

**Action Summary**

Logan Subdivision Plat Amendment	PULLED
Holly Jones: Beacon House CUP	Approved
West Bank Study Progress	Discussion
Development Agreement Process	Discussion
Approval of minutes for 11/17, 12/1, and 12/15/23	Tabled

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 02/02/2023. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.**

**Commission Members Present:** Jaime Topham, 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, Fire Marshal Jason Smith, City Engineer Dan England; City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson

**Citizens and Guests Present:** Holly Jones

**On Zoom:** Barry Bunderson

**PLEDGE OF ALLEGIANCE**

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

**AGENDA:**

**1. ~~Consideration to recommend for approval of an application for a Plat Amendment to Logan Subdivision (169 & 159 W. Vine Street)~~ PULLED**

**2. Consideration to Approve a Conditional Use Permit application for Holly Jones to own and operate a large group home, Beacon House at 159 Vine St.**

Holly Jones was present to answer questions

**Derek Dalton** – Can I ask questions while you guys are reading? I've already read it, so I apologize if these questions been asked new. Sorry if it's just repeated questions. I have a few, so can't remember if you said it last time or kind of tried to follow the minutes of the other meetings. But are the residents going to be male, female or is it a co-ed facility you're trying to do?

**Holly Jones** – No, it's single gender facility.

**Derek Dalton** – So, male or female, do you know yet, still up in the air?

**Holly Jones** – It just depends on applications.

**Derek Dalton** – Okay. All right. How often are the residents drug tested?

**Holly Jones** – They're drug tested once a week mandatory and as needed. That is determined by the panel presidency within the house. If the presidency sees some different behaviors and they say "we need to test again", then we'll test again.

**Derek Dalton** – Are they being referred from a doctor, a clinical worker, or how do they get referred to your place? How does that process look?

**Holly Jones** – Multiple different facets. They can come from inpatient, maybe their living arrangements just aren't working for them in their sobriety. If you need a safe space, we have discussed before in the processes and procedures, they have to have three negative tests over a period of three days to be able to even apply to our facility. This doesn't mean that they can use and then say that they're sober. They have to test upon entry.

**Kevin Hall** – So Holly, I just got a question. In the stuff that we got from you guys in the number layout, right? You've asked for 12?

**Holly Jones** – I have, yes. State code is 16 and I've asked for 12.

**Kevin Hall** – Here's the question and I asked this last time, so forgive me about the policing, right? According to the stuff I got, it says that it's for 12 residents plus someone living there to sort of, it doesn't say policing, that's just the term I'm using. Which is correct. Is it 12?

**Holly Jones** – Sure.

**Kevin Hall** – Or is it 11 plus a person that's going to sort of do whatever?

**Holly Jones** – Yes, correct, we're asking for an accommodation for 12. That is because that's two per room.

**Kevin Hall** – Okay. Again, Holly, that includes the person?

**Holly Jones** – It does. Yes.

**Kevin Hall** – Whoever's going to supervise or whatever?

**Holly Jones** – House president or the house manager.

**Kevin Hall** – Right.

**Holly Jones** – Yeah, that includes that person.

**Kevin Hall** – Are they going to be sharing a room with a person?

**Holly Jones** – They absolutely are.

**Kevin Hall** – I was going to say, they would almost have to.

**Holly Jones** – Yes.

**Kevin Hall** – Okay.

**Jaime Topham** – From what I understood last time you said that that person is also in the sober living. They've been through the treatment. They're probably more advanced in their sobriety than others and that's why they're the house manager.

**Holly Jones** – Absolutely. We encourage everyone that comes into any type of our program to become what's called a peer support counselor. They have to actually go through the counseling training to be able to do that. The house manager, we prefer to be a peer support counselor so that they can advise them in a therapeutic way. Also, they have to have one year of sobriety before they can enter that position.

**Kevin Hall** – So, there is some protection there. I guess that was my point.

**Holly Jones** – Yes.

**Kevin Hall** – I worried a little bit at first that it's just going to be somebody there sort of policing and that could reflect on the good old boy stuff a little bit where maybe there'd be some things happening that shouldn't be happening, is my point, right?

**Holly Jones** – Yeah.

**Derek Dalton** – Now is there any type of licensed position or anybody that's involved with the program at all?

**Holly Jones** – Not when it comes to residential recovery homes. We do mandate in our process and procedures that they be in treatment, but we don't mandate where that treatment is given. They have to either be in an intensive outpatient, or everyone's different. Everyone's case is different. Some people don't need intensive outpatient because they've been in it for a year. It's just that they have to be maintaining that level of care, whatever that looks like for them. It is mandated that they attend certain meetings once a week. There's two that they cannot miss, and that is the house meeting where everybody's meeting together and they're finding each other accountable for one another's actions if it's you didn't do your chores or just building each other up and making sure that they're accountable to one another, and the other one is sobriety counseling. They cannot miss that meeting.

**Kevin Hall** – How often is the house meeting, I guess?

**Holly Jones** – House meeting is once a week, but the house presidency talks with our staff daily.

**Jaime Topham** – Brett, under the group home, so I'm looking at the report from staff and under chapter eight, before group homes, this talks about it needs to be occupied 24 hours per day basis by eight or few disabled persons, and then what they're asking for is 12. And then there's a statement that this does not comply with the ordinance, needs modification as being rewritten. Can you give us some input on that?

**Brett Coombs** - The ordinance itself is outdated. There's nothing in it and of itself needs to be updated. What I determined in looking into this a lot is that there was nothing in the record for how the city came to the number of four (4) to six (6) or seven (7) or more. Those were just numbers that were assigned at the time that this was adopted. Without some sort of basis for that, then we have to go to outside laws. In this case, I looked at the American Disabilities Act, and in federal law and federal building code two (2) people per bedroom is the standard that we look to. My advice to the commission is updated from our last meeting. I would advise the commission that two (2) people per bedroom is the standard that we should use and the ordinance should be updated to reflect that. Or there should be a deeper study done to provide a greater clarity on what the number should be.

**Rick Barchers** – So here's the question. If the house has 16 bedrooms, we have to allow 32 people?

**Holly Jones** – There's different qualifications when you get over a certain occupancy and it's also on a state level. The state mandates all of these through health and human services. Health and human services mandates a lot more restriction once you get above 16, and also once you get above a certain square footage of the actual home.

**Brett Coombs** – Commissioner from a pure reading, if we were to use just two people per bedroom, yes, but that's why I think we need to update our code so that some of these other laws can be taken into account.

**Holly Jones** – In the state, there are larger facilities. House of Hope is one of them, if you've heard of that. It's a huge, amazing charity that helps mothers with children. What they have is, what they called a shared apartment, but it doesn't have a kitchen. They have one very large kitchen and a dining hall for hundreds of individuals. Then they all individually have one bedroom for the mother and the children. It's kind of like a hotel, if you would. Those types of facilities do exist and we have to build our code based off of that state law.

**Kevin Hall** – The conditional use permit, is that still part of this?

**Brett Coombs** – Yes, absolutely. You can have a conditional use permit and just determining the number to apply to that conditional use permit, that's what my counsel would be, is that conditional use permit specifically say cannot have more than two people per bedroom in the house. That includes the manager or whoever it is. Maximum number should be two people per bedroom.

**Rick Barchers** – I have a question on that. Is there a minimum number, if the house has eight bedrooms, they have to have 16 people in it? In other words, this house has a given number of bedrooms. Do we have to put two people in each bedroom? Do we have to allow that under the current law? Does that make sense?

**Brett Coombs** – I'm going to kind of say it back to you to make sure I understand what you're asking. Are you asking that, does the law say that we have to allow two people per bedroom? Is that what you're asking?

**Rick Barchers** – What I'm asking is the number of people allowed in the facility, is that based upon how many bedrooms?

**Brett Coombs** – Yes.

**Rick Barchers** – So there has to be 12 people in there all the time?

**Brett Coombs** – No, that's just the maximum amount.

**Rick Barchers** – Okay. Well what if two of those bedrooms were padlocked? I'm just asking. And I'm not saying they should be.

**Holly Jones** – Reasonable accommodation works on two facets of the law for American disabilities Act. One facet is affordability and availability based off of if it's affordable. If we say this house has five bedrooms or 10 bedrooms, that house, that's 10 bedrooms is going to be much more expensive to run the house with 10 bedrooms than it is five bedrooms. We cannot restrict the feasibility of affordability in housing. For you to say it's a 10-bedroom home, we're not going to let you use five of those bedrooms. That is not a feasible model.

**Rick Barchers** – Right. Well I get what you're saying.

**Jaime Topham** – A different way of looking at that is if you take one, if you have six bedrooms right now and you convert one of those to an office and not a bedroom, then your occupancy must go down to 10, right?

**Brett Coombs** – Yeah. And that would be okay to put into the conditional use permit that you can only have a max of two people in a bedroom.

**Jaime Topham** – If you're not using one of your rooms as a bedroom, you're using it for something else, then you're by necessity limited to fewer people in the home.

**Holly Jones** – Yeah, if you had to have an office, yeah.

**Jaime Topham** – So does that make sense? Does it answer the question?

**Rick Barchers** – Kind of, and I get what you're saying as far as the quote unquote affordability housing issue. You can take a 4,000 square foot lot and build a \$3 million home if you want to. The number of bedrooms that you're using in the house that you think necessarily correlates to whether or not it determines it's affordable housing?

**Holly Jones** – Well it does for the client. For the client they have to have multiple options of affordability within our community.

**Jaime Topham** – But are we talking about affordability in your process? Is that one of the standards that needs to be looked at for a group home is that it's affordable?

**Holly Jones** – It's something that they can ask for a reasonable accommodation for. Federal law says that, yes. Federal law goes back to say that the two facets of a reasonable accommodation is that, is this going to be affordable for the facility to maintain? These facilities because of everything involved are very expensive to run. If it's not affordable to run and keep a business going, then you are actually getting rid of a type of housing by just making it not feasible for any company to come in and do business.

**Jaime Topham** – Well, hold on a second. So that kind of sounds like you're saying that it would be our fault that you couldn't run your business because the price of the home. That's not what we're actually looking at because we're not basing our condition on something that would make a house more expensive or less expensive. We're looking at, you're allowed to have X number of people in the house because you have X number of bedrooms.

**Holly Jones** – So I think we have actually left the conditional use and went completely into reasonable accommodation. It's completely separate. A reasonable accommodation can be brought forward to the city based off of feasibility only. If it is a \$4 million facility, they have the option to bring that into the city and say, "here is our pro forma on what it's going to cost to run this facility" and they can ask for a reasonable accommodation from the city. The city then has to decide if they're going to grant or not.

**Jaime Topham** – Then if they don't grant, what happens after that?

**Holly Jones** – It depends on the facility. If they do not grant and it is an ADA violation, then UAD kicks in and they will take over.

**Jaime Topham** – So this kind of feels like getting back into that territory of threat that we talked started to talk about a little bit last week.

**Brett Coombs** – I just to be clear, the city has no responsibility to make her business profitable. We have a responsibility to apply the law.

**Holly Jones** – Yes.

**Brett Coombs** – Okay. And the law set, and according to my interpretation of law, two people per bedroom is what you should have on the conditional use permit.

**Holly Jones** – Yes. So if I came in here and said I need a quantity of 20 to make my business feasible, that's not a reasonable accommodation. That's not saying, that's just me not running my business efficiently. So that's not what I'm saying. I'm saying based off of health and human standards, which is the state limit, if somebody came in and asked for the state limit of 16 because that's the feasibility number, then that's what they could ask for a reasonable accommodation. They can't just come in and say, I need 20 people in a facility with six bedrooms.

**Jaime Topham** – Okay, so commission members, in our packet, we have proposed conditional use conditions. Have you had the opportunity to look at those? Do you have input on those? The only one I don't see is the two persons per bedroom.

**Kevin Hall** – That's the thing I didn't see.

**Jaime Topham** – Maybe that's because we were still having the conversation.

**Kevin Hall** – That was the question I asked.

**Jaime Topham** – But how do you feel about the others that are listed there? And Holly, we kind of talked about them last time. You had said you maintained 24 surveillance system, that was a recommendation by you. And you're okay with that as being a condition?

**Holly Jones** – Absolutely. Yes. We'd do that.

**Jaime Topham** – So there'd be eight plus nine for the two-bedroom conditions. How did the commission members feel about those nine? Keep scrolling. Right there.

**Lanise Thompson** – Jaime, for the record, can you state that last condition?

**Jaime Topham** – The last condition would be, no more than two persons per bedroom.

**Lanise Thompson** – For a total of 12.

**Jaime Topham** – For this particular permit that would mean a total of 12, because there are six bedrooms. They planned six bedrooms. Their plans that are before us show six bedrooms. If that changes, then their occupancy will change.

**Derek Dalton** – So real quick, Brett, so does this group home, does that follow under residential treatment home, same thing? Or is that different things?

**Brett Coombs** – No. Are you talking in our code?

**Derek Dalton** – Or Utah code, whatever.

**Brett Coombs** – Yeah. So yes, it is considered a residential treatment home.

**Holly Jones** – So this is not considered a residential treat home.

**Brett Coombs** – It is, not under our code, under the ADA and the state of Utah. This is considered residential treatment.

**Derek Dalton** – Okay. Yes. So one of the things I've researched, tried to research as best I could be educated, but it says that the program shall have space to serve as administrative office for records and secretarial work and bookkeeping. Is that something?

**Holly Jones** – So that is for a treatment facility, not for a group living.

**Derek Dalton** – Residential treatment.

**Holly Jones** – So there's a residential treatment and then there is a recovery residence. Under state law, this is a recovery residence. Residential treatment means that I can turn it into an inpatient facility. This is not inpatient. There is no doctors on site. A residential treatment is mandated by state law to have 24 hour care with two people per 10 residents.

**Rick Barchers** – This, well, I'll just say it out loud. I am looking at this and so here are some of my thoughts, regardless of whatever conditions we put on this, okay? Down at the very bottom, not the bottom line, but the almost bottom line here in the conditions it says, "the conditional use permit should be reviewed every six months" do you have a problem with, "it must be reviewed every six months"?

**Holly Jones** – I do, if that is not mandated on every condition on use permit.

**Rick Barchers** – Okay. I'm just asking.

**Holly Jones** – Yeah.

**Jaime Topham** – It doesn't say every six months, it says in six months.

**Rick Barchers** – Right, right. I was just pointing that out. But at the same time, it is a conditional use permit. I understand the need for these types of facilities. My concern is that there seems to be some resentment and people may be potentially filing complaints they shouldn't be for something against you that aren't legitimate. Maybe they are, maybe they aren't. I just don't want to have to be in here in this position again because of something that would put you out of compliance with some of this stuff. Does that make sense? I mean, I just don't want to see that for you.

**Holly Jones** – It doesn't because to me, I guess I have seen these be so successful that the people that were resentful at the beginning, they end up loving the service work done by these houses. There are a lot of emotions attached, but we can't issue conditional use permits on the emotion.

**Rick Barchers** – I agree.

**Holly Jones** – If they file something, it's the same thing as somebody saying, "okay, well their dog is barking all the time".

**Rick Barchers** – I agree. I understand what you're saying. Just I'm saying that's my concern.

**Holly Jones** – Yeah. Well, and I agree because I don't think it's fair to me to bring me in as a business owner and put me under false allegations every six months when I don't have to do that.

**Rick Barchers** – They may be false, they may not be, I don't know. I can't be the judge of that. That's not going to be my position most likely. It's just a concern.



**Jaime Topham** – Well we do require review on conditional use permits.

**Kevin Hall** – And that was a question I asked. Does it say that on every conditional use permit?

**Jaime Topham** – I don't know everyone it says on every one of those, no.

**Kevin Hall** – Or is it just applicable to this one?

**Lanise Thompson** – That last one that says "any complaint received", I have seen that on every conditional use permit that I have looked at, and I've been sorting stuff all the way back to 2014.

**Jaime Topham** – Right.

**Kevin Hall** – So isn't it true though by ordinance or law grant that the reality of it is that the city has the ability or the right to review that condition or use permit any time we want to?

**Brett Coombs** – You can as long as it's not done to be harassing.

**Kevin Hall** – My point is that could that be taken off because we have it somewhere else, right? This is specific, it says six months. But the reality of it is if somebody's raising cane, we could call you to this body or the city could call you and say, "Hey". And we could do that anytime, right?

**Brett Coombs** – That's correct. Yes.

**Jaime Topham** – To answer that, we put six months reviews on dog kennels oftentimes. It's not outside of the boundary. We've put it on things that have had citizen complaint from the beginning to have it, so this would kind of fall in that same line. There's kickback. It kind of gives the community some comfort that we're going to look at this again and see how well it's doing, or so see how poorly it's doing.

**Holly Jones** – Absolutely.

**Jaime Topham** – Do we need any further discussion?

**Rick Barchers** – You don't have any problems with any of these conditions?

**Holly Jones** – No. I think we've had a lot of good discussion about this.

**Derek Dalton** – So. I wrote a couple that could, or maybe were, we can discuss it, but just to review in other city's ordinances and stuff because it's such a gray area with everything. I tried to research different ordinances, but one that I like because it's self-reporting, "it is the required the facility that shall report to the city on the first of each month, all incidences required to be reported to the Department of Human Services". If you were required to report to them.

**Holly Jones** – Is that inpatient? Or is that group living?

**Derek Dalton** – That was the one that I got it from group homes.

**Holly Jones** – So we report on a monthly basis on any in-house violations. If somebody has a positive test, if we have to vacate someone, then we report to Health and Human Services.

**Jaime Topham** – So are you thinking having them be required to provide that same report to the city?

**Holly Jones** – So I actually cannot because of, well, I can't give details because of HIPAA. We could say we've had two move outs, but then that goes back to are other rentals required to do so? If other rentals are not required to say how many vacancies they've had, then we can't require that on them.

**Derek Dalton** – Another one that we could think about, I guess step up as "the facility should report as quickly as possible, but not more than 24 hours, any violent incident or crime occurring at the facility to the city of law enforcement".

**Jaime Topham** – Does that one pass muster?

**Holly Jones** – Say that again?

**Derek Dalton** – So they would be required to report as quickly as possible or within no later than 24 hours, any violent incident or crime occurring at the facility to the city and local law enforcement?

**Holly Jones** – Don't know on that one, but I would guess if we're not making trailer courts or any other places do that, then we can't mandate other housing facilities to do that.

**Jaime Topham** – Is that something that you would have to report to Health and Human services?

**Holly Jones** – Yes. That's a violation. So to keep our Health and Human Services certification, we have to.

**Derek Dalton** – So maybe to keep it out of the HIPAA, you just report you had X amount of violations, you don't have to include the person, stuff like that. Just so we know.

**Jaime Topham** – What's the purpose of asking them to do that?

**Derek Dalton** – I think for just the citizens let them know that, "hey, we're keeping an eye". There's a lot of people, there was 17 emails or something that came against this for people that lived around here and the only people that were for it were from either out of town or medical people that have that sent emails in. I'm just trying to protect the neighbors and give peace of mind.

**Holly Jones** – I don't think that was accurate. When we did have our open forum, we had many people here that were local that were for. Emily Hamilton was here in town and she was a hundred percent for. We had out of those 17 emails, those were all not negative. There was probably say six or seven and there wasn't 17. There was about six or seven that were for.

**Rick Barchers** – Well, I think it is just my opinion to kind of go directly towards your question. If it's something where the police are called, the city already knows about it.

**Holly Jones** – Yeah.

**Rick Barchers** – If it's in house, yeah, I don't know that we can police that.

**Jaime Topham** – Holly, what happens if you report violations to Health and Human Services?

**Holly Jones** – So after so many violations, they do more of a in-depth processes and procedures checked to find out where the lapse is going.

**Jaime Topham** – Against the facility.

**Holly Jones** – Yes. Yes.

**Jaime Topham** – So they audit the facility.

**Holly Jones** – It's very stringent. Yes, it is. It's tough. Yeah.

**Jaime Topham** – And if they come in and they see that your processes are not working and/or you're violating what's required by Health and Human Services and they can revoke your license?

**Holly Jones** – Correct.

**Jaime Topham** – If their license is revoked and the conditional use permit, then that particular facility is not continued to permitted to use it as a group home, is that right, Attorney Coombs?

**Brett Coombs** – Yes

**Jaime Topham** – So then some other facility would have to buy it or it would get sold as a house or, so it seems like that protects the citizens and probably more stringently than we could because even if we got a report, then what would we do with it?

**Kevin Hall** – I think the reason that we have reason to call you to look at your condition of use permit, I would assume that would come if there were some real problems, right?

**Kevin Hall** – I think we know we'd know about that. And I think, again, there's always a lot of public clamor, and I get it.

**Holly Jones** – On the onset of any change, there's always someone.

**Kevin Hall** – Nobody wants to in their backyard. And again, I stated from the beginning, and I still stand on that personally, I applaud what you're doing, but I think it's in the wrong place. That's a personal perspective.

**Holly Jones** – Right.

**Kevin Hall** – But I think if there's trouble, trouble, trouble, I think it'll come before the city, right? Because the things that happen in house, I would hope that they stay in house.

**Holly Jones** – And I think we need to remember, we're here to help people.

**Kevin Hall** – I know, I get that.

**Holly Jones** – We're not here to make it not a successful thing. If we saw something in our organization that wasn't working, we're going to pivot. We're going to say, "okay, what are we doing? We need to make sure we're doing, we need more regulation here, we need this, we need that." So we already are self-policing ourselves, but this conditional use permit is the reason for that. Just so you know, somebody can come in with a reasonable accommodation and ask for one without a conditional use permit. It's a permitted use in every zone.

**Kevin Hall** – So we know that we're sort of bound to that. We're on that page with you, right, Holly? But again, the world we live in today, my concern is that it's so close, for instance, to the elementary school, and we all know that we want people to get better. We all want that, right? But people fail. We see it on the news every day. And again, personally, for me, if that happened I'd hold myself just a little bit responsible for that. Does that make sense?

**Holly Jones** – I guess it doesn't to me because I've seen how good these are. For me it's the outside looking in.

**Kevin Hall** – And again, I'm not saying you're going to fail or they're going to fail.

**Holly Jones** – Yeah, no, I understand where the fear comes from.

**Kevin Hall** – I'm just saying it's a concern. I think it's not only a concern of mine, but I think it's a concern of the people who, again, voiced against. However, many they are. But I think that's part of our concern, right?

**Holly Jones** – Well, and that's the thing. The reason we're getting a conditional use permit is because of the occupancy. Anyone can go by in the RM-7 and they can open up a reasonable accommodation for eight people. You don't get to decide, and you don't get to say, "what are your rules?" You don't even get to look at their rules. This is just an open discussion on how we make this the best that it can possibly be. And I'm fine with the terms you guys have set forth.

**Derek Dalton** – I have one more to throw out there and see if it sticks or not. We've got known sex offenders that are known convicted of a violent offense for Utah State vote. Another one I saw was, no person convicted of the legal manufacture or distribution of a controlled substance shall be accepted or shall be an occupant.

**Holly Jones** – I'm not comfortable with that because of the use. The majority of these people, they need a safe space and we can't judge them on the tools that they had prior to this space. I can see on the aggravated assault, I can see on sex offender registry. Those are things that we have to take into consideration. But I mean, these people are there because of their disability. We can't say to them, "Because of your disability,

we're going to judge you on that disability." I exclude you. But we can, because state law allows, we can put the restriction of the sex offender and we can put the restriction of the aggravated crimes.

**Jaime Topham** – Attorney Coombs, do you have any input on that particular one?

**Brett Coombs** – The best standard that I can provide to the commission is that the house has to be looked at the same as any other residence within the community. It can't be looked at as a sore thumb in the community. It has to be looked at as any other residence because that's what the law requires. Now, with that being said, we can also ensure that the people that are using that residence are being properly protected because they're in our community. That's why I believe that condition of use permit in this case, is applicable and appropriate. I think there's people that would disagree with me and say a condition of use permit shouldn't be permitted, but I think it is. I think requiring some sort of guideline on lawfulness and security and things might be pushing it.

**Jaime Topham** – Well, the question was specifically for people not allowing people who were convicted of, what was it? Manufacturing? Controlled substances?

**Brett Coombs** – Typically those are not defined as violent crimes. And that's kind of what the statute says is that you can't house anybody in there who's been convicted of a violent crime. I would be reluctant to expand that and essentially say that manufacturing drugs is now a violent crime. I think it's a gray area.

**Jaime Topham** – It seems like a concern of the community when they're talking about, well, there's kids walking by and there's kids down the street and safety. It seems like that would be coming from more of a risk to the children of abuse of some sort. Whether it's sexual abuse, you got a sexual offender registry, people who can't be there. Or whether it's physical abuse, people who've been convicted of a violent offense that are excluded. People who have been having drug use issues aren't typically, and this is my own opinion or understanding, is that they're not typically violent unless they can't get what they need. The people that are in these homes, and that may be not true either, but the people that are in this home are past that stage. They've already gone through the hardest part and now they're committing to sober living. And if they test positive, they're immediately out.

**Holly Jones** – Well, I think that goes for just statistics in general. 60% of homicides are from domestic violence. I could apply for a domestic violence shelter. We would've had to give them the exact same rules that we are giving these folks. We can't look at it as it's a tainted house or it's a problem house. We have to look at them as just citizens and that's it. If it would qualify for a domestic violence shelter, then it would qualify for this.

**Jaime Topham** – Just for the staff, when we're typing up the findings and conclusions, it says "criminal stature". I think it's probably supposed to say criminal statute. If we can just fix that. Anything further?

**Rick Barchers** – Yeah, I've got a Brett question that I'm still trying to get my brain around. Could we, as a condition, require this to operate as eight persons until the first review and then go-

**Brett Coombs** – For what purpose?

**Rick Barchers** – I'm just asking for the purpose of proving the facility to be able to ... I guess that doesn't work. I guess I answered my own question. I can't do that.

**Brett Coombs** – It is tough. I'm with you, Commissioner. I get it. There's not always clear lines.

**Brett Coombs** – Because it can be revoked if those conditions aren't met anyway.

**Kevin Hall** – But really, if it's revoked, really all that does is change it back to a smaller number. Because there's a certain number they could do that's permitted. And there's nothing we could do about that. So that's really the only thing that would happen. Is they'd go back to whatever that smaller number is, if it was revoked.

**Rick Barchers** – Right, so I don't see anything here since if it were revoked, I know that this falls into some of the other things, other similar sorts of situations. How long would they have to come into compliance with a non-CUP use?

**Holly Jones** – So it's a permanent use in every zone.

**Rick Barchers** – Right.

**Holly Jones** – Every residential zone.

**Rick Barchers** – Up to six.

**Holly Jones** – Yeah, up to six.

**Rick Barchers** – Up to six. So what's the time frame, Brett? Which they would be required to reduce the number back to six if that happened? Is there a timeframe or do we say you've got X number of days to come into compliance? I mean, I don't know. I'm just asking.

**Brett Coombs** – Yeah, so typically what you want to do is if someone is out of compliance for their conditional use permit, you want to provide them notice and an opportunity to remedy it, to fix it. And there isn't necessarily a set time. I would say typically at least ten (10) days is kind of the minimum that you would want to do. Thirty (30) days is probably the max you'd want to do. And just say you need to come into compliance. If you don't, then we will hold the hearing, the planning commission will hold the hearing, to consider whether we need to amend or revoke the conditional use permit.

**Rick Barchers** – So does that need to be put into this now?

**Brett Coombs** – No. No. I mean that's, that, that's just due process. Okay. You could put in there how many days to remedy it, but I don't even know that you would need to do that. This is just all a matter of due process.

**Rick Barchers** – Right. No, I'm just, what come, what's coming to mind is this controversial dog kennel permit where the people were out of compliance with the code for what year, year and a half? Nothing really seemed to happen there to remedy the problem. So that's my concern. Anyway, I'm just throwing that

out there. I don't expect you to have a problem. I just don't want this drug out for a year and a half if one does come up. Does that make sense? Nobody's happy with that.

**Holly Jones** – No. I hope that you guys understand the communication that tried to get.

**Jaime Topham** – Okay. With lots of discussion and lots of changes and understanding that the community has concerns, but we have to balance concerns with property owner rights.

**Jaime Topham made a motion to approve the Conditional Use Permit application for Holly Jones to own and operate a large group home, Beacon House, at 159 Vine Street in Grantsville, Utah, with the eight conditions that are listed in our planning commission response and the additional condition that they cannot have more than two persons per bedroom as per state code. This Conditional Use Permit should be reviewed in 6 months from date of approval. Any complaints received by Grantsville City may require a review of this Conditional Use Permit, which may result in revocation.**

**Conditions:**

- **Persons must abide by the processes and procedures of Beacon House to reside in the home.**
- **No sex offenders or persons on the sex offender registry may reside in the home.**
- **No persons convicted of a violent offence as defined per the Utah State criminal statute or convicted of domestic violence may reside in the home.**
- **This group home must be operated as a State licensed facility. (62A-2-108)**
- **Install and maintain 6-foot solid privacy feet around back yard area.**
- **Use and maintain a 24-hour surveillance system.**
- **Maintain a linked smoke alarm detection system.**
- **Pass a yearly inspection of the following types: Health inspection, State licensing inspection, and fire inspection.**
- **No more than two (2) person per bedroom as per state code.**
- **This Conditional Use Permit should be reviewed in 6 months from date of approval**
- **Any complaints received by Grantsville City may require a review of this Conditional Use Permit, which may result in revocation.**

**Rick Barchers seconded. All in favor. Motion passed unanimously**

**3. West Bank Study Progress Review – City Engineer / Dan England**

City Engineer Dan England presented this item

**Dan England** – The West Bank study was one of the things that I really felt was important for the city from before I got here. As the developer were building, they weren't coordinating with the developments around them and they were only designing big enough pipes for their own development and not worried about other people that were going to develop and use those same pipes. So those pipes wouldn't be as big.



**Kevin Hall** – Dan, can you enlighten since we're new. What the definition of the West Bank is. So, we sort of know that where that is?

**Dan England** – It's hard to see because it's split in half. You come up Mormon Trail going up to Main Street and then following Main Street all the way out. Everything to the west of that is what the West Bank was originally intended to be.

Then I had some property owners to the north end of the city where Vegas Street is. Pretty much where the city limit is, going up to the north. That area you can kind of see there's north and then there's, I think it's Meadow Lane or something up that direction, that area going up above there.

**Kevin Hall** – Meadow Lane's not there yet, right?

**Dan England** – No.

**Kevin Hall** – Something is supposed to come about, right?

**Dan England** – Right about there. I think it stops. It just comes right to that point and it doesn't go all the way across. This is all county property up in this area. This area over here is all city. This little area over here is out of city limits, but it's been purchased by someone who wants to annex it into the city. We included that in the study as well. This area over here, this is to the south part over next to Mormon Trail. That's where the North Star development is going in down there.

We looked at that whole property, a lot of it had not been developed yet and we wanted to bring them all into the same so that they would coordinate and work with each other. I started meeting with them online to try and bring them together and we had a number of changes. We finally decided for the city to hire a consultant to do this. We would end up at some point having them pay for this thing.

**Kevin Hall** – The developers?

**Dan England** – The developers, yes. In July of '22, we ended up putting this out for our RFP. We ended up selecting the Psomas Team. They are the ones who put this plan together. What we ended up doing was, first we came up with a committee. We had the city manager, the mayor, a few property owners. I think we had a member of the city council and one member of the planning and zoning commission too. I think it must be John since none of the rest of you remember being part of that. We contacted, asked them what they thought would look good for the area, where they thought would be best residential, where commercial, where the roads should go. They got put in. They came up with three different plans. Those plans were put on a city website. That city website was put out for Grantsville to look at it and to make comments on it.

We got about 150 comments, which wasn't too bad. We tried and we put notes in on the billing. We did let people know on Facebook, we tried to get the information out the best we could. We got a lot of comments coming back from that. With that we took all their comments and this is the plan that they've come back with on this. We're still getting some comments, even with this, of what we're looking for. But we think we're pretty close to where it is.



**Kevin Hall** – So Dan, just a question real quick. Are the comments all good, all bad, or kind of a split? Are they contributing saying, Hey, we think this would be better or whatever or? I'm just looking to understand how many are complaining saying we don't want to do that.

**Dan England** – I don't have all the comments. Most of the comments were, I don't like the roads going this way. One of the things that was nice about the three different options, the road systems were three different ways. Where the commercial areas were in three different areas. I mean one of the things that's interesting about this one is it changes Burmeister. Right now, it goes straight up. This plan looks at bringing it and curving the road down this way and coming back in this way. You end up with the north south road one more to the east side of town one and just like we have a road coming through on the other side of town. So Burmeister would end up coming to a stop and then turn onto the rest of the way up, which would encourage traffic to come down and come down through this direction, which is about where it comes all the way through. Right in here is about where the Clark Farm is. It would not go through the Clark Farm, but it'd be close to it. That's kind of some of the comments that we ended up getting.

There's no property lines purposely on this because everybody says, “well, I want my property to be this and you can put that someplace else.” As you can be aware, that's always going to be the case. But we've taken all those comments and worked with them as best we can to come up with this. This is pretty close. Also, as you can imagine, a lot of people say, well I want the residential because I can do that right now. The commercial's not going to come for a little bit. With that, there's a little bit of, we still were looking where this would be the best place for it. That's what this represents. So yes, there has been some pushback still, but I think most of it has been worked through pretty well.

**Rick Barchers** – Okay. I have some comments here. I'm looking at this detached home, residential, mixed use, detached residential. Those aren't zones. What do those mean to people when they're looking at this and leaving the comments? We have an input method out there, but are there answers qualified by facts or qualified by their interpretation of what detached residential means? In other words, we can put detached residential on 7,000 square foot lots or we can put it on one acre lots or five acre lots. Do you see what I'm saying? Was that defined in the questionnaire at all?

**Dan England** – It is. As he went through and he did these different areas, I don't have this information, I apologize.

But each one of those areas we're looking at two and a half residential units per acre or five residential units per acre, whatever. Five is pretty dense actually. Then we have these attached. Those are more the town home areas. What this map is, we do not have really zoning for these other areas out. Well, I think we do over on the west side a little bit, but of course this is going to be taken and help adjust our zoning. It's been coordinated with our transportation master plan. It's been coordinated with, what's the other study that we are doing right now too? Oh, with our flood study that's going on. We've been trying to bring all those different things into it. You can see where there's a lot of green trails coming through there. Those are for the storm water to make their way down through and where they're going to end up going.

**Rick Barchers** – So I guess my question would be, after having heard you say this, is this a development master plan? Is this what we're looking to do zoning at this direction?

**Dan England** – This is going to help us with zoning and then it's also going to help us with utilities. And they're currently studying the utilities right now. Based off of this information, they are now looking through and saying, okay, where are good places for our wells to go that's going to end up working with our elevations and things over here? What are the sizes of the sewer pipes to get all the way down to our sewer treatment system? How if we're going to be able to go from these areas all the way to that, is there going to need to be a pump station? Where is it going to be?

Now when they come in and they want to build, we can then say, okay, you want to build this area. You only want to build your size, which is going to be, I don't know, we'll assume a 12-inch sewer line. But the problem is that for everybody else to build, that needs to be a 21-inch sewer pipe. We can then negotiate with them and say, all right, the difference in cost between what it would cost you to install this versus what it would cost you to install for the overall plan, we can then negotiate and say, okay, you have to pay for your part, but the increase needs to be put in now. We can work with impact fees, we can work with pioneers agreements, we can work with different ways to make it acceptable for the developer to put that in now.

**Rick Barchers** – So if this is geared towards the infrastructure like you're talking about, we've already got a water pressure issue there. I mean it gets discussed all the time. So I'm just in the back of my skull it keeps digging at me. When are these guys...we got them all together and said, 'Hey guys, let's have a plan so that everything works for everybody.' That would be like, 'I'm not paying to put the water tower up there', I'm not going to. What I guess I'm saying is that needs to be priority one. Oh, yes. We're looking at this, seeing how, hey, this is going to be most profitable for us to develop. I mean, if we don't do that right... Do you see where I'm going?

**Dan England** – I do. You're right, that water tank does need to be put in and a pump station for it. The larger developers know that as well. They're working with us on this plan also helping us because they know they want to do this. We've also been talking about doing PIDs to help pay for these big infrastructure things that need to be done. And we haven't gone very far with them as of yet, but they're thinking about it. They're looking at going forward with that so they can afford those things to help pay for that infrastructure. You guys know what PIDs are? Public Infrastructure District? Brett is the expert. Just they don't know what that is. Simple explanation.

**Brett Coombs** – A Public Infrastructure District, it is a financing mechanism that developers can utilize in conjunction with the city that essentially the developer creates a project area, brings it to the city, we have to approve it. If that project area is created, then the developer can go and get beneficial financing terms from lenders. The developers get to build the infrastructure up front and then they dedicate all that infrastructure to the city. It's beneficial for the city because it gets all of the infrastructure built up to the levels that we want. And then it's beneficial for the developer because they get beneficial financing terms and they get their infrastructure built up front.

**Kevin Hall** – They're paying for it, correct?

**Brett Coombs** – Yes, absolutely. There's really, there's absolutely no risk to the city because the city is not a party to the financing at all. It does not affect the city's bonding capacity at all. This is just the developer getting a more beneficial rate. Regardless of whether the developer is successful in developing their project, the money that's lent to them goes to build the infrastructure and we get it no matter what.

**Dan England** – They end up putting a property tax on the developments.

**Brett Coombs** – It's an assessment. So, everybody, all the properties that are in that project area will then get a special assessment to help repay the bond.

**Dan England** – That can be up to 30 years. It can never be increased. It cuts it off. One of the things that can happen is if this first one comes in and they do that, the next one that comes in that uses some of those things, they can then charge their property to pay off that loan faster. It can be fair for everybody as they come in.

**Jaime Topham** – How does that affect somebody who's not developing their property? Do they still have to pay the special assessment?

**Dan England** – They don't until they, Brett? For a PID to work, everybody in the limits of the PID has to sign off on it.

**Brett Coombs** – Yeah. So it is got to be 100% sign on for everybody in the project area.

**Dan England** – What happens if one of them doesn't develop?

**Brett Coombs** – If one of them doesn't develop, it doesn't matter. The bond is issued, that infrastructure has to go in based on that bond. And then the infrastructure is given to us.

**Dan England** – So they can change the limits of where that PID impacts.

**Brett Coombs** – Yeah. So they can annex property into the PID. But again, it takes 100% of the property owners within the project area to agree to be annexed into the PID. So typically, the PIDs are only successful if it's at the very beginning for the developers because they are, they're the property owner. They agreed to the PID and then just all of the successors to that will then just pay the assessments to it.

**Dan England** – Make sense?

**Brett Coombs** – The PIDs can be used to cover sewer, water, roads, parks, just anything that's major infrastructure.

**Kevin Hall** – And Brett, I'm just curious, in as much as if I build a house in there, is there some way that the folks that eventually become residents there know beforehand that they're going to pay a special tax? I mean, is that part of the city process so that's announced?

**Brett Coombs** – No, so the city's not really involved except they have to come to us to get approved for the PID, so we can say no, but on that end, they are required. There's a special notice that they have to give to the purchasers that provide them notice that this is in this special assessment area.

**Kevin Hall** – So that's my question. You know, so they don't get blindsided so they know.

**Jaime Topham** – Now the purchasers actually have to read all of the documents. Right?

**Kevin Hall** – No, that's true.

**Dan England** – And if they talk to us, of course we'll let them know that it is. But you're right, they have to read it properly and it's going to be a special assessment on those properties. And so that would impact how much they can pay for because they're going to be paying for that right along with their mortgage.

**Rick Barchers** – Right. My point to all of that is that needs to be a priority for those guys. I'm sure you're aware of that.

**Dan England** – That they let them know?

**Rick Barchers** – Well, look, they're running out of water pressure already. Pretty soon we're going to have to say, "Hey look guys, you're not going to hold us responsible for your lack of infrastructure development because we don't get enough water pressure there." You see? Do you see what I'm saying?

**Dan England** – Absolutely. And see the number fives on here? There's one right there that's a proposed water tank location. There's another one here. There's another one that's off the side. That isn't shown on here yet, but it has to be farther up the hill than the development so. So somewhere up in there, there'll be another tank. The sizes of them, we don't know yet. The exact locations we don't know yet, but those are some locations that they're looking at right now doing.

There's also down here, we also have problems on the south side as well and they're looking at doing a couple tanks down on this area too. I guess there's another one there.

**Rick Barchers** – Well my point is exactly what you just said. They're not there yet. That's just, that's my whole point.

**Dan England** – You're correct. And I do know that we are working with the developers to make sure that that does happen.

**Kevin Hall** – But I heard that, is it the North Star group that's up by the irrigation company? I guess I'd heard or thought that part of their development agreement was to put the tank in. That they're required to do that.

**Dan England** – That's part of their job. Yes.

**Kevin Hall** – But there there's no timeframe attached to that so they can do whatever they want or...

**Dan England** – Is there is timeframe and there's, in fact there's like five different triggers that makes North Star required to put the tank in. They have already figured out location for it. They've been looking at having the water and where a pump station might be, but they haven't moved forward with any of that. I don't remember those triggers. I don't know if you remember those offhand,

**Major Critchlow** – I can't remember off of the top of my head.

But a certain number of phases which got extended for another reason. It should have been in by now.

**Rick Barchers** – Right. That's kind of where I'm going with this, is you're talking about triggers. They've already ran to their safe space, but it's a real infrastructure problem.

**Kevin Hall** – My understanding is the people there can't flush their toilet and shower at the same time. Is that correct? People that are living there currently or is that just public...

**Dan England** – I have not heard that.

**Kevin Hall** – So it's not that severe then?

**Cavett Eaton** – I know probably 85% of those people. I've never heard that once.

**Kevin Hall** – Yeah. Well again, that might just be talk right?

**Dan England** – Now I have heard that sometimes they're trying to fill a pool to their back porch and it's not coming out very fast but it's filling it up.

**Kevin Hall** – But does the city have any ability to force them to that level?

**Dan England** – All we have is development agreement.

**Brett Coombs** – Yeah. So the ability of the city is, as they develop, they're required to continue that water infrastructure and we can hold back development approvals until they get that infrastructure done based on the phasing and the agreement that's in place.

**Kevin Hall** – I guess I'm just asking because I haven't been here, but are the breaks on there like they are everywhere else because of the economy? Or are they slamming homes up there still? I haven't been up.

**Dan England** – No. Andy's not here: our chief building official. But they are continuing to build, but I don't think that they are building as fast. We have a plan for a phase. This is the last one before they're under, no, this is the first one under the new agreement that they have submitted and they cut the size of the number of lots in half of what they could have done. They're putting the brakes on a little bit as well of how they're developed but they're not stopping. They'll continue to build and go forward with it.

We are asking them for an overall plan for it so we know how all these utilities are going to work on that side. Where things are going to be and they're working on it, but they haven't provided it to us yet. We're pushing as best we can to get the information that we want and we feel that it is needed to protect the future citizens of Grantsville.

**Kevin Hall** – Well, and I feel a little bit for the people that are there. Right?

**Dan England** – Agreed.

**Kevin Hall** – You know what I'm saying? Those are nice homes. It's not like they're, you know what I mean? And I think is there a liability issue to the city when they're not getting adequate water?

**Mayor Critchlow** – Jason, what's the fire flow up there on Northstart on the west side?

**Jason Smith** – I was going to go do phase eight, but my foot is slowing me down. You got to give me another week Already scheduled. I'm trying to get as close to phase nine as I can. I just, yeah, it was too cold before my surgery. I didn't want to make an ice drink and now you got to give me at least another week before I can get up there and do it. But I'm going to get them before-

**Dan England** – Well you still might get an ice rink if you could right now.

**Jason Smith** – It's like 34 today would've been a good day. By the end of the month it'll happen. For sure. I promise.

**Dan England** – And the developers were looking for that information so we can verify that all the lots in his subdivision are going to have good pressure. And so that was one of the things that we're doing on the plan checking process is looking at that.

**Brett Coombs** – So Commissioner to answer your questions. The city only has liability if there there's a public safety issue that's created and the city doesn't do anything to address it.

**Kevin Hall** – So if the fire flows aren't correct...

**Brett Coombs** – And then the city just ignores it? Then yes, the city could have some liability.

**Dan England** – We will not ignore it.

**Kevin Hall** – Again, I think I'm just saying if there's a way, I think we should be pushing them so that we don't add any more homes with the same problem, right?

**Dan England** – You're right, but-

**Jason Smith** – We try to keep fire flows consistent to new developments and we haven't had any fail yet.

**Dan England** – Well one of the things that ended up happening that made it difficult for us was a new water tank and went in and a waterline came down Mormon Trail and they were allowed to tie into it to increase the pressure. They have not tied into it yet, but this will tie into it and help pressures throughout that area.

What we don't want to have that do is delay them putting in the well in the tank. With all of this we're pushing as best we can, but still following the development agreement that's there and going forward with it.

**Kevin Hall** – And so that opportunity to tie into that line that comes, is that by another developer? Did the city allow them to do that? How does that come about? Where they tied into somebody else's line coming off the trail.

**Dan England** – All water lines belong to the city.

**Kevin Hall** – So the city said that's okay I guess.

**Dan England** – The city allowed it them to package to us.

**Jaime Topham** – Okay. I'm going to wrangle us back. We've gone way off topic. Really good discussion but-

**Dan England** – So the last thing is this plan should be done in about two months. Any other questions?

**Rick Barchers** – Not questions, not a question. I want to start a discussion.

**Jaime Topham** – On track.

**Rick Barchers** – Yeah, yeah, I know. The purple areas is office? That's not a zone. Right?

**Dan England** – Right, it will end up being a commercial area.

**Rick Barchers** – Right, I'm just Yeah, I'm just saying... I'm just pointing that out. Also, your top color here, green sensitive areas, I believe just about encompasses that entire area according to what we talked about when we came up with a sensitive area.

**Dan England** – That's correct.

**Rick Barchers** – Okay. Just pointing that out. Also, we had a prior master plan that may not have included all of these things that we all went through this big process over four or five years ago or something like that.

To my recollection, a lot of these areas, especially towards the south end, are going to be closer reflected to half acre lots or not because this isn't real specific. As I recall, that's kind of the direction that whole discussion went then. Am I wrong with that? Am I wrong with that mayor or?

**Jaime Topham** – I guess the question is, so you have this, and I'm piggybacking off of what you're saying. We have this plan that we're putting out to the public and then you assume that somebody's going to want to adopt this plan, but it's not actually in our, it's not putting in the zoning, the future land use zoning.

**Dan England** – This is, yeah, we're not there yet for this zone.

**Jaime Topham** – So this is not saying that this is what eventually the future land use zing would be in these areas?



**Dan England** – This is a step in that direction to help us understand what's there or what makes sense. The lighter yellows are less dense. The darker yellows become denser as it goes.

In the green parks or more of the open space. And then you've got the grays that are more industrial and commercial and then we've got some purple spots that are more civic like libraries or firehouses or whatever.

**Jaime Topham** – The blue, it means more than just schools. That's a whole lot of schools.

**Dan England** – Yes. And those schools are elementary schools, middle schools and depending on the size-

**Cavett Eaton** – Libraries, fire station, police station and a shooting range.

**Jaime Topham** – The Then they're all within that blue thing called schools.

**Dan England** – No, not quite. Most of those schools, they're based off of an area that's coming in for them and I will get more of that answers for that in a few weeks, when we come back in, to look at this in more depth.

**Jaime Topham** – The Okay, and when it comes back in, when we're being asked to decide whether it should be adopted or not, it will have our coloring for our current future land use right?

**Dan England** – That sounds like a great plan. I will make sure that happens.

**Jaime Topham** – And designated for the right things.

**Dan England** – Yes, it'll be a zoning that is there. And then we'll also have utilities of sizes and locations and where those need to be. The roads, I mean the roads, utilities and all that, that will tell us what the size and locations, but it's all... It's drawn with fat crayons so to speak it. It is not an exact location. As developments come in, it could slide a little bit one way to the other as they develop.

**Rick Barchers** – Okay, one more stupid comment.

**Dan England** – Promise?

**Rick Barchers** – I promise. I mean I've got about five more, but anyway... This looks like a road down along the bottom. I can't touch the screen and yeah...To the right, right there. Is that, are these guys...

**Dan England** – That would be Depot Road out there.

**Rick Barchers** – There are these guys planning on developing this master development agreement with running a road down along there because that's not included in our Transportation plan.

**Dan England** – This is not developing anything. All everything on here is going to be built by developers.

**Rick Barchers** – Sure, sure.



**Dan England** – Not by city. Now is there some plan for the Depot Road to be built? Yes, there is. There's a whole lot of hoops before that ever gets there. One of it being that-

**Rick Barchers** – That's not on our master plan. It's what I'm getting at.

**Dan England** – Part of the problem is that that road coming through there is on Depot property.

**Rick Barchers** – I understand.

**Dan England** – Okay. So first you have to get the property, then you can go through and figure out how you're going to get the money to build it and who's going to build it. Probably going to be the city at this point because he didn't come in with the rest of it.

**Rick Barchers** – Hold back on my other 25 questions.

**Dan England** – Wonderful.

**Jaime Topham** – You can get with Dan and ask him directly and then update us. Anything else Dan?

**Dan England** – Nope, I'm good.

#### **4. Discussion on proposed code amendment to Development Agreement Process – City Attorney / Brett Coombs**

City Attorney Brett Coombs present this item

**Jaime Topham** – Can you bring that up for us? It's not in our packet.

**Brett Coombs** – I send it out.

**Cavett Eaton** – There was nothing submitted.

**Jaime Topham** – Cavett, did you guys get the email? We got the email.

**Cavett Eaton** – No we didn't.

**Brett Coombs** – It was sent to the planning commission email approved.

**Jaime Topham** – Or if you can find that email...

**Brett Coombs** – I can screen put it up here.

**Mayor Critchlow** – He's doing that just as a way of an announcement. Grantsville girls won the state wrestling championship by 90 plus points.

**Kevin Hall** – There's a company in my ward that I wouldn't wrestle with even if I was a girl. They're tough.

**Brett Coombs** – Okay. This ordinance, I'm proposing for your consideration and discussion. Right now, as you know, the city asks developers to enter into a development agreement with the city anytime they want to begin a development in our city. By state code, we're not allowed to require them to enter into a development agreement. Typically, it's in both sides interest to have the development agreement. Obviously, ours because we can designate certain requirements and things that they need to do as part of their development and it's beneficial for them because it vests them and gives them certain rights and at certain times as well. Most developers now expect to enter into a development agreement with the municipality or county that's going into.

With that being said, we've had some changes over time of when the development agreement is brought in. Initially, when I came here about six years ago, we didn't have development agreements typically with development. When I started them, they were coming in at the beginning of the process. We found that wasn't working great, there was some problems with that. We moved it to just after preliminary. Actually, it came in at the same time as final. When final was being approved, the development agreement would be approved. Then we moved it more recently to after final approval. So, after the final plat is approved, then the development agreement comes through Planning Commission and City Council.

Well, what we're seeing as staff is we are getting more and more developers that want, are requesting that a development agreement come at the beginning of the process. And in my view, that is more beneficial to the developer than it is to the city. The reason why is because developers are coming in and requesting all sorts of variances that can properly be granted through the development agreement. But that is before this body, the city council, even really the staff has all the information necessary to understand are these variances going to help or are they going to hurt? I've created this ordinance to kind of lay out a little bit more our process and procedures for a development agreement.

If I can just kind of walk you through it.

Purpose: The city and developer may enter into a development agreement that outlines the duties, responsibilities, obligations, commitments, and promises of the developer/property owner, and the commitment to the City

A development agreement may be considered in conjunction with any residential, commercial or industrial subdivision application regardless of whether it is to be constructed in a single phase or multiple phases. That was a question we've had is if they only have one phase, then why do they need a development agreement? They may not, but this allows us to still consider considerate it.

The development agreement shall be prepared or reviewed by the city attorney prior to being considered by the planning commission and shall incorporate all agreements between the parties. So that means that we can't have a developer can't come in and say, "Well, the staff told us that we're going to be able to do the X." The development agreement is going to have to say it, "Okay. We want everybody to be on a fair playing field." The city included.

If a development is proposing construction of parks, open space, clubhouses, trail improvements, and/or recreational areas within a development, the development agreement shall include proposed phasing, if any,

and terms of completion of these improvements. This is something that we've run into as well is we get promises for this open space and then it doesn't come about because they build phases one, two, and three and the phase, the park's supposed to come in phase four and they end up not building phase four. They sell off phase four, and the next developer doesn't know anything about the park. Then we're left without a park and they get all of their homes.

Any special agreements, conveyances, restrictions, or covenants which govern the use, maintenance, and continued protection of common areas shall be included in the development agreement. Basically saying who's going to take care of it.

The development agreement may provide limitations on the number of building permits issued and or phases of the project to be approved subject to the completion of the improvements. So that gives us the authority that we can say, "We're going to stop you from building unless you give us our parks." This ordinance will allow us to do that.

The development agreement can only be considered by city council after it's been reviewed by the planning commission. So right now, state law says that the only development agreements that have to come before planning commission are those which would amend or grant a variance to a city ordinance. This is a little bit more expansive. It says that all development agreements would come through planning commission first before it goes to city council.

I added that in because I personally think it's helpful to have the planning commission in the loop because we've had instances where city council will grant variances and then for some reason it comes back through planning commission. And now we're kind of in a bind because planning commission doesn't always know, or even if it's not even a bearing, you're just having planning commission up in the loop. So that's why I'm proposing that.

The development agreement for residential subdivision shall be considered by the planning commission only after final plat approval by the city council. So that's the way that we have it set right now. And I personally in fine leaving it that way or having it in conjunction with final plat. So, I'll leave that for your consideration, how you would want to do that.

**Kevin Hall** – Can I ask a question?

**Brett Coombs** – Sure.

**Kevin Hall** – If the development agreement comes just prior to the final, have we given up the opportunity, because they want a variance to improve a road or whatever it is there because they've already got the final plat prepared. It seemed to me like it should come before that so that you could negotiate those things, right? Because by final plat you've given them up.

**Brett Coombs** – Yeah, no, and that's an excellent point. The hope is the final plat, you've incorporated everything onto the final plat that's going to be part of the project. But if there are items that are not for some reason incorporated into the final plat, then you need to get them into the development agreement. And I think that a developer potentially could have an argument that says that we would be foreclosed from

including those in the development agreement because the final plat is supposed to be the final word on the project.

**Jaime Topham** – Yeah, I mean they're vested at preliminary, right?

**Brett Coombs** – Yes. So, in preliminary they're vested in their density and in the general layout.

**Jaime Topham** – That's kind of where all the issues come from is, well, really the density has been probably the biggest thing more so than even the general layout. We at least ought to be having a discussion of what goes into the development agreement at the time of preliminary, and then finalizing the development agreement at final once we know everything, how everything's laid out. But I mean, I don't think that we should be not considering the agreement in a vacuum, just the last minute. Isn't the purpose of the development agreement to get all of the information in writing signed as a contract? So, it could be fine that final because we're going to have all that stuff that we've said, now you've got this final plat. Here's the agreements that go with it. Maybe you say in the meeting, here's a development agreement and the plat.

**Brett Coombs** – And one thing I've done with my development agreement, so I include the final plat as an exhibit to the development agreement. So the final plat is incorporated into the development agreement. But if you were to do it that way, that then at the final plat approval, you could still say that, "Okay, before we grant final plat approval, we're going to tell you that we want to include X, Y, and Z into the development agreement." Both of them can be closed at the same time and you can add or take away anything you want.

**Jaime Topham** – Remind me is final plat goes to the city council or not?

**Brett Coombs** – Final plat does go to city council right now. Okay. That may be taken away from you soon.

**Jaime Topham** – Okay. That brings a whole different discussion.

**Brett Coombs** – Our state legislature is changing things.

**Jaime Topham** – Then if that's the case, then the development agreement needs for me dealt with and discussed it a preliminary.

**Brett Coombs** – Once I have a clearer picture of what's going to happen with the legislature this year, I will come back and readjust it next. Right now, I'll play it code.

**Kevin Hall** – But it seems like doing it up front like that to me because we hear all these things where it's impossible to work with Grantsville City. I've heard that. Right? And again, it's public clamor. I get all that right? But there's been a lot of frustration, right? And that's going to come no matter what we do.

It seems to me like anything we can do up front, if the codes and the laws are written to say we have this opportunity to require them to do something and they know it right up front, it seems to be like if we do it on... I guess we'd have those discussions maybe anyway. But it seems like once you do the preliminary,

they're vested. Right? So, it seems like you should have a pretty good blueprint of what's going to happen there.

**Brett Coombs** – I agree. I think with preliminary, especially our preliminary, we require a lot of information in our preliminary plats and that's for a good reason. It provides us the information that we need to make proper decisions hopefully.

I think the development agreement after preliminary, I think that would be fine. Like I said, that's the way we had it previously and it seemed to work okay. You just run it in connection with the final plat and they can both be approved together. If that's the case, then you could amend it a little bit to, if you come down here to... 2: A development agreement for residential subject division shall be considered by the planning commission only after preliminary plat approval by the city council. I guess preliminary plat does not go to city council, doesn't it? Or does it?

**Dan England** – It does right now.

**Brett Coombs** – Yep, it currently does. I'm trying to keep track of where everything's at. So it does.

We would say 2.a) The planning commission make grant an exception to (3)(b) if it finds on the record in a public meeting that the development agreement is necessary prior to preliminary plat approval due to one or more of the following.

These are some exceptions because there are going to be instances where it may make sense to have a development agreement at the very beginning of the project and not in the middle or at the end.

i.) The project proposes a mixed development of residential, commercial, and/or industrial and approval can be granted prior to consideration of the developer's (PUD) application.

We do have one particular project that I can think of that's going to be coming that they have a large commercial element to the project. And as part of the commercial element to get the funding, financing from the State of Utah to bring that commercial element into the city, they have to have development agreement at the very beginning for the residential that has to surround it and the residential has to have so much moderating income housing. And there's some things that have to be laid out. Having an exception like this that you guys would have the opportunity to look at it. It doesn't mean that you have to grant that approval up front, but it gives you that chance to do it.

ii.) The project proposes construction of apartments, town homes and/or condominiums, and the developer states in writing at the time of a subdivision application the development agreement is needed prior to final.

This kind of goes to some of those larger, maybe more complex projects.

iii.) The City Attorney requests a development agreement be considered prior to preliminary plat and states the reasons for such request in an open meeting before the planning commission.

That's just if there's some one-off situation, I would have that opportunity to come and request it from you.

iv.) Any other reasons so long as the majority of the planning commission agree.

So that's your catchall. If there's something that you or a reason you think development agreement would be necessary.

Then finally, the last portion is that

(4) The development agreement, and any included exhibits or addenda, shall be recorded by the developer at the Tooele County Recorder's Office. Recordation by the developer shall only occur after complete execution of the agreement, and all bonds and fees are posted. The development agreement shall be recorded prior to the recording of the final plat.

- 1.) A development property owner may begin construction required improvements after approval of the final plat, posting any bonds, payment, and fees prior to recording of the final if approved by the city attorney.

So that just basically says that the development agreement doesn't necessarily have to hold things up, but it's something that's going to be required to get that.

**Jaime Topham** – Can I ask, Gary, since you sit in all the DRC meetings, what would your input be?

**Gary Pinkham** – Brent mentioned that in the development agreement or as the developers come in, they're wanting waivers and variances to our code. By code in the PUD process and so on they're supposed to submit that in their very first application, their list of requested variances and waivers.

Until you guys have reviewed those and made recommendation to city council, they in fact have voted on those in favor of allowing them. The developer should not be incorporating them even into their preliminary plan.

The waivers, it kind of goes along with what Kevin's saying, is a lot of these waivers and variances are going to determine what their preliminary plan is. If they come in per code on a half-acre subdivision, they should have 21,780 square feet per block. But if they come in with a subdivision preliminary that has 10,000 or in some cases we've got one development out here that's down as little as 4,000 square feet, they have not been granted a waiver to our code yet.

To some degree, this portion of the development agreement needs to be done before they waste a lot of time developing a preliminary plan before we waste a long time reviewing it to see if it's really something the city's comfortable in granting.

Other aspects of it, as we get into the project, they have, and Shay and I have spotted things that, oh, by the way, we may need to do this. We may not have a vision of maybe a major water line or traffic improvement until after we've seen the preliminary and gotten some idea of look at the load we're putting on our city.

**Kevin Hall** – And that's exactly my point, right.

**Gary Pinkham** – If you look at our code on the PUD code, there's two things required. They need to give us a list, identifying each individual code they're in or waiver want they want, and then over in, what, 7.8, they need to give us another list of things they want. Until those have been granted through city council legally they can't have them. But right now, we haven't been doing that.

**Jaime Topham** – Right. Is your point still on that? Because I don't want to take away from what you were saying.

**Kevin Hall** – Well, and again, just to sort of make sure we're on the same page. Again, to me it simplifies the process not only for the developers, it simplifies the process in the DRC. It simplifies it for everybody, right? Because we know before we ever get to a preliminary, maybe not everything, but the major things we're going to know. I think it takes some of that, well you got to come back in 14 days. Right? So to me it covers, better on the front end than it does in the middle or towards the end.

**Jaime Topham** – My question is, though, if we have it at the beginning we get into a situation where they've already got vested because they have an agreement that says they get X number of density, but we didn't actually see their plan. Then they bring their plan in, and we're like, yeah actually no. You can't have that much density. It doesn't work. The variances aren't appropriate whatever. But now we're already vested. So, where's the right place to put this thing? So that the developer has enough information to of whether we maybe are going to do the variances or not, but we have enough information about what they're going to do so that we can say, yeah that's appropriate or not.

**Brett Coombs** – The development agreement should not take the place of a PUD application. If they're requesting variances, then that's really the only way that they should be going about doing that is through a PUD application. A way to do it would be to require that they get the PUD approval by city council and have them get that approval prior to preliminary. Get the PUD approval separately from the actual preliminary plat approval. If you get the PUD approval, then it makes it easy at preliminary plat to know which variances are going to be granted and which ones aren't.

**Jaime Topham** – Okay, so then if we're talking about that, the PUD has to come to us first, right?

**Brett Coombs** – It does.

**Rick Barchers** – And it has to have a list of variances.

**Jaime Topham** – And it has to have a list of variances, and we have to consider that. I'm just trying to think procedurally, how does that work?

**Cavett Eaton** – That'll add an extra month onto your process.

**Mayor Critchlow** – Can the language in the development agreement have a clause that says, you get this agreement when all of these steps are taken?

**Brett Coombs** – The development agreement we can include conditions in the development agreement that have to be met along the way. The State code related to development agreements basically says that the development agreements are meant to vest the developer up to the maximum amount possible that's allowed under the State code. It's hard for me to stand here and think of all the possibilities that that could entail. But yes, we could include conditions in there or limit some vesting as long as there is a 'carrot' on the back end for them to complete so that they get that benefit. I don't know if that makes sense.

**Kevin Hall** – I get the carrot part.



**Rick Barchers** – Clear as mud.

**Jaime Topham** – That makes sense to me, but I also just went through all of the possible scenarios and drafting it and all this and that. That's kind of what I'm saying to procedure process. I get that the developers need to know what we might do so that they can make their preliminary plan so that we can see it. I also understand we've had situations where they got the development agreement ahead of time, they were vested in something. Then when you're actually looking at it on paper, it doesn't match our codes and then we're forced into variances that we wouldn't have otherwise given. Or potentially forced because it's all hypothetical.

**Brett Coombs** – Yeah, and it was for that reason that the development agreement was moved to the very end with the idea that it leaves us ultimate flexibility. But I don't know that that makes sense or not.

**Jaime Topham** – So back to Cavett, you said that if we did it, then the PUD has to come in, they get approved, then they get to bring us the development agreement and their final plat and everything it adds a month.

**Cavett Eaton** – The preliminary plat.

**Jaime Topham** – Preliminary plat, it adds a month to the process, but which I get, and I understand that that's time and money is important to the developers. But it's equally important for the city to make sure that we're doing things by our code and that are appropriate for the city and not making decisions because a developer wants to rush or get the process to go as quickly as possible. There's the balancing, and I don't know the answer, I'm just articulating.

**Gary Pinkham** – From my experience here, just one reason our review process is taking so danged long is because we're not discussing the variances and waivers up front. Dan is flagging stuff, Shay is flagging stuff, James and his group is flagging stuff that does not meet our engineering standards, does not meet our code. We're going over and over. We just had a review this morning that is the third go around on a subdivision here. They still have not addressed and corrected stuff we've brought to their attention on the first one. A lot of it has to do with they don't want to do what our code says so they've drafted a drawing that shows something contrary to our code and they don't want to give it up.

But they haven't gone through that process of asking and getting permission for those waivers up front. The two really big developments that are out in front of us right now between Desert Edge and Desert Commons, I put together a list for Dan and Shay and everybody here a couple weeks ago after we had a discussion on them. There was like 65 code violations incorporated into their drawings. None of that has been discussed and or processed through planning and zoning and city council. None of it's been approved but they are already producing their preliminary drawings now.

**Jaime Topham** – So that's their problem. That's on them. They're creating it.

**Kevin Hall** – Well if the staff's leading them to believe that's what we want, isn't that what you're saying?



**Gary Pinkham** – Except that when that particular package, Deseret Commons came in, they didn't have that stuff in their preliminary. We rejected it. Somehow it got moved on to the agenda without that stuff.

**Jaime Topham** – And that's exactly the situation that I think that we're trying to prevent.

**Gary Pinkham** – And that's where I think if someone wants to come in with a straight up subdivision, meet to code, the only thing that might go into the development agreement might be how they handle an offsite issue. Upsizing the pipe or maybe winding the street. Everything else is per code, so there's nothing to write in there. Where we're getting in trouble is nobody does that anymore. Everybody comes in with a PUD and a Christmas wish list that they incorporated into the initial drawings without going through process of asking Sam for permission. We've been cut out of the loop and then it gets to us and whether it be you guys or in DRC with Dan, and Shea, and James it's like you can't do that.

**Jaime Topham** – So does the PUD have to come to planning and zoning?

**Brett Coombs** – No.

**Jaime Topham** – Would it make more sense to send the PUD application directly to city council first? Because they're the only ones who have the power to grant those variances?

**Gary Pinkham** – Except that within the PUD is the list of waivers and variances by city code. City council cannot grant those. City council can request planning and zoning to review and make a recommendation to council upon which council may act. But they cannot unilaterally grant those. It has to go through P and Z.

**Brett Coombs** – Well, yes. And that's accurate, the way our code is written is that city council has given the planning commission the authority to grant those variances.

**Jaime Topham** – Only sort of.

**Gary Pinkham** – The PUD needs to come to P and Z.

**Brett Coombs** – Or you amend the code.

**Jaime Topham** – Hold on Gary, I have a thought. I'm a pragmatist, I think they always say, I'm to the point. The problem is, how I've seen it, is that the developer comes to us and asks for these variances, should we or shouldn't we and we are like, well, we don't know. We think so. And then they have to go to city council, right?

**Brett Coombs** – Technically, no.

**Jaime Topham** – Well, that's how it's been going. Right?

**Kevin Hall** – But why, Jaime, why?

**Jaime Topham** – Hang on. You're telling me that the code, the only reason we do it that way is because the code says that we are vested in it. But it's not required by state law that it be that way. We could give that

say, city council, you guys are the only ones who have the authority to make these decisions. We're not always on the same page. It adds in another month of time for the people to come and do this. How about you take back your power and you guys decide what waivers and variances you will grant? They do the PUD, they go directly to city council for those things, city council says yes to this, no to that. Then it comes to us and their preliminaries, and we already know what they're entitled to or what they're not. So then when it goes to the DRCs, because it doesn't come to us before, it goes to the DRC and the staff, the staff already knows, yes you could do this, no you can't. Would that make more sense? Streamline it?

**Gary Pinkham** – The problem I would see there is many of their requested variances have infrastructure implications. They're building lots out to the stop sign on intersections, which puts driveways within a few feet of the intersection, which is a violation of our driveway code for public safety.

**Jaime Topham** – Right, but if they're saying, I want a variance to this and it's going to city council, shouldn't have staff looked at what they're asking for and be at the meeting to say, city council, if you consider this, this is the ramifications of this. We advise yes, or we advise no.

**Gary Pinkham** – Somehow her group needs to look at it. Because many of these things where we're getting down to 30-foot-wide house lots with zero setbacks, basically. Our utilities are now underneath the concrete, which is not something we want. There's a lot of things that have to be reviewed. Council isn't necessarily aware of all these consequences that these variances bring about.

**Rick Barchers** – Right. I agree with you on that, Gary. I think density almost every time without fail is the reason they want a variance. If we could put something in the code that directly addresses, you're allowed X density provided you meet all other codes and requirements just stated up front.

**Gary Pinkham** – For instance, the narrow lots that I just talked about. We get down to 35 feet, 34 feet in some cases. Some are narrower being proposed. If you put houses that close together, every lineal foot of sidewalk and or curb has a driveway across it, all of a sudden there is no street parking. That affects our parking ordinance. All of a sudden, the driveway is paving the full width of the lot. Puts the meters under concrete, which we don't want. By making the lots that narrow you can't park an RV trailer on it, which our code requires them to provide RV parking. A variance on lot width impacts the enforceability or the purpose of maybe six or eight different pieces of our code with regards to utility, with regards to public safety, of intersections for site distance, with regards to parking.

**Jaime Topham** – Okay. How I see this is a process problem. Right? We're trying to fix a process problem, but part of that is that there's all these obvious logistical things that happen through the process. Right? It sounds like one thing we need to do is educate city council. Why not to make these decisions. City Council, you got to step up. You're asking us who are volunteers, not professionals. You guys have a lot more in it than I do. I just understand legal and I understand processes. What I'm hearing is the developers is saying it's taking too long. The city's saying but if we don't slow it down, then they get a bunch of things that doesn't work for us that creates all these other problems because the developer's not looking at all these other things. We have to find a middle point. And maybe that middle point is we change the way that our process is. Maybe the middle point is, if you want a PUD and you want variances, you're taking it to city council. At some point we train city council. Listen, you can't just go, yes, because you have to consider X, Y, Z.

My understanding is the PUD application comes in, you have to give the application. Then shouldn't that application go to the parts of the city that have that affected? And then you guys write a report to city council that says if you grant, this happens. If you grant this, this happens. You have to consider all of it. Okay, PUD came in, city council looks at it. They say okay, our staff has said if we do X, Y, and Z, this will be a train wreck, so we're not doing X, Y, and Z. We don't care that you want X density. We're not doing it because it doesn't work for the city. Or they say yes, we can. And then once that PUD and all those variances are approved, then it goes to the preliminary, then it comes to us and the development agreement that you now have variances that you can put in it and density can be a part of that process. Does that make sense?

**Rick Barchers** – It does except that, in my opinion, the variances should be very first thing up front. To have to go in and explain to them, you can't do this one variance or it screws up 15 other different things. It's like, hey, these are for public safety reasons for the most part.

**Jaime Topham** – But they can do that, that's what the staff is for. They're the professionals. They better be writing reports that say those things to city council.

**Rick Barchers** – Okay.

**Brett Coombs** – And I like everything that you proposed, with one exception. And that is you are the subject matter experts on land use for the city. So, I don't know that city council is the best body to consider those.

**Jaime Topham** – I get that. But I also have sat through enough meetings to say, when developers ask us can we do this, will they grant this? We don't know. Maybe they will.

**Brett Coombs** – And maybe the training that needs to happen is that if you guys have said yes, the city council can't say no.

**Kevin Hall** – That's the clarification I asked about.

**Jaime Topham** – That too.

**Kevin Hall** – If it should be going to city council, why has it been doing that? Why aren't we doing that?

**Mayor Critchlow** – We've been a lot better at not doing that.

**Kevin Hall** – Because to me, if we have that, that's what we should follow.

**Brett Coombs** – The city council does not have the authority to overrule the decision that you've made for a variance in a PUD.

**Jaime Topham** – Only in a PUD.

**Rick Barchers** – That's the big issue all the time anyway.

**Jaime Topham** – And that's only where a variance or a waiver should be granted is in a PUD.

**Brett Coombs** – Well, no, that's not true. A property owner can also request a variance and it can go to the board of adjustment. Even then again, the city council doesn't have the authority to overrule the board of adjustment.

**Jaime Topham** – Okay, so then if PUD, they can't overrule our decision, the variances, then why does it go to city council?

**Kevin Hall** – Why would we waste that time? I just don't understand that part. Why would we do that? It doesn't make sense.

**Jaime Topham** – Is it only because that's what's currently in our code?

**Brett Coombs** – And honestly, the reason why is because the PUD has been combined with the application process. They're intertwined right now, they're not separate.

**Jaime Topham** – So then is that the part of the process that we need to fix so that they are separate so that you can get them?

**Brett Coombs** – That would be my opinion is you separate the PUD approval from the application approval.

**Jaime Topham** – So then let's look at that direction and go that way. Then maybe we should start looking at if we approve it, it doesn't need to go to city council.

**Brett Coombs** – The PUD doesn't need to go to city council. The plat will still need to be approved by city council according to our code.

**Jaime Topham** – Yeah, of course. But we're talking about that very preliminary step that doesn't need to go to city council because city council can't overrule us anyway. That's what I'm understanding.

**Brett Coombs** – Yes.

**Jaime Topham** – Okay, then let's just eliminate that. Application and PUD are separate, you got to do your PUD. It's got to come before us. We decide, then hey, that checkbox is done. Now you can do your application, which now you have the information that you need to know how to design your preliminary. Then it makes sense to have our development agreement at preliminary. Because you've already worked out the things that are really screwing the city up.

**Mayor Critchlow** – I agree completely. Okay? How do you do it?

**Jaime Topham** – I hope you've recorded it because I have no idea.

**Rick Barchers** – He's raising his hand. He's got questions, that's not good.

**Kevin Hall** – I'm all about it too, for sure.

**Cavett Eaton** – I know nothing. I've only been here six months. But many things that are found as problems that come in, and the PUD application is totally new. There's only two developments that have even given us what we're asking for and what we've been asking for two years. We rewrote their application and the way they have to present it, and we're finally getting some information. The problem I see is that the PUD application comes in, they ask for the things they ask, but until you see them in a plat, in a preliminary, you miss so much stuff. There's so many. As we compare them side by side, there's a lot of things that once it's on paper, once you see it, once you see, that's where DRC just tears it apart because they start to seeing things. There's so many things we will not see as a staff because we try to evaluate their ask. There's a lot of things we're going to miss.

**Lanise Thompson** – There's a big difference between the written and the drawing.

**Brett Coombs** – And that's why the PUD and the application have become combined.

**Jaime Topham** – Right and I get that too, but we have to figure that out.

**Cavett Eaton** – I'm not saying it can't be done.

**Jaime Topham** – Hopefully you stay forever, and Dan stays forever, and the team stays forever because you get better at it and you know it and you see it. But sometimes things come in front of us and we don't know how to answer it because we don't have them written out. But at the same time, they're asking and getting their density and their variances before we know what happened so I get that too.

**Kevin Hall** – When does the DRC fall into the process?

**Cavett Eaton** – After they submit a permit or a request for preliminary application. But there's a PUD separate from that. They fill out a PUD application, they fill out a preliminary plat application. There's a separate fee for it. Once we get the preliminary plat application, we take their money, the clock starts and we have to start the DRC. We have 180 days to finish it.

**Rick Barchers** – Part of the exceptions, though, is they have to list the benefits for the city. Right? That kind of lays that out ahead of time.

**Cavett Eaton** – Yeah, and often, often the benefits are their opinion and not anybody else's.

**Jaime Topham** – Would this be a good time while we're looking at reviewing this whole process, it'd be a good time to be looking at standards of PUDs. If you ask for this, this is what you get. I think you've referenced Tooele County has something similar. Can we start looking at that too?

**Brett Coombs** – Yeah. I started putting something together for us.

**Jaime Topham** – Fantastic.

**Brett Coombs** – If I have your okay I'll move forward and present it to you.

**Jaime Topham** – You have my okay.

**Rick Barchers** – The problem with that is it puts it into a rigid system. Okay, if we put it in there, well if you donate five pickleball courts, then we'll allow this in density. Right? Well, maybe we don't want five pickleball courts. You see what I'm saying?

**Jaime Topham** – Maybe look at Tooele County's counties because we partly do need rigidity because that's how we get in these conversations with developers and where they are asking for way more than any of us are comfortable with. And there's not any rigidity.

**Kevin Hall** – And I don't think what we'd write wouldn't be detailed to that point. Right? It wouldn't be detailed to specific things, would it?

**Brett Coombs** – The way Tooele County is set up is it's set up that they have a table put together and depending on what the developer's asking for, here's what they're going to have to provide for them to get what... If they want 10% extra density, then they have to provide a number of things from this list. If they're asking for 20%, then the list gets longer.

**Rick Barchers** – But then they get to pick and choose what they want and the city doesn't have to do those things.

**Brett Coombs** – Well, and I completely get where you're coming from. But from my office's perspective, I hate having that you guys can just treat one person and say we want five pickleball courts from you, but not from you. I'd much rather be able to treat everybody the same.

**Jaime Topham** – Yeah. And we define the list. And that means, so if we define the list, that's what we're good with. Whatever they pick on the list, we're good with.

**Rick Barchers** – Okay. I'd be okay with that as long as the list is up for review periodically, it's not something that stays the same 15 years from now.

**Brett Coombs** – You guys can do that however you want it. And so, what I can do is I'll prepare something kind of using that as a guide but apply it to what we would have here. And then you guys can tear it apart and make it the way that you want.

**Jaime Topham** – Let's do it. Let's work on that process change that I said.

**Rick Barchers** – Yeah, whatever she said I liked it.

**Jaime Topham** – Whatever I said, it's going to be in the minutes.

**Cavett Eaton** – We have it recorded, right?

**Dan England** – There are cities who have provided densities in exchange for amenities to the city. And what you're willing to do and so on type thing.

**Brett Coombs** – Yeah, no. And then that would also help you in your joint meeting with city council on open space. Because a big piece of those PUDs is how much open space are they providing?

**Jaime Topham** – What do we do with it?

**Brett Coombs** – Yeah. And so most of these cities or Tooele County, if you want 10% more density, you have to provide us so many acres of open space. This is how much has to be improved or developed open space. And these are the kind of amenities that have to be within that development. And it does a couple things. One, it provides clarity for them and for us. But then number two, it discourages all developments from coming in as PUDs.

**Rick Barchers** – One thing that I would like to add there, if at all possible, depending on what you guys think, is talking about variances to different things in the code. As long as the overall density of the project like they want to donate 20% of the land to the city. The initial density of the land before they did that, it's all slid to one side. But does that make sense?

**Brett Coombs** – Grouping the density. Yeah.

**Rick Barchers** – Does that make sense to you guys? So that we don't end up like they're asking for out north of town here, well now yeah, they slid everything on the original agreement. And now we want to come back in and double the density. No, I don't want that kind of thing happening.

**Jaime Topham** – Do you have enough direction from us?

**Brett Coombs** – Yeah, I do. I think I can move forward with the PUD development agreement. Do you want to hold this? Do you want to move this forward to city council? What do you want to do here?

**Mayor Critchlow** – Just hold it, take time to get it right.

**Jaime Topham** – Yeah. Get our process right.

**Brett Coombs** – All right. Well, just for information sake, we do have a couple development agreements that developers are requesting them to be right up front. One of them is one where it's the mixed commercial residential. That one might make more sense to take a look at upfront for CDRA funding. There's another one that is pretty much all residential. And so those are the ones that I have a duty to bring them forward. So you guys will need to consider those.

**Kevin Hall** – How far down the road do you think they are to come to this?

**Brett Coombs** – Probably within the next few weeks, if that.

**Rick Barchers** – They're going to be PUDs?

**Brett Coombs** – They will be, eventually. They're just not that far along in the process yet.



**Jaime Topham** – But we could say, if they come before us, we can say no we feel like this needs to wait. Okay. Thanks for letting us know. All right, thank you Brett.

**5. Approval of minutes from Nov. 17, 2022, Dec 1, 2022 and Dec. 15, 2022 Planning Commission Meetings**

A quorum was not present so the approval the past minutes was postponed to a later meeting.

**6. Report from City Council liaison Mayor Critchlow**

**Mayor Critchlow** – Okay. Very good. Well thank you for your meeting last night. Okay. Think we have to make sure that we get that checklist for what's going to be required for each one of those levels. So the staff needs to put that together so we can do a check off and be done with it. And as far as the PUDs, it's kind of like broad strokes that you're going to bring us. You want this but you're going to have to bring this to get this. You guys are going to have to do the horse trading down on this side of it. Okay? Broad strokes.

**Jaime Topham** – We can do that. Absolutely.

**Mayor Critchlow** – You can do the horse trading because I know that.

**Jaime Topham** – I at least keep it under control.

**Mayor Critchlow** – That's right. And just for Holly, there is no way that these people are going to accept this place with open arms and it's wonderful. I've talked to several people today that, in places where you have those in [inaudible 02:05:13] and [inaudible 02:05:14] and the people around us are not going to. Don't accept that as a wonderful place to be. But we have to do it. Okay? As bad as it is. And it's been a long day. Good luck in the morning. Come early. Thank you so much for your efforts.

**Jaime Topham** – I appreciate our meeting that we had yesterday with city council. It felt like we finally got on the same page. And I appreciate all the conversation and I'm hopeful that city council will continue to discuss all of the fees that they want to talk about. Because that's not really our domain.

**Mayor Critchlow** – I agree. We got in the weeds a couple of times, but we got her back out okay?

**Jaime Topham** – I was waiting for you to pull this back out of the weeds.

**Mayor Critchlow** – No, you're good. Thanks. Appreciate you.

**7. Adjourn**

**Jaime Topham made a motion to adjourn the meeting. Kevin Hall seconded the motion. All voted in favor. Meeting was adjourned at 9:05PM**