

Action Summary

#1 Transportation Master Plan to the General Plan	Moved to Action Recommend Approval – Sent to CC
#2 Quin Denning – Suds & Soda	Moved to Action Approved
#3 Logan Subdivision Plat Amendment	Discussion
#4 Holly Jones – Beacon House	Discussion
#5 Minutes from Nov.3 2022	Approved
Joint Work meeting with CC Feb 15, 2023	Planned

MINUTES OF THE GRANTSVILLE CIT PLANNING COMMISSION HELD FEBRUARY 2, 2023. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM

Commission Members Present: Jaime Topham, John Limburg, Rick Barchers, Derek Dalton, Kevin Hall

Appointed Officers and Employees Present: Mayor Critchlow, City Attorney Brett Coombs, City Manager Jesse Wilson, Public Work Deputy Director Cristy Montierth, City Engineer Dan England; City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson

Citizens and Guests Present: Holly Jones & Kelly Baker, Quin Denning & Bryson Pulver, Francis & John Herman

On Zoom: Shay Stark, Barry Bunderson, Candice Derek, Jewel Allen

PLEDGE OF ALLEGIANCE

COMMISSION CHAIR JAIME TOPHAM OFICIALLY CALLED THE MEETING TO ORDER AT 7:00 pm

Public hearing:

A. GENERAL COMMENTS PERTAINING TO PROPOSED ADOPTION OF THE GRANTSVILLE CITY TRANSPORTATION MASTER PLAN TO THE GENERAL PLAN

NO COMMENTS

B. GENERAL COMMENTS PERTAINING TO A CONDITIONAL USE PERMIT APPLICATION TO BUILD AND OPERATE A CARWASH/SODA SHACK LOCATED AT THE CORNER OF RACE AND MAIN IN A ZONE C-N

NO COMMENTS

C. GENERAL COMMENTS PERTAINING TO SUBDIVISION PLAT AMENDMENT APPLICATION TO LOGAN SUBDIVISION AT 159 WEST VINE STREET.

NO COMMENTS

AGENDA

1. Discussion of the Proposed Adoption of the Grantsville City Transportation Master Plan to the General Plan

Dan England was present to explain and answer question. He explained the projected growth, the existing roads, the traffic spots, truck routes, size of side streets, collector roads. He outlined sizes and improvement that each of the different street require. He used the different maps from the study to show what traffic would be if no road improvements were made compared to the various roads that have been proposed.

John had questions about the railroad and a grade separation so the railroad does not cross the Mid-valley exit. He also had concerns about detours on Durfee that doesn't take traffic back to Main.

Rick had question about the width of the road so he could better understand the improvement including in the various road sizes.

Rick also mentioned a project the country had at one point to put a trail along the north edge of Tooele Army Depot.

Dan and Mayor explained that some of the country trails have shifted. This is trails for ATV Jesse mentioned the county is in the process of looking at other places to put trails. Dan and Jesse both explained the trail on the south side of South willow is actual on Depot property and they allow us to use it.

John had question about paving and right of way needed to make Quirk meet the paving requirements.

Mayor explained this is all in the works.

Rick had question about impact fee and who will pay for these improvements.

Dan explained that to charge for future improvement we need it to be part of our General Plan. Once this is passed, we can do a study so we can start charging developers for these proposed roads and improvements.

Jaime made a motion to move this item to an action item, John seconded the motion. All were in favor. Motion passed unanimously.

Jaime made a motion to recommend approval the Proposed Adoption of the Grantsville City Transportation Master Plan to the General Plan. John seconded the motion. All were in favor. Motion passed unanimously.

2. Discussion of a Conditional Use Permit application for Suds & Soda

Quin Denning & Bryson Pulver were present to answer questions. Quin showed a YouTube video of their shop in West Jordan.

Jaime had questions about the possibility of back-up onto the street.

Bryson explained that the long line in the video was due to a free soda promotion and not typical of their normal traffic.

Jaime had questions because the last time this was before the Planning Commission there was discussion about doing a zoning change.

Brett explained that he did a deep dive of the code and this is permitted as a Conditional Use Permit under the current code.

Rick had questions about the Staff Summary and the close time. Is the carwash usually going to close at dusk?

Bryson explained that usually the number of clients drops off significantly after dusk so therefore they close around that time.

Quin then explained the light study and the photometric information from the West Jordan facility.

There was also discussion about whether the carwash was self-service. It was explained the business is only available during business hours when staff is present

Brett asked about water reclamation

Quin said they always install tanks and equipment so they can switch over to using a reclamation system if needed. Currently they are not planning to use this system but it will be available for them to start using it. With the reclaim system the carwash will use 35 gallons or 78 gallons per car depending if the system is on or off. A person washing their car at home in their driveway uses around 400 gallons

Jaime asked Dan how water usage works for a business

Dan explained that like all other business they will be metered and pay according through the current commercial water fees. Quin explained they are looking at a 2-inch water meter.

John asked if they know how much water they use.

Quin said the West Jordan use around 2000 gallons a month

Jaime expressed concerns about recommending approval tonight because she was not sure if they have enough information at this time. Several other members also felt they needed more information.

Dan explained they can add condition to the Conditional Use Permit

Discussion concerning the process to approve. Brett clarified that this will use a Preliminary and Final plan approval.

Brett explained that the commission can put a condition on the CUP that they be required to engage with the city on the need for a water reclamation system

Jaime again expressed concern about having enough information to make a recommendation at this time concerning the water usage. Quin explained that the water usage and the requirement to use a reclamation system can be put into the review process since this information is a complicated process to calculate the amount of water usage at this time. This would require a study

Jaime asked attorney Coombs for clarification. He explained that they can certainly put conditions on that require that Suds & Soda engage with the city in those discussion and if the city requires it that they do something about water reclamation.

Rick asked about putting in a particulate interceptor. Quin said yes of course those are standard.

Kevin said that the water reclamation issue is an engineering issue and Suds & soda should work with the city staff/engineer

Jaime Topham made a motion to move this item to an action item, John Limburg seconded the motion. All were in favor. Motion passed unanimously.

Jaime Topham made a motion that they approve a Conditional Use Permit Application for Suds & Soda on the condition that they comply with any of the city's requirements for dealing with water reclamation. Kevin Hall seconded the motion. All were in favor. Motion passed unanimously.

3. Discussion of an application for a Plat Amendment to Logan Subdivision (169 & 159 W. Vine Street)

Holly Jones was present to answer question.

Jaime asked what is the purpose of this.

Holly explained that the owner of the neighboring lot to the south has expressed interest to buy that parcel

Jaime had a question for Brett. What allows us to do this?

Brett explained that as the owner, Holly can request to divide her lot into two (2) lots.

Dan explained if it was not in a subdivision she could do a lot line adjustment.

Jaime asked about the access easement.

Holly clarified that it is a utility easement only, no access.

Jaime once again asked what the request is. Holly wants to basically a boundary line adjustment so she can sell the south piece.

Brett confirmed that since it is in a subdivision a plat amendment is needed rather than just a boundary line adjustment.

Holly continued with her explanation that because her lot (159 S. Vine) is in a subdivision she can't do a boundary line adjustment but needs to split her lot into two (2) parcels before she can sell the south parcel.

More discussion in an effort to understand the process. Members asked if Holly had a purchase agreement with the owner of the trailer park. They would like to see that agreement.

Jaime stopped the discussion

4. Discussion of a Conditional Use Permit application for Holly Jones to own and operate a large group home, Beacon House at 159 Vine St.

Jaime clarified that Holly already has a small group home as it is permitted under the RM-7 zoning. She is asked for it to be a large group home. To do this she needs a Conditional Use Permit. What are the different conditions that would mitigate the "possible nuisance or make the use harmonious with the neighboring area."

Holly said that they have processes and procedures, house manager, fences, parking, interlinked fire alarm, and exterior and interior 24-hour surveillance.

Kevin asked whether the conditions previously discussed with staff were related to the 4-6 room small group home setting.

Holly explained that the conditions were discussed in prior meetings with staff.

John asked for explanation of the type home.

Holly explained that it is for people who are out of in-patient treatment for substance use disorder.

John asked if there is any requirement with regard to distance from a school

Holly stated that there is not.

Kevin asked about ADA requirements.

Holly explained that the ADA requirements don't apply to this home because it is a residential need, it is not to the public, is not a commercial building.

Kevin said that he struggles with Holly's statement that it is not a commercial building and asked about

whether people are paying her to be there.

Holly confirmed that people due pay to live there as a rental, like any other rental in town.

Cavett explained that he has worked with Andy about the ADA requirements. Andy found that the legislature has change the requirements so a home like Beacon House don't have to comply with the ADA access requirements

John asked Brett Coombs if he knew of any legal requirement concerning distance from an elementary school.

Dan, Cavett and Brett all confirmed that our city code doesn't contain any restrictions on a group home in proximity to an elementary school.

John mentioned sex offenders. Everyone agreed that those individuals would not be permitted to live close to a school. Holly confirmed that Beacon House does not accept sex offenders as clients.

John suggested that no sex offenders but place as one of the conditions. Derek asked about success rate for similar homes.

Holly stated this type of homes have a good record in helping clients stay in recovery. It is necessary to take someone out of the environment that contributed to their addiction. Having another step between rehab and solo sober living is key to staying in recovery.

Jaime brought up the code for determining approval for Conditional Use Permits. 7.8 (c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans; In this area Jaime felt that Beacon House complies, (d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located; (e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;

Jaime continued by reiterating that the commission received numerous letters objecting to Beacon House. She continued with questions about idea to abate the nuisances that are not in harmony with the neighborhood.

Holly said that since this is a RM-7 zone it will by nature be more dense. You can't put the obligation on just one person it will have to slowly evolve over time.

Jaime stated that since this is a conditional use permit that the commission can put the obligation on Beacon House as part of the conditions. She asked Holly for recommendation on how she is going to fit into the community and what kind of things is she willing to do for the neighborhood so they feel safe. Those are part of the condition that the commission should look at.

Holly stated that since the meeting of December 15, 2022 she tried to make sure the neighbors know how to contact her. There is an active website where there is a 24-hour person that's monitoring if they have an issue. Holly wants to be a good neighbor and have the neighborhood rally around the people that live in the home.

Rick asked about whether Beacon House was being operated as a small group home.

Holly stated she has not started operations yet. She is working toward getting her state permit. She has had her fire inspection and health department inspection. She also stated that yes, she has the business license for the small group home but since the State Health and Human Services has a backlog and they are scheduled for an inspection next week. At which time she will get her state permit. She has already had the health inspection and fire inspection.

Rick made the comment that Holly hasn't operated the home as a small group home yet she is coming and asking to have it as a large group home. He would feel better if she had some evidence to show that it works well as a small group home but is now wanting to enlarge it to a large group home.

Holly said her goal has always been to have a large group home. She stated there was some confusion as to what was permitted.

Rick asked if she has other group homes.

Holly stated she now has one in Tooele. This is a new home. However, she has personnel that has twelve years of experience.

Kevin asked about the house manager.

Holly explained that there is a house presidency. They have weekly meeting where they go over accountability with each individual resident. They have a weekly urinalysis. This is a mandatory requirement to be in any of their homes.

Kevin asked for clarification as to who are the three members of the house presidency. Do they administer the urinalysis?

Holly explained that the lab takes care of the urinalysis at a doctor's office.

Kevin asked about the number of residents.

Holly again explained there are six (6) bedrooms, two (2) kitchens, three (3) family rooms, a large garage, a shop and two individual yard space areas. They both have six-foot privacy fencing. The parking is back off the roadway.

Jaime asked for input from Attorney Coombs

Brett said to look at 8.4 in the Land Use Code. That code would be what regulates this particular group home.

Jaime noted that the code 8.4 (4)(j) says no one addicted to drugs.

Brett explained that particular section of the code is unenforceable as it is written. We cannot prohibit someone from being treated in a residential facility. The ADA does not protect those that are currently abusing drugs or using alcohol. Those who are in recovery can be in this facility. That is a condition that this body can place on there, that the facility cannot house anyone who is currently using drugs or

alcohol.

Holly stated that the State regulates the housing with the same requirements as mentioned regarding active use of drugs or alcohol.

Kevin asked, who gets the results of the testing

Holly stated that every week the report goes to the IOP (intensive out-patient), Holly, it is linked system that goes to the house managers and the personnel that does the counseling. She is the deciding factor and well as personnel that have twelve plus (12+) years experience.

Derek asked what is the process for someone who fails a drug test.

Holly stated that yes, they are removed from the facility. They go to a detox facility. Once they have been sober for a certain number of days before they are allowed back. They are not automatically readmitted. The house has to vote to allow the person back into the house.

Derek asked if this is this court mandated.

Holly stated this is not court mandating. They must have come from another facility they cannot self-elect.

Kevin asked about cost

Holly explained that the cost is dependent on various factors but that yes it can be costly. She is currently working to start a charitable foundation, Come Beacon to for help create scholarships and funding help. The hard part is getting people from in-patient facilities to working in society. This is an intermediary step to help them give people somewhere to live without all the logistics of obtaining and paying for an apartment on their own. It also gives them a place where they are accountable and someone is still helping them maintain their sobriety.

Kevin asked again for clarity on who makes the final decision of who comes and goes.

Holly stated that she has the deciding factor on who stay if they have failed a drug test. This is a heart project for her. She has a liability and isn't going to risk her livelihood on someone's actions but she is going to give them a change in a structure environment so they can succeed.

Kevin asked if the home is limited to Tooele County residents.

Holly stated that they currently have a wait list for the home, and most are Tooele County residents. She can make the final decision as to who can reside in the home.

Jaime brought the discussion back to the condition that can be put on the application. She restated the condition: No sexual offences, violent offences, or domestic violence offences.

Holly stated that in her policies and procedures prohibit those with sexual offences, violent offences.

Jaime asked about transportation since Holly stated that most residence don't have vehicles.

Holly explained the UTA rural pick systems that is available in the county. It functions like an Uber. The first ten (10) are free, then there is a fee after that.

Rick asked if this could be operated as a small and then move to a large. He would feel better if this was a proven endeavor before moving to a large.

Holly brought up that other applicantes are not asked to run their business as a small concern before moving to a larger endeavor.

Rick brought up that the previous applicante in the meeting has run their same business in other location and therefore can demonstrate past success.

Jaime mentioned that the commission did receive numerous letters from neighbors objecting to the business.

Holly brought up that in those letters were also several in favor of Beacon House.

Jaime clarified that those in support were not from neighbors but from people who had past experience with similar facilities and the need for one in Grantsville. She also asked what is the hang up of Holly running is as a small permitted facility for a set period of time. Jaime mentioned that we cannot ignore the concerns of the community when considering the conditional use.

Brett pointed out that currently our code allows only eight (8) in a large. He also mentioned that our code needs updating. As it is currently written it allows for only eight (8).

Kevin also mentioned he would prefer to see a test run of a small group home. Holly explained that to set up a home like this is expensive. She explained that this has to be financially feasible for her to run as well and the 6 would barely cover the bills. Holly was originally told she could not even open with just 6.

Rick asked Brett for clarification that if the code currently says eight (8) can the commission allow Beacon House to have twelve (12) residents.

Brett clarified the way the conditional use works. i. Is Holly requesting a reasonable accommodation for twelve (12). ADA require we grant reasonable accommodations. The courts are all over the place with what are reasonable accommodations. Maybe 12 may be a reasonable accommodations but he cannot determine what is reasonable.

Holly stated that the reason for two (2) people to a room is so tenants cannot be reclusive and have accountability.

Kevin asked for clarification on house manager. Is the house manager a tenant or employee?

Holly clarified that Yes, the house manager is a resident but they are further along in the recovery process and are undergoing education to be able to hold that position. They also encourage everyone who goes through the program to become a Peer Support Counselor.

John asked where she could build a large group home somewhere other than where she is seeking to

put the house.

Holly said nowhere in Grantsville right now.

Several people made comments that in many places Chapter 8 has confusing and conflicting language. There is also language that is in conflict with new State and Federal codes.

Gary Pinkham commented that the code is archaic. Chapter 8 needs to be rewritten to reflect the changes on both State and Federal levels.

Kevin addressed with Holly concerns regarding success of programs and his personal experience with persons with abuse history. He addressed his concerns about if the program fails and concerns about harm to children if the program fails.

Jaime brought the discussion back to what conditions the commission can or should include in the approvals of this conditional Use Permit. She asked Brett if he had any conditions

Brett mentioned 8.4 (a) be occupied by manager on a 24-hour-per-day basis. He also brought up 8.4 (f) but he wasn't sure if 8.4 (f) is enforceable or in compliance with ADA codes.

Holly stated they 24 surveillance which is not a state requirement.

John stated that the land use discusses medium density.

Mayor Critchlow said there could be requirements for the type of fence between the properties. He expressed a concern that Holly would not have an incentive to remove people as she will need residents to cover the expenses.

Even though she has yet to open she has numerous people asking about living at Beacon House. There is a great need for such a facility

Jaime asked what is the long-term outcome if it this were to be sold. If the next owner is not as heart driven there needs to be conditions in place so the place maintains the same high standards that Holly has continually mentioned she is going to follow.

Kevin stated he would be more inclined toward the facility if the manager was not a resident or part of the program.

Holly explained there is also an Admin that is not part of the program. They are however in the house every day. They are in charge of all demerits. Each client has a log in chart. The Admin is there overseeing the program. They are in and out of the house every day. The Admin is a paid employee. Holly explained the daily process within the house and how everything is tracked.

Dan mentioned some conditions that could be considered would be parking limitations.

John asked for Brett's advice on the eight (8) versus twelve (12) residents.

Brett again explained that past court rulings are not helpful in knowing how the court would decide if the

commission were to use the code and only allow the eight (8) residents.

Kevin went back to ADA accommodations.

Brett explained that there are two different parts to ADA. One is for commercial construction to facilitate reasonable access for people with mobility issues. Then there is the part dealing with protection for what is defined as protected class against discrimination.

Discussion jumped back to eight (8) versus twelve (12). Many members asked why Holly wants twelve residents.

Jaime restated that Holly is asking for twelve (12) because there are six (6) bedrooms and they would make two (2) people per room. If ADA accommodation requirement is for group living with dual occupancy than she is asking for twelve (12) residents to maintain that dual occupancy.

Holly stated that Health and Human Service only allows two (2) per bedroom. Since this house only has six (6) bedrooms the most she can have is twelve (12). She could not increase if she wanted to.

Jaime again went back to conditional: no sex offender, no one with active substance use, no one convicted of violent crimes or domestic violence as described by state code, conditions from chapter 8.4 such as where they are in compliance with ADA code.

Holly stated that in the future she would like to sponsor neighborhood events so the neighbors can get to know the residents.

Dan had questions about parking and if there was any city code that regulates the number of cars a homeowner can have on a lot.

Mayor asked if the Holly were to sell Beacon House could all these conditions go with the sale so the new owner be required to follow these.

Jaime stated the one of the conditions should be that all successive owners must follow the same policies and procedures that Beacon House now has in place.

Brett recommended the condition be amended to say 'required to abide by the policies and procedures and requirements of Health and Human Services. The group home must remain a state certified group home.

The discussion again jumped back to eight (8) versus twelve (12).

Holly stated that if she is not granted the twelve (12) residents' accommodation the UADL (Utah Anti-Discrimination League) will require she to provide them with documentation as to why she was denied.

Jaime suggested since this is only on for discussion we wrap up the discussion.

5. Approval of minutes from Nov. 3, 2022 Planning Commission Meeting

Jaime Topham made a motion to approve the minutes from the November 3, 2022 meeting. John Limburg seconded the motion. Jaime, John and Rick voted in favor, Derek and Kevin abstained as they were not members of the commission at the time of the meeting. Motion passed

6. Report from City Council liaison Mayor Critchlow

Thank you for the good discussion

Anything for the council: Code updates

John stated they are not experts they rely on the code. They have to be able to trust the code

Joint meeting on Feb. 15 6:00 pm to discuss Moderate Income Housing and ADU

7. Adjourn

Jaime Topham made a motion to adjourn. John Limburg seconded the motion. All voted in favor. Motion passed unanimously

Meeting adjourned at 9:47PM