



**July 6, 2023**

**Planning Commission  
Meeting**

**Information Packet**

## **PLEDGE OF ALLEGIANCE**

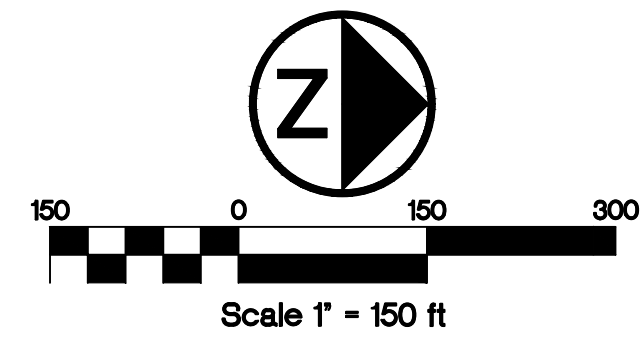
## **ROLL CALL**

### **AGENDA:**

1. Discussion of Matthews Property Concept Plan
2. Discussion of Mack Canyon Concept Plan
3. Discussion of Chapter 21 – Subdivision Process and Crafting of Checklists
4. Approval of minutes from the June 15, 2023
5. Report from City Council liaison Mayor Critchlow
6. Adjourn

# **AGENDA ITEM #1**

Discussion of Matthews Property Concept Plan.

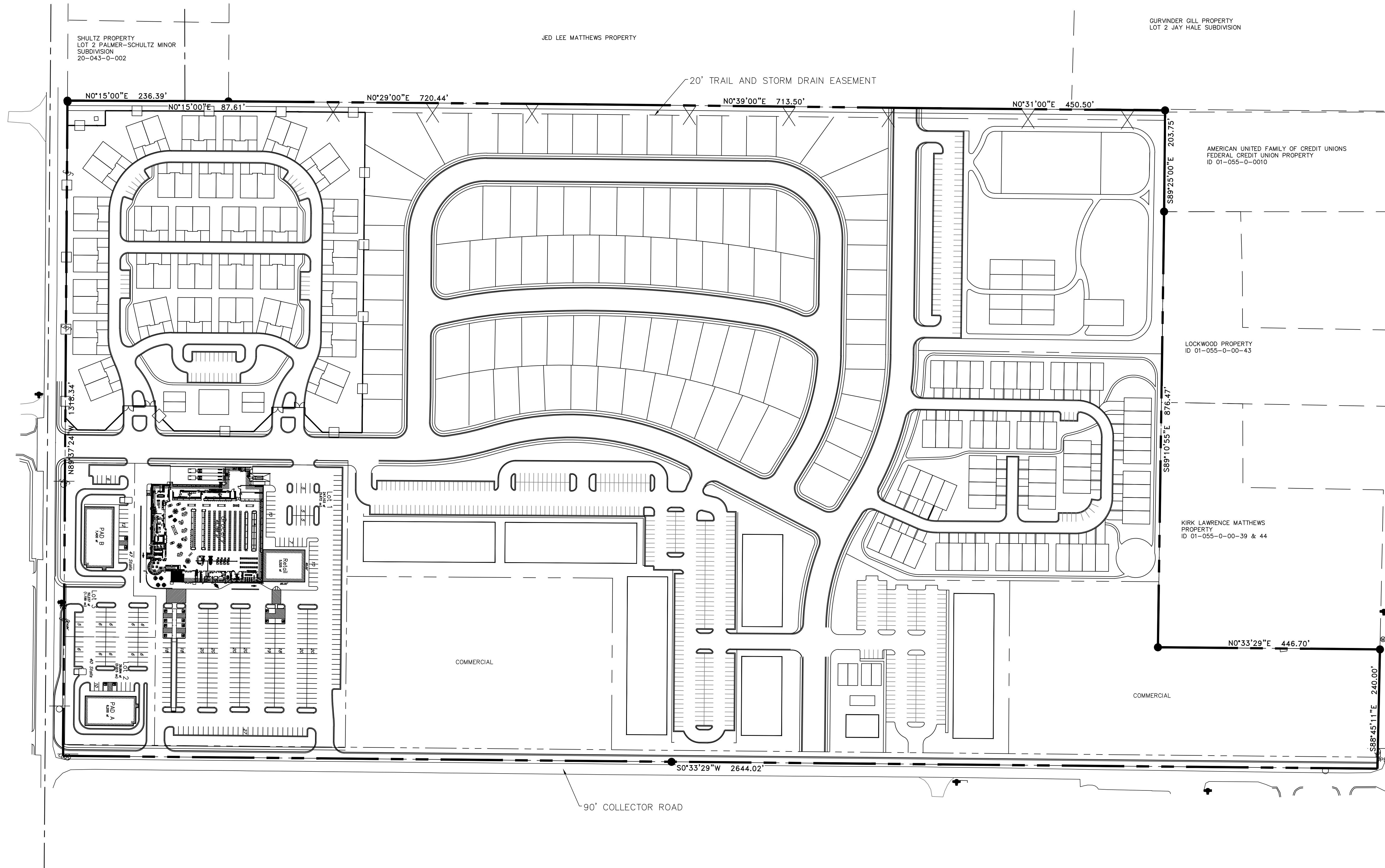




**WILDING**  
ENGINEERING

14721 SOUTH HERITAGE CREST WAY  
BLUFFDALE, UTAH 84065  
801.553.8112  
WWW.WILDINGENGINEERING.COM

PROJECT NOTES:  
TOTAL PROJECT SIZE = 69 ACRES  
55+ COMMUNITY = 9 ACRES 62 UNITS  
APARTMENT COMPLEX = 12 ACRES 275 UNITS  
COMMERCIAL = 14 ACRES  
PARK = 6 ACRES  
TOWNHOMES = 6 ACRES 62 UNITS  
SINGLE FAMILY = 22 ACRES 93 LOTS



NO.	REVISION	DATE

PROJECT INFORMATION

**MATTHEWS PROPERTY**

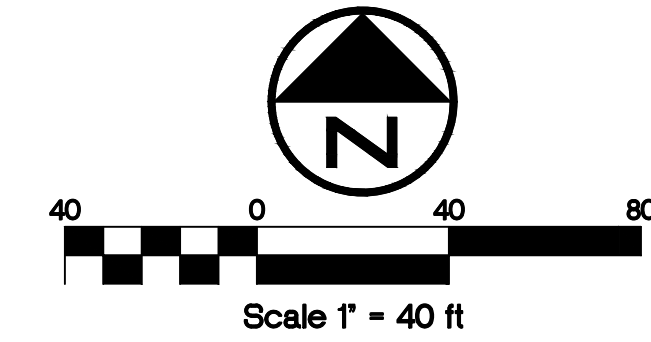
CONCEPT PLAN

MATTHEWS LANE & DURFEE ST.  
GRANTSVILLE, UTAH

DRAWN KCW	CHECKED	PROJECT # 23167
ENGINEER'S STAMP		DATE 6/29/2023
		SCALE 1" = 100'
		SHEET C101

G:\DATA\23167 Matthews Property\dwg\23167 Concept Plan.dwg  
PLOT DATE: Jun 30, 2023







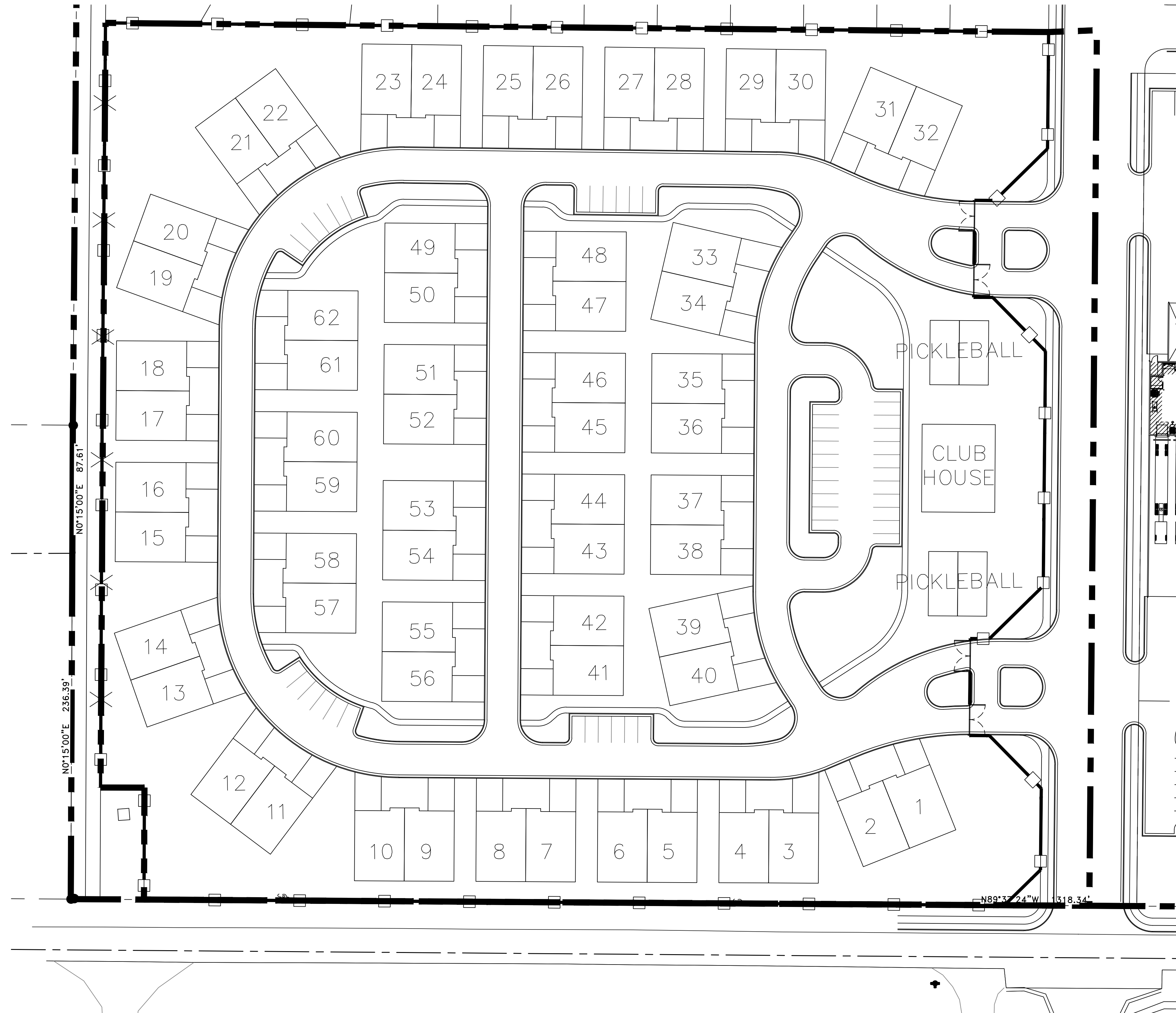
# WILDING

ENGINEERING

14721 SOUTH HERITAGE CREST WAY  
BLUFFDALE, UTAH 84065  
801.553.8112  
WWW.WILDINGENGINEERING.COM

PHASE NOTES:  
PHASE AREA = 9 ACRES  
COMMUNITY DESIGNED FOR 55 AND OLDER RESIDENTS  
TOTAL UNITS = 62  
UNIT SIZE = APPROX 1200 SF MAIN 1200 SF BASEMENT  
ROADWAY WIDTH 26' CURB TO CURB

- AMENITIES:
- 2 CAR GARAGE PER UNIT
  - 2 CAR PARKING PER DRIVEWAY
  - CLUB HOUSE
  - PICKLEBALL COURTS
  - COMMUNITY TRAIL
  - COMMUNITY LANDSCAPING
  - ENTRANCE GATES
  - VISITOR PARKING STALLS = 46
  - SOLID PERIMETER FENCE



S:\DATA\23167 Matthews Property\dwg\23167 Concept Plan.dwg  
PLOT DATE: Jun 30, 2023

NO.	REVISION	DATE

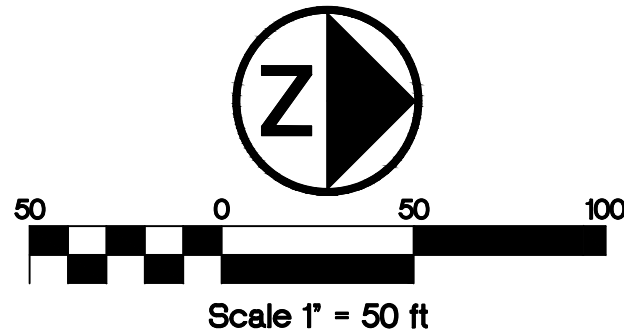
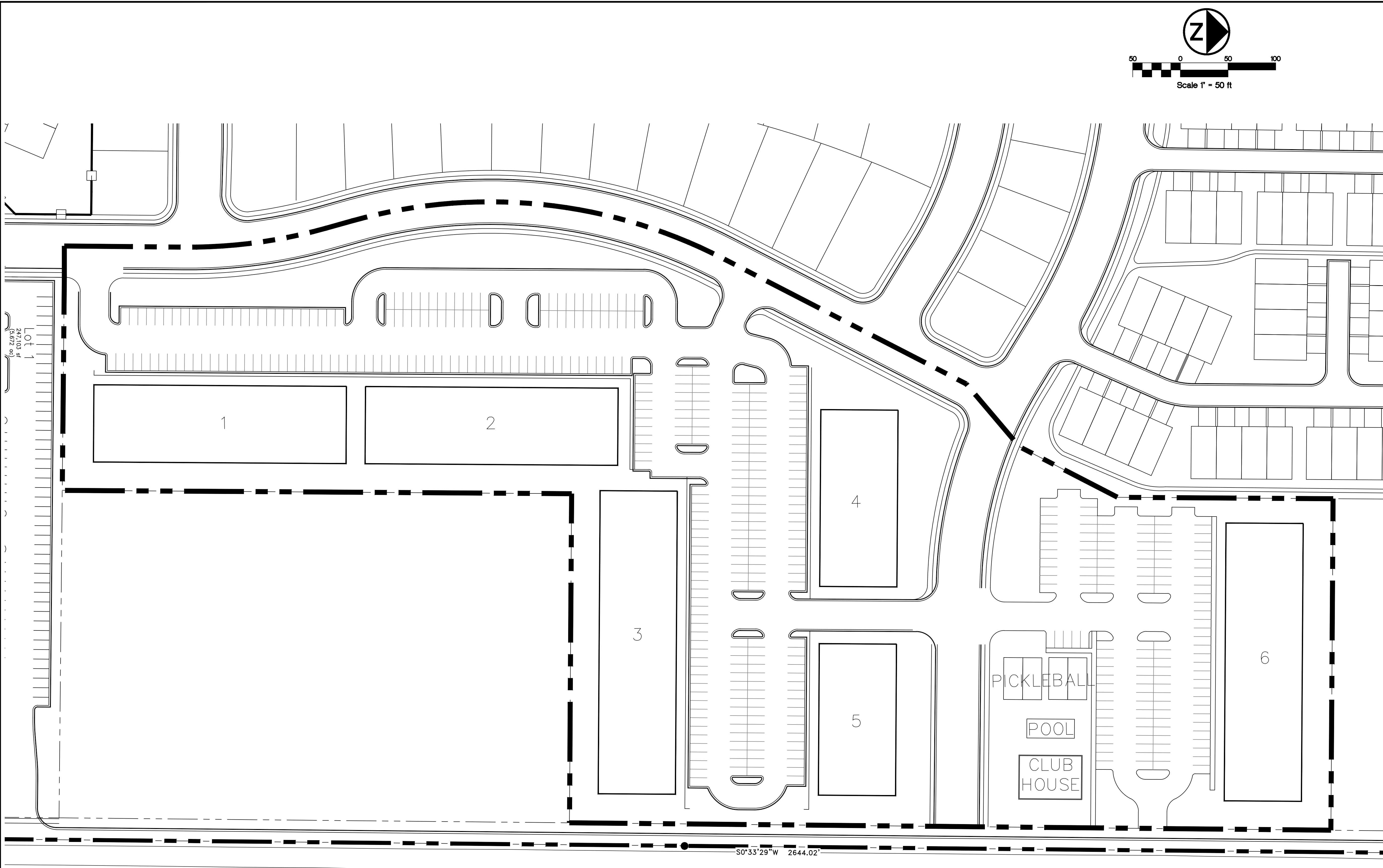
PROJECT INFORMATION

MATTHEWS PROPERTY

55+ COMMUNITY

MATTHEWS LANE & DURFEE ST.  
GRANTSVILLE, UTAH

DRAWN KCW	CHECKED	PROJECT # 23167
ENGINEER'S STAMP		DATE 6/29/2023
		SCALE 1" = 30'
		SHEET C102





# WILDING

ENGINEERING

14721 SOUTH HERITAGE CREST WAY  
BLUFFDALE, UTAH 84065  
801.553.8112  
WWW.WILDINGENGINEERING.COM

PHASE NOTES:  
PHASE AREA = 12 ACRES  
APARTMENT COMPLEX COMMUNITY  
TOTAL UNITS = 275  
TOTAL BUILDINGS = 6  
BUILDINGS TO BE UP TO TWO STORY  
UNIT SIZE = APPROX 900 SF

AMENITIES:  
- CLUB HOUSE  
- POOL  
- PICKLEBALL COURTS  
- COMPLEX LANDSCAPING  
- LARGE PARKING LOT  
- VISITOR PARKING

S:\DATA\23167 Matthews Property\dwg\23167 Concept Plan.dwg  
PLOT DATE: Jun 23, 2023

NO.	REVISION	DATE

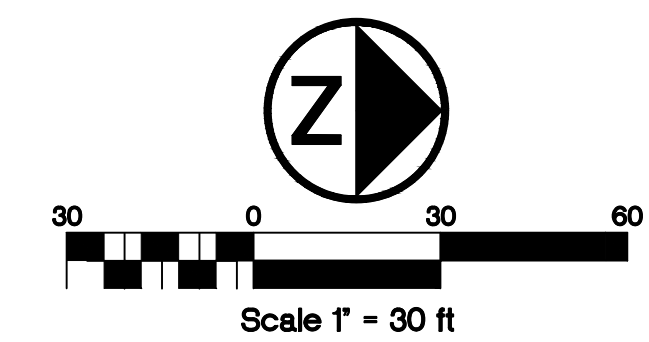
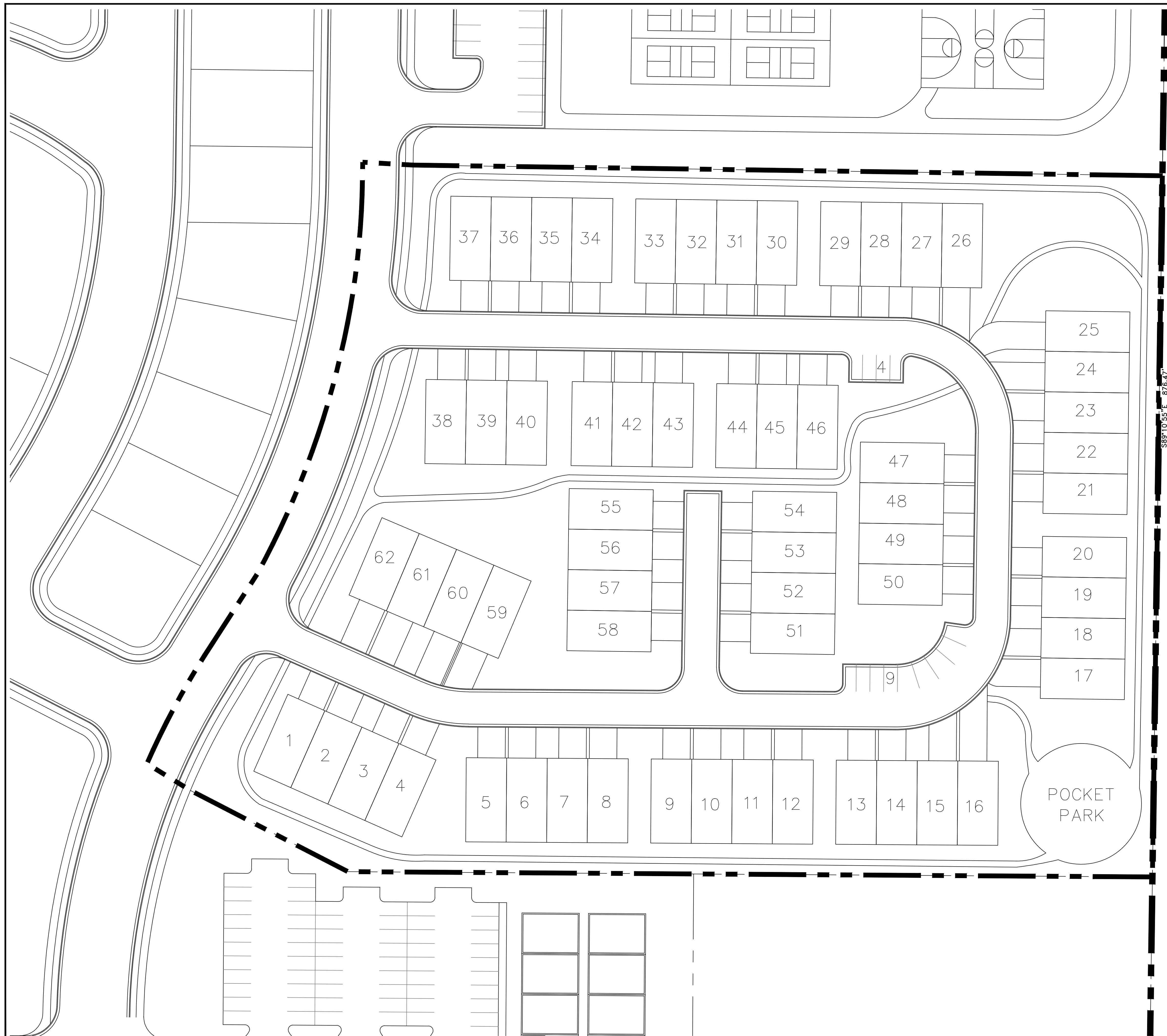
PROJECT INFORMATION

MATTHEWS PROPERTY

APARTMENT COMPLEX

MATTHEWS LANE & DURFEE ST.  
GRANTSVILLE, UTAH

DRAWN KCW	CHECKED	PROJECT # 23167
ENGINEER'S STAMP		DATE 6/29/2023
		SCALE 1" = 100'
		SHEET C103



PHASE NOTES:

PHASE AREA = 6 ACRES  
TOWN HOME COMMUNITY

TOTAL UNITS = 62  
UNIT SIZE = APPROX 1000 SF MAIN 800 SF SECOND STORY  
ROADWAY WIDTH = 26 FT CURB TO CURB

AMENITIES:

- 2 CAR GARAGE PER UNIT
- 2 CAR PARKING PER DRIVEWAY
- COMMUNITY TRAIL
- COMMUNITY LANDSCAPING
- POCKET PARK
- VISITOR PARKING STALLS = 13
- SOLID PERIMETER FENCE

NO.	REVISION	DATE

PROJECT INFORMATION

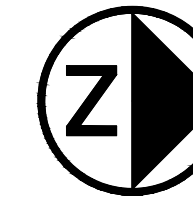
**MATTHEWS PROPERTY**

**TOWN HOMES**

**MATTHEWS LANE & DURFEE ST.**  
**GRANTSVILLE, UTAH**

DRAWN <b>BDA</b>	CHECKED	PROJECT # <b>23167</b>
	DATE <b>6/29/2023</b>	
	SCALE <b>1" = 30'</b>	
	SHEET <b>C104</b>	
ENGINEER'S STAMP		

G:\DATA\23167 Matthews Property\dwg\23167 Concept Plan - Brock.dwg  
PLOT DATE: Jun 30, 2023



N0°39'00"E 713.50'

Scale 1" = 40 ft



- ROADWAY WIDTH = GRANTSVILLE STANDARD 66 FT ROW

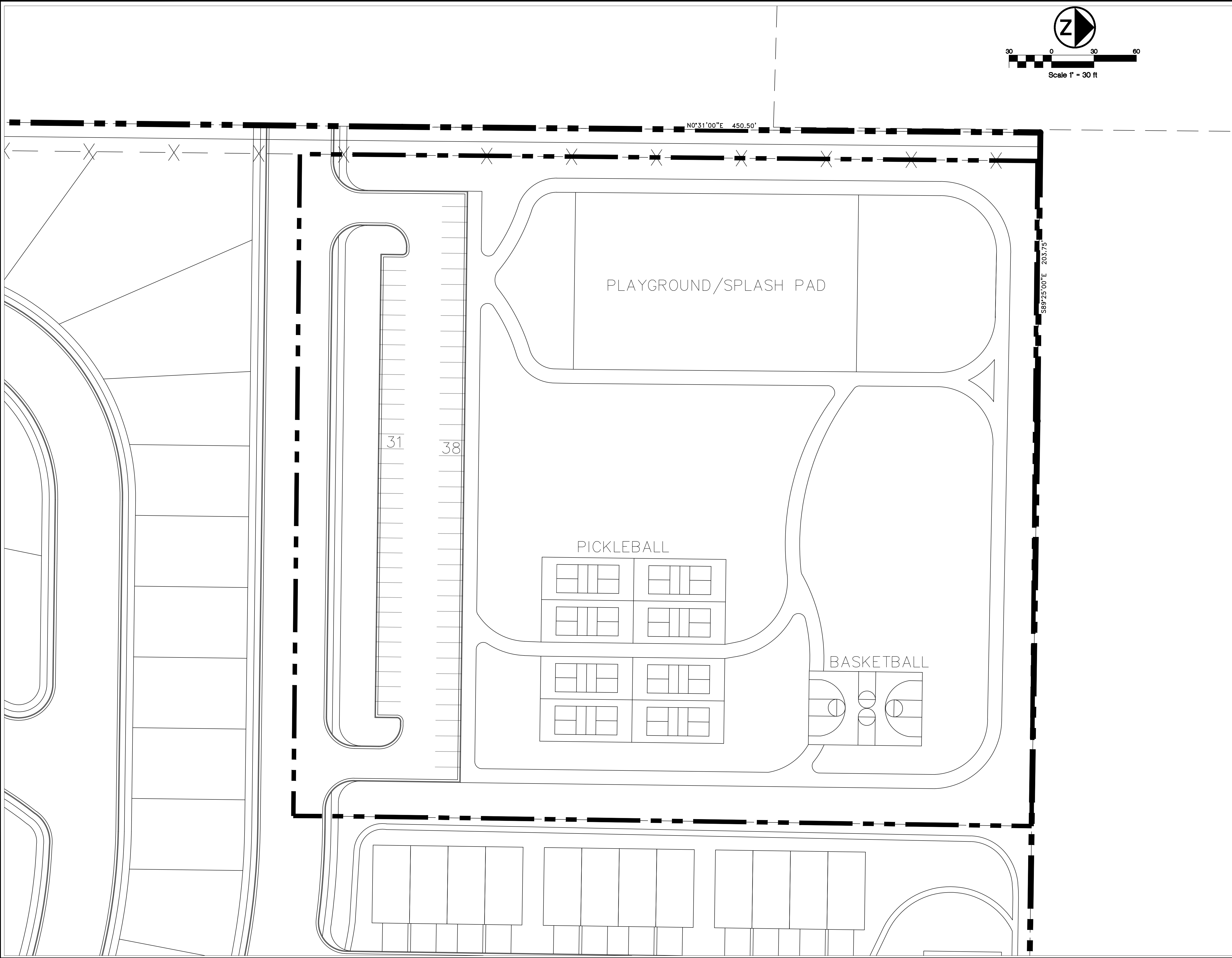
NO.	REVISION	DATE
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**MATTHEWS PROPERTY**

ENGINEER'S STAMP

G:\DATA\23167 Matthews Property\dwg\23167 Concept Plan - Brock.dwg  
PLOT DATE: Jun 30, 2023







# WILDING

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14721 SOUTH HERITAGE CREST WAY  
BLUFFDALE, UTAH 84065  
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WWW.WILDINGENGINEERING.COM

PHASE NOTES:  
PHASE AREA = 5.5 ACRES  
COMMUNITY PARK

- AMENITIES:
- PICKLEBALL COURTS
  - BASKETBALL COURTS
  - PLAYGROUND
  - SPLASHPAD
  - PARKING STALLS = 69

NO.	REVISION	DATE

PROJECT INFORMATION

MATTHEWS PROPERTY

COMMUNITY PARK

MATTHEWS LANE & DURFEE ST.  
GRANTSVILLE, UTAH

DRAWN  
BDA

CHECKED

PROJECT #  
23167

DATE  
6/29/2023

SCALE  
1" = 30'

SHEET  
C106

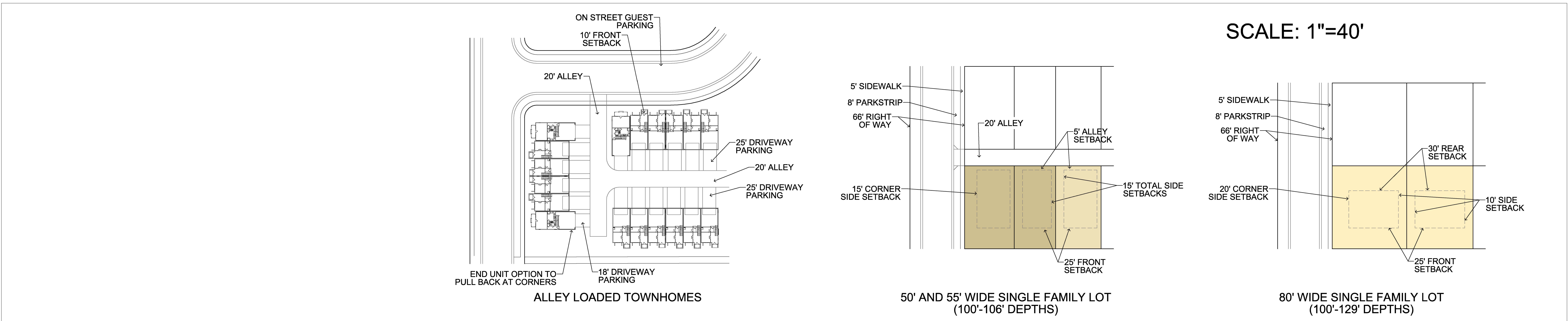
ENGINEER'S STAMP

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PLOT DATE: Jun 30, 2023

# **AGENDA ITEM #2**

Discussion of Mack Canyon Concept Plan







# **AGENDA ITEM #3**

Discussion of Chapter 21 – Subdivision Process  
and Crafting of Checklists.



# Chapter 21 Subdivisions

## Proposed Amendments

Proposed Revisions

~~Proposed Deletions~~

Comments or ongoing staff discussion.

**Language in Question**

## 21.1 General Provisions

### 21.1.1 Short Title

This Chapter shall be known and may be cited as the Grantsville City Subdivision Ordinance.

### 21.1.2 Purpose

(1) This Chapter is established to promote the health, safety and welfare of residents of Grantsville City and to provide for the orderly subdivision of land located within Grantsville City, Utah.

(2) The purpose of the Subdivision Ordinance is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all proposed subdivisions are consistent with the General Plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social and economic development of the area.

(3) It is the purpose and intent of Grantsville City to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

### 21.1.3 Authority

This Chapter is enacted and authorized under the provisions of Utah Code Ann. §10-9a, et seq. Utah Code Annotated, 1953, as amended.

### 21.1.4 Definitions And Applicability

For the purposes of this Chapter all terms shall have the same definition as provided by Utah Code Ann. §10-9a-103, (2018).

### 21.1.5 Jurisdictions And Penalties

(1)

(a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable city ordinances on land use and development.

(2)

(a) The city may bring an action against an owner to require the property to conform to the provisions of this chapter.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) The city need only establish the violation to obtain the injunction. (Utah Code Ann. §10-9a-611 (2016))

#### **21.1.6 Creation Of Substandard Lots Prohibited**

No lot shall be created that does not conform to the requirements of this code and the zoning district in which it is located.

#### **21.1.7 Agricultural, Industrial, And Mining Protection Areas**

(1) For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Agriculture Protection Area This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. (Utah Code Ann. §17-41-403 (2009))

(2) For any subdivision located in whole or in part within 1000 feet of the boundary of an industrial protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Industrial Protection Area This property is located in the vicinity of an established industrial protection area, in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities. (Utah Code Ann. §17-41-403 (2009))

(3) For any subdivision located in whole or in part within 1000 feet of the boundary of as mining protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Mining Protection Area This property is located in the vicinity of an established mining protection area, in which normal mining uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal mining uses and activities. (Utah Code Ann. §17-41-403 (2009))

#### **21.1.8 Notice Of Shooting Range Area**

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

Shooting Range Area This property is located in the vicinity of an established shooting range or public shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities. (Utah Code Ann. §47-3-202 (4) (2013))

### **21.1.9 Definitions**

In the Spring of 2021 amendments to this Chapter were approved that moved these definitions to Chapter 2. There was a significant change in staff at the time and the definitions were left in place in this chapter and were not added to Chapter 2. We can address this at this time and move them over to Chapter 2 Definitions.

~~As used in this chapter:~~

~~"Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.~~

~~"Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.~~

~~"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.~~

~~"Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Ann. Section §10-9a-603 (2017), §17-23-17 (2016), or §57-8-13 (2003).~~

~~"Record of survey map" means a map of a survey of land prepared in accordance with Utah Code Ann. Section §17-23-17 (2016).~~

~~"Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.~~

~~"Special district" means an entity established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.~~

~~"Specified public utility" means an electrical corporation, gas corporation, telephone corporation, franchise or other quasi-public utility as those terms are defined in Utah Code Ann. Section §54-2-1 (2016).~~

~~"Street" means a public right of way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way, and which may be classified as Rural, Residential, Local, Collector, Arterial, and Main Street or as otherwise defined in the Grantsville City Street Master Plan.~~

~~"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.~~

~~"Subdivision" includes:~~

~~(1) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and~~

~~(2) except as provided for in the following Subsection regarding the division or partition of agricultural land, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.~~

~~"Subdivision" does not include:~~

~~(1) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;~~

~~(2) a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:~~

~~(a) no new lot is created; and~~

~~(b) the adjustment does not violate applicable land use ordinances; or~~

~~(3) a recorded document, executed by the owner of record;~~

~~(a) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or~~

~~(b) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;~~

~~(4) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.~~

~~"Unincorporated" means the area outside of the incorporated area of Grantsville City.~~

~~"Zoning Map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.~~

#### **21.1.10 Plats Required**

(1) Unless exempt, under Utah Code Ann. Section §10-9a-605 (2010) or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2)

(a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The planning commission shall approve the plat as provided in this code. Before final approval of a plat, the owner of the land shall provide the planning commission with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

Based upon the adoption of the various levels for different types of subdivisions and their respective approval processes not all will be approved by Planning Commission. Does the above language need to be amended?

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept by the City until the owner of the land shall file and record it in the county recorder's office. (Utah Code Ann. §10-9a-603 (2017))

#### **21.1.11 Agricultural Exemptions From Plat Requirements**

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this code if the lot or parcel:

(a) qualifies as land in agricultural use under Utah Code Ann. §59-2-5 (1987 - 2017), Farmland Assessment Act;

(b) meets the minimum size requirement of applicable land use ordinances; and

(c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this code, shall be recorded with the county recorder.

(3) If a lot or parcel exempted under Subsection (1) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this code. (Utah Code Ann. §10-9a-603 (2017))

(4) A plat is not required for a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use regulation. (Utah Code Ann. §10-9a-602 (2005))

#### **21.1.12 Open Space Applicability Of Regulations**

(1) In recognition that the residents of Grantsville highly value the open tracts of land that currently are characterized with recreational uses, agricultural uses, minimal development or remain in a natural state, Grantsville City desires to protect and preserve these characteristics while allowing for continued growth and improvement of the community by requiring each proposed development to consider and maintain some form of open space as described in the following regulations.

(2) All undeveloped parcels that come before the City as a residential subdivision of land greater than four total lots shall comply with the open space regulations found in this chapter. All development shall be in compliance with all applicable Grantsville City ordinances, regulations, or resolutions and when in conflict, the provisions of this chapter shall prevail.

#### **21.1.13 Site Analysis Map**

(1) Concurrent with the submission of a preliminary plat, or site plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this chapter.

(2) The site analysis map shall include:

- (a) Location of natural drainages depicting flowline and top edge of channel; and
- (b) Springs, ponds, riparian zones, marsh and wetlands boundaries; and
- (c) Active agricultural, pasture areas; and
- (d) Rock outcroppings and slopes greater than 30%; and
- (e) Known archeological or historical resources; and
- (f) Wooded areas; and
- (g) Existing walking, equestrian, off-highway vehicle or bicycle trails; and
- (h) Existing streets, structures and utility infrastructure.
- (i) Other unique site features that may hold value if incorporated in open space areas.

#### **21.1.14 Use Of Open Space**

(1) Open space is the portion of a subdivision or site that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) Open space areas shall be protected in perpetuity from further development or unauthorized use by permanent restrictive covenant. Grantsville City reserves the right to enforce all restrictive covenants and conservation easements per Utah Code Ann. §57-1 8-6 (1985). Uses of open space may include the following:

- (a) conservation of natural, archeological or historical resources;
- (b) meadows, woodlands, wetlands, riparian zones, raptor nesting sites, wildlife corridors, game preserves, habitat for endangered or threatened species, critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources, or similar conservation-oriented areas;
- (c) cemeteries, archaeological sites and burial grounds and other historic and/or archaeological sites as identified by the Grantsville City Historical Preservation Committee and Utah Division of State History, Utah State Historical Society;
- (d) walking, equestrian, off-highway vehicle or bicycle trails;

- (e) passive recreation areas, public and private, including pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
  - (f) active recreation areas, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total open space such as streets and parking lots shall be excluded;
  - (g) agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
  - (h) problematic soils and the 100-year floodplain as identified by (FEMA Flood Map);
  - (i) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps;
  - (j) other conservation-oriented uses compatible with the purposes of this chapter.
- (3) As open space contributes to the overall character of the community, three underlying principles shall guide the siting and use of open space areas:
- (a) Open space shall be accessible to the public where practicable. Open space shall be accessible internally, connected to public streets and trails, and generally available for public use and enjoyment with the understanding that some uses may necessitate limited public access such as but not limited to: active agricultural uses, historic structures, and equestrian facilities.
  - (b) Open space shall be visible. Open space shall be located and configured so that a portion of the open space bounds or intersects with public right-of-way or other publicly accessed parcels.
  - (c) Open space shall preserve the community's character. Open space shall preserve existing features in the community and/or create new amenities that are in harmony with the existing characteristics of the overall community.

## HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

### **21.1.15 Open Space Requirements**

- (1) Each subdivision or site plan shall provide a minimum of 10% of its total parcel acreage as open space. The open space shall be designated on the preliminary plan or site plan and recorded on the final plat. The minimum restricted open space shall comprise at least 10% of the total parcel acreage. The open space shall be held and maintained in a private protective trust. In limited cases such as the provision of a minimum of five-acre public park the City Council at its discretion may, by finding of a beneficial public purpose, choose to accept the dedication of such parcels and improvements.
- (2) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 10% minimum area requirement except that historic structures and existing trails with public access may be counted. Areas greater than 10% of the total open space area that is covered with any impervious surface shall be excluded from the open space calculation.
- (3) At least 75% of the open space shall be in a contiguous or interconnecting tract. The open space shall be designed in such a way that it adjoins any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. If there is no defined or identified open space on adjoining land, then the open space shall provide areas for the eventual connection with future development as practicable.
- (4) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. The type of open space shall be taken into consideration when making the determination of direct accessibility. Open space parcels that are preserved as active agriculture or pasture land may have limited direct accessibility as the use requires restricted access, but it is expected that such uses shall be located along the sides of public streets or trails so that the open space will provide for the benefit and enjoyment of residents as it reserves the open rural atmosphere desired by the residents. Historic features or other unique natural features due to the nature of their location, characteristics and

configuration may also limit direct accessibility but shall be showcased in such a way that it may provide for the benefit and enjoyment of residents as it preserves the open rural atmosphere desired by the residents. Non-adjointing lots shall be provided with safe, convenient access to the open space. Trails are encouraged in the subdivision to access both natural open space areas within the subdivision and those that may be located nearby. Just as with streets, trail connections for connectivity and access with future subdivisions and the City-wide trails system shall be considered.

(5) In lieu of, or in a proportional combination with, the provision of 10% of the total parcel acreage as open space, the developer may, through agreement with the Planning Commission and City Council apply 10% of the predeveloped value of the total parcel acreage, as determined through an owner provided appraisal by a certified real estate appraiser, to purchase another parcel that would be designated as park or open space, construct amenities in existing public parks and open space located within ½ mile of the proposed development, and extend off site trails from the proposed development with sidewalk and trail connections between both parcels to benefit the residents of the development.

(6) Land dedicated for use as a public park shall be no smaller than five acres and shall not be located any closer than three quarters of a mile from another public park. The City Council may make exceptions to the minimum distance if walkability and other accessibility issues limit the residents of the proposed subdivision from safely or conveniently accessing the nearest public park. Requiring improvements that remove the accessibility barriers may be considered proportionally not exceeding the appraised value of the predeveloped value of the total parcel acreage as detailed in 21.1.15.6

#### **HISTORY**

*Amended by Ord. 2019-18 on 8/7/2019*

#### **21.1.16 Open Space Networks Configuration**

The minimum standards for open space networks are as follows:

- (1) The minimum width of any open space area is 25 feet.
- (2) All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- (3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.
- (4) Paths located in primary conservation areas shall be constructed of pervious materials.
- (5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the city engineer.
- (6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the city engineer.

#### **21.1.17 Open Space And Conservation Areas**

21.1.17 was removed with the adoption of Ordinance 2018-16.

#### **21.1.18 Primary Conservation Areas**

21.1.18 was removed with the adoption of Ordinance 2018-16.

#### **21.1.19 Value Of Primary Conservation Areas**

21.1.19 was removed with the adoption of Ordinance 2018-16.

#### **21.1.20 Secondary Conservation Areas**

21.1.20 was removed with the adoption of Ordinance 2018-16.

#### **21.1.21 Ownership And Management Of Open Space**

21.1.21 was removed with the adoption of Ordinance 2018-16.

#### **21.1.22 Prohibited Uses Of Open Space**

- (1) Uses of open space shall not include the following:

- (a) roads
- (b) parking lots that occupy more than 15% of the open space;
- (c) dwellings;
- (d) commercial uses; or
- (e) land set aside for use that solely benefits any one person or entity.

(2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the applicant or City chooses to place on the use of the open space.

**21.1.23 Requirements Of Conservation Easements**

21.1.23 was removed with the adoption of Ordinance 2018-16.

**21.1.24 Notice Of Disclosure**

21.1.24 was removed with the adoption of Ordinance 2018-16.

**21.1.25 Conservation Subdivisions, Open Space, And Density**

21.1.25 was removed with the adoption of Ordinance 2018-16.



## **21.2 Subdivision Application Procedure**

### **21.2.1 Diligence**

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this chapter will be deemed null and void and all vested rights are waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make a progress report to the planning commission within 365 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development.

### **21.2.2 Application Procedure**

(1) Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage of the subdivision process shall be accepted until such time as the City has approved the application for the previous stage of the development.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The planning commission may request specific information found to be incomplete in its review and table further action until the information is submitted.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of city service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the city and its residents.

(6) Appeals of the decision of a planning commission on any subdivision shall be made in writing to the city council within 30 days of the decision.

### **21.2.3 Zoning Administrator To Determine A Complete Application**

The zoning administrator shall determine if an application is complete and contains all required materials as required by this chapter.

### **21.2.4 Lack Of Preliminary Subdivision Application Information - A Determination Of An Incomplete Application**

(1) The lack of any information required by this chapter for a complete application, or improper information supplied by the applicant, shall be cause for the zoning administrator to find the application incomplete.

(2) A determination of an incomplete application shall prohibit the scheduling of the application on a planning commission meeting agenda. If the application lacks any required information, the zoning administrator shall notify the applicant of the material or information lacking from the application. The zoning administrator shall allow 30 days from the date of notification for the applicant to provide the materials or information required. If the application remains incomplete after 30 days the zoning administrator shall return the entire incomplete application to the applicant, accompanied by all application fees paid.

### **21.2.5 Appeal Of Zoning Administrator's Determination Of Completeness**

Any person aggrieved by a decision of the zoning administrator in a determination of a complete application may appeal the zoning administrator's decision in writing within 30 days of the zoning administrator's decision to the planning commission.

### **21.2.6 Concept Plan Requirements**

The concept plan shall show:(1) the general location of the subdivision, the property boundaries and adjoining properties with ownership;(2) lot and road layout indicating general scaled dimensions;(3) county, township, range, section, quarter section, blocks, the number of lots, principal meridian and true north;(4) a vicinity map showing significant natural and man-made features off site with a scale of 1 inch = 2000 feet on the site;(5) the acreage of the entire tract and the acreage of the portion to be developed;(6) the area for which approval will be requested for the

first phase of development except for minor, commercial and industrial subdivisions;(7) an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;(8) the sites, if any, for multi-family dwellings, shopping centers, community facilities, commercial, industrial, or other uses exclusive of single-family dwellings;(9) total development area, the number of proposed dwelling units and the amount of open space;(10) easements and rights-of-way;(11) property boundaries;(12) all ponds, wetlands and other hydrologic features;(13) topographic contours;(14) all primary and secondary conservation areas labeled by type, as described in sections 21.1.18 and 21.1.110 of this chapter;(15) general vegetation characteristics;(16) general soil types;(17) the planned location of protected open space;(18) existing roads and structures;(19) potential connections with existing greenspace and trails.(20) parcels of land that will have a conservation easement or are to be dedicated for schools, roads, parks, or other public purposes; and(21) an approval signature block for the planning commission chair.

## HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

### **21.2.7 Preliminary Plat Requirements**

The requirements for a Preliminary Plat are detailed in the Preliminary Plat Checklist that is attached to the Preliminary Plat Application that shall be provided by the City upon request. The Preliminary Plat requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

~~(1) The preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office.~~

~~(2) Every detail of the plat shall be legible. A poorly drawn or illegible plat shall be cause for its denial.~~

~~(3) A traverse shall not have an error of closure greater than one part in 10,000.~~

~~(4) Each plat shall show:~~

~~(a) the general location of the subdivision and adjoining properties with ownership;~~

~~(b) all deed lines of the subject and adjoining properties and lines of occupation such as fence lines;~~

~~(c) the 100-foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision;~~

~~(d) bearing and distance tie-in to the historic and dependant survey with at least two established control monuments referenced to the Tooele County Control Network.~~

~~(e) county, township, range, section, quarter section blocks, plats and true north shall be included on the plat;~~

~~(f) graphic scale of the plat;~~

~~(g) existing ground contours at 2 foot intervals based on National Geodetic Survey Sea Level Datum;~~

~~(h) the name of the subdivision as approved by the county recorder;~~

~~(i) An open space management plan, as described in Section 21.1.20;~~

~~(j) a vicinity map showing significant natural and man-made features on the site and within one mile of the subdivision perimeter boundary with a minimum scale of 1-inch = 2000 feet;~~

~~(k) total project area;~~

~~(l) locations and dimensions of existing structures;~~

~~(m) lot perimeter utility easements; and~~

~~(n) approval signature blocks for:~~

~~(A) the public works director;~~

~~(B) the city engineer;~~

~~(C) the city planner;~~

~~(D) the county surveyor; and~~

~~(E) the planning commission chair.~~

~~(F) the city fire department.~~

~~(5) the bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.~~

~~(6) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.~~

~~(7) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the city engineer and shall be shown on the plat with the corresponding lot number.~~

~~(8) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.~~

~~(9) Excepted parcels shall be marked, "Not included in this subdivision."~~

~~(10) All public lands shall be clearly identified.~~

~~(11) All public roads shall be clearly marked as "dedicated public road."~~

~~(12) All private roads shall be clearly marked as "private road."~~

~~(13) All roads shall be identified by names approved by Grantsville City.~~

~~(14) All easements shall be designated as such and dimensions given.~~

~~(15) All lands within the boundaries of the subdivision shall be accounted for, either as lots, open space, walkways, streets, or as excepted parcels.~~

~~(16) Bearings and dimensions shall be given for all lot lines and easements, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.~~

~~(17) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.~~

~~(18) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.~~

~~(19) Surveys shall tie into the state grid or other permanent marker established by the county surveyor and shall give a description, the name and the date on survey monuments found.~~

~~(20) The plat shall be labeled "Preliminary plat."~~

~~(21) If the subdivision does not have a public water system connection, the amount of water allocated to each lot in acre feet.~~

~~(22) The surveyor shall provide remainder descriptions for all property from the original parcel or lot that is not included in the subdivision. (Ref UCA §10-9a-603)~~

~~(23) Title Block with the name, address and license number of the land surveyor, preparation date and revision dates.~~

### **21.2.8 Final Plat Infrastructure Design And Engineering Drawings Requirements**

The purpose of the final plat infrastructure design and engineering drawings is to develop engineered construction drawings of infrastructure required for development of the proposed phase or site. These drawings shall be required for all subdivisions and development site approvals.

The requirements for a Final Plat Infrastructure Design and Engineering Drawings are detailed in the Final Plat Checklist that is attached to the Final Plat Application that shall be provided by the City upon request. The Final Plat Infrastructure Design and Engineering Drawings requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

~~The final plat infrastructure design and engineering drawings shall include:~~

~~(1) Infrastructure design and engineering drawings and documents shall be submitted in the design stage, and shall include:~~

~~(a) plan, profile and typical cross section drawings of the roads, bridges, culverts, sewers, and drainage structures;~~

~~(b) a grading and drainage plan indicated by solid line contours superimposed on dashed line contours of existing topography;~~

~~(c) the general location of trees over six inches in diameter measured at four and one half feet above the ground, and in the case of heavily wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;~~

~~(d) the size and location of proposed sewage systems, culinary water, secondary water, storm drainage, roads, power, gas and other utilities and any man-made features and the location and size of existing sewage, culinary water, secondary water, storm drainage, roads, power, gas and other utilities to 200 feet beyond the subdivision;~~

~~(e) proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;~~

~~(f) water courses and proposed storm water drainage systems including culverts, water areas, delineated wetlands, streams, areas subject to occasional flooding, marshy areas or swamps;~~

~~(g) areas within the 100-year flood plain;~~

~~(h) soil types and soil interpretations taken from the National Cooperative Soils Survey;~~

~~(i) the location of all street signs and traffic control devices required by the City in accordance with the Manual of Uniform Traffic Control Devices;~~

~~(j) a signature block for the city engineer on each design and construction drawing;~~

~~(k) a signature block for the city public works director on each design and construction drawing;~~

~~(l) geologic maps and investigation reports regarding area suitability; and~~

~~(m) a design report stamped by an engineer licensed in the State of Utah as may be required by the city engineer.~~

~~(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.~~

~~(3) Poorly drawn or illegible design and engineering drawings shall be cause for denial.~~

~~(4) To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be on-site at all times during construction. All construction must conform to the approved plans.~~

### **21.2.9 Final Plat Requirements**

The requirements for a Final Plat are detailed in the Final Plat Checklist that is attached to the Final Plat Application that shall be provided by the City upon request. The Final Plat requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

- ~~(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Utah Code Ann. §58-22 (1994-2017), Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Utah Code Ann. Section §17-23-17 (2016), has verified all measurements, and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office. The surveyor making the plat shall bond or provide to the city adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.~~
- ~~(2) Every detail of the plat shall be legible. A poorly drawn or illegible plat shall be cause for denial.~~
- ~~(3) A traverse shall not have an error of closure greater than one part in 10,000.~~
- ~~(4) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.~~
- ~~(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.~~
- ~~(6) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the city engineer and shall be shown on the plat with the corresponding lot number.~~
- ~~(7) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.~~
- ~~(8) Excepted parcels shall be marked, "Not included in this subdivision."~~
- ~~(9) All public lands shall be clearly identified.~~
- ~~(10) All public roads shall be clearly marked as "dedicated public road."~~
- ~~(11) All private roads shall be clearly marked as "private road."~~
- ~~(12) All roads shall be identified by names approved by Grantsville City.~~
- ~~(13) All easements shall be designated as such and dimensions given.~~
- ~~(14) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.~~
- ~~(15) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.~~
- ~~(16) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.~~
- ~~(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.~~
- ~~(18) Surveys shall tie into the state grid or other permanent marker established by the county surveyor.~~
- ~~(19) The plat shall be labeled "Final Plat."~~
- ~~(20) The information on the final plat shall include:~~
  - ~~(a) the name of the subdivision, true north arrow and basis thereof, and date;~~
  - ~~(b) the owner's dedication which shall contain the language:~~

~~OWNERS DEDICATION AND CONSENT TO RECORD Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as NAME OF SUBDIVISION The undersigned owners hereby dedicate to Grantsville City all those parts or portions of said tract of land on said plat designated hereon as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies providing service to the hereon described tract a perpetual, non-exclusive easement over the streets and public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of public utility service lines and facilities.~~

~~(e) names of the owner or owners including beneficial owners of record under the signature lines in the owner's dedication;~~

~~(d) square footage of each lot under one acre or the lot acreage if one acre or larger;~~

~~(e) township, range, section and quarter section if a portion;~~

~~(f) graphic scale;~~

~~(g) the State plane coordinates on the subdivision boundary;~~

~~(h) survey monuments which are marked with a description, the name and the date;~~

~~(i) the total water allocation in acre/feet for each lot for its allocation of water;~~

~~(j) the 100-foot radius wellhead protection zone on all existing wells;~~

~~(k) signature blocks for:~~

~~(i) any improvement, service and special districts or areas where any part of the platted property is located;~~

~~(ii) the city engineer;~~

~~(iii) the city public works director;~~

~~(iv) the city attorney;~~

~~(v) the county treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;~~

~~(vi) the recordation of the plat by the Tooele County Recorder's office with a line for the recordation number, who it is recorded for, the date, time and fee;~~

~~(vii) the city fire department;~~

~~(viii) the county surveyor;~~

~~(ix) the city planning commission chair; and~~

~~(x) the mayor with an attest from the city recorder.~~

#### **21.2.10 Development Review Committee**

(1) Each application for a subdivision shall be reviewed by the Development Review Committee (DRC) prior to its presentation to a public body (if applicable).

(2) The purpose of the DRC is to provide an opportunity for the city staff to review the application package and provide guidance to the applicant concerning revisions to the design of the proposed development and application documents that may be required for city approval.

(3) The members of the DRC review the application for compliance with the General Plan, the requirements of the impacts of the proposed action in benefit and costs to the community.

(4) The DRC consists of the zoning administrator, city planner, city public works director, city engineer, fire marshal, a planning commission representative, and the city attorney.

(5) The DRC shall be given 14 days to review the application package to a development review conference with the applicant. A Development Review Conference will be held with the applicant and members of the DRC within 21 days of the submission of the application.

(6) Upon submittal of revised drawings and documents as requested by the DRC, the revised application package shall be distributed to the DRC members for their review. Within 14 days of the second submittal, the DRC will meet to discuss and verify that all changes were made. If additional revisions are needed or the submitted items are incorrect or incomplete an additional design review conference may be held with the applicant and DRC. All revised drawing submitted require a 14 day review by the DRC.

(7) Only complete applications with the approval of the DRC will move forward for consideration by planning commission and city council.

#### HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

#### 21.2.11 Determination of Appropriate Process

In recognition that not all land use actions are of the same magnitude and therefore may not require the same level of detail for consideration Grantsville City has provided multiple application processes. For this purpose, the application processes have been organized as levels with each level requiring greater detail and additional steps for consideration and approval. The applicant shall choose the application process that best fits their proposed land use action:

(a) Level 1 Single Lot Development: The purpose of this process is to convert an undeveloped parcel into a legal zoning lot. The applicant shall submit an application meeting the requirements for the Single Lot Development as described in Chapter 24 of the Grantsville Land Use Development and Management Code.

~~(b) Level 2 Single Lot Split: The purpose of this process is to divide one lot into two lots. Level 2 may only be used if the lot or parcel being divided is fronting an existing street containing the necessary utilities to serve the two lots. Both lots shall front the existing street. By utilizing this process, the applicant agrees to make the required improvements to bring the street frontage up to code and is not asking for any waivers or exceptions. The applicant shall be required to complete improvements to a similar level as the greatest level of improvements found on an adjacent parcel. The applicant may only be required to complete improvements beyond those existing on adjacent parcels if, there is a compelling reason affecting the health, safety or welfare of the public or, an adjacent property is currently in an application process which will increase the level of improvement to the street, or the City has a current project that is increasing the level of improvement to the street. If no street improvements are required beyond additional utility service laterals, the only engineered drawings required will be a record of survey, a Plat and a drawing showing the proposed locations of proposed utility service laterals and a reference to the appropriate City standard details for the necessary work to install the service laterals. The process shall include two staff DRC's, a Public Hearing, Planning Commission consideration and City Council Consideration. If the lot to be divided is part of a subdivision the subdivision amendment process is the appropriate application. **This sub-section was combined and removed per the outcome of discussion in the previous joint meeting.**~~

(c) Level 2 Minor Subdivision: The purpose of this process is to divide property into up to 4 lots with all lots fronting an existing street containing the necessary utilities to serve the proposed lots. By utilizing this process, the applicant agrees to make the required improvements to bring the street frontage up to code and is not asking for any waivers or exceptions.

1. The applicant will not be required to complete improvements that are greater than the greatest level of improvements found on an adjacent parcel or lot unless;
  - a. there is a compelling reason affecting the Health, Safety or Welfare of the public, or
  - b. an adjacent property is currently in an application process which will increase the level of improvement to the street, or
  - c. the City has a current project that is increasing the level of improvement to the street.
2. Level 2 Minor Subdivisions shall not be required to provide open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.
3. The Application for a Level 2 Minor Subdivision shall include the information and documents found on the Minor Subdivision Checklist that is attached to the Minor Subdivision Application that shall be provided by the City upon request. The Minor Subdivision requirements found on the Minor Subdivision Checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.
4. If no street improvements are required beyond additional utility service laterals, the only engineered drawings required will be:
  - a. A record of survey, and
  - b. A Plat, and
  - c. A site drawing showing the proposed locations of proposed utility service laterals and any required surface improvements, with finish grade elevations as appropriate and specifically referencing each of the appropriate City standard details that are necessary for the work.
5. If upon review the city staff finds;
  - a. That application to be complete, and
  - b. Meets the intent of the General Plan, and
  - c. Fully complies with the City zoning and land use ordinances, and
  - d. The existing public infrastructure along with the proposed improvements are adequate to serve the project and protect the health, safety and welfare of the public,

Then, the city staff is authorized by the City Council to approve the application.



6. If the application is found deficient in meeting the requirements in clause 3 (a-d) the City staff shall inform the applicant of the discrepancies and allow the applicant to choose to modify the application to bring the application into compliance or to withdraw the application and submit a new application under the applicable level of process.
  7. If the applicant chooses to withdraw the application due to an incorrect fit with the requirements of the Level 2 Minor Subdivision and submit a new application under the appropriate process level, the fees paid for the original application shall be credited toward the new application fees.
  8. The Level 2 Minor Subdivision process may only be use once to divide a parcel. Subsequent applications to divide the property shall utilize Level 3 or Level 4 process. If the lot to be divided is part of a platted subdivision the subdivision amendment process found in Section 21.8 of this Chapter is the appropriate application.
  9. The Minor Subdivision property owner may construct the required utility service connections with each building permit unless the required improvements include extension of pavement, curb and gutter and/or sidewalk along the frontage of the properties. Where surface improvements are required and in order to keep the surface improvements consistent, all improvements to the property frontages of each lot shall be completed under the first building permit issued for any lot in the Minor Subdivision.
- d. Level 3 Subdivision 4 lots or less: The purpose of this process is to divide property into 4 lots or less where dedication of additional utilities or public improvements are required to serve the property. The applicant shall submit an application meeting the requirements for a final plat subdivision process as described in Section 21.4.7 of this Chapter. A public hearing shall be held in a public Planning Commission meeting to fulfill the State requirements.
1. Level 3 Subdivisions of four lots or less shall not be required to provide physical open space or fee in lieu for open space but shall be assessed the applicable park impact fee with each building permit.
- e. Level 4 Subdivision Five Lots or Greater: The purpose of this process is to divide property into 5 or more lots or any division of property that requires dedication of offsite utilities or public improvements. The applicant shall submit an application meeting the requirements for a preliminary plat as described in Section 21.4.5 of this Chapter. Once the Preliminary Application has been approved by Staff, Planning Commission and the City Council in that order, the applicant can then move forward with submittal of an application for a final plat process as described in Section 21.4.7 of this Chapter.

## 21.3 Lot line Adjustments

### **21.3.3 Lot Line Adjustments**

(1) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the Zoning Administrator in accordance with Subsection 21.3.3(2). The Zoning Administrator is designated as the land use authority for the purpose of reviewing and approving boundary line adjustments pursuant to the provisions of this subsection and Utah Code Ann. Section §10-9a-608(7) (2014).

(2) The Zoning Administrator shall approve an exchange of title under Subsection 21.3.3(1) if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance.

(3) If an exchange of title is approved under Subsection 21.3.3(2):

(i) a notice of approval shall be recorded in the office of the county recorder which:

(A) is executed by each owner included in the exchange and by the Zoning Administrator;

(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Utah Code Ann. §57-2a (1988 – 2007), Recognition of Acknowledgments Act;

(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title and

(D) contain a certificate of approval by the City, signed by the Zoning Administrator and attested by the City Recorder.

(ii) a conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.

(iii) A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

#### **HISTORY**

*Amended by Ord. 2021-09 on 4/28/2021*

## **21.4 Subdivisions**

### **21.4.1 Application**

A subdivision is a division of land into two (2) or more lots. Infrastructure and public facilities shall be dedicated as a part of the subdivision process.

#### **HISTORY**

*Amended by Ord. 2021-09 on 4/28/2021*

### **21.4.2 Approval Process**

(1) A subdivision shall be processed in three stages:

(a) The concept stage is a non-mandatory stage in which the developer may bring a development concept to the city for discussion with city staff and upon request planning commission and city council. This stage is provided solely for the benefit of the developer and any discussion is non-binding;

(b) the preliminary plat includes but may not be limited to; submittal of a complete Preliminary Plat application to the city containing the required documents detailed in section 21.4.5, review of the application by the DRC, after which the application will be placed on the planning commission public meeting agenda for a public hearing, discussion and recommendation. The planning commission recommendation of the approved preliminary plat application shall then be placed before city council in a public meeting for their consideration.

(c) the final plat, infrastructure and design drawings, includes but may not be limited to; submittal of a complete Final Plat application to the city containing the required documents detailed in section 21.4.7, review of the application by the DRC, which will be placed on the planning commission public meeting agenda where it shall make a recommendation to the city council.

(d) The city council shall review the final plat, infrastructure and design drawings, at a public meeting where it can approve or deny the plat and design drawings. If approved, the final plat shall be recorded within 365 days or it shall be void.

(e) A **Level 3** subdivision containing four (4) lots or less, ~~and requiring no dedication of right-of-way or improvements other than water and sewer laterals~~, or a subdivision of ten (10) lots or less fronting an existing fully improved street and requiring no dedication of right-of-way improvements other than water and sewer laterals will go straight to the final plat approval process with the inclusion of a public hearing at Planning Commission. ~~may be allowed to combine the Preliminary and Final approval process.~~

Amended 04-08, 06-09 Ordinance No. 2009-16

#### **HISTORY**

*Amended by Ord. 2021-09 on 4/28/2021*

### **21.4.3 Phase Development**

(1) The final platting of subdivisions containing more than fifty (50) lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous, and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the city engineer, and the lots are 70 percent sold, the sub-divider may submit the next phase for final plat approval.

(3) The City may accept phases including more than fifty (50) lots, up to ten (10) lots greater per phase when the overall lot count of the subdivision contains fifteen or fewer lots beyond a number of lots divisible by fifty (50), or where street or utility improvements must extend past five or fewer additional lots to connect onto existing improvements. The City reserves the right to consider other situations that might provide a public benefit and still allow for the completion of infrastructure and sale of 70% of the subdivided lots within the two-year expiration period. Any agreements between the City and Developer concerning phasing that allow greater than fifty (50) lots per phase

shall be included in the Development Agreement detailing the number of lots per each phase and a brief statement justifying the need for the additional lots in phases.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase.

#### HISTORY

Amended \_\_\_\_\_ by \_\_\_\_\_ Ord. \_\_\_\_\_ 2019-22 \_\_\_\_\_ on \_\_\_\_\_ 10/2/2019  
Amended by Ord. 2021-09 on 4/28/2021

#### **21.4.4 Concept Plan**

As the concept plan is not mandatory and the resulting discussion with city staff, planning commission and/or city council is advisory in nature and non-binding, there are no submission requirements. However, it is recommended that the information suggested in Section 21.2.6 be provided to the city one week prior to the developer's appointment to meet with city staff providing an opportunity for staff review. Additional information may be requested by staff in order to answer the developer's questions or to facilitate a discussion with planning commission and/or city council if requested by the developer.

#### **21.4.5 Preliminary Plat And Infrastructure Design Application**

1. \_\_\_\_\_ The requirements for a Preliminary Plat and Infrastructure Design Application are detailed in the Preliminary Plat Checklist that is attached to the Preliminary Plat Application that shall be provided by the City upon request. The Preliminary Plat requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

~~(1) The application for preliminary plat approval of a major subdivision shall be submitted to the zoning administrator. A preliminary plan application shall include:~~

~~(a) the application form;~~

~~(b) two 24" X 36" prints and a .PDF file of the Preliminary Plat Drawings as detailed in Section 21.2.7; and~~

~~(c) a CAD file of the Preliminary Plat site plan including but not limited to parcel boundaries, street right of way, proposed lot lines, proposed parks, trails, open space, location of natural features to be preserved, drainage corridors and basin locations; and~~

~~(d) an 11" X 17" copy of the preliminary plan in each of the following circumstances (delivered directly to the applicable entities):~~

~~(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of Grantsville City, where notice will be given to Tooele County;~~

~~(ii) for each servicing utility; and~~

~~(iii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway.~~

~~(e) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;~~

~~(f) utility approval forms;~~

~~(g) the proposed source and amounts of water for all lots;~~

~~(h) names and addresses of the owners of all properties within 300 feet of the proposed subdivision's boundaries;~~

~~(i) approval of the subdivision name from the recorder's office;~~

~~(j) a plat map for the recorder's officer showing the property and all adjoining properties around it;~~

~~(k) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;~~

~~(l) a letter from the local fire department acknowledging it can and will provide fire protection to the subdivision;~~

~~(m) site analysis map as specified in Section 21.1.13; and~~

~~(n) geologic technical maps and investigation reports;~~

~~(o) if the development is not being connected to the city culinary water or sewer system, a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;~~

~~(p) a traffic study is required for all major subdivisions and commercial projects and shall be completed by a licensed engineer. A traffic study shall include trip generation, trip distribution on connecting streets and roadway capacity. Subdivisions and commercial projects with over 100 peak hour trips shall complete a traffic impact study in accordance with Institute of Transportation Engineers recommended standards;~~

~~(q) A copy of the State Highway Access permit or railroad crossing permit when a new street will connect to a State highway or will cross a railroad, along with any design requirements as established by the Utah Department of Transportation.~~

~~(r) the application fee along with any unpaid fees owed to Grantsville City for development of land, code enforcement, or building permits.~~

~~(2) A development phasing schedule, if applicable, including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.~~

(3) Within 21 days after the applicant or authorized representative submits an application that has been determined by the zoning administrator to be complete, a development review conference shall be scheduled with the applicant, and members of the DRC. Representatives of affected entities such as; county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision shall also be invited to attend the design review conference and provide comments.

(4) After the development review conference, the applicant shall submit to the zoning administrator all corrected drawings, design reports and other documents requested by the DRC. When the DRC determines that all of the corrections have been completed and necessary documentation has been submitted, the application will be placed on the planning commission public meeting agenda for public hearing, discussion, and decision.

(5) Once the planning commission has made a recommendation to move the preliminary application forward, the application will be placed on the city council public meeting agenda for consideration and decision to approve or deny the application.

(6) The preliminary plat approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

#### **21.4.6 Utility And Agency Response**

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency.

#### **21.4.7 Final Plat Stage Application**

(1) Within six months of preliminary plat stage approval or within an approved six-month extension, a complete application for the final plat and engineering design stage of a major subdivision shall be submitted to the zoning administrator.

2. The requirements for a Final Plat Application are detailed in the Final Plat Checklist that is attached to the Final Plat Application that shall be provided by the City upon request. The Final Plat requirements found on the checklist and subsequent amendments to the checklist have been approved by the Grantsville City Council by resolution.

~~(2) The final plat and infrastructure design application shall include:~~

~~(a) the application form;~~

~~(b) two 24" X 36" prints and a .PDF file of the final plat drawings as detailed in Section 21.2.8 & 21.2.9; and~~

~~(c) a CAD file of the final plat and infrastructure design drawings; and~~

~~(d) an 11" X 17" copy of the plat drawings in each of the following circumstances (delivered directly to the applicable entities):~~

~~(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of Grantsville City, where notice will be given to Tooele County;~~

~~(ii) for each servicing utility; and~~

~~(iii) for the Utah State Department of Transportation if the property being subdivided abuts a state highway.~~

~~(e) an original 24" X 36" Mylar of the final plat;~~

~~(f) draft agreement for subdivision improvements including a listing of all subdivision improvements and the estimated cost of each improvement;~~

~~(g) an instrument of permanent protection, such as a conservation easement as described in Section 21.1.22 for the open space;~~

~~(h) a list of off-site improvements and an estimate of the cost to complete such improvements signed and stamped by a licensed engineer;~~

~~(i) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;~~

~~(j) engineering for the proposed water system and a calculation of all culinary and secondary water rights to be provided pursuant to Section 21.6.12(3); and~~

~~(k) a valid water conveyance of water rights pursuant to Section 21.6.12 of this Chapter to service the development and other documentation evidencing the perpetual availability of adequate non-City water for outdoor use. The developer shall also be required to pay for and submit to the city an opinion form an independent water rights attorney to be designated or approved by the City, indicating the legal status of the water rights to be conveyed, whether or not the proposed conveyance will meet the requirements of the City ordinances and that the transaction will be effective in conveying the required water and water rights to the City. The developer shall also obtain and pay for a policy of title insurance for the culinary water rights in an amount to be approved by the City and provide a valid deed or certificate to the City for all required secondary water rights. The secondary water rights shall be accompanied with a current letter from the irrigation company that issued the secondary water rights, indicating that the water rights are valid and that the conveyance to the City will be or is recognized by the irrigation company. The City will allow the culinary and secondary water rights to actually be transferred to the City after the city council has approved the final plat, but the developer shall be required to provide a copy of the proposed deeds or certificates and a commitment for the title insurance prior and letter from the irrigation company prior to final approval.~~

~~(l) the application fee along with any unpaid fees owed to Grantsville City for development of land, code enforcement, or building permits.~~

~~(m) A copy of the State Highway Access permit or railroad crossing permit when a new street will connect to a State highway or will cross a railroad, along with any design requirements as established by the Utah Department of Transportation.~~

~~(n) Copies of proposed protective covenants, trust agreement and homeowner's association articles and bylaws.~~

~~(o) Provide evidence of application for storm water discharge permit with State.~~

~~(p) Provide evidence of Record of Survey number by placing it on the first page of preliminary drawings.~~

~~(q) Evidence of application (Notice of Intent form) for a Utah Pollutant Discharge Elimination System.~~

~~(3) A tax clearance from the Tooele County Assessor indicating that all taxes, interest, and penalties owing for the property have been paid;~~

~~(4) A statement identifying the proposed method of bonding for required subdivision improvements, including street, roads, and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities and such other necessary facilities as may be required by the City;~~

(5) Within 21 days after the applicant or authorized representative submits an application that has been determined by the zoning administrator to be complete, a development review conference shall be scheduled with the applicant, and members of the DRC. Representatives of affected entities such as; county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision shall also be invited to attend the design review conference and provide comments.

(6) After the development review conference, the applicant shall submit to the zoning administrator all corrected drawings, design reports and other documents requested by the DRC. If necessary, due to changes in design or estimates being more than 6 months old a new cost estimate of off-site infrastructure improvements shall also be submitted. When the DRC determines that all of the corrections have been completed and necessary documentation has been submitted, the application will be placed on the planning commission public meeting agenda for public hearing, discussion and decision.

(7) Once the planning commission has made a recommendation to move the final plat application forward, the application will be placed on the city council public meeting agenda for consideration and decision to approve or deny the application.

(8) The city council shall review the plat and may review the financial guarantee for the subdivision improvements at a public meeting where it can approve or deny the plat. If approved, the plat shall be recorded within three hundred sixty-five days or it shall be void. The city council may authorize the mayor and city staff to review and approve the financial guarantee, the final conveyance of water rights and the title insurance for culinary water after approval of the final plat, but prior to the final plat being recorded. (Utah Code Ann. §10-9a-103(2018), §10-9a-207 (2009), §10-9a-603(2017), §10-9a-604(2017))

#### **21.4.8 Appeals**

(1) The applicant or developer that has submitted a subdivision or development to the City under this Chapter, may appeal any decision made by the zoning administrator or planning commission regarding the proposed subdivision to the city council, whose decision shall then be final. Any such decision appealed from shall be presented to the city recorder in writing within 30 days after the entry of the decision appealed from. The city council shall consider the appeal within 60 days of receipt of the written appeal.

## **21.5 Planned Unit Development Subdivisions**

**This section will need to be amended concurrently with Chapter 12 PUD.**

### **21.5.1 Application**

(1) A planned unit development is required for:

- (a) a master planned residential community; or
- (b) multiple-family dwellings with or without the subdivision of land.

(2) A planned unit development shall meet the requirements of Chapter 12 and follow the procedures in Section 4 of this code.

(3) Infrastructure and public facilities shall be dedicated in a planned unit development. A planned unit development shall connect to the city's public water system which shall serve all lots being created. The water system shall provide for fire flow storage of water to supply hydrants that comply with the current state adopted fire code and NFPA guidelines for the type of occupancy and level of development.

(4) A planned unit development shall be filed on a plat drawn and stamped by a licensed surveyor and identified as such.



## **21.6 Design Standards**

### **21.6.1 Application**

(1) "All developments shall be designed and constructed in full compliance with this Chapter and the Grantsville City Design and Construction Standards (herein after referred to as the City's Design Standards)" ~~All subdivisions shall comply with the design standards set forth in this Chapter.~~

(2) The design and development ~~of subdivisions~~ of all developments shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision.

### **21.6.2 Lots**

(1) No single lot shall be divided by a municipal, or county boundary line.

(2) A lot shall not be divided by a street or another lot.

~~(3) The frontage of a wedge shaped lot shall not be less than 30 feet in width.~~

(4) Side lot lines shall be at substantially right angles or radial to road lines.

(5) All lots shall front on a publicly dedicated street or private roads approved by the planning commission.

(6) Unless approved under the provisions of a planned unit development, all lots shall conform to area requirements of the existing zoning district.

(7) If the ~~subdivision~~ development is located in an area with fire hydrants, the fire hydrants shall be installed and at operational pressure before construction on a structure proceeds beyond footings and foundation.

### **21.6.3 Streets**

(1) Roads shall be designed in accordance with standards adopted by Grantsville City.

(2) Streets shall bear the names of existing aligned streets. There shall be no duplication of road names. All road names shall be approved by Grantsville City.

(3) The arrangement on new streets in a development shall provide for the continuation of existing streets in adjoining areas at widths as designated by the street classification as found in the Grantsville City Street Master Plan and ~~Grantsville City's Street Technical Specifications and Standard Drawings~~ the City's Design Standards. No ~~subdivision~~ street shall extend farther than 750 feet beyond its intersection with another street. (Amended 06/07)

(4) In addition to the City codes and standards, all ~~subdivisions~~ developments shall be designed to meet the applicable requirements in the current adopted edition of the International Fire Code.

(5) ~~Subdivisions~~ Developments proposing one- or two-family dwellings comprising of greater than thirty (30) lots shall have at least two (2) access points to existing through streets outside of the proposed ~~subdivision~~ Development. Streets within the proposed ~~subdivision~~ development shall be interconnected to the greatest extent possible. ~~Subdivisions~~ Developments utilizing multi-family dwelling units, commercial, or industrial areas shall meet the more stringent requirements of the current adopted edition of the International Fire Code or applicable City ordinances and standards.

(6) The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead end roads stubbed for future development must have approval by the Planning Commission and are only allowed where unusual conditions exist which cause interconnectivity of streets to be infeasible due to public safety, physical circumstance or ability to meet design standards.

(7) The maximum length of a cul-de-sac shall be 750 feet, as measured from the center line of the adjoining street to the center point of the turnaround, with no more than sixteen (16) single family dwelling units, or twenty four (24) multi-family dwelling units accessing the cul-de-sac.

(8) Each cul-de-sac shall be terminated with a turnaround or loop road of not less than 120' feet in diameter at the property line with minimum drivable surface (includes travel surface and gutter pans) of 96' feet in diameter. The City Engineer may require an increased diameter if design conditions necessitate increased diameter in order for large vehicles and emergency equipment to negotiate the turnaround or to meet the street design conditions such as park strip width and sidewalk width or additional widths due to center islands. In no case shall an exception be granted for a turnaround smaller than 120' foot minimum diameter.

(9) The design of streets in commercial and industrial zoning districts shall be determined by the ~~City Engineer~~ Developer using the Institute of Transportation Engineers' Trip Generation, current edition for road load and design for the transportation system.

(10) Pedestrian access: All cul-de-sacs shall provide pedestrian connectivity to open space areas, public facilities, trails, or adjacent subdivisions.

~~(11) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the city public works. The Developer shall furnish and install all road and public safety signs.~~

(12) Temporary road signs shall be installed by the developer with the road names approved on the plat.

(13) Temporary road signs shall be maintained by the developer until permanent road signs are installed ~~by Grantsville City when the infrastructure is inspected and accepted.~~

~~(14) The arrangement of streets in a new subdivision or development shall provide for the continuation of existing streets in adjoining areas at widths designated by the street classification found in the Grantsville Streets Master Plan and the City's design standards.~~

(15) Streets adjacent to a new subdivision or development shall be fully improved on the side of the street fronting the subdivision with a minimum paved travel surface width of 26 feet or half the pavement width per the street's classification, whichever is greater. All associated improvements such as sidewalk, curb, gutter, shoulders, ditches, and/or side slopes so as to assure proper drainage, bank stability, and traffic safety shall be construed to ~~city standards~~ City's Design Standards on the side of the street fronting the ~~subdivision~~ development. The non-property line edge of street shall have installed a temporary ribbon-curb.

(16) No development shall be approved unless streets and associated infrastructure leading to the subdivision provide an adequate level of service for existing users while accommodating the new development. The developer shall be responsible to mitigate off site impacts. The traffic impact study shall be considered in the determination of any off site impact mitigation requirements. The level of mitigation of off-site impacts shall be determined by the planning commission upon recommendation by the city engineer in conformance with the City's general plan including associated plans and studies, adopted ordinances, specifications, standards, and considerations of public health and safety.

(17) All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to city standards for a "Public Road, Standard Street Section" as specified in Grantsville City's ~~Technical Specifications and Standard Drawings~~ Design Standards, ~~unless waived by the city council.~~

(18) No building permit shall be issued until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of Chapter 21, Section 7 of this Code. The City Council ~~may also~~ shall require that the subdivision improvements be guaranteed for two year after their installation, in a manner consistent with guarantees required for a standard subdivision.

(19) Commercial developments having thirty (30) or more separate commercial lots or proposed businesses shall be required to provide for more than one means of vehicular ingress and egress to the development. The timing of the

installation of the alternate means of ingress and egress shall be determined by the City Council, after a recommendation from the Planning Commission. **Dan, Jason, What are your thoughts on this requirement?**

(20) Improvement of Existing Boundary Streets: Existing streets fronting or bounding the development shall be improved to meet the classification and construction standards specified by the City for the street. These requirements shall include:

(a) Dedication of ~~additional~~ right-of-way width to meet the ~~greater of the half of the minimum~~ width required for the particular street classification, per City Street Master Plan, as measured from the centerline of the existing street right-of-way.

(b) Developer shall provide as part of preliminary plat application a survey of existing street improvements on existing street rights-of-way or the minimum width required to provide a 26' foot minimum pavement width meeting the International Fire Code access requirements bounding the proposed subdivision development and an assessment by a licensed Geotech assessing the condition of the existing concrete and bituminous pavement, base and subgrade materials and certifying whether or not the existing right-of-way improvements meet ~~Grantsville City's current development and construction standards~~ the City's Design Standards. The survey shall include topography, location and elevations of street crowns, edge of pavement, curb and gutter, sidewalk, utility boxes, manholes and any other permanent objects within the street right-of-way or adjacent to the street right-of-way that may be associated ~~to~~ with the existing improvements or have bearing on potential future improvements associated with the proposed subdivision development.

(c) In cases where the existing street improvements do not meet ~~current city improvement standards~~ the City's Design Standards, deficiencies shall be corrected to meet ~~current standards~~ the City's Design Standards. These corrections include any deficiencies in the right-of-way or edge of pavement beyond centerline to meet the minimum 26' foot minimum pavement width requirement ~~from the subdivision boundary to the greater of the centerline of the right-of-way~~. Additional repair and replacement may be required beyond the right-of-way centerline if construction of improvements for the subdivision development such as trenching for utilities serving the subdivision development or construction activities for the subdivision development have damaged existing improvements or the design of the proposed improvements requires additional reconstruction to provide smooth transitions, maintain appropriate drainage and maintain the safe operation of improvements.

(d) Improvements in the half width of the right-of-way as measured from the centerline of the existing street right-of-way shall meet the same construction finish standards required within the subdivision development. Existing pavement surfaces to remain shall be milled down and overlain with a minimum of 1-inch bituminous surface course providing a continuous surface from street centerline to edge of pavement at lip of curb or shoulder.

(e) If the existing boundary street right-of-way is not paved, improvements to bring the street in compliance with current ~~City standards~~ City Design Standards shall include a paved surface width of a minimum of 26 feet for the full length of the subdivision development boundary frontage, ~~or, in agreement with the City, full width improvements to the right-of-way for a distance proportional to the total length of subdivision boundary, as if partial improvement were completed.~~

## HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

### **21.6.4 Frontage On Arterial And Collector Streets**

No residential dwelling lots shall directly access arterial or major collector streets. ~~Subdivision~~ The development design shall provide local access streets to lots along arterial and major collector streets.

### **21.6.5 Sidewalks, Curbs, And Gutters**

(1) Sidewalks, curbs and gutters shall be provided in accordance with the requirements of the ~~zoning district or the planning commission~~ City's Design Standards.

~~(2) Sidewalks, curbs and gutters shall be installed in accordance with standards adopted by Grantsville City.~~

~~(3) The City Engineer may also require a drainage plan and the installation of related flood control improvements and other city or private utilities as may be necessary.~~

## HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

### **21.6.6 Blocks**

Block lengths shall be approved by the planning commission. They shall provide for convenient access and circulation for emergency vehicles.

### **21.6.7 Monuments**

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Grantsville City. They shall be set on the external boundary of the ~~subdivision~~ development, at all road centerline intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set within every ~~subdivision~~ development.

### **21.6.8 Easements**

(1) A ten-foot public utility easement shall be established along the front of each lot.

(2) A 7.5 foot public utility easement shall be established along the sides and back of each lot.

(3) Additional easement may be required for existing or future purposes such as but not limited to ~~G~~uying easements at corners may be required.

### **21.6.9 Utilities To Be Underground**

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all ~~subdivision~~ development. The developer shall establish final utility grades prior to utility lines being placed underground.

### **21.6.10 Sewer Systems**

(1) Except as otherwise provided in this section, the subdivider shall provide connection to the city's sanitary sewer system throughout the development and ~~to the property line of every lot in the subdivision~~ to a point 10 feet inside each lot. The sewer system shall meet the minimum standards and requirements of ~~Grantsville City~~ City's Design Standards.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the ~~subdivision~~ development. All on-site wastewater disposal systems shall be approved in writing by the county health department. ~~Subdivisions~~ Developments proposing to use on-site wastewater disposal systems shall submit a feasibility report to the county health department, per Tooele County Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located. The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the county health department.

(c) Land with unacceptable soil evaluations as determined by the county health department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of a septic system.

(e) An applicant desiring to install septic system in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet county

health department standards and regulations. To be approved, the county health department must find that proposed corrective measures have overcome the severe soil limitations.

#### **21.6.11 Sanitary Sewer Main, Laterals, And House Connections - Future**

Where city and regional general plans indicate that construction or extension of sanitary sewers may serve the ~~subdivision~~ ~~development~~ area within a reasonable time, the planning commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the ~~subdivider~~ ~~developer~~ shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such ~~subdivision~~ ~~development~~, that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system.

#### **21.6.12 Water Supply**

(1) All ~~subdivision~~ ~~development~~ shall have a public water supply unless this requirement is waived by the city council.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number and approval of the system is granted through either the Tooele County Health Department or Utah State Drinking Water Board, as applicable. In the preliminary stage, the ~~subdivider~~ ~~developer~~ shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system for the entire development to include a fire flow calculation. If the ~~subdivision~~ ~~development~~ is not being connected to the city public water supply, the county health department shall approve the location of the test wells prior to the ~~subdivider~~ ~~developer~~ drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the county health department. All drinking water systems shall meet the standards of Tooele Health County Department Regulation # for non-public systems, or the Utah State Drinking Water Board, Utah Administrative Code R-309 for systems ~~that~~ fall under the requirements of a public water system<sup>5</sup>.

(3) Each development shall provide the details on the type of water system proposed, documentation of existing or proposed water rights and sources, historic water use, the estimated number of gallons per day of water system requirements for indoor and outdoor use, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression. The developer is required to provide dedicated or perpetual water rights or sources to meet the indoor and outdoor use requirements of all of the property in the development and the rights shall be sufficient to meet the total volume of water used and a rate of flow sufficient to meet peak demand. Culinary water rights shall include a conveyance to the City of a type which is perpetual in character and readily capable of use by the City. Outdoor water from a secondary (non-City) source may be obtained and provided from a private well or private water or irrigation company. The general requirement for outdoor water shall be one acre foot of water per one-third acre of net irrigated area. Net irrigated acreage shall be considered to be 64 percent of the total area of a lot of up to one-half acre and 60 percent of the total acreage of lots over one-half acre in size. All open spaces within a development shall generally be considered as irrigated acreage and one acre foot of outdoor water per one-third acre or any portion thereof shall be required, unless a different plan is proposed by the developer and is approved by the City. The exact amount of indoor and outdoor water rights to be provided should be based on reasonable assumptions with respect to projected use and demand and as reflected in Grantsville City's Capital Facilities Plan and Water Rights Impact Fee Study, as amended. The conveyance of water rights to Grantsville City should also take into account the uncertainty and time lag often required in securing approval from the State Engineer for a change of use of non-municipal water rights for municipal purposes and potential reductions in the quantity of water available during periods of drought.

(4) Amendments to existing platted ~~subdivisions~~ ~~developments~~ that require only up to a total of two acre feet of additional indoor water and only up to a total of eight acre feet of additional outdoor water for full development, may at the option of the owner or developer and in lieu of providing actual water rights to the City, pay at the time each building permit is issued for each lot, the applicable indoor and outdoor water rights acquisition impact fees as specified by Section 13-1-8 of the Grantsville City Code. ~~Minor Subdivisions, small subdivisions~~ and small planned unit developments which have a projected indoor and outdoor water usage comparable to four or fewer single family

dwellings are also exempt from the foregoing requirements to provide indoor and outdoor water. A water acquisition impact fee will be charged pursuant to the provisions of Section 13-1-8 of the Grantsville City Code under such circumstances that the conveyance of water rights is waived.

(5) Notwithstanding anything to the contrary specified in this Chapter, property that is proposed for a ~~subdivision~~ development that was ~~originally included as a part of a parcel that was~~ previously platted and developed ~~as a platted subdivision~~, shall be required to convey culinary and secondary water rights to the city pursuant to subsection (3) above, even if the new proposed ~~subdivision or minor subdivision~~ development has four or fewer lots. Any waiver of the requirement to provide secondary water rights to the city by this section, shall not apply to property that has had a secondary water right attached to it or has been irrigated with secondary water within the past five years, pursuant to Section 7-1-22 of the Grantsville City Code.

#### HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

#### **21.6.13 Storm Drainage And Flood Plains**

(1) A storm drainage system for the entire ~~subdivision~~ development shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the infrastructure design and engineering drawings with the preliminary plat for the first phase. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the ~~subdivision~~ development but also, where applicable, the runoff from those areas adjacent to and "upstream" from the ~~subdivision~~ development itself, as well as its effects on lands downstream.

#### **21.6.14 Fugitive Dust Control**

Any developer or person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques. A fugitive dust control plan shall be submitted to State of Utah DEQ, Division of Air Quality, within 30 days of the construction start-up. This section shall not apply to agricultural or horticultural activities.

#### HISTORY

*Amended by Ord. 2021-09 on 4/28/2021*

#### **21.6.15 Essential Utilities And Infrastructure To Be Completed Prior To Issuance Of Building Permits**

- (1) All essential utilities and infrastructure as identified herein, shall be installed and completed in each phase of a ~~subdivision, planned unit development that includes more than one lot, or multifamily dwelling~~ development, prior to the issuance of any building permit in that development. Essential utilities shall include culinary water, sewer lines, paved streets, curb, gutter and drainage improvements (when required by the final design), permanent street signs and electricity service. ~~Notwithstanding anything to the contrary herein, the City Public Works Director shall have authority to authorize the issuance of building permits in these developments, when the street and other required improvements have been completed, with the exception of the street surface course, when taking into account weather and temperature conditions and the feasibility of completing the surface course. If the Public Works Director authorizes building to be issued under these circumstances, no occupancy permits shall approved prior to the final completion of the street surface course.~~



## **21.7 Financial Assurance**

### **21.7.1 Improvement Installation Guarantee**

(1) In lieu of actual installation of off-site and common open space improvements required by this chapter, before recording a plat, the subdivider shall guarantee the installation of such improvements by executing a subdivision improvements agreement and by filing one or a combination of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder or a letter of credit with a financial institution. The city council shall review the plat and may review the financial guarantee for the subdivision improvements at a public meeting where it can approve or deny the plat. If the financial guarantee and plat are approved, the plat shall be recorded within ninety days or it shall be void. The city council may authorize the Mayor and city staff to review and approve the financial guarantee, the final conveyance of water rights and the title insurance for the culinary water after approval of the final plat, but prior to the final plat being recorded.

(2) The guarantee shall be in an amount equal to 110% of the projected costs of required improvements as estimated by a licensed engineer retained by the subdivider and approved by the city engineer. The subdivision improvements agreement and the financial guarantee shall both assure the actual construction of such improvements within two years immediately following the approval of the final plat by the city council and shall include a maintenance guarantee as required by Section 21.7.3 herein.

(3) The guarantee shall be filed with the city recorder.

(4) The subdivision improvements agreement shall be executed by the developer and shall be accompanied by a financial guarantee issued by a company duly and regularly authorized to do a general surety business in the State of Utah and either (i) named in the current U.S. Treasury Department's list of approved sureties (Department Circular 570) (as amended), or (ii) with a current "A-" rating and a financial size category rating of at least a "VII" or better in A.M. Best Co., Inc.'s Best Insurance Reports, Property and Casualty Edition. The improvements agreement and the guarantee shall be approved as to method, institution and form by the city attorney.

#### **HISTORY**

*Amended* by *Ord.* 2019-15 on 8/7/2019  
*Amended by Ord. 2021-09 on 4/28/2021*

### **21.7.2 Default**

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from date of approval of the final plat, the city council may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the city to complete the required improvements in excess of the proceeds of the guarantee amount.

### **21.7.3 Maintenance Guarantee**

(1) The subdivider shall guarantee all off-site improvements will remain in good condition for a period of one year after the date of final acceptance by the city. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the city. The city shall retain up to 10% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined per state law, in an amount the lesser of the municipal engineers original estimated cost of completion, or the applications reasonable proven cost of completion, by the City Engineer.

The city may require that the improvement assurance warranty be in place for a period of two years following final acceptance by the city, if the city determines for good cause that a lesser period would be inadequate for the following reasons:

- (1) to protect the public health, safety and welfare,
- (2) has substantial evidence of prior poor performance of the sub-divider/,
- (3) developer; unstable soil conditions exist within the subdivision or development area,

(4) or extreme fluctuations exist in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.

The guarantee shall extend to and include, but shall not be limited to necessary utilities, the entire street, subgrade, base and surface and all pipes, joints, valves, backfill and compacting, trails, as well as the working surface, curbs, gutters, sidewalks, landscaping and other accessories that are, or may be, affected by construction operations.

(3) Identifying necessary repairs and maintenance rests with the city public works director, whose decision upon the matter shall be final and binding upon the subdivider/developer. The public works director shall use city standards and specifications, the preliminary plat and engineering drawings and information from the city engineer as the inspections standards for final acceptance of the required improvements. Whenever, in the judgment of the city public works director, the improvements shall need repairs, maintenance, or re-building, the city public works director shall cause a written notice to be mailed or given to the subdivider/developer. Upon receipt, the subdivider/developer shall undertake and complete such repairs, maintenance or re-building. If repairs are not completed within the specified time, the city shall have such repairs made and the cost of such repairs shall be paid by the subdivider/developer or by the city using the guarantee.

#### HISTORY

*Amended by Ord. 2019-15 on 8/7/2019*  
*Amended by Ord. 2021-09 on 4/28/2021*

#### **21.7.4 Acceptance And Release Of Guarantee**

(1) Upon completion of improvements, the subdivider/developer shall submit to the City a copy of the as-built construction drawings, along with a CAD file of said drawings and a GIS file containing at a minimum: address points, street centerlines, and parcel polygons in the current city coordinate system. Acceptance of all improvements shall be in writing from the public works director.

(2) The subdivider/developer shall in writing request that the city accept or reject the installation of required subdivision improvements or performance of warranty work.

(3) The city shall accept or reject the subdivision improvements within 45 days after receiving a written request from the subdivider/developer, or as soon as practicable after that 45-day period if inspection of the subdivision improvements is impeded by winter weather conditions.

(4) At the end of the warranty period the city shall accept or reject the performance of warranty work within 45 days after receiving a subdivider/developer's written request or as soon as practicable after that 45-day period if inspection of the work is impeded by winter weather conditions.

(5) If the city determines that the installation of required subdivision improvements or the performance of warranty work does not meet the City's adopted standards, the City shall comprehensively and with specificity list the reasons for its determination.

(6) Upon final completion of the performance warranty period and with the approval by the city public works director, the financial assurances may be released, at which time the subdivision will be deemed accepted.

(7) Nothing in this section and no action or inaction of the city relieves a subdivider/developer's duty to comply with all applicable substantive ordinances and regulations.

(8) There shall be no money damages remedy arising from a claim under this section.

#### HISTORY

*Amended by Ord. 2019-15 on 8/7/2019*

#### **21.7.5 Engineering Review And Inspection Fee**

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the city recorder a sum equal to the percentage of the cost of the improvements as noted on the current adopted City fee schedule to cover engineering review and public works inspection.



## **21.8 Vacation, Alteration, And Amendment Of Subdivision Plats**

**The City had previously (2 years ago) began discussing this section due to changes in State Law. This section still needs to be amended at a future date.**

### **21.8.1 Vacating Or Changing A Subdivision Plat**

(1) Subject to Section 21.8.3, and provided that notice has been given pursuant to Section 1.18, the City Council may, with or without a petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a subdivision plat.

(2) If a petition is filed, the City Council shall hold a public hearing within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation under Subsection (3), if:

- (a) any owner within the plat notifies the City of their objection in writing within ten days of mailed notification; or
- (b) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(3) The planning commission shall consider and provide a recommendation for a proposed vacation, alteration, or amendment under Subsection (1) before the City Council takes final action. The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it, or as that time period is extended by agreement with the applicant.

(4) The public hearing requirement of Subsection (1) does not apply and the City Council may consider at a public meeting an owner's petition to alter a subdivision plat if the petition seeks to join two or more of the owner's contiguous, residential lots and notice has been given pursuant to local ordinance.

(5) Each request to vacate or alter a street or alley, contained in a petition to vacate, alter, or amend a subdivision plat, is also subject to Section 21.8.3.

(6) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section and Section 21.8.3.

(7) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(8) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the Zoning Administrator in accordance with this Subsection. The Zoning Administrator is designated as the land use authority for the purpose of reviewing and approving boundary line adjustments pursuant to the provisions of this subsection and Utah Code Ann. Section §10-9a-608(7) (2014). The Zoning Administrator shall approve an exchange of title under this Subsection if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance. If an exchange of title is approved under this Subsection, a notice of approval shall be recorded in the office of the county recorder which is executed by each owner included in the exchange and by the Zoning Administrator, contains an acknowledgment for each party executing the notice in accordance with the provisions of Utah Code Ann. §57-2a (1988 – 2007), Recognition of Acknowledgments Act, recites the descriptions of both the original parcels and the parcels created by the exchange of title and contains a certificate of approval by the City, signed by the Zoning Administrator and attested by the City Recorder. A conveyance of title reflecting the approved change shall be recorded in the office of the county recorder. A notice of

approval recorded under this subsection does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

(9)

(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (9)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with Utah Code Ann. §58-22 (1994 – 2017), Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Utah Code Ann. Section §17-23-17 (2016) and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

(d) Except as provided in Subsection (9)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is voidable. (Utah Code Ann. §10-9a-608 (2014))

#### **21.8.2 City Council Consideration Of Petition To Vacate Or Change A Plat**

(1) If the City Council is satisfied that the public interest will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the land use authority may vacate, alter, or amend the plat or any portion of the plat, subject to Section 21.8.3.

(2) The City Council may approve the vacation, alteration, or amendment by signing an amended plat showing the vacation, alteration, or amendment.

(3) The City Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.

(4) If an entire subdivision is vacated, the City Council shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the county recorder's office. (Utah Code Ann. §10-9a-609 (2014))

#### **21.8.3 Vacating Or Altering A Street Or Alley**

(1) If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision:

(a) the City Council, after providing notice to each property owner that directly adjoins the street or alley that is proposed for vacation and after providing notice pursuant to Utah Code Ann. Section §10-9a-208 (2010), shall make a recommendation to the Mayor concerning the request to vacate or alter; and

(b) the Mayor shall conduct a public hearing in accordance with Utah Code Ann. Section §10-9a-208 (2010) and determine whether good cause exists for the vacation or alteration.

(2) If the Mayor vacates or alters any portion of a street or alley, the Mayor shall ensure that the plat is recorded in the office of the recorder of the county in which the land is located.

(3) The action of the Mayor vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the city's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Utah Code Ann. §10-9a-609.5 (2010))

## **PLAN SUBMITTAL CHECK LIST FOR A MINOR SUBDIVISION**

### **The following shall be included in the Minor Subdivision:**

All plans shall be on 11" x 17" size paper. One hard copy and one pdf copy.

#### **Record of Survey:**

The Record of Survey shall be prepared by a registered land surveyor who holds a license in accordance with Utah Code Ann. §58-22 (current), Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property in accordance with Utah Code Ann. Section §10-9a-603, 17-23-17, 17-27a-603 or 57-8-13 (current), has verified all measurements and locations of boundaries, and has the Record of Survey map filed with the Tooele County Surveyor's Office.

Items to be addressed on the Record of Survey include but are not limited to:

- (1) The legal descriptions of record for the subject property or properties reproduced and shown on the Record of Survey map along with a reference to a document or documents of record located in the Tooele County Recorder's Office which indicates the current record title for the subject property or properties and adjoining properties. If multiple parcels are being combined, an aggregate or composite description should be included on the survey.
- (2) Measured and record bearings and distances indicated along the boundaries of the subject property or properties.
- (3) Graphical representation and written narrative that explains and identifies the found monuments, deed/plat elements (written evidence), physical evidence, or other evidence used to determine the width and location of right-of-way lines for adjacent or connecting streets.
- (4) Locate and depict the lines of occupation between the subject property or properties and each of the abutting properties.
- (5) Graphical representation and written narrative that explains and identifies the found monuments, deed/plat elements (written evidence), physical evidence, or other evidence used to control the record boundary location around the perimeter of the subject property or properties.
- (6) The distance and course between two existing Tooele County control monuments with a specific description of each control monument used as the basis of bearings.
- (7) Physical monuments explained and identified as set or recovered at all boundary corners and perimeter angle points of the subject property or properties.

#### **Plat:**

- (1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Utah Code Ann. §58-22 (1994-2017), Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Utah Code Ann. Section §17-23-17 (2016), has verified all measurements, and monumented any

unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office. The surveyor making the plat shall bond or provide to the city adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000. The applicant shall provide a closure report from the one who has prepared the plat.

(4) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(6) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the city engineer and shall be shown on the plat with the corresponding lot number.

(7) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(8) Excepted parcels shall be marked, "Not included in this subdivision."

(9) All public lands shall be clearly identified.

(10) All public roads shall be clearly marked as "dedicated public road."

(11) All private roads shall be clearly marked as "private road."

(12) All roads shall be identified by names approved by Grantsville City.

(13) All easements shall be designated as such and dimensions given.

(14) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.

(15) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(16) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(18) Surveys shall tie into the state grid or other permanent marker established by the county surveyor.

(19) The plat shall be labeled "Final Plat."

(20) The information on the plat shall include:

(a) the name of the subdivision, true north arrow and basis thereof, and date;

(b) the plat title shall include the words “Minor Subdivision”.

(c) the owner’s dedication which shall contain the language:

OWNERS DEDICATION AND CONSENT TO RECORD Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as NAME OF SUBDIVISION The undersigned owners hereby dedicate to Grantsville City all those parts or portions of said tract of land on said plat designated hereon as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies providing service to the hereon described tract a perpetual, non-exclusive easement over the streets and public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of public utility service lines and facilities.

(d) names of the owner or owners including beneficial owners of record under the signature lines in the owner’s dedication;

(e) square footage of each lot under one acre or the lot acreage and square footage if one acre or larger;

(f) township, range, section and quarter section if a portion;

(g) graphic scale;

(h) the State plane coordinates on the subdivision boundary;

(i) survey monuments which are marked with a description, the name and the date;

(j) the total water allocation in acre/feet for each lot for its allocation of water;

(k) the 100-foot radius wellhead protection zone on all existing wells;

(l) signature blocks for:

(i) any improvement, service and special districts or areas where any part of the platted property is located;

(ii) the city engineer;

(iii) the city public works director;

(iv) the city attorney;

(v) the county treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;

(vi) the recordation of the plat by the Tooele County Recorder’s office with a line for the recordation number, who it is recorded for, the date, time and fee;

(vii) the city fire department;

(viii) the county surveyor;

(ix) the city planning commission chair; and

(x) the mayor with an attest from the city recorder.

**Site Plan:**

- (1) A vicinity location map (1" = 2000' scale or bigger) showing the location of the development as part of a larger tract and the relative location to streets (including major intersections) and other geographic features.
- (2) A vicinity plan showing how adjacent undeveloped property may be developed in the future.
- (3) Name and approximate address of the proposed development. Verify the name is unique in Tooele County. County, Township, Range, Section, Quarter Section, blocks, the number of lots, principal meridian and true north.
- (4) Name, address, phone number(s), and email of the developer, engineer, and surveyor.
- (5) Property owners' names and parcel numbers of both the adjoining properties and those within the subdivision.
- (6) Boundary lines of the tract to be subdivided in heavy lines. The creation of nuisance strips will not be permitted.
- (7) North arrow, scale bar, and print date.
- (8) The acreage of the entire tract, the acreage of the portion to be developed, and the size of each lot.
- (9) Consultant Engineer's Signature Block.
- (10) General and special notes.
- (11) List of details being used.
- (12) Temporary and permanent benchmarks and horizontal control points including their descriptions. (per the latest Tooele county survey info)

- (13) Location and dimensions of all existing and proposed streets (Lot/Road layout), buildings, and exceptional topography within the tract and the surrounding 100 feet or full street width including intersections, whichever is greater.
- (14) Property Boundaries of all proposed lots. The creation of nuisance strips (not meeting min lot requirements) will not be permitted.
- (15) Show all Easements (existing and proposed) and Rights of way (existing and proposed). Roadway dedications to the City should be written as follows: "Dedicated to Grantsville City as ...(type of dedication)". Label the square feet of the area being dedicated.
- (16) Show all ponds, wetlands and other hydrologic features (existing and proposed)
- (17) Proposed street improvements on existing streets (plan view), sidewalks, curbs and gutters, and ADA curb ramps. Identify the widths, horizontal curve radii, slope, and direction of slope for all items listed. Curb returns shall meet minimum radii requirements defined in approved Grantsville City Standard Drawings.
- (18) Clearly label the existing features as to "remain" or "be removed".
- (19) Existing elevations shown by light (gray scaled) dashed contours. Labeled contours with elevations to extend 25' beyond the project limits.
- (20) Design elevations represented by solid contours using two-foot intervals for average slopes less than 25% and five foot intervals for average slopes greater than 25%. In flat areas 1-foot intervals may be required. The contours must be labeled with elevations.
- (21) Show the location of existing water and sewer lines.
- (22) Show proposed locations of sewer and water service connections. Call out the applicable City approved standard details that cover the installation of the services and restoration of the existing improvements such as pavement, sidewalk and curb and gutter.
- (23) Show locations of nearest fire hydrants. If the Fire Marshall determines that installation of fire hydrants is required to meet the minimum spacing requirements the proposed fire hydrants shall be

added to the site plan along with references to the applicable approved Grantsville City Standard Details.

(24) Provide a Geotechnical report including percolation calculations.

(25) Calculate the approximate size of the retention basin based rational method of drainage, percolating within three days after the storm, overflow release location to not impact neighboring property.

(26) An Approval Signature Block for the City Planning Commission chair.

DRAFT



# **AGENDA ITEM #4**

Approval of minutes from the June 15, 2023

### **Action Summary**

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

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

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

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

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

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

### **PLEDGE OF ALLEGIANCE**

#### **PUBLIC HEARING:**

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

No Comments

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

No Comments

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

No Comments

### **AGENDA:**

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

John Butler was present to answer questions

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

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

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

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

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

**Rick Barchers** – Okay.

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

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

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

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

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

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

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

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

**Rick Barchers** – Well.

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

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

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

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

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

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

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

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

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

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

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

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

Ashley Sager was present to answer question

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

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

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

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

**Shay Stark** – Correct.

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

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

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

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

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

**Ashley Sager** – I do.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Cavett Eaton** – Yeah, probably so.

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

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

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

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

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

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

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

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

**Cavett Eaton** – Yes, he's on now.



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

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

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

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

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

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

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

**Ashley Sager** – Okay.

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

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

**Ashley Sager** – Gotcha. Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Shay Stark was present to direct the discussion on this item

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Kevin Hall** – No, I'm good.

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

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

**Jaime Topham** – Yes.

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

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

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

**Cavett Eaton** – Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Kevin Hall** – At any time forever?

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

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

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

**Shay Stark** – As of right now in the law, there isn't a set percentage, but what they have set is they've set up a list of strategies. There's a whole bunch of different strategies. Starting out last year, all of this was rewritten year or two ago. They had everybody, last year, the first step was to turn in what they're calling their initial report under this new law. And each city had to come up with, and it depends on whether you have transit or not and transit stops and that type of thing. But in Grantville's case, we had to pick three strategies out of, is it 16 or 18.

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

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

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

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

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

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

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

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

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

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

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

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



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

**Shay Stark** – Okay.

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

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

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

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

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

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

Mayor arrived 8:00 pm

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

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

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

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

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

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

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

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

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

**Dan England** – That's right.

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

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

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

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

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

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

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

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

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

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

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

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

**John Limburg** – Which one?

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

**Jaime Topham** – Who's they?

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

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

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

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

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

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

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

**Dan England** – Half.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Jaime Topham** – It's commercial.

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

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

## **6. Adjourn**

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

# **AGENDA ITEM #5**

Report from City Council Liaison, Mayor  
Critchlow

# AGENDA ITEM #6

Adjourn