm struggling with that part. I'm struggling with the area in orange basically being condemned land before and all of a sudden now I don't know what happened. Now all of a sudden, it's favorable ground to build on. I mean, I'm struggling with those things. That's an

engineering thing. I get that that's a Geotech certifications word of blah blah, blah. But I'm just like, eh, it's a swamp. We can't build on it, but now we can. I may think something completely different once I've had a chance to read this.

Barry Gittleman – There are some wetlands in the southeast corner of the property where we understand that we can't develop those. Nicole and Bud and the mayor and I met and talked about Bud's interest in getting a sliver of land along that south property line. And as these discussions with you and the city council continue, we remain open to trying to work something out with Bud in that area as well.

Mayor Critchlow – Can I voice my opinion here?

Brian Pattee – Yeah.

Mayor Critchlow – What we discussed that night and I told them, you need to honor your agreement and we will honor that agreement as well. Okay. You wanted 62 lots and that's honoring the development agreement. We should stay there. Everything to the north, everything to the east, everything to the south of this is 10 acres plus.

Brett Coombs – Just to clarify. That is not the position of the city council. He is speaking behalf the Mayor.

Mayor Critchlow – I'm just speaking my personal thing.

Rick Barchers – He's testifying about a meeting.

Shay Stark – One thing that I haven't heard discussed in this that I just want to point it out as an issue that certainly if anything moves forward. There needs to be discussed and considered here is right now, Old Lincoln Highway is nothing more than a little country lane, quite honestly. With additional density on this project and in general with other projects that develop along there, that needs to be taken into consideration and somehow, at some point with development, it's got to be improved.

On the Worthington Ranch with the original approval, there was no requirement for any widening of Old Lincoln Highway. The right of way out there, I believe, if I remember right, was an appropriate width, that there wasn't need for dedication there. But same thing with Dustin Hall's development. I mean, it looks really small right now, but every one of these adds it as these are occurring down along here. Provident Business Park is on Old Lincoln Highway. All these things that are occurring along here slowly add up, if we allow them to continue going. It's okay, well this is just a small amount, we're okay, we're going to find ourselves in trouble. The city's going to find a huge expenditure to try to remedy that. I think in the discussion, no matter what way it goes, the condition of Old Lincoln Highway and what is coming in potentially needs to be considered.

Jaime Topham – Thanks for that input. I think that is important.

Gary Pinkham – Another thing too is I think all of this in that 90+ acres only falls into the sensitive land code. I think we're barred from development under that code. I think that's why it's been set aside.

Barry Gittleman – In the discussion with the people who sold the land to us and in our discussions with Bud and Nicole also and with the mayor, the question came up if that 94 acres, as you pointed out, was in a conservation easement and we've confirmed that in the current development agreement, it's shown as open space owned and maintained by the HOA, but it was not placed into a conservation easement.

Brian Pattee – All right. Anything further. Okay. Okay. All right. Thank you, gentlemen,

5. Discussion of Concept Plan for Suds and Soda

Quin Denning was present to answer question for this item.

Brian Pattee – What's your name?

Quin Denning – Quin Denning. On the corner of Race Street and Main Street, we have a parcel that we're looking at purchasing. Before we purchase it, we want to make sure we can do what we want to do. There's actually two parcels there. There's a narrow parcel that's on this picture would be on the left. Then there's a larger parcel on the right. We proposed to build a, it's a tunneled car wash with a soda shack. This shows kind of the preliminary drawing that we've done for this site.

We understand that you've had some concerns about the stacking of vehicles and you didn't want those in the street. We don't want those in the street either. We've got the room to put 10 vehicles. I used my truck size. I drive a mega cab Dodge Ram. I use that size vehicle. I can stack 10 of those to the street from the soda shack. If they're small cars I might be able to get 15. I wanted to use that so that we could make sure we have plenty of stacking, so we don't have any cars on the street. We have two lanes there. If we get really busy and one lane gets filled, we could stack in the second lane so we can still keep vehicles off the street.

The second lane is primarily used for those people that just want a car wash. They don't want a soda. The soda lane is used for those that want a soda and a car wash or if they just wanted a soda, we have an escape lane so they could get out. The exit for this will be on Main Street, the primary exit. We'll keep as much traffic as we can off of Race Street. It'll mainly just be the entrance.

Brian Pattee – But you should offer the soda as you go into the carwash, right?

Quin Denning – We do. Yep. That's exactly what we do.

Brian Pattee – Perfect.

Quin Denning – So you can be drinking a soda while you're going through the car wash.

Gary Pinkham – Have you looked at or talked to UDOT with regards to that driveway ramp there and with the city to its proximity to Race street?

Quin Denning – We have not yet. I've talked to my engineer that works a lot with UDOT. We're getting rid of two entrances or two driveways right now and in favor of one. I think we'll be able to work with UDOT on it.

Gary Pinkham – Between them and the city engineering public works it may be a problem, but I don't see a scale here, but the double driveway that close to Race there might be a problem.

Quin Denning – It's about 35 from the corner, which is where the current driveway is.

Rick Barchers – So, basically, you'd have room for 10 cars, in waiting.

Quin Denning – 10 trucks to wait, yes.

Rick Barchers – You're going to be able to take that truck through the car wash?

Quin Denning – Yes. Yeah, this is our current one and I can take my Dodge Ram through this car wash. We've built it so that we can accommodate vehicles like that. Can't accommodate a bigger vehicle, but we can accommodate at least that size. You can see we have approximately the same amount of space for cars to stack on this site as well because it's a concern that we have that we're addressing for our own safety.

Gary Pinkham – Is the dashed green line around the printer, is that your property line?

Quin Denning – Are you back on the other. Go back one? Yes, that would be the property line.

Gary Pinkham – So somewhere we have to have stormwater storage here, some sort of a pond or something there.

Quin Denning – In between the car wash, we've got all kinds of landscaping there that we'll be able to use either on that drawing it'd be on the left side, we could use to accommodate storm water retention. All along the street, Main Street, we can incorporate into our landscaping storm water retention.

Rick Barchers – Since we don't have a scale here, how far is this building from Main Street?

Quin Denning – I'm trying to remember. What's the code on that? 20 feet? I can't remember. Whatever the code was, that's where we put that.

Rick Barchers – What about the zoning? Is this C-G or C-N?

Quin Denning – This is C-N

Rick Barchers – Because the paperwork said it's C-G, right?

Brett Coombs – That's what the application says, it is C-N currently.

Rick Barchers – I got nothing against your car wash, but I'm just asking. So, this would be a variance. How does that work? It's not necessarily allowed, but under it's-

Brett Coombs – No, so the car wash, it's the end zone is conditional use. The Soda Shack though, it's not a permissible or conditionally use to have a restaurant with the drive-thru facility in that zone. So, it would take potentially a zone change to be able do the Soda Shack, the car wash though.

Brian Pattee – Yeah, he could just ask for a zone change under the new zoning, right?

Brett Coombs – I mean if you were to rezone it to C-G.

Quin Denning – Cavett, was it the C-G they tried for before? I believe they tried C-G.

Shay Stark – We could go to a C-D zone, a commercial development zone. And with that then you could apply for a conditional case to have a drive-thru.

Quin Denning – Now is the Soda Shack considered a restaurant?

Brett Coombs – I don't know.

Quin Denning – We couldn't find any place to where it had a description of what we are.

Rick Barchers – I don't know. Those are good questions. Those are just kind of questions. Anyway, because I got nothing against your carwash, just a couple of concerns. That's all. And on that note, the difference between C-G and C-N, a lot of it has to do with how does it interfere with their neighbors peaceable use of their property basically. In basic terms you have address noise issues, et cetera, time and day. I'm just saying as long as those are addressed.

Quin Denning – On where the residential areas are around this, we will have a six-foot tall concrete wall.

Jaime Topham – How tall is your building?

Quin Denning – The building? It's about 16 feet on the main portion. Then we have an area that will be about 25 feet.

Jaime Topham – So kind of piggyback off that. My concern would be your lights, your bright lights, the coloring of your building, the bright lights. Because that 25-foot building at night is quite bright and it's going to be looking directly into the nice little lady across the street

Quin Denning – Do you want to show that picture? We do a light study as we do these. The light study shows that very little light, well there's no light that shines onto a neighboring property. Now light's visible as you know and that's what you're talking about is it visible. There's nothing we can do about this, the visibility. But it is, if you see this at night from down the street, it is visible but it's not glaring.

Jaime Topham – So Chartway Credit Union is right across the street, they have this big blue wall that's lit up very similar to what you're talking about. I can see that from my property, which is that way two blocks, two and a half blocks.

Quin Denning – But it doesn't shine in your windows.

Jaime Topham – But I'm not next door to it When their blue lights are on, it is reflecting onto the house next to it. Can you do something different about your lighting and your signage that's not so bold.

Rick Barchers – Along that you've got the building out on Main Street, I don't know how it would interfere with what you're trying to do and how it's laid out. What if the lighting isn't on the back side so the lights are facing Main Street? I mean, what do you think?

Jaime Topham – I mean you didn't have the same problem. You have a house behind them but.

Rick Barchers – They wouldn't have lighting on the back of the, I mean, I don't know.

Quin Denning – Well, when we put the lighting in, we direct the lighting where it's the most advantageous for us, which will be along Main Street. There'll be some lighting back in the back, but it'll be minimal compared to what will be on Main Street because we use a lighting to help advertise.

So, one of the purposes that we have coming here is: One, it was suggested that we come and we get a variance for the drive-thru window and we just leave the zoning the same. The other was to go to the C-D zone. I wanted to kind of check the temperature of what you as a city feel that would be the easiest or the best for both of us.

Jaime Topham – I think we need to do the zoning change. I think that's a more appropriate way to do this. Not a variance. My understanding you're supposed to do that rarely, if ever for a really good reason and because you want a Soda Shack I don't think qualifies. You need to do the zoning change. My opinion.

Rick Barchers – Would they have to have a zoning change if they were selling sodas in a bottle? I mean, I don't know.

Quin Denning – I mean we're really not a restaurant because we don't have fast food. It's sodas and cookies and finger food, pretzels.

Dan England – I have a question. You've obviously have these in other locations.

Quin Denning – Yes.

Dan England – How long of a line of people do you have coming in to get your sodas and things?

Quin Denning – It's usually we can give somebody a soda about one vehicle per minute so we usually don't have a huge line because we move them through rapidly. We're usually ten is unusual. So usually five to six vehicles is about where the line stays.

Dan England – So, these would be specially soda and similar to a Guzzle soft drink. Okay, thank you.

Jaime Topham – I don't know if it qualifies as a restaurant or not. Is a soda shack a restaurant?

Brian Pattee – How did we address the Guzzle one? We called them a restaurant?

Rick Barchers – What's the Snow Cone Shack is that restaurant? I mean-

Brett Coombs – Our code is not specific enough that way. Let me take a look at one thing. Give me a minute.

Rick Barchers – Honestly, it's not in my backyard. Lights aren't my concern, but I can see what Jamie's saying. I mean I think she has a legitimate point. Personally, for me, I think you're going to crush it and I'm questioning whether or not 10 cars and waiting is going to be enough room. Anybody that's went to visit one of your competitors by Walmart on a middle of the afternoon knows what I'm talking about. Okay.

Jaime Topham – It's Grantsville.

Rick Barchers – You know what I'm talking about. Yeah, it's Grantsville, but I'm saying

Jaime Topham – No, I'm saying or Grantsville. The one in Grantsville.

Rick Barchers – So I mean I think you're going to kill it.

Quin Denning – Well, and that's why we have two lanes. So, if we do get busy, we'll have somebody out there taking orders in the second lane.

Jaime Topham – I think the design looks good for the piece of property for sure. I'd just be concerned about the lighting. Can we do something that's not quite so bold or turn that off at night when you're not in operation. Is this a 24 hour...

Quin Denning – No they're not. We turn them off. They're set on a timer so we can adjust the timer to turn them off when we need to.

Jaime Topham – Okay, so it's not a 24 hour a car wash? No. They can't go in and use it themselves whenever.

Quin Denning – No, the vacuums, they can come in and use pretty much anytime. But the car wash itself, we turn it off. It depends, sometimes we'll turn them off at eight o'clock at night. During the winter when it gets really dark and not very many customers come. During the summer it'll be 10, maybe 11. So just depending on, we won't go past 11 though.

Rick Barchers – What are your thoughts on that?

Brian Pattee – What does our code say? Don't we have a lighting ordinance? What does it say?

Jaime Topham – I can't remember off the top of my head. I mean, obviously, we allowed Chartway to do what they did and that thing is an eyesore at night.

Gary Pinkham – The lights here are being directed onto the building. That's why the building is so well illuminated. The light projection isn't going to the neighbors. So, with having the building lit up, with the building out by main, it's actually a ways away from any of the residents, so I'm not sure that there's going to be a real problem. I don't think our lighting ordinance would interfere with them doing this.

Cavett Eaton – Are most of those LEDs?

Quin Denning – They are.

Cavett Eaton – There's a chance that could be dimmed as well.

Jaime Topham – Right. That's what I'm asking. I'm not asking for it to be unreasonable. But there are still neighbors. There are still people living in the homes right around you. The way that you have your layout, I'm guessing that this part of the tunnel is going to actually face across Race Street, right? The end of the tunnel.

Quin Denning – Yeah. The entrance to the tunnel, it is on the west side. The exit's on the east side next to Race Street.

Jaime Topham – Yeah. And that's where a lot of bright light is going to be. I just know a little lady that's there on the corner. She's a nice lady.

Quin Denning – That's one of the reasons why we have that six-foot tall fence.

Jaime Topham – But that's not on the Race Street side. I'm not talking about behind, I'm not talking about-

Quin Denning – You're talking about across the Ray street from us.

Jaime Topham – Yeah, and all those lights are going to go directly into her front window. So yes, you're right. It's not beaming into her windows, but it's still going to affect her peaceful use over her property. We can talk more about that, but that's what's going to be on my mind.

Quin Denning – Yeah. We could even put a fence there. We've got to be careful about how close to the corner we are, but we could. The other thing that we can do, is with our landscaping, and we will be putting trees around the property to help minimize the effect on the neighbors, with the landscaping. So, that's one of those things that we take into account because we want to be a good neighbor and so we don't want them to feel like they have this light shining in their eyes. We put landscaping in to help soften that.

Gary Pinkham – All those things can be addressed at the time you bring a design in. The main thing that I would caution you on, is let's make sure we get the driveway located adjacent to Race in such a way that it's acceptable to the City and UDOT, because that's going to affect the overall design and layout. If you have to move that driveway further to the west there, it's probably going to prevent you from putting the building in.

Quin Denning – No, we couldn't go too much further west with it.

Gary Pinkham – That's what I'm saying, we need to make sure, with regards to the driveway and the traffic issues, it's feasible to put this facility on the property.

Brian Pattee – Yeah. And that's UDOT's call, so.

Gary Pinkham – It'll be UDOT's... Well, the City's got some involvement in it too. It's primarily UDOT call next to an intersection.

Brian Pattee – So All right. Anything else from us we can?

Quin Denning – No, I appreciate your time. Just one other question, is this something that if we come in with a zone change, is this something that would, you guys see us being able to be successful? I'm a little nervous because the owner of the property tried to do a zone change and he got shot down.

Jaime Topham – I don't think it was from us.

Brian Pattee – No, it wasn't from us, because we didn't print that. City Council. Three to two. Probably ask City Council or maybe the City attorney and how that worked because it totally met the criteria. That's why we approved it.

Quin Denning – Yeah. Because we don't want to buy this property and then run into the same problem where we have to sit on it for two years, that would kill us. It's the Soda Shack that everybody seems to be concerned about.

Gary Pinkham – With two lanes there to handle, queue up the cars on. I think even the Soda Shack going to do well. We just learned from the first one we got up here, Guzzle. They have room for four cars and you try to go down Main Street and the turn lane's got 10 cars in it and the westbound gutter has got 10 cars back that way. I mean, Main Street is now a parking lot for Guzzle. Because we didn't realize what kind of business you knuckleheads do. If we did, we'd have had Guzzles here a long time ago. I would be running it not you. They're gold mines. We at the City learned something and it takes more parking than we would've ever imagined.

Brian Pattee – And here again, someone needs to make a determination on whether selling soda is a restaurant, so please clarify that.

Brett Coombs – Our code doesn't have a definition for what a restaurant is. In fact, the state code it doesn't specifically identify what a restaurant is or is not. Ultimately, I think that that would be something where the City Council would have to determine, does this qualify as a restaurant or not? I can't give you a good answer.

Rick Barchers – Would this Soda Shack require a food handler permit?

Brian Pattee – It does, it's permitted through County Health.

Brett Coombs – I don't think that that is enough to qualify it as a restaurant or not a restaurant.

Brian Pattee – Well, but for this gentleman, he either keeps the zoning as it is and goes to City Council hoping that they'll take that same determination or he tries to rezone and then City Council does what they did before.

Brett Coombs – I mean you can do a concept proposal to the City Council.

Jaime Topham – That's what I was going to say. I assumed that's where you were going next. If not, that's where you should go next with your concept before you buy or not buy.

I don't think any of us have an issue with it and we thought the previous rezone attempt was appropriate, so.

Rick Barchers – Yeah, I think you should talk to someone that was in that meeting or they declined it. That's just my... I'm throwing that out there.

Quin Denning – Okay. Well thank you very much.

Brian Pattee – Thank you. Appreciate it.

6. Discussion for Amending Chapter 21 Minor Subdivision

Shay Stark was present to present the items and answer questions.

Gary Pinkham – Question number one. Can we put a little language in chapter 24 regarding converting a parcel to a lot? I imagine it's going to require a plat drawing that needs to go to the county for recording. I don't know if it needs to go through or even be in the subdivision code per se. On the subdivisions, I don't have problem with going by the type of subdivision but if we're doing lots along an existing deeded street that has a major utility in it, the only thing that's really going to be going on is stubbing sewer and water over it. A simplified code for that would make sense. I don't know there's a reason to say that if it's only one to four lot to use the a simplified code and if there's five then they got to go the big code, if they're all on the existing street.

On the other hand, if there's a dedication and/or public utility to be installed, can it all be handled the same way? Because it's going to require engineering drawings and all the other supporting documents. Can we have just the two codes on an existing street and requiring new streets? If the Council wants to step the fee structure based on the size of the development, do that. I kind of get the idea that this is being done to make a fee structure deal rather than simplify the code. Now we've got five different kinds of subdivisions.

Shay Stark – I think it serves a couple of purposes. The idea of being here that if, for instance, if all I'm doing is dividing my lot and like you say, all I've got to do is put services out to the lot. Literally all I need is a plat. And I keep thinking about this going, the only design consideration we want to know is where those services are going to go on the lot.

Gary Pinkham – Yeah. That's kind of limiting the building permit basically.

Shay Stark – We could. We could handle that. The City could have a sheet that basically they hand to them as part of the approval, that has those standard details for those services and hand it to them as part of this and they know as they get this approved, that they're going to have to construct to that standard.

Gary Pinkham – I think at the time the lot is developed, the street cut permit and all that other stuff's handled along with the building permit, not under the subdivision.

Shay Stark – I look at this and, in my mind, going through this discussion, quite honestly a single lot split. I don't know why that couldn't be handled administratively, but that's up to City Council to determine if they want to give that level of authority to the staff to just address those. Going down through this process, but in the back of my mind I'm also looking at it going, "Well a single lot split. The impacts of that are absolutely minimal and as long as there's no dedication required with it, I don't know why it couldn't be handled at a-"

Gary Pinkham – Well, there's utilities, the major utilities installation. Now, I'm not talking service. I'm talking mains.

Shay Stark – That would really be the difference between first of all, level one is just chapter 24. It's that conversion of a parcel to a legal zoning lot, which we've said there if there's no exceptions and no dedications required with that, that is a staff level. It's an administrative level approval. I kind of like the single lot split and I kind of think the same thing.

Gary Pinkham – Well, with that in mind, why would we create in our subdivision code, a level one single lot development if we can handle it under chapter 24?

Shay Stark – All this does is refers to chapter 24. The goal of breaking this down into levels is to try to help somebody coming in understand, "Okay, what process am I going to fall under?" It helps staff to know, "What process does whatever comes before us fall under." This is really the main goal of breaking it out into levels.

In reality we have chapter 24 for the single lot split. We have the major subdivision process. Then we have one other, we can call it minor subdivision process or small subdivision process. However, we want to address that, but that's really as far as process, that's all we would have is those three processes.

Jaime Topham – I don't understand level four. This is something that does not or does it? okay. So four lots or less that requires dedication and utilities or public improvements serve the property. But it seems like, oh, it's being referenced back to 21.4. So, it's going through that larger process.

Shay Stark – The idea is that sometimes we're going to get an application in here that they come in and they look at it and the way they present it to the City initially is, "Oh, all I'm doing is splitting my lots in into four lots along the front here, no big deal." And then we get it in here and look at it closer and realize the street's not wide enough. They've got to dedicate land or we've got utilities. There's something there that's bigger than what is initially thought. In these cases, a lot of these are just, they're property owners and they don't know what questions to ask. They don't know what to tell us. The idea is, "Okay, maybe it's just a level three. That there's no dedications, the utilities are there. Again, it's just putting the services into the lots is literally all it is." Maybe we'd look at it and go, "Okay, well your neighbors to the side of you all have sidewalk, curb and gutter. You don't have that in front of your place." We state in here clearly, there aren't waivers of utilities anymore with this, or of improvements.

What they're going to be required to improve to is the same level as the highest level that their neighbor has improved to. Having four basically allows them to go through this process, but they're not going to go through preliminary and final, they're just going to go through a final. However, they have to have a public hearing.

Jaime Topham – That brings me to level three. Does that really need, if they're really only doing ladder, they're street facing, they're not dedicating anything, does it really need to go through two staff DRCs and, well, I know that it has to go to a public hearing and Planning Commission, but does it also need to go to City Council.

Shay Stark – Well that's up to City Council. We just started the new state legislatures. As I was driving out, I was listening to the governor tell us about streamlined processes, blaming all the costs on government, as to why homes costs so much.

There are obviously a lot of people in our state legislature that have interest in the building industry, the development industry. They're looking for ways to streamline the process. I honestly think that we're going to come out of this legislation with the City's being told that you're going to streamline the process.

I listened to one proposal that's being discussed out there that's basically saying, the law already says that this is an administrative process and not a legislative process. What that's basically saying, the way these guys were talking about it, they said, "We already told them that City Council doesn't have to be involved in this process."

Brett Coombs – I was just going to add on to that. You made a comment that of course we're going to do a public hearing. Just for clarification, the law does not require a public hearing on any of this. The law would not require the City to do a public hearing. The City has opted to do public hearings, but there's no requirement.

Jaime Topham – So I was going to say, from a policy perspective in the City and maybe this is something, Mayor Critchlow you can take back to the City Council. Isn't the reason we have a Planning and Zoning commission that are people who are appointed, they are not allowed to be talked to by the public, they're not allowed to approach us outside of these meetings. Isn't the purpose of that, it's to take away the public opinion influence when something meets code and is permitted by our code, we don't really have the right to say no to it and by setting it before us and then again in City Council, it seems like sometimes that does happen. Maybe we need to be looking at it as more of an administrative process, particularly if like levels one, two and three. What's there to discuss? Why do they need to go through two DRCs?

Shay Stark – The idea with the DRCs is the first DRC is the first time staff gets to look at it. They then make changes to it. The second DRC is a review of those changes. It is an opportunity to help these guys clean it up. I have yet to see somebody turn in a set of plans, make all the changes that we've asked for, perfectly, and walk away from it going, "That can go right to planning commission the way it is." Even on the simplest plat we're probably going to end up with a second DRC going back to them again, meeting with them again, saying, "Hey look, you missed this and this. Make those changes before we bring it forward."

Jaime Topham – But if it's a simple thing where they're not dedicating anything because they're all the parcels are facing the street or are fronting a street, they're only have to do the laterals then does it even need to come to Planning and Zoning? Can it be the two DRCs and then staff says, "Yes. Okay, great."

Shay Stark – That's up to City Council to delegate that the to the staff.

Mayor Critchlow – I will tell you something you guys, Governor Cox, Speaker Wilson is his name, Brian Wilson? Senate President Adams has said, "You're going to streamline things and we are going to be in control of this." They want to do your job, basically. We had this meeting yesterday and that was gist of everything that came out of that meeting. They're going to tell us what we're going to do, because we're costing too much money. It's not that developers are making too much, but we're costing them too much.

Jaime Topham – Well, but like A, B and C level one, two, and three, you're talking about property owners and I agree. It costs too much for a property owner to just be able to divide their land, because the majority of them, the family members, they're dividing it and they're not actually developing it. They're giving it to their kids. But they're being held up and maybe that's why we're having this discussion again, we used to have a small subdivision.

Mayor Critchlow – It got put to 10, which I don't know why it went that way other than the state came in and started dictating to us that it had to be 10.

Shay Stark – That's where the language came. That's why the change was made was because that's what the state law said.

Mayor Critchlow – But this still comes down to the fact that it's easy. It should be an easy process for a citizen to take their lot, divide it, as long as it meets setbacks and the utilities are available. It should be such a simple process.

Rick Barchers – I'm having a problem after a certain number of lots, kind of like you're saying. If someone says, "Hey, I want to make put in 10 lots," and if you're reading down through here looking at this stuff. "Well, I built this house." Let's take Hollywood corner. "I'm going to put three houses up there and put them all the way to the back." They're running sewer, they're running water, they're running streets, whatever basically. Then they say, "Oh, I'm going to put nine more houses in there." What would Hollywood Corner look like?

My other concern about this, and to be quite honest, is these developers come in here and they leave us with theoretically, a nice clean street. Right now, we've got 20,000 potholes going down Quirk. Right. My wife blew a tire in a pothole in the snow and bent the rim on her car. Okay. I'm not complaining. I'll take that to live in a small town. I'll take it. Okay. Not complaining. But the thought process is if every potential lot on that street was built, we'd have 30,000 potholes going down Quirk and the City would be liable for paying for it. When these guys come out and they got to cut the street, cut all this stuff, are they paying their fair share? Does that make sense? When it comes to a fee, and I have nothing to do with fee. This whole minor subdivision thing is just really a matter of what is an appropriate fee when you consider all of those things? You go into a staff approval for, like you were saying previously, it was up to 10 houses, you went to a staff approval and they're putting that-

Shay Stark – Still went through a planning commission and City Council.

Rick Barchers – Well, that may be so, what I'm saying is there has to be a line there somewhere, when it comes down to a basic staff approval situation, that's all I'm throwing out there.

Shay Stark – Well, I guess I look at this and get and go. I mean if the three situations that are spelled out here can all be handled at a staff level, that's one category one simplified process.

Rick Barchers – One caveat on that, to be fair, if you could put it in there and just tell me how this sounds to you. As long as the size of the lot, if they're dividing it into two or to three, doesn't... The largest or smallest lot doesn't vary in size from any adjoining lot. That would be a line that you could put in there also. Because otherwise just like Hollywood Corner down here, you could go in and a

guy could throw a couple of houses in there. He ends up with an oddball situation because he is abutting something else completely different. Does that make any sense? Probably doesn't.

Jaime Topham – I think they still have to comply with the zoning, whatever the zoning is. They couldn't divide the house. They couldn't divide the property if it wouldn't meet the zones. Right? That was one thought I had.

Shay Stark – That's true. But I see one other advantage to what you're talking about because I mean, back when we had this discussion about changing this so that we essentially got rid of the minor subdivision and we basically said, "Okay, anything under four lots and under only has to go through a final plat." And we just added that into that section of the subdivision code.

One of the discussions we had was the concern of past developers who had gone in on their existing streets, had developed the minor subdivision and not having to put any improvements in and then constructing a major subdivision behind it. They got their three or four lots at minimal cost. Then they construct their major subdivision. The problem is, is it dumps out onto an existing street that's not been improved to be able to handle the traffic. They were the ones who developed that originally.

That was one of the things that was discussed at that time. If I'm understanding you correctly, essentially, if all of the lots have to be the same size or generally the same size across there, you don't have three small lots and then you have the one huge lot in there, then that requires that for a developer to go back in and actually develop those lots. They're going to have to get every multiple lots to agree to development and essentially, it's going to discourage that type of issue from happening.

Rick Barchers – He's trying to get away from the hodgepodge.

Gary Pinkham – Well, but it's not just making three lots, a large fronting lot, but three lots and a 60-foot wide, or 66-foot-wide because that is the access to the remaining parcel back behind. That was one of the primary concerns we have with the minor subdivision before, is it was being used not to make a simple process for somebody's brother-in-law here. It was being used by the major developers to circumvent our code and get out of paying for street improvements and a lot of other things.

We took it away from them and said, "Hey, if you're going to subdivide, do it all at once." We quite literally have minor subdivisions that hadn't had the paperwork signed on them when the developer came in with a major right behind it, followed up. They were going around the code, so to speak legally, but meanwhile the City was getting rooked because we weren't getting the street improvements because we weren't getting the review fees and stuff that we should have been getting.

Jaime Topham – But you basically addressed that with this language, right?

Gary Pinkham – I think somehow if the language... I don't have a problem making a simple process for someone to carve off a piece for their kid. So long as we have provisions in there that don't allow the developers to misuse the process like they used to do the minor. If you've got an existing street and four lots on an existing street, what's difference between doing four lots and five lots on an existing street if the only thing necessary once it's cut, is a building permit and street cut permit for utility. This four-lot number doesn't make sense to me.

Shay Stark – That just came out of the previous minor subdivision, so.

Gary Pinkham – If a person has a thousand feet of front each and it's 150 feet deep, he's going put seven lots up there, eight lots or whatever. They're all going to be tying into the existing utility and the streets there, there's no dedication. It's no more difficult for us to review that seven or eight lots than it is to review three. Again, we're tying everything to lots as opposed to the nature of the subdivision. The nature of the subdivision in one case is on an existing street with no dedications, no public utility installations. They're going to come in and do a plat, put in some bins and a building contractor's going to come and get building permits.

Once we start getting into dedications and utilities, that should move everybody over into the full subdivision code in my mind.

Shay Stark – Let me ask you this question. We have that thousand feet of frontage and I'm more concerned about, less concerned about the number of lots, but that a thousand feet of frontage now gets developed with lots and they get to do that with just a plat, and now we've got a thousand feet there that doesn't have curb gutter and sidewalk and is not developed out, that we're going to have to address.

Gary Pinkham – I'm not saying they're not going to construct the street. I'm in favor of every single lot constructing a street. You know me.

Shay Stark – Yeah. No, that's why I'm just trying to figure out-

Gary Pinkham – I'm just saying from an engineering point of view, it's not a great chore to review that.

Shay Stark – No, I agree with you totally. I'm just trying to figure out if we don't set a limit at four lots or if we do it based off of distance or something else, what are we willing to agree to that we're going to say, "Okay, you don't have to..."

Gary Pinkham – If I've got that thousand feet of frontage and there's a four-lot limit, I'm going to come in and develop the first four and then next year I'm going to do the next four and I'm still not going to build the street.

Jaime Topham – Wait, wait. But you all have to build the street.

Gary Pinkham – Everything we're talking about can be worked around.

Shay Stark – If the lot around it has been developed. But say I'm out on old Lincoln Highway for instance, right now, and I now put 10 houses along the front of Old Lincoln Highway in a thousand feet because or somewhere else, anywhere. I don't have anything developed around me at that point, so I'm not being required to do that. The question is how much is the city willing to subsidize in the future. Four lots, that seems manageable, but you stretch out to a thousand feet and all of a sudden that's a pretty long stretch of road that now has to be improved.

Gary Pinkham – That has to be a question that I raised with Brett several months ago, and he is never answered for us. When we defer the street improvement with the deed restriction, the fellows over there on Hale Street raised the question that may be unenforceable, illegal.

Brett Coombs – No, it's not necessarily unenforceable. The city can always go in and enforce it. The problem is administratively, politically, the city usually doesn't.

Gary Pinkham – Okay. So politically, in other words, we're going to eat the cost of building all these streets with this minor subdivision process. That's where I'm looking at. As a member of this board I swore on oath to look after the city. That's not the residence, not the developers, it's the city. The city's a corporation, legal entity, that I'm responsible to. When we set things up where people can take advantage of the city and transfer the burden to the city, i.e. you and I, that's not why I came here.

We're creating stuff that says it's going to make it simple for my cousin Bobby to do something for his kid and the city's going to pay for it. That's what I'm seeing here with this kind of a process. That's what I think was being talked about a year ago in our work session with council. They want to create a deal where if you live here, have lived here, and your parents did, then we're going to let you go do things for free and the city's going to pick up the tab.

I'm not sure that's fair to the rest of the people in this town or the city of Grantsville. We don't have that kind of money. We had the discussion last week, or two weeks ago, what are we going to do on Willow Street? We're looking at a million and half, 2 million bucks investment in Willow Street that we have deferred and put off with the landowners up and down there. Now we've got to eat it?

Rick Barchers – Right. No, that's kind of what I was saying.

Gary Pinkham – Quirk is the same thing. We got agreements up and down Quirk where people have legally signed a deed. It says, "They have to pay street improvements." And the city has just rolled over, played dead, says, "Oh, we're sorry. We're not going to offend, for political reason, we're not going to enforce that, instead, for political reason, we're going to make your neighbor pay for it."

Brian Pattee – Dan, did you have something?

Gary Pinkham – Oh, you guys must be glad to have me gone.

Brian Pattee – We've got 20 minutes.

Dan England – As Gary was saying, that's one of the things that we have the most trouble with is trying to figure out how to make it work. But the cost to pay for frontage improvements is a lot for a homeowner that isn't expecting it.

One of the things that we might be able to do in the future, because I've spent a lot of time thinking about it, I think what might work is when they do one of those four lots where they have the three across the front so they don't do the front improvements and the one big in the back, we can put instead of each of the three homeowners in front have to build their frontage, move that note to the one big one in the back when this gets developed. They do all the frontage across that whole thing. I think that would work. I don't know. There's probably loopholes that I'm not seeing.

Gary Pinkham – Like I say from the very beginning, for long as I've been here I've seen people take advantage of our code. When we write things for the benefit of somebody, which is done in good faith. Then it is misused by others and that puts the city and the residents of Grantsville at a financial and legal burden that they shouldn't have to pay.

Dan England – Are you seeing loop holes in what he's got here on tonight.

Jaime Topham – Yeah. They wouldn't have to develop those streets.

Rick Barchers – Right.

Jaime Topham – So I'm going to divert us into a different direction, but what about open space? How does that apply to each of these things? We don't need to jump into this discussion tonight, but it needs to be talked about because you have a single lot subdivision. They are technically a subdivision. They're subdividing I guess, or developing. Is open space required from them? If you are splitting one lot into two lots, do they have an open space requirement? If you're splitting four, only four sub lots, is there an open space requirement? If so, what do we do with it? Is it a fee in lieu of? Why are we doing that?

Shay Stark – Right now the way the codes written, more than likely they would choose 'fee in lieu' for that. That's a whole discussion that we need to address big picture wise because I think the vision of what the city thought they were going to get with the 10% open space requirement and what's really occurring are two different things. I think that there's also even a difference between city council and planning commission and understanding in their vision of what they see and maybe even staff. Because one of the other things that we keep running into all the time, I heard this last meeting, I heard it brought up several times, and city won't accept parks under 10 acres. The code says five acres. We need to change that and we can change that with this because that's in chapter 21. So that's no-brainer to address that to what we're saying matches what we're telling everybody that they need to provide.

Jaime Topham – I don't want to dive any deeper time, but.

Brian Pattee – Yeah, we could discuss this from now till midnight.

Jaime Topham – When we get to Mayor Critchlow's, I have some notes.

Shay Stark – So, I guess at this point, if you can just tell me what way would you like to see me go with this? First of all, the first three levels, that's all essentially one level. Well level one is chapter 24. The two in between there where we split, say we saved four lots is the maximum and we split that. Would you be in favor of that being an administrative or a staff review and consideration? Is that something that you'd be willing to recommend to city council?

Jaime Topham – For B or C? I would.

Rick Barchers – With a few things put in there. One addressing what she was just talking about open space. I mean why does a developer have to take that hit for open space and these other minor subdivisions or whatever not, I mean I just think it's only fair. The other part with the improvements on the streets. Those are things that I think city council are going to have to address in a fee or something.

If those things were plugged in. If so, that it's fair for everybody. And I'm really stuck on this 20% issue. I mean the only reason I'm throwing that out there is I want to keep things from, like Gary was talking about happening. If you've got lots that aren't varying in size of more than 20% all the way

down the street, why is that a big deal? If you start throwing in this huge variance, then you start getting into the hodgepodge thing that just, I don't think looks right personally. Plus, I think you start getting developers taking, or not necessarily developers, but minor developers taking advantage of the situation.

Nicole – Can I speak about that?

Rick Barchers – Sure. Oh sorry.

Nicole – Directly is a level three minor subdivision. I'm a fourth generation. My ancestors were some of the first settlers in Grantsville. We have been trying for years to build on my dad's property, which these men right here are very helpful in making that happen. We don't need a street where we're at. We have a right of way that's wide enough to allow emergency vehicles down there. I guess what I'm trying to convey to you guys is in situations like mine that level three is exactly what we need. We don't want to develop the property. We want the space. We want the agricultural purpose of the land, but we want to live on our land. I think something like that is beneficial to citizens in town.

Jaime Topham – I don't disagree, but I think you're actually a four because you don't front a public street. Your lots would not front a public street because you're down that alley.

Nicole – But helpful information, potential, we do have that, which I think will eventually become the city road.

Jaime Topham – But at the moment that's not. But to give you direction Shay, it's kind of like that. All the other issues we need to get on the same page with city council about what we are, are aren't going to do, are aren't going to allow what would be appropriate for a process. My mind says that I don't understand why any of our subdivisions go to city council after we've approved them because they are meeting the code. A PUD, things out of the ordinary. That makes sense. But a straight subdivision, whether it's one lot, 10 lots, 80 lots, I don't understand why it goes to city council from an administrative perspective. I understand from a political one. I feel like we probably should be sitting down and getting on a same page before we start writing code that may have unintended consequences. I think that's how we keep getting into these situations is that we write code without having enough conversation and then we have unintended and consequences that allows the loopholes for the developers to do things that we didn't intend and certainly didn't want.

Shay Stark – So could we take this concept? I had the first page, that was just essentially a discussion of what we were looking at. Brett, maybe would it be okay to take this concept and just have a discussion with city council and maybe discuss some of these issues and try to-

Brett Coombs – Yeah, you could do that in a work meeting?

Mayor Critchlow – Joint work meeting.

Gary Pinkham – Right. I kind of agree with Jaime. Some of this code is written with blinders. It's a sole purpose code. It is to make it cheap and easy for Cousin Bobby. But they don't understand the ramifications or the consequences that that does. More than just cousin Bobby's going to use that code. Ivory Homes is going to use it. When they do, that screws everybody in Grantsville. I mean literally we pay the tab when our code is misused. Historically that was a problem. We tried to fix it by getting rid of the minor. If we can simplify... Again, I'm not talking about cousin Bobby or Ivory

Homes. If somebody wants to come in and cut one piece at half on an existing street, that should require probably nothing more than a plat that could be recorded with the county and a staff review.

So long as the property meets the code. We're not allowed to do nonconforming lots and so on. That's where the staff with the DRC review comes in is make sure they meet the code. If they do, have them draft a and we'll get the signatures and get it recorded. If it's a matter of converting a parcel to a lot, have them draft the drawings that has the lot number on it at the county to assign a lot number, get it signed and get it recorded. It shouldn't take a lot of time or a lot of money. When it gets to the fee structure, which is where all of this is coming from, council can say, "Okay." The staff can review this in two hours of time and assign a \$250 fee for the city expense or whatever.

Once we start going beyond that and start getting into dedications and utilities and engineering, then we're back into basically a full-blown subdivision situation, whether it's three or four lots or whether it's 300. Now again, on a fee structure, it's going to cost the city many more times to do 300 or 400 lots because we're going to have the initial review plus the multiple phases as opposed to the three or four that can be handled on a fee structure deal. I think Tooele has a deal where the first 10 is this much and then so many bucks a piece for lots after that.

I'm thinking and I'm probably right, even though I'm thinking that this is coming out of what was brought up a year ago about this equity for the local residents, for the minor subdivision. I can see this being misused. If we could figure out a way for a simple subdivision, maybe we call it a simple subdivision as opposed to a full-blown engineered street dedication type subdivision. Maybe it's a simple and a major, maybe it's a simple subdivision if we don't have right of ways and utilities and that's all fronting, maybe it's a major, if it's anything other than that. We still need to figure out as a city, are we going to have these people pay their fair share of street development or is the city going to pay for the streets, even on the little ones?

Brian Pattee – Okay, does that help at all? Do you need some direction?

Shay Stark – Well, I'm going to suggest that we set up a work session, joint work session with city council and talk about this. I don't want to spin my wheels. I mean it costs the city money for the time I put into it. It needs to be addressed. We need to move it forward. At the same time, I don't want to keep coming back with just slight changes and we're still have problem. It a bigger issues here than just planning commission. It's a planning commission and city council getting on the same page of some of these issues.

Brian Pattee – All right. So, you'll work with Cavett to put together a meeting, Mayor joint meeting. All right. Shay, appreciate your work on that.

7. Motion to elect Chair & Vice Chair for 2023

Brian Pattee introduced the two (2) members: Derek Dalton and Kevin Hall

Brian Pattee nominate Jaime Topham as Planning Commission Chair. Gary Pinkham seconded the motion. All voted in favor. Motion passed. Jaime Topham will serve as the Commission Chair for the next 12 months.

Jaime Topham nominate John Limburg as Planning Commission Vice Chair. Gary Pinkham seconded the motion. All voted in favor. Motion passed. John Limburg will serve as the Commission Vice Chair for the next 12 months.

8. Report from City Council liaison Mayor Critchlow

Mayor Critchlow – I want to thank you Brian. Gary, all your hard work, what is it about 50 years since you came.

Gary Pinkham – Short of that. Anderson asked, come in here a little over 19 years ago. I've been here ever since. It's like a month short of 19, I think. I'd have to look at the paperwork.

Brian Pattee – Gary's staying on the DRC, right? So that's great for the city.

Mayor Critchlow – Brian, we appreciate you for being willing to serve.

Brian Pattee – Very welcome. I love serving.

Mayor Critchlow – You give me a list of those notes that you want, Jaime. Just write them out and give them to me and I'll take them with me to The Council. We'll do a joint session.

9. Adjourn

Jaime Topham made a motion to adjourn. Rick Barchers seconded the motion. All voted in favor. Motion passed. Meeting Adjourn at 9:03 pm